

TWELFTH REGULAR COMMON COUNCIL MEETING AGENDA - 6:00 P.M.

"DON'T COUNT THE DAYS, MAKE THE DAYS COUNT" Notice of the 12th Regular Meeting of the 2020-2021 Common Council at 6:00 p.m., MONDAY, September 21, 2020 in City Hall, 3rd Floor - Council Chambers, 828 Center Avenue, Sheboygan, WI. Persons with disabilities who need accommodations to attend the meeting should contact Meredith DeBruin at the City Clerk's Office, 828 Center Avenue, (920) 459-3361.

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This meeting may be viewed LIVE on Charter Spectrum Channel 990, AT&T U-Verse Channel 99 and [www.wcsssheboygan.com/vo](http://www.wcsssheboygan.com/vo)

**1. OPENING OF MEETING**

1.1 ROLL CALL - Alderpersons Bohren, Donohue, Felde, Ackley, Phillips, Dekker, Sorenson, Savaglio, Filicky-Peneski, and Mitchell may attend meeting remotely

1.2 PLEDGE OF ALLEGIANCE

1.3 APPROVAL OF MINUTES - 11th Regular Council meeting held on September 8, 20

1.4 CONFIRMATION OF MAYOR'S APPOINTMENTS - Gerald Jones (Independent) to the Board of Police & Fire Commissioners

ATTACHMENT: APPOINTMENT.pdf

1.5 ELECTION - BOARD OF WATER COMMISSIONERS (THREE YEAR TERM BEGINNING OCTOBER 1, 2020)

ATTACHMENT: Thomas Howe.pdf

1.6 PUBLIC FORUM - Limit of five people having five minutes each with comments limited to items on this agenda.

1.7 MAYOR'S ANNOUNCEMENTS - UPCOMING COMMUNITY EVENTS, PROCLAMATIONS, EMPLOYEE RECOGNITIONS, UPDATE ON COVID-19

**2. HEARINGS**

2.1 Hearing No. 1-20-21 pursuant to a notice published and personal notices sent by the City Clerk, there is a hearing scheduled for this evening to amend the City's Future Land Use Map of the Sheboygan Comprehensive Plan to change the Land Use Classification of property located on the Northwest corner of Broadway and S. Business Drive (portion of Parcel #59281513391) from Class Multi-Family Residential to Class Community Mixed Use Classification.

ATTACHMENT: COMP PLAN.pdf

2.2 Hearing No. 2-20-21 pursuant to a notice published and personal notices sent by the City Clerk, there is a hearing scheduled for this evening to amend the City of Sheboygan Official Zoning Map to change the Use District Classification of property located on the Northwest corner of Broadway and S. Business Drive (portion of Parcel #59281513391) from Class Urban Residential (UR-12) to Class Urban Commercial (UC).

ATTACHMENT: REZONE.pdf

### 3. CONSENT

3.1 MOTION TO RECEIVE AND FILE ALL RO'S, RECEIVE ALL RC'S AND ADOPT ALL RESOLUTIONS AND ORDINANCES

3.2 R. C. No. 131-20-21 by Finance and Personnel Committee to whom was referred R. C. No. 312-19-20 by Finance and Personnel Committee and R. O. No. 92-19-20 by City Clerk submitting a notice of claim from American Family Insurance for alleged damages to their insured (Mollie R. Leffin) vehicle when it was struck by a City of Sheboygan vehicle; recommends filing the claim.

ATTACHMENT: R. C. No. 312-19-20.pdf

3.3 R. C. No. 132-20-21 by Finance and Personnel Committee to whom was referred R. C. No. 319-19-20 and R. C. No. 281-17-18 by Finance and Personnel Committee and R. C. No. 413-16-17 by Finance and R. O. No. 161-16-17 by City Clerk submitting a Notice of Injury and Notice of Claim for damages of Kurt Klessig; recommends filing the claim.

ATTACHMENT: R. C. No. 319-19-20.pdf

3.4 R. C. No. 133-20-21 by Finance and Personnel Committee to whom was referred R. C. No. 320-19-20 and R. C. No. 282-17-18 by Finance and Personnel Committee and R. C. No. 414-16-17 by Finance and R. O. No. 162-16-17 by City Clerk submitting a Notice of Injury and Notice of Claim for damages of Mary Heitzmann; recommends filing the claim.

ATTACHMENT: R. C. No. 320-19-20.pdf

3.5 R. C. No. 134-20-21 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 54-20-21 by City Clerk submitting various license applications; recommends granting the license.

