

CITY OF SHEBOYGAN
TWENTY-SIXTH REGULAR COMMON COUNCIL MEETING
MINUTES

Monday, April 18, 2022

OPENING OF MEETING

1. Roll Call

Alders present: Ackley, Dekker, Felde, Filicky-Peneski, Laster, Mitchell, Perrella, Salazar, Savaglio, Walton – 10.

2. Pledge of Allegiance

3. Approval of Minutes

MOTION TO APPROVE MINUTES FROM APRIL 6, 2022

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Salazar, Walton, Felde, Ackley, Dekker, Perrella, Laster, Savaglio, Filicky-Peneski, Mitchell – 10.

4. Public Forum

Limit of five people having five minutes each with comments limited to items on this agenda. No one spoke.

5. Mayor's Announcements

Upcoming Community Events, Proclamations, Employee Recognitions

CONSENT

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

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Salazar, Walton, Felde, Ackley, Dekker, Perrella, Laster, Savaglio, Filicky-Peneski, Mitchell – 10.

7. R. C. No. 280-21-22 by Finance and Personnel Committee to whom was referred various Summons and Complaints; recommends filing the Summons and Complaints.

MOTION TO RECEIVE THE R. C. AND FILE THE SUMMONS AND COMPLAINTS

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Salazar, Walton, Felde, Ackley, Dekker, Perrella, Laster, Savaglio, Filicky-Peneski, Mitchell – 10.

8. R. C. No. 281-21-22 by Finance and Personnel Committee to whom was referred R. C. No. 331-20-21 by Finance and Personnel Committee to whom was referred R. O. No. 160-20-21 by City Clerk submitting a Petition for Writ of Certiorari in the matter of Chad Shelton v. Sheboygan City Licensing, Hearings, and Public Safety Committee; recommends to file the Petition.

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

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Salazar, Walton, Felde, Ackley, Dekker, Perrella, Laster, Savaglio, Filicky-Peneski, Mitchell – 10.

9. R. C. No. 279-21-22 by Finance and Personnel Committee to whom was referred various claims and notice of claims; recommends filing the claims and notice of claims.

MOTION TO RECEIVE THE R. C. AND FILE THE CLAIMS AND NOTICE OF CLAIMS

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Salazar, Walton, Felde, Ackley, Dekker, Perrella, Laster, Savaglio, Filicky-Peneski, Mitchell – 10.

10. R. C. No. 288-21-22 by Public Works Committee to whom was referred Res. No. 174-21-22 by Alderpersons Dekker and Perrella authorizing the appropriate City officials to enter into a contract with TAPCO of Madison, Wisconsin and CUBIC ITS, of Knoxville, Tennessee, for the purposes of supplying Traffic Control Equipment for the updating of several road corridors which have signalized intersections in the City of Sheboygan and which are the subject of federal funded projects with municipal matching funds; recommends adopting the Resolution.

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

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Salazar, Walton, Felde, Ackley, Dekker, Perrella, Laster, Savaglio, Filicky-Peneski, Mitchell – 10.

11. R. C. No. 287-21-22 by Public Works Committee to whom was referred Gen. Ord. No. 42-21-22 by Alderpersons Dekker and Perrella repealing Gen. Ord. No. 52-75-76 so as to remove the one-way street designation for South 24th Street between Indiana Avenue and Georgia Avenue, and removing parking on the west side of South 24th Street between Indiana Avenue and Georgia Avenue; recommends adopting the Ordinance.

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

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Salazar, Walton, Felde, Ackley, Dekker, Perrella, Laster, Savaglio, Filicky-Peneski, Mitchell – 10.

12. R. C. No. 286-21-22 by Public Works Committee to whom was referred Gen. Ord. No. 41-21-22 by Alderpersons Dekker and Perrella placing a stop sign at the southwest corner of Spring Avenue and South 7th Street; recommends adopting the Ordinance.

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

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Salazar, Walton, Felde, Ackley, Dekker, Perrella, Laster, Savaglio, Filicky-

Peneski, Mitchell – 10.

13. R. C. No. 285-21-22 by Finance and Personnel Committee to whom was referred Res. No. 173-21-22 by Alderpersons Mitchell and Filicky-Peneski authorizing the sale of land in the SouthPointe Enterprise Campus to Sheboygan Southpoint Development, LLC.; recommends adopting the Resolution.

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

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Salazar, Walton, Felde, Ackley, Dekker, Perrella, Laster, Savaglio, Filicky-Peneski, Mitchell – 10.

14. R. C. No. 284-21-22 by Finance and Personnel Committee to whom was referred R. O. No. 138-21-22 by City Clerk submitting a communication from the State of Wisconsin Tax Appeals Commission regarding the filing of Petition for Review of Determination by State Board of Assessors for Manufacturing Property in the matter of Georgia-Pacific Corrugated LLC vs Wisconsin Department of Revenue; recommends filing the document.

