

CITY OF SHEBOYGAN
TWENTY-FOURTH REGULAR COMMON COUNCIL MEETING
MINUTES

Monday, March 18, 2024

OPENING OF MEETING

*Meeting started at 6:08 p.m. due to lack of quorum.

1. Roll Call

Alderpersons present: Dekker, Felde (remote), Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust – 7.

Aldersperson excused: Ramey – 1.

Aldersperson unexcused: Ackley – 1.

2. Pledge of Allegiance

3. Approval of Minutes

Twenty-Third Regular Council Meeting held on March 4, 2024

MOTION TO APPROVE THE MINUTES

Motion made by Dekker, Seconded by Rust.

Voting Yea: Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust – 7.

4. Public Forum

Limit of five people having five minutes each with comments limited to items on this agenda.
Mike Brunette and Bryan Kelly spoke.

5. Election

Aldersperson District 3

Motion that all candidates who provided applications to the City Clerk are hereby nominated, with voting to be done by open ballot via the instant runoff method where each voter will rank the candidates in order of preference. If no candidate receives a majority of first-choice votes, the candidate with the fewest votes will be eliminated and those votes transferred to their second choices. Ties will be broken by looking back to who received the most votes in the previous rounds. This process is repeated until a candidate has a majority. A candidate cannot be elected unless he or she is ranked on a majority of ballots.

Motion made by Dekker, Seconded by Rust.

Candidates were provided time to speak. Candidates included: Michael Close, Kurt Jensen, Donald Martens, Jamie McDonald, Daniel Peterson, and Andy Ross.

City Clerk opened balloting and Daniel Peterson was announced the newly Elected Aldersperson for District 3.

6. Resignations – None.

7. Swear in

Newly elected Alderperson District 3. Daniel Peterson was sworn in by City Clerk DeBruin.

8. Mayor's Announcements

Upcoming Community Events, Proclamations, Employee Recognitions

HEARINGS

9. Hearing No. 10-23-24 approving a proposed PUD-GDP General Development Plan (GDP) designation by Van Horn Properties of Sheboygan LLC to construct a new Van Horn Kia facility on parcels 59281215827 and 59281215833.

MOTION TO CLOSE THE HEARING.

Motion made by Dekker, Seconded by Rust.

Voting Yea: Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Peterson,
Rust – 8.

10. Hearing No. 11-23-24 pursuant to letters sent and a notice published by the City Clerk, this is a hearing to change the Land Use Classification for property located around 1828 Oakland Avenue including Parcel Nos. 59281425440, 59281425550, and 59281425510 from Class Urban Industrial (UI) to Class Urban Industrial (UI) with PUD overlay Classification.

MOTION TO CLOSE THE HEARING.

Motion made by Dekker, Seconded by Rust.

Voting Yea: Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Peterson,
Rust – 8.

11. Hearing No. 12-23-24 pursuant to a notice published and personal notices sent by the Finance Director, the hearing scheduled for this evening is for confirming the exercise of police power in making an assessment for those benefited properties against which assessments are proposed for Parking Assessment District No. 1.

MOTION TO CLOSE THE HEARING.

Motion made by Dekker, Seconded by Rust.

Voting Yea: Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Peterson,
Rust – 8.

12. Hearing No. 13-23-24 pursuant to a notice published and personal notices sent by the Finance Director, the hearing scheduled for this evening is for confirming the exercise of police power in making an assessment for those benefited properties against which assessments are proposed for Parking Assessment District No. 2.

MOTION TO CLOSE THE HEARING.

Motion made by Dekker, Seconded by Rust.

Voting Yea: Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Peterson,
Rust – 8.

13. Hearing No. 14-23-24 pursuant to a notice published and personal notices sent by the Finance Director, the hearing scheduled for this evening is for confirming the exercise of police power in

making an assessment for those benefited properties against which assessments are proposed for Parking Assessment District No. 4.

MOTION TO CLOSE THE HEARING.

Motion made by Dekker, Seconded by Rust.

Voting Yea: Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Peterson, Rust – 8.

