

CITY OF SHEBOYGAN
SIXTH REGULAR COMMON COUNCIL MEETING MINUTES
Monday, June 17, 2024

OPENING OF MEETING

1. Roll Call

Alderspersons present: Belanger, Dekker, Felde, Heidemann, La Fave (remote), Mitchell, Perrella, Peterson, Ramey – 9.

Alderperson excused: Rust – 1.

2. Pledge of Allegiance

3. Approval of Minutes

Fifth Regular Council Meeting held on June 3, 2024

MOTION TO APPROVE

Motion made by Dekker, Seconded by Perrella.

Voting Yea: Belanger, Dekker, Felde, Heidemann, La Fave, Mitchell, Perrella, Peterson, Ramey – 9.

4. Mayoral Appointments – Lays over.

John Donovan to the Housing Authority Board

Drew Phillips to the Sustainability Taskforce

5. Confirmation of Mayoral Appointments

Alderperson Dan Peterson to Historic Preservation Commission

Alderperson Robert La Fave to Redevelopment Authority

MOTION TO CONFIRM

Motion made by Dekker, Seconded by Perrella.

Voting Yea: Belanger, Dekker, Felde, Heidemann, La Fave, Mitchell, Perrella, Peterson, Ramey – 9.

6. Public Forum

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

Aaron Guenther, James Tesauro, and Phyllis Rountree all spoke.

7. Presentation

Redevelopment Resources presenting the 2024 City of Sheboygan Housing Study

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 Perrella.

Voting Yea: Belanger, Dekker, Felde, Heidemann, La Fave, Mitchell, Perrella, Peterson, Ramey – 9.

10. R. O. No. 18-24-25 by Board of License Examiners submitting an application for Building Contractor License already granted.

MOTION TO ACCEPT AND FILE

Motion made by Dekker, Seconded by Perrella.

Voting Yea: Belanger, Dekker, Felde, Heidemann, La Fave, Mitchell, Perrella, Peterson, Ramey – 9.

11. R. C. No. 27-24-25 by Finance and Personnel Committee to whom was referred R. O. No. 15-24-25 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 list of paid vouchers for April 2024; recommends filing the document.

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

Motion made by Dekker, Seconded by Perrella.

Voting Yea: Belanger, Dekker, Felde, Heidemann, La Fave, Mitchell, Perrella, Peterson, Ramey – 9.

12. R. C. No. 26-24-25 by Finance and Personnel Committee to whom was referred R. O. No. 14-24-25 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 list of paid vouchers for March 2024; recommends filing the document.

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

Motion made by Dekker, Seconded by Perrella.

Voting Yea: Belanger, Dekker, Felde, Heidemann, La Fave, Mitchell, Perrella, Peterson, Ramey – 9.

13. R. C. No. 32-24-25 by Finance and Personnel Committee to whom was referred R. O. No. 13-24-25 by City Clerk submitting a claim from Isaac J. Ortega for alleged damages and injuries that occurred in the City of Sheboygan; recommends filing the claim.

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

Motion made by Dekker, Seconded by Perrella.

Voting Yea: Belanger, Dekker, Felde, Heidemann, La Fave, Mitchell, Perrella, Peterson, Ramey – 9.

14. R. C. No. 33-24-25 by Finance and Personnel Committee to whom was referred R. C. No. 253-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 94-23-24 by City Clerk submitting a claim from Harbor Winds Hotel for alleged overstatement of personal property tax; recommends filing the claim.

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

Motion made by Dekker, Seconded by Perrella.

Voting Yea: Belanger, Dekker, Felde, Heidemann, La Fave, Mitchell, Perrella, Peterson,

Ramey – 9.

15. R. C. No. 34-24-25 by Public Works Committee to whom was referred Direct Referral Res. No. 26-24-25 authorizing the appropriate City officials to enter into contract for repairs and improvements to the masonry exterior sealants of Mead Public Library; recommends filing the Resolution.

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

Motion made by Dekker, Seconded by Perrella.

Voting Yea: Belanger, Dekker, Felde, Heidemann, La Fave, Mitchell, Perrella, Peterson, Ramey – 9.

16. R. C. No. 36-24-25 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 12-24-25 by City Clerk submitting various license applications; recommends granting license #3373 with warning.

MOTION TO RECEIVE THE R. C. AND GRANT THE LICENSE WITH WARNING

Motion made by Dekker, Seconded by Perrella.

Voting Yea: Belanger, Dekker, Felde, Heidemann, La Fave, Mitchell, Perrella, Peterson, Ramey – 9.

17. R. C. No. 37-24-25 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 17-24-25 by City Clerk submitting various license applications; recommends granting all license applications with caveats (*).

