



TWENTY-SIXTH REGULAR COMMON COUNCIL MEETING AGENDA

April 17, 2023 at 6:00 PM

**City Hall, 3rd Floor - Council Chambers, 828 Center Avenue,
Sheboygan, WI**

"Teamwork is the ability to work together toward a common vision" Andrew Carnegie

This meeting may be viewed LIVE on Charter Spectrum Channel 990, AT&T U-Verse Channel 99 and:
www.wscssheboygan.com/vod.

Notice of the 26th Regular Meeting of the 2022-2023 Common Council at 6:00 PM, MONDAY, April 17, 2023 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.

Members of the public who wish to participate in public forum remotely shall provide notice to the City Clerk at (920) 459-3361 at least 24 hours before the meeting so that the person may be provided a remote link for that purpose.

OPENING OF MEETING

1. Roll Call

Alderspersons Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, and Salazar may attend the meeting remotely.

2. Pledge of Allegiance

3. Approval of Minutes

Twenty-fifth Regular Council Meeting held on April 5, 2023

4. Public Forum

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

5. Presentation

Business Improvement District by Paul Rudnick and Heather Cleveland

6. Mayor's Announcements

Upcoming Community Events, Proclamations, Employee Recognitions

HEARINGS

- 7. Hearing No. 14-22-23** pursuant to notice published and letter sent by the City Clerk, regarding the vacation and discontinuance of the east-west alley between South 10th Street and the former South Commerce Street, located in Block 243 of the Original Plat.

CONSENT

- 8. Motion to Receive and File all R.O.'s, Receive all R.C.'s and Adopt all Resolutions and Ordinances**

9. R. O. No. 140-22-23 by Board of License Examiners submitting applications for Building Contractor Licenses already granted.
10. R. C. No. 223-22-23 by Finance and Personnel Committee to whom was referred various litigations; recommends filing the documents.
11. R. C. No. 222-22-23 by Finance and Personnel Committee to whom was referred various claims and notices of claims; recommends filing the listed claims and notices of claims.
12. R. C. No. 230-22-23 by Finance and Personnel Committee to whom was referred Res. No. 168-22-23 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City Officials to enter into a contract with Stantec Consulting Services Inc. for wetland delineation services regarding the land in the SouthPointe Enterprise Campus being purchased by Sheboygan Southpoint Development LLC; recommends adopting the Resolution.
13. R. C. No. 224-22-23 by Finance and Personnel Committee to whom was referred R. O. No. 144-21-22 by City Clerk submitting a Petition, Notice, and List of Tax Liens of Sheboygan County being foreclosed in the matter of the Foreclosure of Tax Liens under WI Statute 75.521 by Sheboygan County, List of Tax Liens for 2017 and 2018; recommends filing the document.
14. R. C. No. 225-22-23 by Finance and Personnel Committee to whom was referred R. O. No. 147-21-22 by City Clerk submitting a communication from Carol Ann Wirth of Wisconsin Public Finance Professionals, LLC terminating their role as "Dissemination Agent" with the City of Sheboygan and submitting their final invoice for services rendered; recommends filing the document.
15. R. C. No. 227-22-23 by Finance and Personnel Committee to whom was referred R. C. No. 282-21-22 by Finance and Personnel Committee to whom was referred Res. No. 168-21-22 by Alderpersons Mitchell and Filicky-Peneski authorizing the addition of a Neighborhood Engagement Specialist to the City of Sheboygan Table of Organization; recommends filing the Resolution.
16. R. C. No. 228-22-23 by Finance and Personnel Committee to whom was referred Res. No. 82-22-23 by Alderpersons Felde and Filicky-Peneski clarifying and interpreting the duties of the City Administrator as set forth in the Municipal Code and setting forth specific duties and responsibilities with regard to media relations, communications, and the hiring of a Director of Human Resources and Labor Relations; recommends filing the Resolution.
17. R. C. No. 232-22-23 by Public Works Committee to whom was referred Res. No. 166-22-23 by Alderpersons Dekker and Rust authorizing executing a one-year lease for the agricultural property in the City of Sheboygan formerly owned by David L. Gartman, LLC; recommends adopting the Resolution.
18. R. C. No. 233-22-23 by Public Works Committee to whom was referred Gen. Ord. No. 31-22-23 by Alderpersons Dekker and Rust placing stop signs at the northwest corner and southeast corner of S. 22nd Street and David Avenue; recommends adopting the Ordinance.
19. R. C. No. 235-22-23 by Licensing, Hearings, and Public Safety Committee to whom was referred Res. No. 169-22-23 by Alderpersons Felde and Ackley authorizing the Chief of Police to take necessary actions to receive, if awarded, the 2023 Law Enforcement-Based Victim Services Program Grant; recommends adopting the Resolution.
20. R. C. No. 234-22-23 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 136-22-23 by City Clerk submitting various license applications; recommends granting the applications.

