

NINTH REGULAR COMMON COUNCIL MEETING - 6:00 PM - AMENDED

"People have been known to achieve more as a result of working with others rather than against them." ~Dr. Allan Fromme

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Notice of the 9th meeting of the 2014-2015 Common Council at 6:00 p.m., MONDAY, August 4, 2014, in the Council Chambers of City Hall. Persons with disabilities who need accommodations to attend the meeting should contact the City Clerk's Office, at 828 Center Ave., Susan Richards, at 459-3361, as soon as possible

**1. OPENING OF MEETING**

1.1 ROLL CALL

1.2 PLEDGE OF ALLEGIANCE

1.3 APPROVAL OF MINUTES

ATTACHMENT: COUNCIL MINUTES 8-4-14.pdf

1.4 RESIGNATIONS - JOHN VAN DER MALE FROM CITY PLAN COMMISSION

ATTACHMENT: RESIGNATION VAN DER MALE.pdf

1.5 COUNCIL APPOINTMENTS - MARILYN MONTEMAYOR TO CITY PLAN COMMISSION AND DON TERSHNER TO HOUSING AUTHORITY

ATTACHMENT: APPOINTMENT MONTEMAYOR.pdf

ATTACHMENT: APPOINTMENT - DON TERSHNER TO HOUSING AUTHORITY.pdf

1.6 CONFIRMATION OF COUNCIL APPOINTMENTS - NANCY MANNCHEN TO LIBRARY BOARD

ATTACHMENT: APPOINTMENT NANCY MANNCHEN.pdf

ATTACHMENT: MANNCHEN BIO.pdf

1.7 PRESENTATION - ASSESSOR LEE GROSENICK ON CITY RE-ASSESSMENT NOTICE

1.8 PUBLIC FORUM

1.9 MAYOR'S ANNOUNCEMENTS

**2. HEARINGS**

2.1 A Hearing for the proposed assessments for water lateral replacements in S. 8th St. from Kentucky Ave. to Union Ave.

ATTACHMENT: HEARING S 8TH ST.pdf

**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.

3.2 A Communication from Ald. Van Akkeren submitting an Informational Budget document from the Finance Dept. for review during upcoming budget process. ACCEPT AND FILE

ATTACHMENT: VAN AKKEREN.pdf

3.3 An R. O. by the Bd. of Water Commissioners submitting their report on the Water Utility for the second quarter of 2014. ACCEPT AND FILE

ATTACHMENT: BD OF WATER 2ND QUARTER.pdf

3.4 An R. O. by the City Clerk granting various licenses. ACCEPT AND FILE

ATTACHMENT: GRANTED.pdf

3.5 An R. O. by the Bd. of Water Commissioners submitting the Water Utility's Preliminary Budget for the year 2015. ACCEPT AND FILE

ATTACHMENT: BD OF WATER BUDGET.pdf

3.6 An R. O. by City Plan Commission to whom was referred Gen. Ord. No. 24-14-15 and R. O. No. 85-14-15 relative to granting the YMCA an encroachment to create a safe drop off area for cars and buses on the NE corner of Broughton Dr. recommends approval of the Ordinance. ACCEPT AND FILE AND PASS ORDINANCE

ATTACHMENT: GO 24.pdf

3.7 An R. O. by the City Plan Commission to whom was referred Res. No. 45-15-16 authorizing the sale of City-owned property formerly knows as 1020 and 1022 Erie Ave. recommends that the Resolution be approved. ACCEPT AND FILE AND PASS RESOLUTION

ATTACHMENT: RES 45.pdf

3.8 A Resolution confirming the exercise of police power in making an assessment for those benefited properties against which assessments are proposed water lateral replacements in S. 8th St. from Kentucky Ave. to Union Ave. PASS RESOLUTION

ATTACHMENT: CONFIRMING.pdf

3.9 An R. C. by Finance to whom was referred Res. No. 47-14-15 recommending authorizing submittal of a grant application to the WI DNR Boating and Fishing State and Federal programs for funding to complete a feasibility study on wave attenuation options in the Harbor Centre Marina. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 47.pdf

3.10 An R. C. by Finance who reviewed R. C. No. 294-13-14 and R. O. No. 218-13-14 recommends a last and final offer payment of \$3,650 be and made and to deny the balance of \$1,021.87 regarding a claim from the Donegal Insurance Group in regards to the alleged damages to Laura Nisporic's vehicle. ACCEPT AND ADOPT

ATTACHMENT: RC 294.pdf

3.11 An R. C. by Law and Licensing recommending granting various licenses. ACCEPT AND ADOPT

ATTACHMENT: PURSUANT TO RO 90.pdf

3.12 An R. C. by Public Protection and Safety to whom was referred R. O. No. 93-14-15 by the Chief of Police submitting his quarterly report showing activities of his department for the period commencing April 1, 2014 and ending June 30, 2014 recommends that the documents be accepted and adopted. ACCEPT AND ADOPT

