

REGULAR COMMON COUNCIL MEETING - 6:00 PM

"Outstanding leaders go out of their way to boost the self-esteem of their personnel. If people believe in themselves, it's amazing what they can accomplish." Sam Walton

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Notice of the 3rd meeting of the 2014-2015 Common Council at 6:00 p.m., MONDAY, May 5, 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

1.4 RESIGNATIONS

ATTACHMENT: Schaefer.pdf

ATTACHMENT: Moudry.pdf

1.5 COUNCIL APPOINTMENTS

ATTACHMENT: BID appointment.pdf

ATTACHMENT: Marina, Park and Forestry.pdf

ATTACHMENT: Historic Preservation.pdf

1.6 CHIEF OF POLICE PRESENTATION OF ANNUAL REPORT

1.7 PUBLIC FORUM

1.8 MAYOR'S ANNOUNCEMENTS

**2. CONSENT AGENDA**

2.1 Consent Agenda - Motion to accept and file all RO's, accept and adopt all RC's and pass all Resolutions.

2.2 An R. O. by Transit recommending filing various documents. ACCEPT AND FILE

ATTACHMENT: RO 301.pdf

2.3 An R. O. by City Clerk submitting a communication, as a matter of record, from the Building Code Technical Analyst of Insurance Services Office, Inc., (ISO) along with the "Building Code Enforcement Evaluation Report". ACCEPT AND FILE.

ATTACHMENT: Building Code.pdf

2.4 An R. O. by Board of Water Commissioners submitting the Water Utility reports for the first quarter of 2014. ACCEPT AND FILE.

ATTACHMENT: Water Commissioners.pdf

2.5 An R. O. Board of Contractors Examiners submitting application for Building Contractor License already granted. ACCEPT AND FILE.

ATTACHMENT: CONTRACTORS.pdf

2.6 A Resolution by Ald. Donohue, Matichek, Thiel and Kath directing a public hearing for a change in the City's Zoning Map for various properties from Class NR-6 Neighborhood Residential to Class UC Urban Commercial Classification. PASS THE RESOLUTION

ATTACHMENT: Public Hearing.pdf

2.7 An R. C. by Public Works authorizing entering into contract for the annual root control program for the control of tree roots in the City's sewer network. ACCEPT AND ADOPT AND PASS THE RESOLUTION.

ATTACHMENT: res 181-13-14.pdf

2.8 An R. C. by Law and Licensing recommending granting various licenses (Paton). ACCEPT AND ADOPT

ATTACHMENT: RC 370-13-14.pdf

2.9 An R. C. by Law and Licensing recommending granting license with a caveat (Rider). ACCEPT AND ADOPT.

ATTACHMENT: RC 373-13-14.pdf

2.10 An R. C. by Law and Licensing recommending granting various licenses with various caveats (Change of Agent). ACCEPT AND ADOPT.

ATTACHMENT: RO 347-13-14.pdf

2.11 An R. C. by Public Works recommends filing document submitting a communication from the Sheboygan Cty. Chamber making various request for the Twilight Series and the 4th of July event and approving the requests. ACCEPT AND ADOPT .

ATTACHMENT: RO 357-13-14.pdf

2.12 An R. C. by Public Works recommending file documents submitting bids for the 2014 Street Concrete Panel Replacement Program for various locations throughout the City of Sheboygan and passing the Resolution. ACCEPT AND ADOPT AND PASS THE RESOLUTION.

ATTACHMENT: RES 179-13-14.pdf

2.13 An R. C. by Public Works recommending filing document submitting bids for the 2014 Street Crack Sealing Program for various streets throughout the City of Sheboygan and passing the Resolution. ACCEPT AND ADOPT AND PASS THE RESOLUTION.