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

Motion made by Dekker, Seconded by Perrella.

Voting Yea: Belanger, Dekker, Felde, Heidemann, La Fave, Mitchell, Perrella, Peterson, Ramey – 9.

REPORT OF OFFICERS

18. R. O. No. 19-24-25 by City Administrator submitting the proposed 2025 Budget Schedule and 2025 preliminary budget fiscal factors for guidance prior to departmental budget preparation.
REFER TO FINANCE AND PERSONNEL COMMITTEE
19. R. O. No. 20-24-25 by City Clerk submitting various license applications. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

RESOLUTIONS

20. Res. No. 27-24-25 by Alderpersons Mitchell and Perrella authorizing retaining outside legal counsel to represent the City in the matter of Henry Meller v. City of Sheboygan, Department of Workforce Development Equal Rights Division Case No. CR202401245, and authorizing payment for said services.

MOTION TO SUSPEND THE RULES AND ADOPT THE RESOLUTION

Motion made by Mitchell, Seconded by Perrella.

Voting Yea: Belanger, Dekker, Felde, Heidemann, La Fave, Mitchell, Perrella, Peterson, Ramey – 9.

21. Res. No. 31-24-25 by Alderpersons Mitchell and Perrella authorizing the appropriate City officials to execute a Client Service Authorization with Truveris, Inc. (“Truveris”) for evaluation services relating to the selection of a pharmacy benefits manager or provider for the City of Sheboygan health insurance plan.

MOTION TO SUSPEND THE RULES AND ADOPT THE RESOLUTION

Motion made by Mitchell, Seconded by Perrella.

Voting Yea: Belanger, Dekker, Felde, Heidemann, La Fave, Mitchell, Perrella, Peterson, Ramey – 9.

22. Res. No. 29-24-25 by Alderpersons Dekker and Rust authorizing the waiver of attorney-client privilege with regard to certain documents provided in discovery by MWH Law Group, the City’s outside counsel in the matter of *Todd Wolf v. City of Sheboygan et al.*

MOTION TO SUSPEND THE RULES AND ADOPT THE RESOLUTION

Motion made by Dekker, Seconded by Perrella.

Before action was taken,

Motion to amend language in Paragraph 4-8 to read,

“WHEREAS, the City has received a request for various documents provided to Mr. Wolf’s attorney in response to a Request for Production of Documents in Wolf v. City of Sheboygan. The requestor is seeking communications of Attorney Jill Pedigo Hall and Attorney James Macy with City Attorney Charles Adams, which were the subject of a March 21, 2024 court order and which are protected from release by Attorney Client privilege; and

WHEREAS, the Common Council, having considered the potential negative consequences of disclosure as well as the public interest in transparency, favors waiving Attorney Client privilege for records of communications of Attorney Hall and Attorney Macy with City Attorney Charles Adams; and

WHEREAS, the Common Council does not intend for this waiver to be construed as precedent for future records requests.

NOW, THEREFORE, BE IT RESOLVED: That the Common Council hereby waives Attorney-Client privilege with regard only to those communication documents provided by MWH Law Group to Attorney Jennifer DeMaster reflecting communications of Attorney Jill Pedigo Hall and Attorney James Macy with City Attorney Charles Adams as identified in the March 21, 2024 Order on Plaintiff’s Motion to Complete the case of Wolf v. City of Sheboygan, et al, Case No. 23-cv-149 (ED Wis.).

BE IT FURTHER RESOLVED: That the release of privilege does not release the City from any legal duty it may have to redact or exclude records on other grounds, nor does it extend to attorney work produce or extend beyond that defined by the Court in the above-identified action”

Motion made by Dekker, Seconded by Perrella.

Motion Fails.

Voting Yea: Dekker – 1.

Voting Nay: Belanger, Felde, Heidemann, Mitchell, Perrella, Peterson, Ramey – 7.

Did not vote: La Fave – 1.

On motion to adopt Resolution,

Motion Passes.

Voting Yea: Belanger, Dekker, Heidemann, La Fave, Mitchell, Perrella, Peterson, Ramey – 8.

Voting Nay: Felde – 1.

23. Res. No. 28-24-25 by Alderpersons Dekker and Ramey authorizing the Purchasing Agent to issue a purchase order for a 2024 bucket truck and accessories for the Motor Vehicle Division of the Department of Public Works. REFER TO PUBLIC WORKS COMMITTEE

24. Res. No. 30-24-25 by Alderpersons Dekker and Ramey authorizing the appropriate City officials to enter into contract for repairs and improvements to the masonry exterior sealants of Mead Public Library and authorizing an amendment to the 2024 budget to cover the associated cost.
REFER TO PUBLIC WORKS COMMITTEE

REPORT OF COMMITTEES

25. R. C. No. 28-24-25 by Finance and Personnel Committee to whom was referred Res. No. 18-24-25 by Alderpersons Mitchell and Perrella amending the 2024 budget for various expenses incurred or planned; recommends adopting the Resolution.

