

REGULAR COMMON COUNCIL MEETING

"Disciplining yourself to do what you know is right and important, although difficult, is the high road to pride, self-esteem, and personal satisfaction. " Brian Tracy Notice of the 26th meeting of the 2011-2012 Common Council at 7:00 p.m., Monday, April 16, 2012, 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
- 1.5 PUBLIC FORUM
- 1.6 MAYOR'S ANNOUNCEMENTS

**2. HEARINGS**

2.1 Hearing for the proposed assessments for water lateral replacement in N. 13th St. from Michigan Ave. to south of Huron Ave. and north of Huron Ave. to Superior Ave.

ATTACHMENT: Hearing 15-11-12.pdf

**3. CONSENT AGENDA**

3.1 An R. O. by the Bd. of Contractors Examiners submitting applications for licenses which have been granted. ACCEPT AND PLACE ON FILE

3.2 An R. O. by the City Clerk granting various licenses. ACCEPT AND FILE AND GRANT LICENSES

3.3 An R. O. by the City Clerk submitting a communication from VFW Wolf Olson Post 1230 and VFW Memorial Post 9156 requesting permission to hold their Annual Buddy Poppy Drive. ACCEPT AND FILE AND APPROVE THE REQUEST

ATTACHMENT: VFW request letter.pdf

3.4 An R. O. by the City Plan Commission recommending filing documents regarding vacating the unimproved land north of 1913 Elm Ave. ACCEPT AND FILE

ATTACHMENT: Vacate property.pdf

3.5 An R. C. by Marina and Harbor Committee recommending filing document submitting the Harbor Centre Marina Balance Sheet from operations dated April 30, 2011, as submitted by Skipper Marine. ACCEPT AND FILE

ATTACHMENT: Marina report.pdf

3.6 An R. C. by Law and Licensing recommending granting Taxicab Driver's License #7760. ACCEPT AND ADOPT

ATTACHMENT: License RO.pdf

3.7 An R. O. by Sp. Committee on Risk Mgmt. submitting claim from Andrew R. Stein for alleged damages to his vehicle when a snow plow hit his truck that was parked on the street and paying claim in the amount of \$381.36. ACCEPT AND ADOPT

ATTACHMENT: Claim Stein.pdf

3.8 An R. C. by Public Protection and Safety recommending file document from Tourism Director making various requests for summer events. ACCEPT AND ADOPT

ATTACHMENT: Tourism Director requests.pdf

3.9 An R. C. by Public Works recommending filing document from Tourism Director making various requests for summer events. ACCEPT AND ADOPT

ATTACHMENT: Tourism letter.pdf

3.10 An R. C. by Public Protection and Safety recommending filing document submitting the Fire Chief's annual report for the period commencing January 1, 2011 and ending December 31, 2011. ACCEPT AND ADOPT

ATTACHMENT: Annual Report.pdf

3.11 An R. C. by Special Committee on Risk Management recommending filing document submitting a claim from David Schults for alleged damages to his vehicle and license plates when Police Officers attempted to remove the rear license plat.

ATTACHMENT: Claim Schultz.pdf

3.12 An R. C. by Special Committee on Risk Management recommending filing various documents. ACCEPT AND ADOPT

3.13 An R. C. by Finance recommending passing resolution confirming assessment of benefited properties for the water lateral replacement in N. 13th St. from Michigan Ave. to south of Huron Ave. and north of Huron Ave. to Superior. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: Resolution.pdf

3.14 An R. C. by Public Works recommending executing an Agreement for Access to Property and Environmental Remediation with the U.S. EPA Great Lakes National Program Office. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: Res. No. 183-11-12.pdf

3.15 An R. C. by Public Works recommending executing Amendment No. 2 Scope of Work for Aid Agreement between the Wis. DNR and the City of Sheboygan in the amount of \$3,327,000 for the implementation of the Sheboygan River Area of Concern Habitat Restoration Projects. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: Res. No. 184-11-12.pdf

3.16 An R. C. by Public Works recommending entering into contract for the purchase of (1) Replacement steel Dump Body for the current semi-trailer dump truck. ACCEPT AND ADOPT AND PASS RESOLUTION

ATTACHMENT: Res. No. 185-11-12.pdf

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

4.1 An R. O. by the City Clerk submitting a communication from Rhyan Zimmerman requesting a waiver to the Sex Offender Residency restrictions so that he can live at 1322 N. 12th St. REFER TO PUBLIC PROTECTION AND SAFETY OF THE NEW COUNCIL

ATTACHMENT: Zimmerman request.pdf

4.2 An R. O. by the City Clerk submitting a Notice of Injury Form from Gendlin, Liverman & Rymer, S. C. relative to their client Lisa Lee for alleged injuries while riding the City of Sheboygan/Shoreline Metro Bus. REFER TO SPECIAL COMMITTEE ON RISK MANAGEMENT OF THE NEW COUNCIL (POSSIBLY FINANCE)