REPORT OF OFFICERS

21. R. O. No. 141-22-23 by City Plan Commission to whom was referred Gen. Ord. No. 30-22-23 by Alderperson Filicky-Peneski and R. O. No. 128-22-23 by City Clerk submitting application to amend the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification for property on Pershing Avenue – Parcel #59281012240 from Suburban Residential (SR-3) to Suburban Residential (SR-5) Classification; recommends adopting the Ordinance. LAYS OVER
22. R. O. No. 139-22-23 by Fire Chief pursuant to section 50-564 of the Municipal Code, submitting the quarterly report showing the Benchmark Measurements for the Fire Department for the period commencing January 1, 2023 and ending March 31, 2023. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE OF THE 2023-2024 COUNCIL
23. R. O. No. 138-22-23 by Chief of Police Christopher Domagalski pursuant to section 54-65 of the Municipal Code, submitting the quarterly report showing the Benchmark Measurements for the Police Department for the period commencing January 1, 2023 and ending March 31, 2023. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE OF THE 2023-2024 COUNCIL
24. R. O. No. 142-22-23 by City Clerk submitting various license applications. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY OF THE 2023-2024 COUNCIL

RESOLUTIONS

25. Res. No. 173-22-23 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a contract with Rebuild-it Services Group, LLC for the installation of a rebuilt primary clarifier drive unit and secondary clarifier drive unit and with Goldsmith Painting & Cleaning, Inc. for the grinding and painting of steel components. SUSPEND THE RULES AND ADOPT THE RESOLUTION
26. Res. No. 172-22-23 by Alderpersons Dekker and Rust authorizing the Purchasing Agent to issue a purchase order for the furnishing and installation of a replacement electronic message board sign with monument base to be installed at Deland Park in Sheboygan. REFER TO PUBLIC WORKS COMMITTEE OF THE 2023-2024 COUNCIL
27. Res. No. 174-22-23 by Alderpersons Dekker and Rust authorizing the appropriate City officials to execute the Agreement Between the City of Sheboygan, Lakeland University, and Kohler Credit Union regarding the 2023 Memorial Day parade in Sheboygan. REFER TO PUBLIC WORKS COMMITTEE OF THE 2023-2024 COUNCIL

REPORT OF COMMITTEES

28. R. C. No. 226-22-23 by Finance and Personnel Committee to whom was referred R. C. No. 202-22-23 by Finance and Personnel Committee to whom was referred Direct Referral Res. No. 161-22-23 by Alderpersons Mitchell and Filicky-Peneski approving the FY 2023 One-Year Annual Action Plan for the Community Development Block Grant (CDBG) Program Submission; recommends adopting the Substitute of the Substitute Resolution amending the Resolution to eliminate all reference to the comprehensive plan update contained within the sixth “Whereas” clause.
29. R. C. No. 231-22-23 by Finance and Personnel Committee to whom was referred Direct Referral Res. No. 171-22-23 by Alderpersons Mitchell and Filicky-Peneski authorizing entering into a Development Agreement with Vue 14 LLC regarding an affordable housing project to be located at the corner of South 14th Street and Illinois Avenue; recommends adopting the Resolution.
30. R. C. No. 229-22-23 by Finance and Personnel Committee to whom was referred Res. No. 167-22-23 by Alderpersons Mitchell and Filicky-Peneski authorizing an adjustment to the 2023 budget to fund a

prisoner transport system for the police department's new Ford Transit van; recommends adopting the Resolution.

