

**CITY OF SHEBOYGAN**

**TWENTY-FIRST REGULAR COMMON COUNCIL MEETING MINUTES**

**Monday, February 05, 2024**

---

**OPENING OF MEETING**

**1. Roll Call**

Alders present: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, and Salazar – 8.

Alders excused: Ackley and Felde – 2.

**2. Pledge of Allegiance**

**3. Approval of Minutes**

Twentieth Regular Council Meeting held on January 15, 2024

MOTION TO APPROVE THE MINUTES FROM THE TWENTIETH REGULAR COUNCIL MEETING HELD ON JANUARY 15, 2024

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

**4. Resignation**

Kenneth King from the Citizens Board of Review effective immediately.

MOTION TO ACCEPT AND FILE

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

**5. Resignation**

Jackie Erdman from the Harbor Centre BID Board of Directors and Committees effective immediately.

MOTION TO ACCEPT AND FILE

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

**6. Presentation**

American Powerboat Association 2023 Best Site Award presented to Mayor on behalf of Powerboat P1 Advisor, Stuart Halley.

**7. Public Forum**

Limit of five people having five minutes each with comments limited to items on this agenda. Eric Kalte and Mica Yurk spoke.

**8. Mayor's Announcements**

Upcoming Community Events, Proclamations, Employee Recognitions

## CONSENT

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

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

10. R. O. No. 98-23-24 by City Clerk pursuant to R. O. No. 86-23-24 granting license no. 3626 (Suma Brothers, Inc.) for a “Class B” Liquor license, wishes to report that per a phone conversation on January 16, 2024, the deal to acquire the business located at 2504 Calumet Drive “fell through”. The “Class B” Liquor license will remain with Calumet Diner, Inc. (License no. 2192).

#### MOTION TO ACCEPT AND FILE

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

11. R. O. No. 104-23-24 by Board of License Examiners submitting application for Building Contractor Licenses already granted.

#### MOTION TO ACCEPT AND FILE

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

12. R. O. No. 107-23-24 by City Clerk submitting a letter from the Department of Administration stating that the Van Horn Properties of Sheboygan LLC Annexation was reviewed and found to be in the public interest.

#### MOTION TO ACCEPT AND FILE

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

13. R. O. No. 97-23-24 by Board of Water Commissioners submitting the Boards' report on the Water Utility for the fourth quarter of 2023.

#### MOTION TO ACCEPT AND FILE

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

14. R. C. No. 183-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 81-23-24 by City Clerk submitting a claim from David Andrews for alleged damages to vehicle when it struck a manhole cover; recommends filing the claim.

#### MOTION TO RECEIVE THE R. C. AND FILE THE CLAIM

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

15. R. C. No. 184-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 90-23-24 by Police Chief Christopher Domagalski pursuant to section 30-50 of the Municipal Code, submitting the quarterly report showing the Benchmark Measurements for the Police Department for the period commencing October 1, 2023 and ending December 31, 2023; recommends filing the report.

MOTION TO RECEIVE THE R. C. AND FILE THE REPORT

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

16. R. C. No. 185-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 91-23-24 by Fire Chief pursuant to section 24-459 of the Municipal Code, submitting the quarterly report of Benchmark Measurements for the Fire Department, for the period commencing October 1, 2023 and ending December 31, 2023; recommends filing the report.

MOTION TO RECEIVE THE R. C. AND FILE THE REPORT

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

17. R. C. No. 186-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 89-23-24 by the City Clerk submitting various license applications; recommends granting the applications contingent upon clerk approval of the premises description.

MOTION TO RECEIVE THE R. C. AND GRANT THE APPLICATIONS  
CONTINGENT ON UPDATE

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

18. R. C. No. 189-23-24 by Finance and Personnel Committee to whom was referred Res. No. 142-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City officials to execute the Amended and Restated Services Agreement between the City of Sheboygan and SolidaritUS Health Inc. regarding the provision of an employer health clinic for 2024; recommends adopting the Resolution.

MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

19. R. C. No. 190-23-24 by Finance and Personnel Committee to whom was referred Res. No. 143-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City officials to remove certain uncollected delinquent personal property taxes and uncollected accounts

receivable from the City of Sheboygan's general ledger as of December 31, 2023; recommends adopting the Resolution.

**MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION**

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

**REPORT OF OFFICERS**

20. R. O. No. 99-23-24 by City Plan Commission to whom was referred R. O. No. 96-23-24 by City Clerk and Gen. Ord. No. 35-23-24 by Alderperson Ramey annexing territory to the City of Sheboygan, Wisconsin (1.75 acres – Parcel No. 59024351652); recommends filing the R. O. and adopting the Ordinance.

**MOTION TO RECEIVE THE R. O. AND ADOPT THE ORDINANCE**

Motion made by Ramey, Seconded by Mitchell.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

21. R. O. No. 102-23-24 by City Clerk submitting a claim from Rogahn Jones regarding excessive assessment on Parcel No. 59281215133 (SCF RC Funding IV LLC). REFER TO FINANCE AND PERSONNEL COMMITTEE
22. R. O. No. 101-23-24 by City Clerk submitting a claim from Stephanie Buskill for alleged damages to vehicle caused by a garbage truck. REFER TO FINANCE AND PERSONNEL COMMITTEE
23. R. O. No. 100-23-24 by City Clerk submitting a claim from Alex Xiong for alleged damages to vehicle caused by a snow plow. REFER TO FINANCE AND PERSONNEL COMMITTEE
24. R. O. No. 103-23-24 by City Clerk submitting a Notice of Injury from Attorney Jordan P. Blad representing Douglas C. Diedrichs. REFER TO FINANCE AND PERSONNEL COMMITTEE
25. R. O. No. 105-23-24 by City Clerk submitting an application for amendment of the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance for property located west of/and including 3512 Wilgus Avenue (Parcel Nos. 59281215833 and 59281215827). REFER TO CITY PLAN COMMISSION
26. R. O. No. 106-23-24 by City Administrator Casey Bradley submitting a communication from City Administrator Casey Bradley to Mayor Ryan Sorenson and Common Council members providing background information on the proposed development agreement between the City of Sheboygan and Malibu Apartments, LLC. REFER TO FINANCE AND PERSONNEL COMMITTEE

**RESOLUTIONS**

27. Res. No. 152-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to execute the Agreement Between City of Sheboygan and Fox Valley Athletics, LLC for the Management and Operation of Recreational Programs at Wildwood Athletic Complex.

## REQUEST TO SUSPEND THE RULES

Request made by Dekker, Objected to by Filicky-Peneski.

Voting Yea: Dekker, Mitchell, Perrella, Ramey, Rust, Salazar – 6.

Voting Nay: Filicky-Peneski and Heidemann – 2.

## MOTION TO ADOPT THE RESOLUTION

Motion made by Dekker, Seconded by Rust.

Before action was taken,

## MOTION TO REFER DOCUMENT TO PUBLIC WORKS COMMITTEE

Motion made by Heidemann, Seconded by Filicky-Peneski.

Voting Yea: Filicky-Peneski, Heidemann, Mitchell, Rust – 4.

Voting Nay: Dekker, Perrella, Ramey, Salazar – 4.

Mayor votes Yea to break the tie.