ATTACHMENT: Notice of Injury.pdf

4.3 An R. O. by the City Clerk submitting a Notice of Foreclosure Sale in the matter of Wisconsin Housing and Economic Development Authority vs. Peter J. Zabel et al. REFER TO SPECIAL COMMITTEE ON RISK MANAGEMENT OF THE NEW COUNCIL (POSSIBLY FINANCE)

ATTACHMENT: Notice of Foreclosure Sale.pdf

4.4 An R. O. by the City Clerk submitting a Summons and Complaint in the matter of U.S. Bank vs. Christopher D. Weber et al. REFER TO THE SPECIAL COMMITTEE ON RISK MANAGEMENT (POSSIBLY FINANCE)

ATTACHMENT: Summons and Complaint.pdf

#### **5. RESOLUTIONS**

5.1 A Res. by Alderperson Bohren authorizing entering into a contract for the 2012 Concrete Sidewalk Program, Bid #2354-12. SET FOR PASSAGE

5.2 A Res. by Alderperson Dekker amending the composition of the Group Health Insurance and Wellness Committee. SET FOR PASSAGE

5.3 A Res. by Ald. Dekker dissolving various City committees. SET FOR PASSAGE

5.4 A Res. by Alderperson Hammond authorizing the Issuance and Awarding the Sale of \$4,795,000 General Obligation Promissory Notes, Series 2012A. SET FOR PASSAGE

#### **6. REPORTS OF COMMITTEES**

6.1 An R. C. by the Special Committee on Risk Management recommending referring various claims to the Special Committee on Risk Management of the new Council. REFER TO SPECIAL COMMITTEE ON RISK MANAGEMENT OF THE NEW COUNCIL (POSSIBLY FINANCE)

ATTACHMENT: Various claims.pdf

6.2 An R. C. by Law and Licensing recommending referring Taxicab Driver's License #9163 to the Law and Licensing Committee of the new Council. REFER TO LAW AND LICENSING OF THE NEW COUNCIL

6.3 An R. C. by Special Committee on Risk Management referring various Summons and Complaints to the Special Committee on Risk Management of the new Council. REFER TO SPECIAL COMMITTEE ON RISK MANAGEMENT OF THE NEW COUNCIL. (POSSIBLY FINANCE)

ATTACHMENT: Various Summons and Complaints.pdf

6.4 An R. C. by Law and Licensing recommending deny Taxicab Driver's License application #9498 based upon his failure to accurately reveal all relevant convictions on his application and his failure to cooperate with the Committee. SET TO ACCEPT AND ADOPT

6.5 An R. C. by Law and Licensing recommending granting various licenses. SET TO ACCEPT AND ADOPT AND GRANT LICENSES AND REFER THE BALANCE OF THE RO TO LAW AND LICENSING OF THE NEW COUNCIL.

6.6 An R. C. by Law and Licensing granting various licenses and referring the balance of the RO to Law and Licensing of the new Council. REFER BALANCE OF LICENSES TO LAW AND LICENSING OF THE NEW COUNCIL.

6.7 An R. C. by Law and Licensing recommending denying Taxicab Driver's License application #9491 be denied based upon her failure to accurately reveal all relevant convictions on her application and her failure to cooperate with the Committee. ACCEPT AND ADOPT

6.8 An R. C. by Finance recommending a transfer of appropriations in the 2012 Budget (establishing appropriationn for 2012 Mead Library Budget Modifications for Merit Plan and Building Maintenance). ACCEPT AND ADOPT AND FILE RESOLUTION

ATTACHMENT: Res. No. 182-11-12.pdf

6.9 An R. C. by Public Works entering into contract for the purchase of (2) Crew Cab Short Box 4WD pickup trucks for the Motor Vehicle Dept. ACCEPT AND ADOPT AND PASS SUBSTITUTE RESOLUTION

ATTACHMENT: Subs. of Res. No. 171-11-12.pdf

6.10 An R. C. by Finance recommending repealing and recreating Sect. 29-105 of the 1975 Municipal Code relating to car allowances for city officers and employees so as to change the allowable reimbursement rate on a per mile basis. ACCEPT AND ADOPT AND PASS ORDINANCE

ATTACHMENT: Gen. Ord. No. 85-11-12.pdf

## **7. ORDINANCES INTRODUCED**

7.1 An Ordinance repealing Division 7 of Article V of Chapter 2 of the Municipal Code so as to eliminate the Industrial Development Commission. SET FOR PASSAGE

7.2 An Ordinance repealing and recreating Subsection 15.936(1) of the City of Sheboygan Zoning Ordinance relating to fees. REFER TO CITY PLAN COMMISSION OF THE NEW COUNCIL