ATTACHMENT: RO 93.pdf

3.13 An R. C. by Public Protection and Safety to whom was referred R. O. No. 94-14-15 by the Building Inspection Dept. submitting their reports for the months of March, April, May and June, 2014 recommends that the documents be accepted and adopted. ACCEPT AND ADOPT

ATTACHMENT: RO 94.pdf

3.14 An R. C. by Public Works to whom was referred Res. No. 48-14-15 authorizing signing an easement for mini-storm sewers for various properties. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 48.pdf

3.15 An R. C. by Public Works to whom was referred Res. No. 49-14-15 recommending authorizing entering into contract for the 2014 Bituminous Resurfacing Program (S. 8th St. from Kentucky Ave. to Union Ave.). ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 49.pdf

3.16 An R. C. by Salaries and Grievances to whom was referred R. O. No. 83-14-15 recommends filing submitting a communication from Ald. Bohren along with an article from the Milwaukee Journal entitled "Digging Deeper to Cover Health." ACCEPT AND FILE

ATTACHMENT: RO 83.pdf

3.17 An R. C. by Salaries and Grievances to whom was referred Gen. Ord. No. 26-14-15 recommends amending the Municipal Code so as to delete the current Part-Time Clerk Lifeguard/Fitness Coordinator and create the job descriptions of Part-Time Fitness Coordinator and a Part-Time Water Aerobics Instructor in the Senior Activity Center. ACCEPT AND ADOPT AND PASS ORDINANCE

ATTACHMENT: GO 26.pdf

3.18 An R. C. by Public Protection and Safety to whom was referred Gen. Ord. No. 25-14-15 amending the Municipal Code relating to fees for electrical and HVAC permits and inspections so as to reduce the fee per \$1,000 estimated cost for projects of \$1,000,000 or greater recommends that the attached Substitute Ordinance be passed. ACCEPT AND ADOPT AND PASS SUBSTITUTE ORDINANCE

ATTACHMENT: GO 25.pdf

3.19 An R. C. by Finance to whom was referred R. O. No. 74-14-15 submitting a claim from Jody Brehmer for alleged damages to her basement when the Water Company was working on a sewer in the street in front of her home and sewerage backup up into her basement recommends that the claim be denied and to direct the City Atty. to send a Notice of Disallowance. ACCEPT AND ADOPT

ATTACHMENT: RO 74.pdf

3.20 An R. C. by Finance to whom was referred R. O. No. 63-14-15 submitting a claim from Maryann Dolson for alleged damages to her basement when the sewer main clogged and flushed up into her basement recommends that the claim be denied and to direct the City Atty. to send a Notice of Disallowance. ACCEPT AND ADOPT

ATTACHMENT: RO 63.pdf

#### **4. REPORTS OF OFFICERS**

4.1 An R. O. by the City Clerk submitting a communication from REINS, Inc., Board of Directors requesting to be considered as a user of property donated to the City by the estate of Carol Butzen for their therapeutic riding and learning program for individuals with disabilities. REFER TO PUBLIC WORKS

ATTACHMENT: REINS.pdf

4.2 An R. O. by the City Atty. submitting a Resolution (directed by the Council) extending the special charge for residential garbage and refuse disposal services through December 31, 2015. REFER TO COMMITTEE OF THE WHOLE

ATTACHMENT: RO AND RES GARBAGE FEE.pdf

4.3 An R. O. by the City Clerk submitting a communication from Jacob P. Verlare requesting a waiver from the Sex Offender Residency restrictions in order to live at 1527B N. 12th St. REFER TO PUBLIC PROTECTION AND SAFETY

ATTACHMENT: VERLARE, JACOB.pdf

4.4 An R. O. by the City Clerk submitting a communication from Scott Goines requesting a waiver from the Sex Offender Residency restrictions in order to live at 1326 S. 17th St. REFER TO PUBLIC PROTECTION AND SAFETY

ATTACHMENT: GOINES, SCOTT.pdf

4.5 An R. O. by the City Atty. submitting several proposals from SBA Communications, the current tenant of the cell tower lease located at the City's Wastewater Treatment Plant regarding extending the existing lease or replacing the lease with a long-term easement. REFER TO FINANCE

ATTACHMENT: SBA.pdf

4.6 An R. O. by the Purchasing Agent submitting bids for the complete replacement of three file server devices for the IT Dept. REFER TO FINANCE

ATTACHMENT: RO SERVERS.pdf

#### **5. RESOLUTIONS**

5.1 A Resolution by Ald. Heidemann authorizing advertising for bids for the construction/installation of a sanitary sewer in Weeden Creek approx. 1300' west of S. Taylor Dr. and construction/installation of a water main approx. 1600' west of S. Taylor Dr. SUSPEND AND PASS RESOLUTION