31. R. C. No. 204-22-23 by Finance and Personnel Committee to whom was referred R. O. No. 125-22-23 by City Clerk submitting a claim from Mario D. Campbell for alleged injuries that occurred when he fell; recommends referring to the Finance and Personnel Committee of the 2023-2024 council year.
32. R. C. No. 205-22-23 by Finance and Personnel Committee to whom was referred R. O. No. 28-22-23 by City Clerk submitting a Notice of Claim from Frontier for alleged damages to their facilities from a mowing incident; recommends referring to the Finance and Personnel Committee of the 2023-2024 council year.
33. R. C. No. 206-22-23 by Finance and Personnel Committee to whom was referred R. O. No. 4-22-23 by City Clerk submitting a Notice of Circumstances of Injury regarding an incident that occurred on January 7, 2022 between the City of Sheboygan Police Department and Frank Bernard; recommends referring to the Finance and Personnel Committee of the 2023-2024 council year.
34. R. C. No. 207-22-23 by Finance and Personnel Committee to whom was referred R. C. No. 267-21-22 by Finance and Personnel Committee to whom was referred R. O. No. 92-21-22 by City Clerk submitting a Notice of Circumstances and Notice of Claim from William T. Stuart, Attorney at Law, regarding Sheboygan Acquisitions LLC and Sheboygan Resort Operator LLC; recommends referring to the Finance and Personnel Committee of the 2023-2024 council year.
35. R. C. No. 208-22-23 by Finance and Personnel Committee to whom was referred R. C. No. 268-21-22 by Finance and Personnel Committee to whom was referred R. O. No. 88-21-22 by City Clerk submitting a claim from Progressive Subrogation for alleged damages and injuries that occurred when a City of Sheboygan police vehicle hit their insured; recommends referring to the Finance and Personnel Committee of the 2023-2024 council year.
36. R. C. No. 209-22-23 by Finance and Personnel Committee to whom was referred R. C. No. 269-21-22 by Finance and Personnel Committee to whom was referred R. O. No. 69-21-22 by City Clerk submitting a claim of alleged unlawful tax collected from FedEx Services by the City of Sheboygan for the 2020 tax year, plus interest as provided by law, with respect to certain property located in the City and known by the personal property tax Account Number 59281950534P; recommends referring to the Finance and Personnel Committee of the 2023-2024 council year.
37. R. C. No. 210-22-23 by Finance and Personnel Committee to whom was referred R. C. No. 270-21-22 by Finance and Personnel Committee to whom was referred R. C. No. 326-20-21 by Finance and Personnel Committee and R. O. No. 123-20-21 by City Clerk submitting an amended Notice of Circumstances of Claim from Habush Habush & Rottier S. C. for alleged injuries that Austin Stiebs sustained on December 18, 2020; recommends referring to the Finance and Personnel Committee of the 2023-2024 council year.
38. R. C. No. 211-22-23 by Finance and Personnel Committee to whom was referred R. C. No. 271-21-22 by Finance and Personnel Committee to whom was referred R. C. No. 321-20-21 by Finance and Personnel Committee and 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; recommends referring to the Finance and Personnel Committee of the 2023-2024 council year.
39. R. C. No. 212-22-23 by Finance and Personnel Committee to whom was referred R. O. No. 123-22-23 by City Clerk submitting a letter from Crystal Meise-Henning notifying the City of Sheboygan of the intent to file civil action regarding an incident that occurred on August 23, 2022; recommends referring to the Finance and Personnel Committee of the 2023-2024 council year.

