

CITY OF SHEBOYGAN
FOURTEENTH REGULAR COMMON COUNCIL MEETING
MINUTES

Monday, October 16, 2023

OPENING OF MEETING

1. Roll Call

Alderpersons present: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

Alderpersion excused: Felde – 1.

2. Pledge of Allegiance

3. Approval of Minutes

Thirteenth Regular Council Meeting held on October 2, 2023

MOTION TO APPROVE MINUTES FROM THE THIRTEENTH REGULAR COUNCIL MEETING HELD ON OCTOBER 2, 2023

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

4. Mayoral Appointments

Melissa Parra and Aubrey Lockwood to the Mayor's International Committee – Lays over.

5. Public Forum

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

6. Mayor's Announcements

Upcoming Community Events, Proclamations, Employee Recognitions

CONSENT

7. 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: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

8. Res. No. 82-23-24 by Alderpersons Mitchell and Perrella ordering a hearing on the vacation and discontinuance of the east-west alley east of North 9th Street, located in Block 127 of the Original Plat.

MOTION TO ADOPT THE RESOLUTION

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

9. R. C. No. 98-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 15-23-24 by City Clerk submitting a Summons and Complaint in the matter of Bank United, N.A. vs. Joseph P. Champeau et al.; recommends filing the document.

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

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

10. R. C. No. 99-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 32-23-24 by City Clerk submitting a Summons and Complaint in the matter of Wisconsin Bank & Trust v. Judith A. Meyer et al.; recommends filing the document.

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

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

11. R. C. No. 100-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 50-23-24 by City Clerk submitting a Summons and Complaint in the matter of BMO Harris Bank N.A. vs. Jessica J. Jacoby et al.; recommends filing the document.

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

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

12. R. C. No. 102-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 137-22-23 by City Clerk submitting a claim from James Passmore for alleged damages to his garage when it was hit by a City of Sheboygan garbage truck; recommends filing the claim.

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

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

13. R. C. No. 103-23-24 by Finance and Personnel Committee to whom was referred Res. No. 67-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City officials to execute Engagement Letter Agreements with Baker Tilly US, LLP (“Baker Tilly”) for auditing services relating to the dissolution of Tax Incremental District No. 6, Tax Incremental District No. 10, Tax Incremental District No. 12, Tax Incremental District No. 13, Tax Incremental District No. 14, and Tax Incremental District No. 15; recommends adopting the Resolution.

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

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

14. R. C. No. 104-23-24 by Finance and Personnel Committee to whom was referred 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 filing the document.

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

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

15. R. C. No. 105-23-24 by Finance and Personnel Committee to whom was referred 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 filing the document.

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

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

16. R. C. No. 109-23-24 by Public Works Committee to whom was referred Res. No. 70-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a revised State/Municipal Agreement (revised date August 4, 2023) with the State of Wisconsin Department of Transportation to update the existing traffic signals at the intersection of S. Business Drive and STH 28 / Washington Avenue; recommends adopting the Resolution.

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

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

17. R. C. No. 110-23-24 by Public Works Committee to whom was referred Res. No. 71-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a revised State/Municipal Agreement (revised date August 4, 2023) with the State of Wisconsin Department of Transportation to update the existing traffic signals at the intersection of STH 23 and Taylor Drive; recommends adopting the Resolution.

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

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

18. R. C. No. 112-23-24 by Public Works Committee to whom was referred Res. No. 66-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a contract

with Buteyn-Peterson Construction Company for the construction of the Cleveland Park Splash Pad project; recommends adopting the Resolution.

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

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

19. R. C. No. 113-23-24 by Public Works Committee to whom was referred Res. No. 69-23-24 by Alderpersons Dekker and Rust authorizing the Department of Public Works to donate a 2011 Ferris zero turn mower to the Sheboygan Area Youth Soccer Organization, Inc. DBA Lakeshore United FC c/o Christopher Lacey; recommends adopting the Resolution.

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

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

20. R. C. No. 114-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 54-23-24 by City Clerk submitting a license application; recommends granting the license application.

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

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

21. R. C. No. 115-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred Res. No. 63-23-24 by Alderpersons Salazar and Felde establishing polling locations for the City of Sheboygan beginning in 2024; recommends adopting the Resolution.