28. Res. No. 146-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing entering into a Tax Incremental District Development Agreement with Malibu Apartments, LLC for the development of the former Kite Beach site located at 1403-1435 South 7th Street. REFER TO FINANCE AND PERSONNEL COMMITTEE
29. Res. No. 147-23-24 by Alderpersons Dekker and Rust authorizing the Finance Director to make a change to the 2024 Capital Improvements Plan in order to reallocate funding within the Motor Vehicle Department and amending the 2024 budget to reflect the change. REFER TO PUBLIC WORKS COMMITTEE
30. Res. No. 149-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the purchase of 1211 North 23rd Street (Parcel No. 59281206682) from Aurora Medical Group Inc. for future use by the City. REFER TO FINANCE AND PERSONNEL COMMITTEE
31. Res. No. 148-23-24 by Alderpersons Dekker and Rust authorizing the Superintendent of Parks and Forestry to take necessary actions to receive a grant from Fund for Lake Michigan for the Maywood and Evergreen Parks Water Quality Improvement project. REFER TO PUBLIC WORKS COMMITTEE
32. Res. No. 150-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into contract with Norcon Corporation for the rehabilitation of the aeration basins at the City of Sheboygan Wastewater Treatment Facility. REFER TO PUBLIC WORKS COMMITTEE
33. Res. No. 151-23-24 by Alderpersons Salazar and Felde authorizing the appropriate City officials to enter into a Clinical Affiliation Agreement Between the Grafton Fire Department and the City of Sheboygan Fire Department for purposes of education and clinical experience of the Grafton Fire Department paramedics. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE
34. Res. No. 153-23-24 by Alderpersons Salazar and Felde authorizing acceptance of the 2024 Wisconsin Bureau of Transportation Safety, Bicycle and Pedestrian Enforcement Grant and establishing an appropriation in the 2024 budget for grant funds received. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

## REPORT OF COMMITTEES

35. R. C. No. 187-23-24 by Public Works Committee to whom was referred Gen. Ord. No. 36-23-24 by Alderpersons Dekker and Rust amending various sections of Chapter 60 of the Municipal Code so as to reflect desired management changes regarding the Marina and Riverfront; recommends adopting the Ordinance with amendments outlined in attached memo by City Attorney Adams.

**MOTION TO RECEIVE THE R. C. AND ADOPT THE SUBSTITUTE ORDINANCE**

Motion made by Dekker, Seconded by Rust.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

36. R. C. No. 188-23-24 by Public Works Committee to whom was referred Res. No. 144-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to execute the Letter Form Proposal from SmithGroup, Inc. regarding the development of a Deland Park/Harbor Centre Marina master plan; recommends adopting the Resolution.

**MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION**

Motion made by Dekker, Seconded by Rust.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

37. R. C. No. 191-23-24 by Finance and Personnel Committee to whom was referred Direct Referral Res. No. 145-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City officials to sign the January 1, 2023 - December 31, 2025 Contract between the City of Sheboygan and Amalgamated Transit Union Local 998; recommends adopting the Resolution.

**MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION**

Motion made by Mitchell, Seconded by Filicky-Peneski.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

**GENERAL ORDINANCES**

38. Gen. Ord. No. 37-23-24 by Alderperson Ramey amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification for property located west of 3512 Wilgus Avenue - Parcel No. 59281215833 from Class Suburban Commercial (SC) to Class Suburban Commercial (SC) with PUD overlay Classification. REFER TO CITY PLAN COMMISSION
39. Gen. Ord. No. 38-23-24 by Alderperson Ramey amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification for property located at 3512 Wilgus Avenue - Parcel No. 59281215827 from Class Suburban Commercial (SC) to Class Suburban Commercial (SC) with PUD overlay Classification. REFER TO CITY PLAN COMMISSION
40. Gen. Ord. No. 39-23-24 by Alderpersons Dekker, Salazar, and Mitchell amending the City's Planned Unit Development (PUD) process so as to streamline it and make it more user friendly. REFER TO CITY PLAN COMMISSION
41. Gen. Ord. No. 40-23-24 by Alderpersons Salazar and Felde amending various provisions of the municipal code related to open burning so as to create additional regulation of open burning

within the City, including regulations allowing additional forms of open burning so long as such forms are safe and approved by the fire department. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

## **CLOSED SESSION**

42. Motion to convene in closed session under the exemption provided in Sec. 19.85(1)(e), Wis. Stats., where competitive and bargaining sessions require a closed session, related to the following: 1) potential development, land purchase, and incentives involving redevelopment in the downtown areas; 2) development updates regarding Tax Incremental District 23.

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

## **ADJOURN MEETING**

43. Motion to Adjourn

MOTION TO ADJOURN IN CLOSED SESSION AT 7:53 P.M.

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.