

ELEVENTH REGULAR COMMON COUNCIL MINUTES

- 6: 00 PM (Tuesday, September 2, 2014) Generated by Susan Richards on Wednesday, September 3, 2014 Members present: 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 - 15 . Members excused:

Mike Damrow - 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: 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 - 15 . 1.4 RESIGNATIONS - None

1.5 COUNCIL APPOINTMENTS - None

1.6 CONFIRMATION OF COUNCIL APPOINTMENTS - MAYOR'S NEIGHBORHOOD LEADERSHIP CABINET MOTION TO CONFIRM Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: 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 - 15 . 1.7 PRESENTATION - SHEBOYGAN FIRE DEPARTMENT - CHIEF MICHAEL ROMAS

1.8 PUBLIC FORUM - No one appeared

1.9 MAYOR'S ANNOUNCEMENTS

2. HEARING

2.1 Hearing No. 6 - 14 - 15 to be held this evening in regards to a proposed Ordinance creating commuter impacted parking on the east and west sides of N. 11 th St. between North Ave. and School Ave. Sue Katte and Barbara Minster spoke at the Public Forum.

MOTION TO CLOSE HEARING Motion by Don Hammond, second by Darryl Carlson.

Final Resolution

: Motion Passes Aye: 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 - 15 .

### 3. CONSENT AGENDA

3.1 MOTION TO ACCEPT AND FILE ALL RO'S, ACCEPT AND ADOPT ALL RC'S AND PASS ALL RESOLUTIONS, ORDINANCES AND SUBSTITUTE ORDINANCES.

Resolution:

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

Final Resolution:

Motion Passes Aye: 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 - 15 .

3.2 R. O. No. 115 - 14 - 15 by the City Clerk granting various licenses.

ACCEPT AND FILE

Resolution:

MOTION TO ACCEPT AND FILE Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: 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 - 15 .

3.3 R. O. No. 116 - 14 - 15 by the Bd. of Contractors Examiners submitting applications for Building Contractor Licenses that have already been granted.

ACCEPT AND FILE

Resolution:

MOTION TO ACCEPT AND FILE Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: 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 - 15 .

3.4 Res. No. 60 - 14 - 15 by Ald. Hammond and Lessard declaring intent to exercise the police power to levy special assessments for water main installation in various streets. PASS RESOLUTION

Resolution:

MOTION TO PASS RESOLUTION Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: 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 - 15 .

3.5 R. C. No. 143 - 14 - 15 by Law and Licensing recommending granting license (Jackson). ACCEPT AND ADOPT

Resolution:

MOTION TO ACCEPT AND ADOPT Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: 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 - 15 .

3.6 R. C. No. 144 - 14 - 15 by Law and Licensing recommending granting license (Musiedlak). ACCEPT AND ADOPT

Resolution:

MOTION TO ACCEPT AND ADOPT Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: 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 - 15 .

3.7 R. C. No. 148 - 14 - 15 by Law and Licensing recommending granting license (8 th Street Ale Haus). ACCEPT AND ADOPT

Resolution:

MOTION TO ACCEPT AND ADOPT Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: 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 - 15 .

3.8 R. C. No. 150 - 14 - 15 by Law and Licensing recommending granting various licenses (Las Brisas). ACCEPT AND ADOPT

Resolution:

MOTION TO ACCEPT AND ADOPT Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: 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 - 15 .

3.9 R. C. No. 147 - 14 - 15 by Finance to whom was referred R. O. No. 101 - 14 - 15 by the City Attorney recommends filing documents regarding proposals from SBA Communications, current tenant of the cell tower lease located at the Wastewater Treatment Plant, 3333 Lakeshore Dr., to extend the existing lease or replace the lease with a long-term easement. ACCEPT AND ADOPT TO FILE

Resolution:

MOTION TO ACCEPT AND ADOPT TO FILE Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: 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 - 15 .

3.10 R. C. No. 152 - 14 - 15 by Public Protection and Safety recommending passing Subs. of Gen. Ord. No. 28 - 14 - 15 relating to parking on highways adjacent to schools within the City of Sheboygan. ACCEPT AND ADOPT AND PASS SUBSTITUTE ORDINANCE

Resolution:

MOTION TO ACCEPT AND ADOPT AND PASS SUBSTITUTE ORDINANCE Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: 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 - 15 .