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

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

22. R. C. No. 117-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred Gen. Ord. No. 23-23-24 by Alderpersons Salazar and Felde amending Section 26-20(c) so as to update the list of public buildings where smoking is prohibited; recommends adopting the Ordinance.

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

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

23. R. O. No. 58-23-24 by Board of License Examiners submitting applications for Building Contractor Licenses already granted.

MOTION TO ACCEPT AND FILE

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

REPORT OF OFFICERS

24. R. O. No. 59-23-24 by City Clerk submitting a communication from the Wisconsin Department of Administration regarding The Boerke Company Inc. Annexation.

MOTION TO ACCEPT AND FILE

Motion made by Mitchell, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

25. R. O. No. 61-23-24 by City Plan Commission to whom was referred Gen. Ord. No. 24-23-24 by Alderperson Mitchell and R. O. No. 48-23-24 by City Clerk submitting petition for annexing territory from the Town of Wilson to the City of Sheboygan, Wisconsin; recommends filing the application and adopting the Ordinance.

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

Motion made by Mitchell, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

26. R. O. No. 55-23-24 by Chief of Police 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 July 1, 2023 and ending September 30, 2023. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

27. R. O. No. 56-23-24 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 July 1, 2023 and ending September 30, 2023. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

28. R. O. No. 57-23-24 by Director of Parking and Transit submitting the 2024 Business Improvement District (BID) Statement of Purpose, dated September 26, 2023, and the BID's 2024 Operating Budget. REFER TO FINANCE AND PERSONNEL COMMITTEE

29. R. O. No. 60-23-24 by City Clerk submitting a Summons and Complaint in the matter of Citibank, N.A. vs. The Estate of Rae R. Pape, Deceased et al. REFER TO FINANCE AND PERSONNEL COMMITTEE

RESOLUTIONS

30. Res. No. 78-23-24 by Alderpersons Dekker and Rust authorizing the director of engineering and public works to grant permission to Lakeshore CAP to temporarily maintain a campsite on property owned and maintained by the City and to maintain a warming fire on such property during an overnight event beginning on November 4, 2023 and ending November 5, 2023.

MOTION TO SUSPEND THE RULES

Motion by Dekker, Objected to by Filicky-Peneski

Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

Voting Nay: Filicky-Peneski – 1.

MOTION TO ADOPT THE RESOLUTION

Motion made by Dekker, Seconded by Rust.

Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

Voting Nay: Filicky-Peneski – 1.

31. Res. No. 79-23-24 by Alderpersons Salazar and Felde authorizing the Chief of Police to take necessary actions to receive the 2024 Wisconsin Justice System Improvement Beat Patrol Grant.

MOTION TO SUSPEND THE RULES

Motion by Salazar, Objected to by Filicky-Peneski

Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

Voting Nay: Filicky-Peneski – 1.

MOTION TO ADOPT THE RESOLUTION

Motion made by Salazar, Seconded by Dekker.

Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

32. Res. No. 77-23-24 by Alderpersons Salazar and Felde adopting a Weights and Measures Device License Fee Schedule.

MOTION TO SUSPEND THE RULES

Motion by Salazar, Objected to by Filicky-Peneski

Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

Voting Nay: Filicky-Peneski – 1.

MOTION TO ADOPT THE RESOLUTION

Motion made by Salazar, Seconded by Rust.

Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

Voting Nay: Filicky-Peneski – 1.

33. Res. No. 80-23-24 by Alderpersons Salazar and Felde modifying the ambulance service billing rates for the City of Sheboygan Fire Department. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE
34. Res. No. 81-23-24 by Alderpersons Dekker, Salazar, and Mitchell authorizing the filing of an application with the United States of America Department of Transportation and authorizing the executing of the contract pertaining to grants for calendar year 2024, under former Section 9 (USC 5307) of the Federal Transit Act of 1964, as amended. REFER TO TRANSIT COMMISSION
35. Res. No. 85-23-24 by Alderpersons Mitchell and Perrella vacation the east-west alley east of North 9th Street, located in Block 127 of the Original Plat. REFER TO CITY PLAN COMMISSION
36. Res. No. 84-23-24 by Alderpersons Dekker and Rust adopting a Facility Fee Schedule and an Equipment Fee Schedule. REFER TO PUBLIC WORKS COMMITTEE
37. Res. No. 83-23-24 by Alderpersons Salazar and Felde adopting a Plan Examination and Permit Fee Schedule.