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

Motion made by Mitchell, Seconded by Perrella.

Voting Yea: Belanger, Dekker, Felde, Heidemann, La Fave, Mitchell, Perrella, Peterson, Ramey – 9.

26. R. C. No. 29-24-25 by Finance and Personnel Committee to whom was referred Res. No. 20-24-25 by Alderpersons Mitchell and Perrella authorizing the appropriate City officials to execute an Engagement Letter Agreement with Baker Tilly US, LLP (“Baker Tilly”) for auditing services relating to the dissolution of Environmental Tax Increment District No. 1E.; recommends adopting the Resolution.

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

Motion made by Mitchell, Seconded by Perrella.

Voting Yea: Belanger, Dekker, Felde, Heidemann, La Fave, Mitchell, Perrella, Peterson, Ramey – 9.

27. R. C. No. 30-24-25 by Finance and Personnel Committee to whom was referred Res. No. 21-24-25 by Alderpersons Belanger, Heidemann, and Mitchell requesting report of total revenue collected for the local sales tax by the County of Sheboygan, along with the amount distributed to each receiving municipality and detailed accounting of how those distributions were spent; recommends filing the Resolution.

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

Motion made by Mitchell, Seconded by Perrella.

Voting Yea: Belanger, Dekker, Felde, La Fave, Mitchell, Perrella, Peterson, Ramey – 8.
Voting Nay: Heidemann – 1.

28. R. C. No. 31-24-25 by Finance and Personnel Committee to whom was referred Res. No. 24-24-25 by Alderpersons Mitchell and Perrella authorizing City staff to enter into an Agreement to purchase 1214 S. 11th Street, Sheboygan, Wisconsin; recommends adopting the Resolution.

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

Motion made by Mitchell, Seconded by Perrella.

Voting Yea: Belanger, Dekker, Felde, Heidemann, La Fave, Mitchell, Perrella, Peterson, Ramey – 9.

29. R. C. No. 35-24-25 by Public Works Committee to whom was referred Direct Referral Res. No. 25-24-25 by Alderpersons Dekker and Ramey informing the Wisconsin Department of Natural

Resources that the 2023 Compliance Maintenance Annual Report has been reviewed; recommends adopting the Resolution.

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

Motion made by Dekker, Seconded by Ramey.

Voting Yea: Belanger, Dekker, Felde, Heidemann, La Fave, Mitchell, Perrella, Peterson, Ramey – 9.

GENERAL ORDINANCES

30. Gen. Ord. No. 3-24-25 by Alderpersons Mitchell and Perrella amending Section 18-74 of the Municipal Code so as to authorize the Finance Director/Treasurer to compensate Matthew Greenwood interim pay for his service to the City as Interim Information Technology Director. REFER TO FINANCE AND PERSONNEL COMMITTEE
31. Gen. Ord. No. 2-24-25 by Alderpersons Mitchell and Perrella amending Section 18-74 of the Municipal Code so as to update the rules and conditions for acting pay for nonrepresented employees. REFER TO FINANCE AND PERSONNEL COMMITTEE
32. Gen. Ord. No. 4-24-25 by Alderperson Belanger amending various articles and sections of Chapter 107 of the Municipal Code so as to make updates to the Floodplain Zoning Ordinance in order to comply with the requirements of the Department of Natural Resources. REFER TO CITY PLAN COMMISSION

MATTERS LAID OVER

33. Gen. Ord. No. 1-24-25 by Alderpersons Dekker and Rust amending Section 2-100(a) of the Municipal Code so as to cancel the common council meetings scheduled for July 15, 2024, and August 19, 2024.

MOTION TO ADOPT THE ORDINANCE

Motion made by Dekker, Seconded by Ramey.

Voting Yea: Felde, La Fave – 2.

Voting Nay: Belanger, Dekker, Heidemann, Mitchell, Perrella, Peterson, Ramey – 7.

OTHER MATTERS AUTHORIZED BY LAW – None.

ADJOURN MEETING

34. Motion to Adjourn

MOTION TO ADJOURN AT 7:25 PM

Motion made by Dekker, Seconded by Ramey.

Voting Yea: Belanger, Dekker, Felde, Heidemann, La Fave, Mitchell, Perrella, Peterson, Ramey – 9.