ATTACHMENT: R. O. No. 54-20-21.pdf

3.6 R. C. No. 135-20-21 by Finance and Personnel Committee to whom was referred R. O. No. 64-20-21 by City Administrator submitting the Revised 2021 Budget Schedule which contains revisions to the original 2021 Budget Schedule submitted as R. O. No. 6-20-21; recommends filing the document.

ATTACHMENT: R. O. No. 64-20-21.pdf

3.7 R. C. No. 136-20-21 by Finance and Personnel Committee to whom was referred R. O. No. 65-20-21 by City Clerk submitting a claim from Brian Wunsch for alleged damages to his vehicle when the tire hit a sharp edge of a large pothole; recommends filing the claim.

ATTACHMENT: R. O. No. 65-20-21.pdf

3.8 R. C. No. 137-20-21 by Licensing, Hearings, and Public Safety Committee to whom was referred pursuant to R. O. No. 66-20-21 by City Clerk submitting various license applications; recommends granting the licenses.

ATTACHMENT: R. O. No. 66-20-21.pdf

3.9 R. C. No. 138-20-21 by Finance and Personnel Committee to whom was

referred DIRECT REFERRAL R. O. No. 67-20-21 by Finance Director submitting the Comprehensive Annual Financial Report of the City of Sheboygan for the year ended December 31, 2019, prepared by CLA; recommends filing the documents.

ATTACHMENT: RO 67.pdf

3.10 R. C. No. 139-20-21 by Finance and Personnel Committee to whom was referred Res. No. 80-20-21 by Alderpersons Donohue and Bohren authorizing the appropriate City officials to execute a Hold Harmless Agreement with Eighth Street Investments, LLC regarding the use of the former Wisconsin Bank & Trust building at 604 North 8th Street as a polling place; recommends adopting the Resolution.

ATTACHMENT: Res. No. 80-20-21.pdf

ATTACHMENT: hold harmless.pdf

3.11 R. C. No. 140-20-21 by Public Works Committee to whom was referred Res. No. 84-20-21 by Alderpersons Dekker and Sorenson authorizing the appropriate City officials to extend the existing contract with Kiel Sand & Gravel, Inc. for the transportation and disposition of Class A biosolids from the Wastewater Treatment Plant; recommends adopting the Resolution.

ATTACHMENT: Res. No. 84-20-21.pdf

3.12 R. C. No. 141-20-21 by Public Works Committee to whom was referred Gen. Ord. No. 20-20-21 by Alderpersons Dekker and Sorenson amending Section 2-397(c)(1) regarding the duties and powers of the director of public works; recommends adopting the Ordinance.

ATTACHMENT: G.O. NO. 20-20-21.pdf

#### **4. REPORT OF OFFICER**

4.1 R. O. No. 68-20-21 by City Clerk submitting a communication from the Wisconsin Department of Administration regarding the Acuity Annexation. RECEIVE AND FILE THE DOCUMENT

ATTACHMENT: DOA ANNEX.pdf

4.2 R. O. No. 69-20-21 by City Plan Commission to whom was referred Gen. Ord. No. 19-20-21 by Alderpersons Sorenson and Bohren and R. O. No. 63-20-21 by City Clerk submitting a communication from Acuity filing a petition for Direct Annexation by Unanimous Consent for land currently located in the Town of Sheboygan (part of Parcel 59024-353310); recommends receiving the R. O. and adopting the Ordinance. RECEIVE R. O. AND ADOPT THE ORDINANCE

ATTACHMENT: Gen. Ord. No. 19-20-21.pdf

4.3 R. O. No. 70-20-21 by City Clerk submitting a communication from Robert J. Werner of Stonebrook Crossing LLC submitting a final plat for Stonebrook Crossing Addition No. 1 and requesting a variance pursuant to Section 2.5 of the Sheboygan Subdivision Code from the requirements of Section 5.2(F)(1)(c) of the Sheboygan Subdivision Code. REFER TO CITY PLAN COMMISSION

ATTACHMENT: Robert Werner.pdf

4.4 R. O. No. 71-20-21 by Finance Director reporting that, pursuant to Res. No. 66-20-21 authorizing the City Administrator to negotiate settlement of certain claims made by the City of Sheboygan, City Invoice No. 7617 in the

amount of \$2,317.16 billed to B & T Sales & Services LLC regarding damage to a traffic control signal located at the corner of Geele Ave. and Calumet Drive on January 28, 2019, has been settled with a payment to the City of Sheboygan in the amount of \$2,000.00. REFER TO FINANCE AND PERSONNEL COMMITTEE