4. REPORTS OF OFFICERS

4.1 R. O. No. 120 - 14 - 15 by the City Clerk submitting a communication from Mr. Kunert stating his thoughts regarding an accident involving 3 vehicles that the Route 7 North bus came upon with the driver of the City bus calling it into dispatch and grabbing the bus's fire extinguisher in case a fire started. REFER TO TRANSIT

4.2 R. O. No. 117 - 14 - 15 by the City Clerk submitting a Summons and Complaint in the matter of H&R Block vs Laura R. Beiml et al. REFER TO FINANCE

4.3 R. O. No. 118 - 14 - 15 by the City Clerk submitting a Motion to Modify Second Amended Plan of Reorganization regarding Michael H. Dilworth, Debtor (United States Bankruptcy Court, Eastern District of Wisconsin). REFER TO FINANCE

5. RESOLUTIONS

5.1 Res. No. 61 - 14 - 15 by Ald. Hammond accepting a conditional gift from the Estate of Carol Butzen. SUSPEND AND PASS RESOLUTION MOTION TO SUSPEND THE RULES AND PASS RESOLUTION Motion by Don Hammond, second by Darryl Carlson to suspend, all ayes. Motion by Don Hammond, second by Darryl Carlson to pass resolution, all ayes.

Final Resolution:

Motion Passes Aye: 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 - 15 .

5.2 Res. No. 62 - 14 - 15 by Ald. Heidemann authorizing entering into contract for the construction/installation of a sanitary sewer and water main in Weeden Creek Rd. SUSPEND AND PASS RESOLUTION MOTION TO SUSPEND AND PASS RESOLUTION Motion by Joseph Heidemann, second by Jim Bohren to suspend, all ayes. Motion by Joseph Heidemann, second by Jim Bohren to pass, all ayes.

Final Resolution:

Motion Passes Aye: 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 - 15 .

5.3 Res. No. 63 - 14 - 15 by Ald. Heidemann authorizing entering into contract for the crack sealing of various asphalt streets throughout the City of Sheboygan. SUSPEND AND PASS RESOLUTION MOTION TO SUSPEND AND PASS RESOLUTION Motion by Joseph Heidemann, second by John Belanger to suspend, all ayes. Motion by Joseph Heidemann, second by John Belanger to pass, all ayes.

Final Resolution:

Motion Passes Aye: 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 - 15 .

5.4 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. LIES OVER

5.5 Res. No. 65 - 14 - 15 by Ald. Hammond, Belanger, Carlson and Donohue ordering the 2015 Budget appropriations for the City of Sheboygan funds. LIES OVER

5.6 Res. No. 66 - 14 - 15 by Ald. Donohue, Dassler, Bohren, Hammond and VanderWeele adopting certain changes to the City's Medical Benefit Plan effective for calendar year 2015 coverage and establishing the monthly premium equivalent rates effective for January 2015 coverage and thereafter. REFER TO SALARIES AND GRIEVANCES

5.7 Res. No. 67 - 14 - 15 by Ald. Hammond extending the special charge for residential garbage and refuse disposal services provided by the City through December 31, 2018. REFER TO COMMITTEE OF THE WHOLE

#### 6. REPORTS OF COMMITTEES

6.1 R. C. No. 149 - 14 - 15 by Finance to whom was referred R. O. No. 109 - 14 - 15 by the Director of Planning and Development recommends approval of the 2015 City of Sheboygan Tourism budget request from the Sheboygan County Chamber of Commerce for Room Tax Profit and Loss. ACCEPT AND ADOPT MOTION TO ACCEPT AND ADOPT Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: 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 - 15 .

6.2 R. C. No. 158 - 14 - 15 by Salaries and Grievances to whom was referred Charter Ord. No. 2 - 14 - 15 by Ald. Carlson recommends filing documents providing for the appointment of the City Atty. in lieu of the current method of election by the voters to such office. ACCEPT AND ADOPT TO FILE MOTION TO ACCEPT AND ADOPT TO FILE Motion by Mary Lynne Donohue, second by Don Hammond.

Final Resolution:

Motion Passes Aye: 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 - 15 .

