

THIRTEENTH REGULAR COMMON COUNCIL MINUTES

- 6: 00 PM (Monday, October 6, 2014) Generated by Susan Richards on Monday, October 6, 2014 Members present 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, David Van Akkeren, Jodi VanderWeele Members absent Joseph Heidemann

Meeting called to order at 6: 00 PM

1. OPENING OF MEETING

1.1 ROLL CALL

1.2 PLEDGE OF ALLEGIANCE - CIVICS CLASS FROM LTC LED THE PLEDGE

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, Mark Hermann, Susan Lessard, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

1.4 RESIGNATIONS - Ald. Carlson from Sustainable Task Force 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, David Van Akkeren, Jodi VanderWeele

1.5 COUNCIL APPOINTMENTS - NONE.

1.6 PRESENTATION - 2015 EMPLOYEE HEALTH PLAN OPTIONS BY SANDY ROHRICK, DIRECTOR OF HUMAN SERVICES

1.7 PROCLAMATION - 50 th ANNIVERSARY OF UNIVERSITY OF WISCONSIN SHEBOYGAN

1.8 PUBLIC FORUM - BEN KUNERT, 1427 N. 10 TH ST., # 401

1.9 MAYOR'S ANNOUNCEMENTS

2. HEARING

2.1 A Hearing No. 8 - 14 - 15 pursuant to Chapter

65.90 of the Laws of Wisconsin, is hereby given that the annual budget hearing will be held in the Common Council Chambers, City Hall, in the City of Sheboygan, on Monday, October 6, 2014, at 6: 00 p.m., at which time any taxpayer or resident of the governmental unit will have the opportunity to be heard on the proposed budget. MOTION TO CLOSE HEARING 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, David Van Akkeren, Jodi VanderWeele

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.

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, Mark Hermann, Susan Lessard, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

3.2 An R. O. No. 129 - 14 - 15 by

Attorney submitting, as a matter of record, the following original Easements (mini-storm sewer, executed in accordance with Res. Nos. 7 - 14 - 15, 8 - 14 - 15, 12 - 14 - 15, 15 - 14 - 15 and 48 - 14 - 15), which have been recorded in the Sheboygan County Register of Deeds Office. ACCEPT AND FILE.

Resolution:

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, David Van Akkeren, Jodi VanderWeele

3.3 An R. O. No. 130 - 14 - 15 by the City Clerk submitting the Sustainable Task Force's report on its continuing activity to benefit the City of Sheboygan. ACCEPT AND FILE

Resolution:

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, David Van Akkeren, Jodi VanderWeele

3.4 An R. O. No. 131 - 14 - 15

by the Transit Commission to whom was referred R. C. No. 127 - 14 - 15 and R. O. No. 75 - 14 - 15 recommending paying claim from Wallace Hohn for alleged damages to his vehicle when a rock flew from the Parking Utility's lawnmower into his windshield in the amount of \$897.05. ACCEPT AND FILE AND PAY CLAIM

Resolution:

MOTION TO ACCEPT AND FILE AND PAY CLAIM 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, David Van Akkeren, Jodi VanderWeele

3.5 An R. O. No. 132 - 14 - 15 by the Transit Commission to whom was referred R. O. No. 120 - 14 - 15 recommending filing document submitting a communication from Bennett Kunert regarding an accident involving 3 vehicles that the Route 7 North bus came upon with the driver of the City bus calling into dispatch and grabbing the bus's fire extinguisher in case a fire started; recommends that the document be placed on file. ACCEPT AND FILE

Resolution:

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, David Van Akkeren, Jodi VanderWeele

3.6 An R. O. No. 133 - 14 - 15 by Transit Commission to whom was referred Res. No. 73 - 14 - 15 by Ald. Carlson recommends authorizing the filing of an application with the USA DOT and authorizing the executing of the contract pertaining to grants for calendar year 2015. ACCEPT AND FILE AND PASS

RESOLUTION

Resolution:

MOTION TO ACCEPT AND FILE AND PASS 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, Mark Hermann, Susan Lessard, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

3.7 An R. C. No. 171 - 14 - 15 by Finance to whom was referred R. O. No. 124 - 14 - 15 and Res. No. 71 - 14 - 15 authorizing entering into a contract for the purchase of (3) Multi-stack Chiller Modules for Mead Public Library; recommends that the Report of Officer be accepted and placed on file and the Resolution be passed. ACCEPT AND FILE AND PASS THE RESOLUTION.