ATTACHMENT: BIDS.pdf

5.2 A Resolution by Ald. Carlson in support of a fair allocation of the

state's segregated transportation fund. REFER TO FINANCE

ATTACHMENT: Fair allocation.pdf

5.3 A Resolution by Ald. Hammond authorizing entering into contract for the replacement of three file server devices for the IT Dept. REFER TO FINANCE

ATTACHMENT: RES SERVERS.pdf

5.4 A Resolution by Ald. Hammond authorizing a transfer of appropriations in the 2014 Budget (establish revenue and appropriation for Wis. Dept. of Public Instruction grant for Library Services). REFER TO FINANCE

ATTACHMENT: TRANSFER.pdf

## **6. REPORTS OF COMMITTEES**

6.1 An R. C. by Finance to whom was referred Res. No. 46-14-15 recommending authorizing a transfer of appropriations in the 2014 Budget (establish revenue and appropriation for Wis. Dept. of Public Instruction grant for library services). ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: RES 46.pdf

6.2 An R. C. by Salaries and Grievances to whom was referred R. C. No. 75-14-15 by Committee of the Whole who met and discussed Charter Ordinance 1-14-15 (being subject to the home rule provisions of sec. 66.0101 of the Wisconsin Statutes) providing for the appointment of the City Attorney in lieu of the current method of election by the voters to such office under Wisconsin Statute 62.09(3)(b)(4) recommends filing the documents. ACCEPT AND ADOPT TO FILE DOCUMENTS

ATTACHMENT: RC 75.pdf

6.3 An R. C. by Salaries and Grievances to whom was referred Charter Ordinance No. 1-14-15 (being subject to the home rule provisions of sec. 66.0101 of the Wisconsin Statutes) providing for the appointment of the City Attorney in lieu of the current method of election by the voters to such office under Wisconsin Statute 62.09(3)(b)(4) and Res. No. 43-14-15 providing for submittal of Subs. of Charter Ordinance No. 1-14-15 to a referendum of the voters; recommends that Res. No. 43-14-15 be passed incorporating the attached Subs. Charter Ordinance No. 1-14-15. (The change in Subs. of Charter Ordinance No. 1-14-15 makes 2 changes to the originally proposed Charter Ordinance: first, it increases the minimum legal experience required from 3 years to 5 years, and secondly, it increases the minimum municipal experience from 2 years to 3 years). ACCEPT AND ADOPT AND PASS RESOLUTION INCORPORATING THE SUBS. OF CHARTER ORDINANCE 1-14-15

ATTACHMENT: CHARTER ORD 1.pdf

6.4 An R. C. by Finance to whom was referred R. O. No. 75-14-15 recommends referral of a claim from Wallace Hohn for alleged damages to his vehicle when a rock flew from the Parking Utility lawnmower into his windshield. REFER TO PARKING AND TRANSIT

ATTACHMENT: RO 75.pdf

6.5 An R. C. by Salaries and Grievances to whom was referred R. O. No. 27-14-15 submitting a Notice of Claim filed on behalf of Jeffrey Hermann

recommends that the claim be denied and to direct the City Attorney to send a Notice of Disallowance. ACCEPT AND ADOPT

ATTACHMENT: RC 113-14-15.pdf

ATTACHMENT: RO 27.pdf

#### **7. MATTERS LAID OVER**

7.1 Res. No. 44-14-15 by Ald. Heidemann, Bohren, Belanger, Thiel and Van Akkeren being a Relocation Order of the City of Sheboygan, Sheboygan County, Wisconsin. PASS RESOLUTION

ATTACHMENT: RELOCATION ORDER.pdf

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

8.1 An R. O. by the City Clerk submitting a communication from Rhyan Noel Zimmerman requesting a waiver from the Sex Offender Residency restrictions in order to live at 1032B Lincoln Ave. REFER TO PUBLIC PROTECTION AND SAFETY

ATTACHMENT: ZIMMERMAN.pdf

8.2 An R. O. by City Clerk submitting various license applications. REFER TO LAW AND LICENSING

ATTACHMENT: REFERRED.pdf

#### **9. CLOSED SESSION**

9.1 MOTION TO CONVENE IN CLOSED SESSION under the exemption provided in Sec. 19.85(1)(g) of the Wis. Stats., for the purpose of conferring with the City's legal counsel who is rendering oral advice concerning strategy to be adopted by the City with respect to litigation in which it is likely to become involved, re claim of Jeff Hermann.

#### **10. RECONVENE IN OPEN SESSION**

#### **11. ADJOURN**

11.1 Motion to adjourn

In compliance with Wisconsin's Open Meetings Laws, this agenda was posted in the following locations more than 24 hours prior to the time of the meeting:

City Hall

Mead Public Library

Sheboygan County Administration Building

City's website