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

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Salazar, Walton, Felde, Ackley, Dekker, Perrella, Laster, Savaglio, Filicky-Peneski, Mitchell – 10.

15. R. C. No. 283-21-22 by Finance and Personnel Committee to whom was referred DIRECT REFERRAL Res. No. 175-21-22 by Alderpersons Mitchell and Filicky-Peneski authorizing the Purchasing Agent to issue a purchase order for the purchase of a Multihog CV350 Sweeper for the Sheboygan Parking Utility from Hardline Equipment Inc.; recommends amending the Resolution to correct language to indicate "Sweeper", not "Rescue Engine."

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

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Salazar, Walton, Felde, Ackley, Dekker, Perrella, Laster, Savaglio, Filicky-Peneski, Mitchell – 10.

REPORT OF OFFICERS

16. R. O. No. 145-21-22 by City Clerk submitting a claim from Troy Shaw for alleged damages to his Gamo Mach 1 Air Rifle by the Sheboygan Police Department. REFER TO FINANCE AND PERSONNEL COMMITTEE OF THE 2022-2023 COUNCIL
17. 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. REFER TO FINANCE AND PERSONNEL COMMITTEE OF THE 2022-2023 COUNCIL
18. R. O. No. 143-21-22 by City Clerk submitting a Summons and Complaint in the matter of PNC Bank, National Association vs. Rae R. Pape et al. REFER TO FINANCE AND PERSONNEL COMMITTEE OF THE 2022-2023 COUNCIL

19. R. O. No. 141-21-22 by Chief of Police Christopher Domagalski submitting the quarterly report showing the Benchmark Measurements for the Police Department for the period commencing January 1, 2022 and ending March 31, 2022. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE OF THE 2022-2023 COUNCIL
20. R. O. No. 140-21-22 by City Clerk submitting a settlement agreement by and between Sheboygan Paper Box Co. and the Wisconsin Department of Revenue. REFER TO FINANCE AND PERSONNEL COMMITTEE OF THE 2022-2023 COUNCIL
21. R. O. No. 146-21-22 by City Clerk submitting a communication from Steve Knaus requesting an encroachment for a concrete approach on St. Clair right of way (Old World Creamery, LLC). REFER TO CITY PLAN COMMISSION
22. R. O. No. 142-21-22 by Fire Chief pursuant to section 50-564 of the Municipal Code, submitting the quarterly report of Benchmark Measurements for the Fire Department, for the period commencing January 1, 2022 and ending March 31, 2022. REFER TO THE LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE OF THE 2022-2023 COUNCIL
23. 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 referring to the Finance and Personnel Committee of the 2022-2023 Council. REFER TO THE FINANCE AND PERSONNEL COMMITTEE OF THE 2022-2023 COUNCIL

REPORT OF COMMITTEES

24. R. C. No. 278-21-22 by Finance and Personnel Committee to whom was referred R. O. No. 133-21-22 by City Clerk submitting a Summons and Complaint in the matter of Peter William Reichelsdorfer vs the City of Sheboygan Department of Public Works; recommends referring to the Finance and Personnel Committee of the 2022-2023 Council. REFER TO FINANCE AND PERSONNEL COMMITTEE OF THE 2022-2023 COUNCIL
25. 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 2022-2023 Council. REFER TO THE FINANCE AND PERSONNEL COMMITTEE OF THE 2022-2023 COUNCIL
26. R. C. No. 276-21-22 by Finance and Personnel Committee to whom was referred R. O. No. 32-21-22 by City Clerk submitting a Summons and Complaint in the matter of Link Media Wisconsin, LLC v. City of Sheboygan; recommends referring to the Finance and Personnel Committee of the 2022-2023 Council. REFER TO THE FINANCE AND PERSONNEL COMMITTEE OF THE 2022-2023 COUNCIL
27. 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 2022-2023 Council. REFER TO THE FINANCE AND PERSONNEL COMMITTEE OF THE 2022-2023 COUNCIL