40. R. C. No. 221-22-23 by Finance and Personnel Committee to whom was referred R. C. No. 277-21-22 by Finance and Personnel Committee to whom was referred R. C. No. 325-20-21 by Finance and Personnel Committee and R. O. No. 109-20-21 by City Clerk submitting a Summons and Complaint in the matter of Wal-Mart Real Estate Business Trust vs. City of Sheboygan; recommends referring to the Finance and Personnel Committee of the 2023-2024 council year.
41. R. C. No. 220-22-23 by Finance and Personnel Committee to whom was referred R. C. No. 275-21-22 by Finance and Personnel Committee to whom was referred R. O. No. 68-21-22 by City Clerk submitting a Summons and Complaint in the matter of Wal-Mart Real Estate Business Trust vs. City of Sheboygan; recommends referring to the Finance and Personnel Committee of the 2023-2024 council year.
42. R. C. No. 219-22-23 by Finance and Personnel Committee to whom was referred R. C. No. 273-21-22 by Finance and Personnel Committee to whom was referred R. O. No. 105-21-22 by City Clerk submitting a Summons and Complaint in the matter of Midstate Amusement Games, LLC vs. City of Sheboygan; recommends referring to the Finance and Personnel Committee of the 2023-2024 council year.
43. R. C. No. 218-22-23 by Finance and Personnel Committee to whom was referred R. O. No. 34-22-23 by City Clerk submitting a Summons and Complaint in the matter of Badger State Lofts, LP vs. City of Sheboygan; recommends referring to the Finance and Personnel Committee of the 2023-2024 council year.
44. R. C. No. 217-22-23 by Finance and Personnel Committee to whom was referred R. O. No. 48-22-23 by City Clerk submitting a Summons and Complaint in the matter of One More Time, LLC vs. City of Sheboygan; recommends referring to the Finance and Personnel Committee of the 2023-2024 council year.
45. R. C. No. 216-22-23 by Finance and Personnel Committee to whom was referred R. O. No. 76-22-23 by City Clerk submitting a Summons and Complaint in the matter of Midstate Amusement Games, LLC vs. City of Sheboygan; recommends referring to the Finance and Personnel Committee of the 2023-2024 council year.
46. R. C. No. 215-22-23 by Finance and Personnel Committee to whom was referred R. O. No. 89-22-23 by City Clerk submitting a Summons and Complaint in the matter of Wal-Mart Real Estate Business Trust vs. City of Sheboygan; recommends referring to the Finance and Personnel Committee of the 2023-2024 council year.
47. R. C. No. 214-22-23 by Finance and Personnel Committee to whom was referred R. O. No. 104-22-23 by City Clerk submitting a Summons and Complaint in the matter of Todd Wolf v. City of Sheboygan et al; recommends referring to the Finance and Personnel Committee of the 2023-2024 council year.
48. R. C. No. 213-22-23 by Finance and Personnel Committee to whom was referred R. O. No. 124-22-23 by City Clerk submitting a Summons and Complaint in the matter of U.S. Bank Trust Company, National Association, as Trustee vs. David J. Rosenthal et al; recommends referring to the Finance and Personnel Committee of the 2023-2024 council year.

GENERAL ORDINANCES

MATTERS LAID OVER

49. R. O. No. 133-22-23 by City Plan Commission to whom was referred Res. No. 154-22-23 by Alderpersons Felde and Filicky-Peneski vacating the east-west alley between South 10th Street and the former South Commerce Street, located in Block 243 of the Original Plat; recommends adopting the Substitute Resolution which amends the Wis. Stat. § to 66.1003(3).

OTHER MATTERS AUTHORIZED BY LAW

ADJOURN MEETING

50. Motion to Adjourn sine die

In compliance with Wisconsin's Open Meetings Law, 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*