2.14 An R. O. by City Clerk submitting various license applications. ACCEPT AND FILE.

ATTACHMENT: lmtgro.pdf

### **3. REPORTS OF OFFICERS**

3.1 An R. O. by the City Clerk submitting a communication from Scott Stangel of Quality State Oil Co., Inc., requesting an encroachment at QMart at 1006 Geele Ave. in order to replace the current LED price sign as it was discovered that the existing pole and sign encroaches on city property adjacent to Geele Ave. CITY PLANNING PLANNING.

ATTACHMENT: RO Stangel.pdf

3.2 An R. O. by the City Clerk submitting a Notice of Claim filed on behalf of Jeffrey Hermann. SALARIES AND GRIEVANCES

ATTACHMENT: Hermann claim.pdf

3.3 An R. O. by the City Clerk submitting a claim from Judith A. Grimm for alleged injuries when she was crossing in the crosswalk at 10th St. and Grand Ave. and tripped on an uneven section of the crosswalk. FINANCE.

ATTACHMENT: Grimm.pdf

3.4 An R. O. by the City Clerk submitting a claim from Mark Lueck for alleged damages to his vehicle when a garbage man threw a bag of garbage and it broke the rear window of his car. FINANCE.

ATTACHMENT: Lueck.pdf

3.5 An R. O. by the City Clerk submitting a claim from Terry Weimann for alleged injuries when they slipped on the ice in the Library parking lot. FINANCE.

ATTACHMENT: R. O. No. 12-14-15.pdf

3.6 An R. O. by the City Clerk submitting a communication from Dwayne Davis requesting a waiver to the Sex Offender Residency restrictions in order to live at 2320 N. 15th St. PUBLIC PROTECTION AND SAFETY.

ATTACHMENT: david.pdf

3.7 An R. O. by the City Clerk submitting a communication from the State of Wisconsin Department of Corrections, on behalf of Ms. Ronetta Tyson and Offender Robert Palmer, requesting a waiver from the Sex Offender Residency restrictions in order to live with Ms. Tyson at 1531 N. 8th St. PUBLIC PROTECTION AND SAFETY.

ATTACHMENT: ro - Tyson.pdf

3.8 An R. O. by the City Clerk submitting a communication from Dwayne Davis requesting a waiver from the Sex Offender Residency restrictions in order to live at 926 St. Clair Ave. PUBLIC PROTECTION AND SAFETY

ATTACHMENT: DAVIS, DWAYNE 2ND TIME.pdf

3.9 An R. O. by the City Clerk submitting a communication from Alexander Reynoso requesting a waiver from the Sex Offender Residency restrictions in

order to live at 1444 S. 24th St., Apt. 4. PUBLIC PROTECTION AND SAFETY.

ATTACHMENT: Reynoso.pdf

3.10 An R. O. by the City Clerk submitting a communication from Alderperson Donohue regarding issues from one of her constituents, Kathleen Doyle, 327 Niagara Ave., who has expressed concerns regarding pesticide, herbicide and fertilizer used at the Deland, Vollrath and Fountain Park parks in the City and is requesting that the City cease its use of these items as she feels it causes severe health problems and is a detriment to the city in general. PUBLIC WORKS.

ATTACHMENT: Donohue.pdf

3.11 An R. O. by the City Clerk submitting a communication from Dr. Robert Schoenenberger, DDS, requesting two encroachments at Sheboygan Dental Care, 2202 Indiana Ave. in order to replace the existing accessible ramp and entry stairs and install a canopy over the ramp and stairs. CITY PLAN COMMISSION.

ATTACHMENT: Schoenenberger.pdf

3.12 An R. O. by the City Clerk submitting a Notice of Circumstances Giving Rise To Claim and Claim regarding Kristi Potochnik and her alleged injuries when she stepped on a curb drain with a missing bar. FINANCE.

ATTACHMENT: Notice of Circustances.pdf

3.13 An R. O. by the City Clerk submitting a communication from Jason Woller, General Manager at the GrandStay Residential Suites requesting that their penalty fees and interest they incurred during their changeover of management be waived. FINANCE.