14. Hearing No. 15-23-24 pursuant to a notice published and personal notices sent by the Finance Director, the hearing scheduled for this evening is for confirming the exercise of police power in making an assessment for those benefited properties against which assessments are proposed for Parking Assessment District No. 5.

MOTION TO CLOSE THE HEARING.

Motion made by Dekker, Seconded by Rust.

Voting Yea: Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Peterson, Rust – 8.

CONSENT

15. 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 Rust.

Voting Yea: Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Peterson, Rust – 8.

16. R. C. No. 219-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 116-23-24 by IT Director Eric Bushman submitting a memo requesting replacing the City of Sheboygan's current on-premises Exchange server and Microsoft Office products with Microsoft Office 365; recommends filing the document.

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

Motion made by Dekker, Seconded by Rust.

Voting Yea: Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Peterson, Rust – 8.

17. R. C. No. 222-23-24 by Finance and Personnel Committee to whom was referred Res. No. 173-23-24 by Alderpersons Mitchell and Filicky-Peneski confirming the exercise of police power in making an assessment for the benefited properties against which assessments are proposed for Parking Assessment District No. 1; recommends adopting the Resolution.

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

Motion made by Dekker, Seconded by Rust.

Voting Yea: Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Peterson, Rust – 8.

18. R. C. No. 223-23-24 by Finance and Personnel Committee to whom was referred Res. No. 174-23-24 by Alderpersons Mitchell and Filicky-Peneski confirming the exercise of police power in making an assessment for the benefited properties against which assessments are proposed for Parking Assessment District No. 2; recommends adopting the Resolution.

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

Motion made by Dekker, Seconded by Rust.

Voting Yea: Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Peterson,
Rust – 8.

19. R. C. No. 224-23-24 by Finance and Personnel Committee to whom was referred Res. No. 175-23-24 by Alderpersons Mitchell and Filicky-Peneski confirming the exercise of police power in making an assessment for the benefited properties against which assessments are proposed for Parking Assessment District No. 4; recommends adopting the Resolution.

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

Motion made by Dekker, Seconded by Rust.

Voting Yea: Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Peterson,
Rust – 8.

20. R. C. No. 225-23-24 by Finance and Personnel Committee to whom was referred Res. No. 176-23-24 by Alderpersons Mitchell and Filicky-Peneski confirming the exercise of police power in making an assessment for the benefited properties against which assessments are proposed for Parking Assessment District No. 5; recommends adopting the Resolution.

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

Motion made by Dekker, Seconded by Rust.

Voting Yea: Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Peterson,
Rust – 8.

21. R. C. No. 226-23-24 by Finance and Personnel Committee to whom was referred Res. No. 178-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City officials to execute a Ground Lease between Sheboygan WP, LLC and the City of Sheboygan regarding land in the Sheboygan Business Center; recommends adopting the Resolution.

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

Motion made by Dekker, Seconded by Rust.

Voting Yea: Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Peterson,
Rust – 8.

22. R. C. No. 228-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 122-23-24 by City Clerk submitting a license application (Mojo and Brews LLC); recommends granting the license application.

MOTION TO RECEIVE THE R. C. AND GRANT THE APPLICATION

Motion made by Dekker, Seconded by Rust.

Voting Yea: Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Peterson,
Rust – 8.

23. R. C. No. 227-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred Gen. Ord. No. 42-23-24 by Alderpersons Rust and Felde reestablishing the formerly repealed sidewalk cafe regulations and making various changes and updates to said regulations as recommended by the City Clerk and staff from the Department of Public Works; recommends adopting the Ordinance.

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

Motion made by Dekker, Seconded by Rust.

Voting Yea: Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Peterson,
Rust – 8.

24. R. C. No. 229-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred Res. No. 172-23-24 by Alderpersons Salazar and Felde authorizing the Purchasing Agent to issue a purchase order for a 2024 Ford F-150 Four-Wheel Drive Pickup Truck for the Sheboygan Police Dept; recommends adopting the Resolution.

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

Motion made by Dekker, Seconded by Rust.

Voting Yea: Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Peterson,
Rust – 8.