MOTION TO SUSPEND THE RULES

Motion by Salazar, Objected to by Filicky-Peneski
Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.
Voting Nay: Filicky-Peneski – 1.
MOTION TO ADOPT THE RESOLUTION
Motion made by Salazar, Seconded by Dekker.
Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

REPORT OF COMMITTEES

38. R. C. No. 101-23-24 by Finance and Personnel Committee to whom was referred Res. No. 64-23-24 by Alderpersons Mitchell and Filicky-Peneski adopting certain changes to the City's Medical Benefit Plan and Dental Benefit Plan effective for calendar year 2024 coverage and establishing the monthly premium equivalent rates effective for January 2024 coverage and thereafter; recommends adopting the Resolution.

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

Motion made by Mitchell, Seconded by Filicky-Peneski.
Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

39. R. C. No. 106-23-24 by Finance and Personnel Committee to whom was referred DIRECT REFERRAL Res. No. 74-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the issuance of a refund for excess property tax payable to Harbor Pride LLC related to 2022 real estate tax for Parcel No. 59281835115P; recommends adopting the Resolution.

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

Motion made by Mitchell, Seconded by Filicky-Peneski.
Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

40. R. C. No. 107-23-24 by Finance and Personnel Committee to whom was referred DIRECT REFERRAL Res. No. 75-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the issuance of a refund for excess property tax payable to JL French/Nemak related to 2019 real estate tax for Parcel No. 59281479013; recommends adopting the Resolution.

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

Motion made by Mitchell, Seconded by Filicky-Peneski.
Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

41. R. C. No. 108-23-24 by Finance and Personnel Committee to whom was referred DIRECT REFERRAL Res. No. 76-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the issuance of a refund for excess property tax payable to JL French/Nemak related to 2020 real estate tax for Parcel No. 59281479013; recommends adopting the Resolution.

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

Motion made by Mitchell, Seconded by Filicky-Peneski.
Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

42. R. C. No. 111-23-24 by Public Works Committee to whom was referred Res. No. 65-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to file an application with the United States Department of Transportation for a RAISE grant to construct a bicycle and pedestrian bridge connecting South Pier with the Riverfront; to execute documents necessary to accept grant funds; and designating \$1,335,483.00 of local matching as required by the program; recommends adopting the Resolution.

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

Motion made by Dekker, Seconded by Rust.

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

Voting Nay: Mitchell – 1.

43. R. C. No. 116-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred Gen. Ord. No. 22-23-24 by Alderpersons Salazar and Felde amending Section 2-115 so as to eliminate the need for alderperson signatures on council documents and revising the deadline for submitting requests for documents to the legal department; recommends adopting the Ordinance.

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

Motion made by Salazar, Seconded by Dekker.

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

Voting Nay: Filicky-Peneski, Heidemann, Mitchell – 3.

GENERAL ORDINANCES

44. Gen. Ord. No. 25-23-24 by Alderpersons Salazar and Felde amending section 14-1 Weights and Measures.

MOTION TO SUSPEND THE RULES

Motion by Salazar, Objected to by Filicky-Peneski

Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

Voting Nay: Filicky-Peneski – 1.

MOTION TO ADOPT THE ORDINANCE

Motion made by Salazar, Seconded by Dekker.

Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

45. Gen. Ord. No. 26-23-24 by Alderpersons Salazar and Felde amending section 12-32 Plan Examination and Permit Fees.

MOTION TO SUSPEND THE RULES

Motion by Salazar, Objected to by Filicky-Peneski

Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 8.

Voting Nay: Filicky-Peneski – 1.

MOTION TO ADOPT THE ORDINANCE

Motion made by Salazar, Seconded by Dekker.

Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

46. Gen. Ord. No. 27-23-24 by Alderpersons Dekker and Rust relating to one-way streets and parking restrictions in the area bounded by South 19th Street, Indiana Ave., South 24th Street, and Georgia Ave. REFER TO PUBLIC WORKS COMMITTEE

OTHER MATTERS AUTHORIZED BY LAW – None.

ADJOURN MEETING

47. Motion to Adjourn

MOTION TO ADJOURN AT 6:49 PM

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.