28. R. C. No. 274-21-22 by Finance and Personnel Committee to whom was referred R. O. No. 79-21-22 by City Clerk submitting a Summons and Complaint in the matter of Washington School Apartments, LLC vs. City of Sheboygan; recommends referring to the Finance and Personnel Committee of the 2022-2023 Council. REFER TO THE FINANCE AND PERSONNEL COMMITTEE OF THE 2022-2023 COUNCIL
29. 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 2022-2023 Council. REFER TO THE FINANCE AND PERSONNEL COMMITTEE OF THE 2022-2023 COUNCIL
30. R. C. No. 272-21-22 by Finance and Personnel Committee to whom was referred R. O. No. 137-21-22 by City Clerk submitting a Petition for Hearing in the matter of Patrick A. Gillette v Board of Police and Fire Commission; recommends referring to the Finance and Personnel Committee of the 2022-2023 Council. REFER TO THE FINANCE AND PERSONNEL COMMITTEE OF THE 2022-2023 COUNCIL
31. 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 2022-2023 Council. REFER TO THE FINANCE AND PERSONNEL COMMITTEE OF THE 2022-2023 COUNCIL
32. 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 Finance and Personnel Committee of the 2022-2023 Council. REFER TO THE FINANCE AND PERSONNEL COMMITTEE OF THE 2022-2023 COUNCIL
33. 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 Finance and Personnel Committee of the 2022-2023 Council. REFER TO THE FINANCE AND PERSONNEL COMMITTEE OF THE 2022-2023 COUNCIL
34. 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 Finance and Personnel Committee of the 2022-2023 Council. REFER TO THE FINANCE AND PERSONNEL COMMITTEE OF THE 2022-2023 COUNCIL

35. 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 Finance and Personnel Committee of the 2022-2023 Council. REFER TO THE FINANCE AND PERSONNEL COMMITTEE OF THE 2022-2023 COUNCIL
36. R. C. No. 266-21-22 by Finance and Personnel Committee to whom was referred R. O. No. 122-21-22 by City Clerk submitting a claim of unlawful tax from Reinhart Attorneys at Law regarding Parcel No. 59281860858P and Parcel No. 59281860857P (Midstate Amusement Games, LLC); recommends referring to Finance and Personnel Committee of the 2022-2023 Council. REFER TO FINANCE AND PERSONNEL COMMITTEE OF THE 2022-2023 COUNCIL
37. R. C. No. 265-21-22 by Finance and Personnel Committee to whom was referred R. O. No. 135-21-22 by City Clerk submitting a claim from Geico Casualty Company for alleged damages that occurred after a motor vehicle accident between Colin McCulley and a City of Sheboygan fire truck; recommends referring to Finance and Personnel Committee of the 2022-2023 Council. REFER TO THE FINANCE AND PERSONNEL COMMITTEE OF THE 2022-2023 COUNCIL
38. 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 referring to the Finance and Personnel Committee of the 2022-2023 Council. REFER TO THE FINANCE AND PERSONNEL COMMITTEE OF THE 2022-2023 COUNCIL
39. R. C. No. 289-21-22 by Public Works Committee to whom was referred R. O. No. 106-21-22 by Director of Planning and Development submitting a communication from Dr. Toby Watson requesting permission to place four donated pianos with winter covers on city right-of-way at various locations in the downtown and riverfront to continue to foster Sheboygan's placemaking strategy to activate city streets; recommends referring to the Public Works Committee of the 2022-2023 Council. REFER TO THE PUBLIC WORKS COMMITTEE OF THE 2022-2023 COUNCIL
40. R. C. No. 291-21-22 by Licensing, Hearings, and Public Safety Committee to whom was referred R. C. 322-20-21 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 76-20-21 by City Clerk submitting various license applications; recommends referred to the Licensing, Hearings, and Public Safety Committee of the 2022-2023 council. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE OF THE 2022-2023 COUNCIL
41. R. C. No. 290-21-22 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 139-21-22 by City Clerk submitting various license applications; recommends granting the applications with various caveats.

MOTION TO RECEIVE THE R. C. AND GRANT THE APPLICATIONS WITH CAVEATS

Motion made by Felde, Seconded by Dekker.

Voting Yea: Salazar, Walton, Felde, Ackley, Dekker, Perrella, Laster, Savaglio, Filicky-Peneski, Mitchell – 10.

GENERAL ORDINANCES

42. Gen. Ord. No. 43-21-22 by Alderperson Dekker granting Old World Creamery, LLC, its successors and assigns, the privilege of encroaching upon described portions of St. Clair Avenue right of way in the City of Sheboygan for the purpose of creating a concrete approach. REFER TO THE CITY PLAN COMMISSION

CLOSED SESSION

43. Motion to convene in closed session pursuant to § 19.85(1)(g), Wis Stats., for the purpose of conferring with legal counsel for the City who is rendering legal advice concerning strategy to be adopted by the body with respect to litigation in which it is likely to become involved related to a request by an individual for certain records, ostensibly pursuant to § 13.45(7), Wis. Stats.

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Salazar, Walton, Felde, Ackley, Dekker, Perrella, Laster, Savaglio, Filicky-Peneski, Mitchell – 10.

ADJOURN MEETING

44. Motion to Adjourn sine die

MOTION TO ADJOURN SINE DIE AT 6:34 PM

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Salazar, Walton, Felde, Ackley, Dekker, Perrella, Laster, Savaglio, Filicky-Peneski, Mitchell – 10.