ATTACHMENT: Res. No. 66-20-21.pdf

4.5 R. O. No. 72-20-21 by City Clerk submitting a communication from Dolcye Johnson regarding the Ambulance Fund Budget for 2019. REFER TO FINANCE AND PERSONNEL COMMITTEE

ATTACHMENT: Dolcye.pdf

4.6 R. O. No. 73-20-21 by City Clerk submitting a claim from Jon Weiss for alleged damages to his house when City workers cut down a tree and it fell onto the property. REFER TO FINANCE AND PERSONNEL COMMITTEE

ATTACHMENT: Jon Weiss.pdf

4.7 R. O. No. 74-20-21 by City Clerk submitting a communication from Alderperson Jim Bohren regarding the Bonding/Insurance Requirements for Municipal Officials. REFER TO FINANCE AND PERSONNEL COMMITTEE

ATTACHMENT: bonding.pdf

4.8 R. O. No. 75-20-21 by City Clerk submitting a pending claim from Linda Arentsen for alleged injuries when she tripped on a raised part of the sidewalk on Center Avenue. REFER TO FINANCE AND PERSONNEL COMMITTEE

ATTACHMENT: Linda Arentsen.pdf

4.9 R. O. No. 76-20-21 by City Clerk submitting various license applications. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

ATTACHMENT: referred.pdf

## **5. RESOLUTIONS**

5.1 Res. No. 94-20-21 by Alderpersons Ackley, Donohue, Bohren, Savaglio, Filicky-Peneski, Felde, Phillips, Sorenson, Mitchell, and Dekker commemorating the distinguished service of Leonard Becker to the City of Sheboygan. SUSPEND THE RULES AND ADOPT THE RESOLUTION

ATTACHMENT: becker.pdf

5.2 Res. No. 86-20-21 by Alderpersons Sorenson and Donohue authorizing the purchase of 1817 North 8th Street (former Save-A-Lot store) for future use by the City. SUSPEND THE RULES AND ADOPT THE RESOLUTION

ATTACHMENT: Save-A-Lot.pdf

ATTACHMENT: save a lot.pdf

5.3 Res. No. 87-20-21 by Alderpersons Donohue and Bohren authorizing the City Attorney's Office to settle the matter of Accurate Repairs v. City of Sheboygan, Case No. 2018CV000671. SUSPEND THE RULES AND ADOPT THE RESOLUTION

ATTACHMENT: Accurate Repairs.pdf

5.4 Res. No. 93-20-21 by Alderpersons Dekker and Sorenson declaring a public emergency with respect to the condition of the Shoreline Metro Transportation Facility roof, authorizing the appropriate City officials to negotiate and enter into an agreement with Kaschak Roofing Inc. for the replacement of all decking on the roof at the Shoreline Metro Transportation Facility, and authorizing the appropriate City officials to seek and accept CARES Act funding for this project. SUSPEND THE RULES AND ADOPT THE RESOLUTION

ATTACHMENT: roofing.pdf

ATTACHMENT: Kaschak.pdf

5.5 Res. No. 88-20-21 by Alderperson Bohren approving the final plat of the Stonebrook Crossing Addition No. 1 subdivision. REFER TO CITY PLAN COMMISSION

ATTACHMENT: Res. Final Plat.pdf

5.6 Res. No. 89-20-21 by Alderpersons Donohue and Bohren authorizing a budget adjustment and appropriation in the 2020 budget regarding Optimist Park Playground. REFER TO FINANCE AND PERSONNEL COMMITTEE

ATTACHMENT: Optimist Park Playground.pdf

5.7 Res. No. 90-20-21 by Alderpersons Donohue and Bohren authorizing a budget adjustment and appropriation in the 2020 budget regarding tree stump grinding. REFER TO FINANCE AND PERSONNEL COMMITTEE

ATTACHMENT: tree stump grinding.pdf

5.8 Res. No. 91-20-21 by Alderpersons Sorenson and Dekker authorizing the appropriate city officials to enter into an agreement with Big Brothers Big Sisters of Sheboygan County, Inc. regarding the Bigs with Badges program. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

ATTACHMENT: Big Brothers Big Sisters.pdf

5.9 Res. No. 92-20-21 by Alderpersons Dekker and Sorenson authorizing the appropriate City officials to consent to the assignment of the City's Agreement with Wastewater Management of Wisconsin, Inc. for Residential Refuse and Recyclable Material Transfer and Tipping Services to GFL Environmental, Inc. REFER TO PUBLIC WORKS COMMITTEE