7.3 An Ordinance amending Chapter 78 of the City of Sheboygan Municipal Code so as to create Article III relating to Mobile Food Vendors. REFER TO LAW AND LICENSING OF THE NEW COUNCIL

7.4 An Ordinance amending Section 1 of Gen. Ord. No. 62-10-11 so as to change the annual rate of the Mayor's salary effective for the period of the first payday of May 2012 through April 2013 to read "\$50,000." REFER TO SALARIES AND GRIEVANCES OF THE NEW COUNCIL

#### **8. MATTERS LAID OVER**

8.1 R. O. No. 408-11-12 by the Development Manager requesting for Pollution Risk Services, the contractor working on the Superfund Dredging Project in the Sheboygan River, to request a variance to the City's noise ordinance. SET TO ACCEPT AND FILE AND APPROVE REQUEST

8.2 Res. No. 179-11-12 by Alderpersons Bohren, Carlson and Matichek authorizing a transfer of appropriations in the 2012 Budget (establishing appropriation for harbor improvements in the Sheboygan River). SET FOR PASSAGE

8.3 Res. No. 180-11-12 by Alderpersons Kittelson and Kath directing a public hearing to be held in connection with a change of the City's Official Zoning Map for property located at 1305 St. Clair Ave. SET FOR PASSAGE

8.4 Gen. Ord. No. 83-11-12 by Alderperson Dekker amending Gen. Ord. No. 26-11-12, passed by Council on September 19, 2011, in order to update the polling locations for the twenty six wards relating to Section 38-3 of the Municipal Code regarding wards and aldermanic districts. SET FOR PASSAGE

#### **9. OTHER MATTERS AUTHORIZED BY LAW**

9.1 An R. O. by the City Clerk submitting a petition from neighbors in the northeast area of the City of Sheboygan concerning reducing the deer population in their area. REFER TO PUBLIC PROTECTION AND SAFETY OF THE NEW COUNCIL

ATTACHMENT: Petition.pdf

9.2 A Resolution by Alderperson Bohren authorizing executing an Amendment No. 2 to the contract between the City, Wis. DOT and AECOM Technical Services, Inc. in the amount of \$33,294.50 for the Eisner Ave. Reconstruction Project. REFER TO PUBLIC WORKS OF THE NEW COUNCIL

ATTACHMENT: Amendment No. 2.pdf

9.3 An Ordinance repealing and recreating Sect. 15.915 of the City's Zoning Ordinance relating to historic preservation regulations and the city housing rehabilitation loan program. REFER TO CITY PLAN COMMISSION OF THE NEW COUNCIL

9.4 An Ordinance providing an exception to the City's noise ordinance for environmental remediation activities as part of the Sheboygan River and Harbor Superfund Project. SET FOR PASSAGE

9.5 An Ordinance repealing and recreating Division 11 of Article V of Chapter 2 of the Municipal Code so as to change the Board of Park and Forestry Commissioners to the Board of Marina, Park and Forestry Commissioners. SET FOR PASSAGE

9.6 An Ordinance repealing and recreating various provisions of Chapter 26 of the Municipal Code, so as to combine the boards of electrical examiners and heating examiners into a new board of electrical and heating examers. SET FOR PASSAGE

9.7 An Ordinance repealing Sect. 2-410 of the Municipal Code so as to dissolve the joint municipal court advisory committee. SET FOR PASSAGE

9.8 An R. O. by the City Clerk submitting a communication from the Wisconsin

Dept. of Corrections requesting a waiver to the Sex Offender Residency restrictions on behalf of parolee Dakota Knabe for placement at a Transitional Living Placement (TLP). REFER TO PUBLIC PROTECTION AND SAFETY OF THE NEW COUNCIL

9.9 A Resolution authorizing the appropriate City Officials to execute an amendment to the Agreement with the Village of Kohler for the operation of a joint municipal court, so as to eliminate the Joint Municipal Court Advisory Committee. SET FOR PASSAGE

ATTACHMENT: Amendment Agreement.pdf

9.10 An R. O. by the City Clerk submitting a communication from Jeremy Hamilton requesting a waiver of the Sex Offender Residency restrictions in order to live at 1703 Illinois Ave. REFER TO PUBLIC PROTECTION AND SAFETY OF THE NEW COUNCIL

ATTACHMENT: Hamilton letter.pdf

9.11 An Ordinance by Alderpersons Kittelson, Dekker, Sampson, Carlson and Van Akkeren repealing and recreating Sec. 70-256 of the Municipal Code so as to permit the use of paintball guns within the City in limited circumstances. SET FOR PASSAGE

## **10. ADJOURN**

10.1 Adjourn sine die

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