Resolution:

ACCEPT AND FILE 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, Mark Hermann, Susan Lessard, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

3.8 An R. C. No. 165 - 14 - 15 by Law and Licensing, pursuant to R. O. No. 119 - 14 - 15, recommending granting Beverage Operator's License application # 5826. ACCEPT AND ADOPT

Resolution:

MOTION TO 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, David Van Akkeren, Jodi VanderWeele

3.9 An R. C. No. 164 - 14 - 15 by Law and Licensing, pursuant to R. C. No. 162 - 14 - 15, recommending granting Beverage Operator's License application # 0506 contingent on the application being corrected, and with a warning to include all violations on future applications. ACCEPT AND ADOPT

Resolution:

MOTION TO 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, David Van Akkeren, Jodi VanderWeele

3.10 An R. C. No. 167 - 14 - 15 by Law and Licensing, pursuant to R. O. No. 126 - 14 - 15, recommending granting various licenses (Blue Harbor). ACCEPT AND ADOPT

Resolution:

MOTION TO 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, David Van Akkeren, Jodi VanderWeele

3.11 An R. C. No. 170 - 14 - 15 by Finance to whom was referred Res. No. 68 - 14 - 15 by Ald. Hammond authorizing an application to the Wisconsin Coastal Management Program for a wave surge and hydraulic modeling study for the Harbor Center Marina. ACCEPT AND ADOPT AND PASS SUBSTITUTE RESOLUTION

Resolution:

MOTION TO ACCEPT AND ADOPT AND PASS SUBSTITUTE 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, Mark Hermann, Susan Lessard, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

3.12 An R. C. No. 173 - 14 - 15 by Public Works to whom was referred Gen. Ord. No. 29 - 14 - 15 by Ald. Heidemann amending Sections 122 - 403, 122 - 404 and 122 - 405 of the Municipal Code relating to sewers and sewerage disposal. ACCEPT AND ADOPT AND PASS ORDINANCE

Resolution:

MOTION TO ACCEPT AND ADOPT AND PASS ORDINANCE 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, David Van Akkeren, Jodi VanderWeele

4. REPORTS OF OFFICERS

4.1 An R. O. No. 139 - 14 - 15 by Building Inspection submitting the report of the Building Inspection Department for the months of July and August 2014.

REFER TO PUBLIC PROTECTION AND SAFETY.

4.2 An R. O. No. 140 - 14 - 15 by the City Clerk submitting a communication from Mary Beth Martin putting the City of Sheboygan on notice of a dangerous condition at the intersection of N. 6 th St. and Superior Ave. REFER TO PUBLIC PROTECTION AND SAFETY

4.3 An 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. 10 th St. REFER TO FINANCE

4.4 An R. O. No. 141 - 14 - 15 by City Clerk submitting a communication from Travis Mojeck requesting a waiver from the Sex Offender Residency restrictions in order to live at 1212 N. 12 th St., B. REFER TO PUBLIC PROTECTION AND SAFETY.

4.5 An R. O. No. 142 - 14 - 15 by City Clerk submitting a communication from Gary Sohn requesting a waiver from the Sex Offender Residency restrictions in order to live at 1622 S. 19 th St. REFER TO PUBLIC PROTECTION AND SAFETY.

4.6 An R. O. No. 144 - 14 - 15 by the Purchasing Agent submitting a report relative to a five year contract for the transfer and tipping of Municipal Solid Waste and Recyclable materials for the City of Sheboygan. REFER TO PUBLIC WORKS.

5. RESOLUTIONS

5.1 A Resolution No. 75 - 14 - 15 by Alderperson

Hammond authorizing the Purchasing Agent to enter into a five year contract for the Transfer of Residential Solid Waste and Recyclable materials. REFER TO PUBLIC WORKS.

5.2 A Resolution No.

74 - 14 - 15 by

Alderperson Bohren and Thiel approving the Capital Improvements Program recommended by the Capital Improvements Commission, for the program period of 2015 and adopting the program for implementation. REFER TO CITY PLAN COMMISSION

5.3 A Resolution No. 76 - 14 - 15 by Alderperson

Hammond authorizing the appropriate City

Officials to file the Urban Forestry grant application for the purpose of receiving financial assistance for the management the City of Sheboygan's Urban Forest. REFER TO PUBLIC WORKS.

6. REPORTS OF COMMITTEES

6.1 An R. C. No. 172 - 14 - 15 by Finance to whom was referred Res. No. 72 - 14 - 15 authorizing a transfer of appropriations in the 2014 Budget, 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, Mark Hermann, Susan Lessard, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

6.2 An R. C. No.

166 - 14 - 15 by Law and Licensing, pursuant to R. O. No. 119 - 14 - 15, recommends that Beverage Operator's License application # 0545 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 MOTION TO ACCEPT AND ADOPT (Applicant spoke - # 0545) Motion by Jodi VanderWeele, second by Bill Thiel.

Final Resolution:

Motion Fails Aye: Mary Lynne Donohue, David Van Akkeren, Jodi VanderWeele
Nay: Julie Kath, Bryan Bitters, John Belanger, Jim Bohren, Darryl Carlson, Ty Dassler, Don Hammond, Mark Hermann, Susan Lessard, Kevin Matichek Abstain:
Mike Damrow, Bill Thiel MOTION TO APPROVE LICENSE APPLICATION # 0545
Motion by Jodi VanderWeele, second by Kevin Matichek.