REPORT OF OFFICERS

25. R. O. No. 123-23-24 by Fire Chief Eric Montellano pursuant to section 24-400 of the Municipal Code, I herewith submit my annual report for the Fire Department, for the year 2023. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE
26. R. O. No. 126-23-24 by City Clerk submitting a claim from Albert J. Istvanek for alleged injuries to his dog at the Dog Run Park on 18th Street. REFER TO FINANCE AND PERSONNEL COMMITTEE
27. R. O. No. 124-23-24 by Comptroller Evan Grossen pursuant to Sheboygan Municipal Code § 2-912(b), which requires the comptroller to file with the common council, not less than monthly, a list of the claims approved, showing the date paid, the name of the claimant, the purpose and the amount, the attached list of paid vouchers for February 2024 is being provided. REFER TO FINANCE AND PERSONNEL COMMITTEE
28. R. O. No. 125-23-24 submitting a license application (Brennans). REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY
29. R. O. No. 127-23-24 by City Clerk submitting a claim from Irma Reyes and Jorge Martinez for alleged injuries due to an accident. REFER TO FINANCE AND PERSONNEL COMMITTEE

RESOLUTIONS

30. Res. No. 180-23-24 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.

MOTION TO SUSPEND THE RULES AND ADOPT THE RESOLUTION

Motion made by Mitchell, Seconded by Dekker.

Voting Yea: Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Peterson,
Rust – 8.

31. Res. No. 181-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City officials to execute a contract between the City of Sheboygan and Bay-Lake Regional Planning Commission to update the City of Sheboygan's Comprehensive Plan.

MOTION TO SUSPEND THE RULES AND ADOPT THE RESOLUTION

Motion made by Dekker, Seconded by Rust.

Voting Yea: Dekker, Felde, Filicky-Peneski, Heidemann, Perrella, Peterson, Rust – 7.

Voting Nay: Mitchell – 1.

32. Res. No. 189-23-24 by Alderpersons Ramey and Mitchell accepting the dedication of certain lands and rights conveyed by a Certified Survey Map prepared for Van Horn Properties of Sheboygan, LLC for public use.

MOTION TO ADOPT THE RESOLUTION

Motion made by Dekker, Seconded by Filicky-Peneski.

Voting Yea: Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Peterson, Rust – 8.

33. Res. No. 191-23-24 by Alderpersons Mitchell and Ramey approving the General Development Plan submitted by Van Horn Properties of Sheboygan, LLC for construction of a new Van Horn Kia facility on parcel nos. 59281215827 and 59281215833 within a Planned Unit Development (PUD) zone.

MOTION TO ADOPT THE RESOLUTION

Motion made by Dekker, Seconded by Filicky-Peneski.

Voting Yea: Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Peterson, Rust – 8.

34. Res. No. 185-23-24 by Alderperson Dekker creating Tax Incremental District No. 21, approving its project plan and establishing its boundaries City of Sheboygan, Wisconsin. LAYS OVER
35. Res. No. 186-23-24 by Alderperson Dekker creating Tax Incremental District No. 22, approving its project plan and establishing its boundaries City of Sheboygan, Wisconsin. LAYS OVER
36. Res. No. 184-23-24 by Alderperson Dekker creating Tax Incremental District No. 23, approving its project plan and establishing its boundaries City of Sheboygan, Wisconsin. LAYS OVER
37. Res. No. 183-23-24 by Alderperson Dekker creating Tax Incremental District No. 24, approving its project plan and establishing its boundaries City of Sheboygan, Wisconsin. LAYS OVER
38. Res. No. 182-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City officials to enter into a contract with Mike Koenig Construction Co., Inc. for the Phase II remodeling and improvements for the Uptown Social building in an effort to further enhance the lives of Uptown Social members. REFER TO FINANCE AND PERSONNEL COMMITTEE
39. Res. No. 190-23-24 by Alderpersons Rust and Felde authorizing the appropriate City officials to enter into an Agreement with Waukesha County Technical College for clinical experience with the Sheboygan Fire Department. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE
40. Res. No. 188-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a contract with Buteyn-Peterson Construction Company, Inc. for the construction of the 2024 Complete Streets - Lincoln Avenue Improvements (North 6th Street to Barrett Street). REFER TO PUBLIC WORKS COMMITTEE