ATTACHMENT: Woller.pdf

3.14 An R. O. by the City Clerk submitting a communication from Zachary Pethan, Assistant Principal at Urban Middle School, questioning the municipal code/ordinance for E-cigarettes. LAW AND LICENSING.

ATTACHMENT: Pethan.pdf

3.15 An R. O. by the City Clerk submitting a communication from Daniel Ludwigson requesting a waiver from the Sex Offender Residency restrictions in order to live at 918A Michigan Ave. PUBLIC PROTECTION AND SAFETY.

ATTACHMENT: Ludwigson.pdf

3.16 An R. O. by the City Clerk submitting a communication from Marcial Dionicio regarding concerns of safety at the intersection of Michigan Ave. and N. 14th St. due to traffic congestion. PUBLIC PROTECTION AND SAFETY.

ATTACHMENT: Dionicio.pdf

3.17 An R. O. by the City Clerk submitting a communication from Amy Wilson, Planning and Tourism Director of the Sheboygan County Chamber of Commerce making an updated request for the Twilight Concerts and 4th of July events. PUBLIC PROTECTION AND SAFETY AND PUBLIC WORKS.

ATTACHMENT: WILSON.pdf

3.18 An R. O. by Purchasing Agent submitting a tabulation of bids for the replacement of the main roof surface at Fire Station #4. PUBLIC PROTECTION AND SAFETY.

ATTACHMENT: RO - Fire Station.pdf

3.19 An R. O. by City Clerk submitting communications from ExteNet Systems, Inc., requesting various encroachments for the installation of new underground conduit structures and install of Meter Pedestal within public right of way. CITY PLAN COMMISSION.

ATTACHMENT: RO - ExteNet.pdf

3.20 An R. O. by City Clerk submitting an application from TMC Wisconsin 2 LLC for a change in the zoning classification of various properties. CITY PLAN COMMISSION.

ATTACHMENT: TMC Wisconsin.pdf

#### **4. RESOLUTIONS**

4.1 A Resolution by Alderperson Hammond authorizing a transfer of appropriations in the 2014 Budget (establish appropriations for purchase and demo of 727 N. 8th St.; appropriation to purchase Schuchardt Farm, LLC; establishing Capital Improvements funding for 2014). FINANCE.

ATTACHMENT: TRANSFER.pdf

4.2 A Resolution by Ald. Hammond authorizing entering into contract for sale of land for private development with Smet Investments, Inc. FINANCE

ATTACHMENT: SALE OF LAND.pdf

4.3 A Resolution by Alderperson Heidemann authorizing signing easements for a mini-storm sewer to be constructed in portions of various properties. PUBLIC WORKS.

ATTACHMENT: easements.pdf

4.4 A Resolution by Alderperson Carlson authorizing the Purchasing agent to enter into contract for the replacement of the main flat roof on Fire Station # 4, 2622 N. 15th St. PUBLIC PROTECTION AND SAFETY.

ATTACHMENT: Fire Station Res.pdf

#### **5. REPORTS OF COMMITTEES**

5.1 An R. C. by Law and Licensing, pursuant to R. C. 373-13-14, recommends that Beverage Operator's License application #8118 be denied based upon his failure to reveal all relevant convictions on his application and his record of violations related to the licensed activity. ACCEPT AND ADOPT.

ATTACHMENT: DENY 8118.pdf

5.2 An R. C. by Law and Licensing pursuant to R. C. 373-13-14, recommends that Beverage Operator's License application #0305 be denied based upon his failure to reveal all relevant convictions on his application and his record of violations related to the licensed activity. ACCEPT AND ADOPT.

ATTACHMENT: DENY 0305.pdf

5.3 An R. C. by Law and Licensing to whom was referred R. C. 370-13-14, recommends that Taxicab Driver's License #0328 be denied based upon his failure

to accurately reveal all relevant convictions on his Taxicab Driver's License application. ACCEPT AND ADOPT.