Final Resolution:

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

6.3 An R. C. No. 169 - 14 - 15 by Committee of the Whole to whom was referred Res. No. 67 - 14 - 15 extending the special charge for residential garbage and refuse disposal services provided by the City through December 31, 2018 ; recommends the Resolution be passed. ACCEPT AND ADOPT AND PASS THE RESOLUTION. ACCEPT AND ADOPT AND PASS THE RESOLUTION Motion by Mary Lynne Donohue, second by Don Hammond.

Before action was taken thereon, MOTION TO AMEND to review yearly starting with Dec 31, 2015 (one year) Motion by David Van Akkeren, second by Jim Bohren. Motion Fails Aye: Julie Kath, Jim Bohren, Mark Hermann, Kevin Matichek, David Van Akkeren Nay: Mike Damrow, Bryan Bitters, John Belanger, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Don Hammond, Susan Lessard, Bill Thiel, Jodi VanderWeele MOTION TO AMEND to review starting Dec 31, 2016 (every two years) Motion by David Van Akkeren, second by Jim Bohren. Motion Passes Aye: Julie Kath, Bryan Bitters, Jim Bohren, Don Hammond, Mark Hermann, Kevin Matichek, David Van Akkeren, Jodi VanderWeele Nay: Mike

Damrow, John Belanger, Darryl Carlson, Ty Dassler, Mary Lynne Donohue, Susan Lessard, Bill Thiel MOTION TO ACCEPT AND ADOPT AND PASS THE RESOLUTION, as amended Motion by Mary Lynne Donohue, second by Don Hammond.

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 Nay: Julie Kath, Jim Bohren, Kevin Matichek, David Van Akkeren

7. OTHER MATTERS

7.1 An R. O. No. 134 - 14 - 15 by the City Attorney submitting, as a matter of record, the original recorded Warranty Deed to the City of the former Boston Store property, 727 N. 8 th St. 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, David Van Akkeren, Jodi VanderWeele

7.2 An R. O. No. 135 - 14 - 15 by the City Clerk recommending granting various licenses (Bethlehem Lutheran). ACCEPT AND FILE MOTION TO ACCEPT AND FILE 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, Mark Hermann, Susan Lessard, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

7.3 An Ordinance No. 30 - 14 - 15 by Ald. Belanger creating a shoreland zoning ordinance for the City of Sheboygan in conformance with Sections 62.23 and

62.233, Wis. Stats. REFER TO CITY PLAN COMMISSION

7.4 An Ordinance No. 31 - 14 - 15 by Ald. Donohue 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. REFER TO SALARIES AND GRIEVANCES

7.5 An R. O. No. 137 - 14 - 15 by the City Clerk submitting a Notice of Injury from AT&T regarding an alleged incident with City employees mowing outside of the the right-of-way causing damage to a marked AT&T buried telephone cable.

REFER TO FINANCE

7.6 An R. C. No. 168 - 14 - 15 by Salaries and Grievances to whom was referred Res. No. 66 - 14 - 15 by Ald. Donohue, Dassler, Bohren, Hammond and VanderWeele recommends adopting certain changes to the City's Medical Benefit Plan effective for calendar year 2015 coverage establishing the monthly premium equivalent rates effective for January 2015 coverage and thereafter. ACCEPT AND ADOPT AND PASS SUBSTITUTE RESOLUTION MOTION TO ACCEPT AND ADOPT AND PASS ATTACHED SUBSTITUTE RESOLUTION Motion by Mary Lynne Donohue, second by Don Hammond.

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: David Van Akkeren

8. OTHER MATTERS RECEIVED AFTER AGENDA WAS PUBLISHED

8.1 An R. O. No. 138 - 14 - 15 by the City Clerk submitting various license applications. REFER TO LAW AND LICENSING

8.2 An R. O. No. 143 - 14 - 15 by the City Clerk submitting a communication from Dan Wagner requesting a waiver from the Sex Offender Residency restrictions in order to live at 918 B Michigan Ave. REFER TO PUBLIC PROTECTION AND SAFETY

9. CONVENE IN CLOSED SESSION

9.1 MOTION TO CONVENE IN CLOSED SESSION under the exemption in Section 19.85 (1)(e) for the purpose of discussion and formulation of negotiating strategies relative to the Natural Resource Damage Assessment process 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, Mark Hermann, Susan Lessard, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele

10. RECONVENE IN OPEN SESSION - Council did not reconvene in open session.

10.1 Possible action on item discussed in closed session.

11. ADJOURN

11.1 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, Mark Hermann, Susan Lessard, Kevin Matichek, Bill Thiel, David Van Akkeren, Jodi VanderWeele