6.3 R. C. No. 151 by Salaries and Grievances to whom was referred Res. No. 58 - 14 - 15 by Ald. Donohue recommends authorizing the Human Resources Director to contract with Diversified Benefits Services for the provision of insurance benefit consulting services. ACCEPT AND ADOPT AND PASS RESOLUTION MOTION TO ACCEPT AND ADOPT AND PASS RESOLUTION Motion by Mary Lynne Donohue, second by Don Hammond.

Final Resolution:

Motion Passes Aye: 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 - 15 .

6.4 R. C. No. 145 - 14 - 15 by Law and Licensing, pursuant to R. O. No. 76 - 14 - 15 recommending denying Taxicab Driver's License # 0450 based upon his failure to accurately reveal all relevant convictions on his 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 MOTION TO ACCEPT AND ADOPT Motion by Jodi VanderWeele, second by Bill Thiel.

Final Resolution:

Motion Passes Aye: 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 - 15 .

6.5 R. C. No. 146 - 14 - 15 by Law and Licensing recommending, R. O. No. 90 - 14 - 15, denying Beverage Operator's License # 0484 based upon his failure to accurately reveal all relevant convictions on his 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 MOTION TO ACCEPT AND ADOPT Motion by Jodi VanderWeele, second by Bill Thiel.

Final Resolution:

Motion Passes Aye: 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 - 15 .

6.6 R. C. No. 153 - 14 - 15 by Finance recommending R. C. No. 137 - 14 - 15, R. O. No. 86 - 14 - 15 and R. O. No. 87 - 14 - 15 approving the departments' 2015 budgets that were reviewed by the Public Protection and Safety Committee and to amend only to add (1) part-time clerk in the Building Inspection Dept. LIES OVER

6.7 R. C. No. 154 - 14 - 15 by Finance recommending R. C. No. 138 - 14 - 15, R. O. No. 86 - 14 - 15 and R. O. 87 - 14 - 15 approving the departments' 2015 budgets that were reviewed by the Public Works Committee. LIES OVER

6.8 R. C. No. 155 - 14 - 15 by Finance recommending R. C. No. 139 - 14 - 15, R. O. No 86 - 14 - 15 and R. O. 87 - 14 - 15 approving the departments' 2015 budgets that were reviewed by the Finance Committee. LIES OVER

6.9 R. C. No. 156 - 14 - 15 by Finance recommending R. C. No. 140 - 14 - 15, R. O. No. 86 - 14 - 15 and R. O. No. 87 - 14 - 15 approving the departments' 2015 budgets that were reviewed by the Law and Licensing Committee. LIES OVER

6.10 R. C. No. 157 - 14 - 15 by Finance recommending R. C. No. 141 - 14 - 15, R. O. No. 86 - 14 - 15 and R. O. No. 87 - 14 - 15 approving the departments' 2015 budgets that were reviewed by the Salaries and Grievances Committee. LIES OVER

7. ORDINANCES

7.1 Gen. Ord. No. 29 - 14 - 15 by Ald. Heidemann amending Sec. 122 - 403, 122 - 404 and 122 - 405 of the Municipal Code relating to sewers and sewerage disposal. REFER TO PUBLIC WORKS

8. MATTERS LAID OVER

8.1 R. C. No. 142 - 14 - 15 by Public Protection and Safety reporting that the documentary evidence by the City Engineer pertaining to Gen. Ord. No. 22 - 14 - 15 and R. C. No. 110 - 14 - 15 creating commuter impacted parking on the east and west sides of N. 11 th St. between North Ave. and School Ave. does meet all necessary criteria to be eligible. ACCEPT AND ADOPT AND PASS ORDINANCE MOTION TO ACCEPT AND ADOPT AND PASS ORDINANCE (Ryan Sazama City Engineer explained commuter impacted parking) Motion by Darryl Carlson, second by Susan Lessard.

Final Resolution:

Motion Passes Aye: 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, David Van Akkeren, Jodi VanderWeele -  
14. Nay: Kevin Matichek - 1 .

9. OTHER MATTERS

9.1 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 Centre Marina. REFER TO FINANCE

9.2 R. O. No. 119 - 14 - 15 by the City Clerk submitting various licenses.  
REFER TO LAW AND LICENSING

10. ADJOURN

Action:

10.1 Motion to adjourn MOTION TO ADJOURN Motion by Don Hammond, second by Darryl Carlson.

Final Resolution:

Motion Passes Aye: 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 - 15 .