ATTACHMENT: GFL Environmental.pdf

## **6. REPORT OF COMMITTEES**

6.1 R. C. No. 142-20-21 by Finance and Personnel Committee to whom was referred Res. No. 81-20-21 by Alderpersons Donohue and Bohren providing for the sale of approximately \$11,190,000 Taxable General Obligation Refunding Bonds, Series 2020D; recommends adopting the Resolution as amended. RECEIVE THE R. C. AND ADOPT THE SUBSTITUTE RESOLUTION

ATTACHMENT: Res. No. 81-20-21.pdf

6.2 R. C. No. 143-20-21 by Public Works Committee to whom was referred Res. No. 82-20-21 by Alderpersons Dekker and Sorenson authorizing entering into a Master Agreement with Stonebrook Crossing LLC; recommends adopting the Resolution as amended. RECEIVE THE R. C. AND ADOPT THE SUBSTITUTE RESOLUTION

ATTACHMENT: R. C. No. 143-20-21.pdf

ATTACHMENT: Stonebrook Master Dev. Agmt. - signed.pdf

6.3 R. C. No. 144-20-21 by Public Works Committee to whom was referred Res. No. 83-20-21 by Alderpersons Dekker and Sorenson authorizing entering into an Agreement with Making Spirits Bright, Inc. for use of Evergreen Park and the Quarryview Center for the annual Making Spirits Bright drive-through holiday lights display; recommends adopting the Resolution. RECEIVE THE R. C. AND ADOPT THE RESOLUTION

ATTACHMENT: Res. No. 83-20-21.pdf

ATTACHMENT: Res. 83.pdf

6.4 R. C. No. 145-20-21 by Public Works Committee to whom was referred DIRECT REFERRAL Res. No. 85-20-21 by Alderpersons Dekker and Sorenson authorizing the appropriate City officials to enter into a contract with J & H Controls, Inc. to upgrade the automatic temperature controls system at the Sheboygan Police Department; recommends adopting the Resolution. RECEIVE THE R. C. AND ADOPT THE RESOLUTION

ATTACHMENT: Res. No. 85-20-21.pdf

ATTACHMENT: 1982-20 JH CONTROLS PERFORMANCE AND PAYMENT BOND.pdf

ATTACHMENT: 1982-20 JH Controls Executed Contract.pdf

6.5 R. C. No. 146-20-21 by Public Works Committee to whom was referred Gen. Ord. No. 21-20-21 by Alderpersons Dekker and Sorenson amending Section 134-178 of the Municipal Code to more clearly identify the 8th Street Boat Launch; recommends amending the Ordinance to remove "and the 1300 block of Niagara Avenue...". RECEIVE THE R. C. AND ADOPT THE SUBSTITUTE ORDINANCE

ATTACHMENT: Gen. Ord. No. 21-20-21.pdf

## **7. GENERAL ORDINANCES**

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

8.1 R. O. No. 61-20-21 by City Plan Commission to whom was referred Gen. Ord. No. 16-20-21 by Alderperson Sorenson amending the City's Future Land Use Map of the Sheboygan Comprehensive Plan to change the Land Use Classification of property located on the Northwest corner of Broadway and S. Business Drive (portion of Parcel #59281513391) from Class Multi-Family Residential to Class Community Mixed Use Classification; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, August 25, 2020, and after due consideration, recommends receiving the R. O. and adopting the General Ordinance.

ATTACHMENT: RO 61.pdf

8.2 R. O. No. 62-20-21 by City Plan Commission to whom was referred Gen. Ord. No. 17-20-21 by Alderpersons Sorenson and Bohren and R. O. No. 53-20-21 by City Clerk submitting an application from Kwik Trip Inc. for a change in the zoning classification of property location on the Northwest corner of Broadway and S. Business Drive (portion of Parcel #59281513391) from Class Urban Residential (UR-12) to Class Urban Commercial (UC) Classification; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, August 25, 2020, and after due consideration, recommends receiving the R. O. and adopting the General Ordinance.

**9. OTHER MATTERS AUTHORIZED BY LAW**

**10. CLOSED SESSION**

10.1 Motion to convene in Closed Session under exemption provided in Sec. 19.85(1)(e), Wis. Stats., where competitive and bargaining sessions require a closed session related to a possible sale of the city-owned land in the SouthPointe Enterprise Campus.

**11. ADJOURN MEETING**

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