41. Res. No. 187-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a contract with LaLonde Contractors, Inc. for the construction of the 2024 Complete Streets - Union Avenue and Broadway Improvements. REFER TO PUBLIC WORKS COMMITTEE
42. Res. No. 196-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to apply for the Targeted Runoff Management & Notice of Discharge Grant and Urban Nonpoint Source and Stormwater Grant with the Wisconsin Department of Natural Resources for the purpose of implementing measures to control agricultural or urban storm water runoff pollution sources (as described in the application and pursuant to ss.281.65 or 281.66, Wis. Stats., and chs. NR 151, 1153 and 154). REFER TO PUBLIC WORKS COMMITTEE
43. Res. No. 195-23-24 by Alderpersons Rust and Felde authorizing the appropriate City officials to enter into an Agreement for Urban Search and Rescue Emergency Response Services for the period July 1, 2024 through June 30, 2026. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE
44. Res. No. 194-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a contract with Foth Infrastructure and Environment, LLC for the Sheboygan Southside Sewer System Phases 1 and 2 Design. REFER TO PUBLIC WORKS COMMITTEE
45. Res. No. 193-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City Officials to enter into a contract with Foth Infrastructure and Environment, LLC for the Gartman Farm Subdivision Design. REFER TO PUBLIC WORKS COMMITTEE
46. Res. No. 192-23-24 by Alderpersons Dekker and Rust approving the General Development Plan submitted by Van Horn Properties of Sheboygan, LLC for construction of a new Van Horn Kia facility on parcel nos. 59281215827 and 59281215833 within a Planned Unit Development (PUD) zone. REFER TO PUBLIC WORKS COMMITTEE

REPORT OF COMMITTEES

47. R.C. No. 220-23-24 by Finance and Personnel Committee to whom was referred Res. No. 170-23-24 by Alderpersons Mitchell and Filicky-Peneski extending the life of Tax Incremental Financing District No. 001E (TID 1E) for one year to fund affordable housing programs and projects within the City of Sheboygan, Wisconsin; recommends adopting the Resolution.

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

Motion made by Mitchell, Seconded by Rust.

Voting Yea: Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Peterson, Rust – 8.

48. R. C. No. 221-23-24 by Finance and Personnel Committee to whom was referred Res. No. 171-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the Finance Director to complete a 2024 budget amendment to cover the costs of transitioning the City's current Microsoft Office products to Microsoft Office 365; 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, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Peterson,

Rust – 8.

49. R. C. No. 230-23-24 by Public Works Committee to whom was referred Direct Referral Res. No. 179-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a contract with Buteyn-Peterson Construction Company, Inc. for the construction of the South 11th St. and Swift Ave. Street Improvements recommends adopting the Resolution.

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

Motion made by Dekker, Seconded by Rust.

Voting Yea: Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Peterson,
Rust – 8.

GENERAL ORDINANCES – None.

MATTERS LAID OVER

50. R. O. No. 121-23-24 by City Plan Commission to whom was referred Gen. Ord. No. 41-23-24 by Alderperson Mitchell and R. O. No. 108-23-24 by City Clerk submitting an application for amendment of the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance for property located around 1828 Oakland Avenue including Parcel Nos. 59281425440, 59281425550, and 59281425510 from Class Urban Industrial (UI) to Class Urban Industrial (UI) with PUD Overlay Classification; recommends filing the R.O. and adopting the Ordinance.

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

Motion made by Mitchell, Seconded by Dekker.

Voting Yea: Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Peterson,
Rust – 8.

OTHER MATTERS AUTHORIZED BY LAW – None

ADJOURN MEETING

51. Motion to Adjourn

MOTION TO ADJOURN AT 7:16 PM

Motion made by Dekker, Seconded by Rust.

Voting Yea: Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Peterson,
Rust – 8.