ATTACHMENT: DENY 0328.pdf

5.4 An R. C. by Law and Licensing to whom was referred R. C. 370-13-14, recommends that Taxicab Driver's License #8429 be denied based upon his failure to accurately reveal all relevant convictions on this Taxicab Driver's License application, his record of violations related to the licensed activity, and his failure to cooperate with the Committee. ACCEPT AND ADOPT.

ATTACHMENT: DENY 8429.pdf

## **6. ORDINANCES**

6.1 An Ordinance by Alderperson Carlson and Damrow granting Quality State Oil, Inc., its successors and assigns, the privilege of encroaching upon described portions of Geele Ave. located at 1006 Geele Ave. in the City of Sheboygan for the purpose of replacing and maintaining an LED price sign on City property adjacent to Geele Ave. CITY PLANNING.

ATTACHMENT: GO - QMart.pdf

6.2 An Ordinance by Alderpersons Thiel and Kath granting Robert W. Schoenenberger, his heirs and assigns, the privilege of encroaching upon described portions of Indiana Ave. located at 2202 Indiana Ave. in the City of Sheboygan for the purpose of adding a canopy over a ramp and stairs. CITY PLAN COMMISSION.

ATTACHMENT: GO - Schoenenberger.pdf

6.3 An Ordinance by Alderpersons Thiel and Kath granting Robert W. Schoenenberger, his heirs and assigns, the privilege of encroaching upon described portions of Indiana Ave. located at 2202 Indiana Ave. in the City of Sheboygan for the purpose of replacing the existing accessible ramp and entry stairs. CITY PLAN COMMISSION.

ATTACHMENT: GO - replace ramp.pdf

6.4 An Ordinance by Alderpersons Donohue, Matichek, Thiel and Kath amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification of properties. CITY PLAN COMMISSION.

ATTACHMENT: GO - zoning.pdf

6.5 An Ordinance by Alderpersons Thiel, Kath, Hermann and Bitters granting ExteNet Systems, Inc., its successors and assigns, the privilege of encroaching within public right of way in various locations. CITY PLAN COMMISSION.

ATTACHMENT: GO - ExteNet.pdf

## **7. OTHER MATTERS**

7.1 R. O. No. 15-14-15 by the City Clerk submitting a communication from Community Bank & Trust regarding allowing the City to modify the first parking stall (facing north) for handicap accessible for those people need access to City Hall. REFER TO FINANCE

ATTACHMENT: Community Bank.pdf

7.2 R. O. No. 17-14-15 by the City Clerk submitting various license

applications for the period ending June 30, 2015 and June 30, 2016 (Change of Premise). REFER TO LAW AND LICENSING

ATTACHMENT: Licenses.pdf

7.3 Res. No. 8-14-15 by Ald. Heidemann authorizing signing easements for mini-storm sewers to be constructed in portions of various property. PUBLIC WORKS

ATTACHMENT: Easements Johnston.pdf

7.4 Res. No. 9-14-15 by Ald. Heidemann authorizing the acceptance of temporary limited easements for the Sidewalk Gap Project. PUBLIC WORKS

ATTACHMENT: Temporary easements.pdf

7.5 Res. No. 6-14-15 by Ald. Carlson authorizing application for the 2014 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award, Local Solicitation and entering into a Memorandum of Understanding with Sheboygan County. PUBLIC PROTECTION AND SAFETY

ATTACHMENT: JAG PROGRAM.pdf

## **8. CLOSED SESSION**

8.1 MOTION TO CONVENE IN CLOSED SESSION under exemption provided in Sec. 19.85(1)(e), Wis. Stats. for the purpose of deliberating the selling of public property where competitive and bargaining reasons require a closed session.

## **9. RECONVENE IN OPEN SESSION**

9.1 Reconvene in Open Session - Possible action on the item discussed in closed session. Council did not reconvene in Open Session.

## **10. ADJOURN**

10.1 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