

CITY OF SHEBOYGAN
TWENTY-SIXTH REGULAR COMMON COUNCIL MEETING
MINUTES

Monday, April 15, 2024

OPENING OF MEETING

1. Roll Call

Alders Present: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Peterson (remote) – 9.

Alders excused: Ramey – 1.

2. Pledge of Allegiance

3. Approval of Minutes

Twenty-fifth Regular Council Meeting held on April 3, 2024

MOTION TO APPROVE

Motion made by Dekker, Seconded by Rust.

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

4. Resignation

Barbara Alvarez from the Mead Library Board effective April 17, 2024

James Owen from the Redevelopment Authority effective immediately

MOTION TO ACCEPT AND FILE

Motion made by Dekker, Seconded by Rust.

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

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

HEARINGS

7. Hearing No. 16-23-24 to give persons an opportunity to be heard relative to a proposed General Development Plan (GDP) submitted by Van Horn Properties of Sheboygan LLC for construction of a new Van Horn Kia facility on parcels 59281215827 and 59281215833 within a Planned Unit Development (PUD) zone.

No one spoke.

MOTION TO CLOSE HEARING

Motion made by Dekker, Seconded by Rust.

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

CONSENT

8. 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: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Peterson – 9.

9. R. O. No. 136-23-24 by Board of License Examiners submitting application for Building Contractor Licenses already granted.

MOTION TO ACCEPT AND FILE

Motion made by Dekker, Seconded by Rust.

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

10. R. C. No. 269-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 11-23-24 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 Wis. Stat. 75-521 by Sheboygan County, List of Tax Liens for 2018 and 2019; recommends filing the document.

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

Motion made by Dekker, Seconded by Rust.

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

11. R. C. No. 270-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 63-23-24 by City Clerk submitting the tax levy report that supports the 2023-2024 budget for Lakeshore Technical College District and a copy of the district-wide apportionment of the tax levy based upon the 2023 fully certified values furnished by the Wisconsin Department of Revenue; recommends filing the document.

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

Motion made by Dekker, Seconded by Rust.

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

12. R. C. No. 271-23-24 by Finance and Personnel Committee to whom was referred Res. No. 198-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the continuation of the self-insured worker's compensation 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, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Peterson – 9.

13. R. C. No. 272-23-24 by Finance and Personnel Committee to whom was referred Res. No. 200-23-24 by Alderpersons Rust and Felde approving the 2024 Action Plan and funding allocation in connection with the Community Development Block Grant (CDBG) programs; 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, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Peterson – 9.

14. R. C. No. 275-23-24 by Public Works Committee to whom was referred Res. No. 199-23-24 by Alderpersons Dekker and Rust authorizing a professional services agreement between the City of Sheboygan and Kapur & Associates, Inc. for services related to the Tax Incremental District 21 (TID 21) Commerce Street reconstruction project and an amendment in the 2024 TID 21 budget to cover the associated cost; 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, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Peterson – 9.

15. R. C. No. 279-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 128-23-24 by Police Chief Christopher Domagalski pursuant to section 30-50 of the Municipal Code, submitting the annual report for the Police Department for the year 2023; recommends filing the report.

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

Motion made by Dekker, Seconded by Rust.

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

16. R. C. No. 280-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 132-23-24 by City Clerk submitting various license applications; recommends granting Application Nos. 3186 and 3445 and granting License Application No. 3487 contingent upon them obtaining a street festival permit, including permission to close the street.

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

Motion made by Dekker, Seconded by Rust.

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

REPORT OF OFFICERS

17. R. O. No. 137-23-24 by City Plan Commission to whom was referred Direct Referral Gen. Ord. No. 43-23-24 by Alderperson Mitchell and Direct Referral R. O. No. 133-23-24 by City Clerk amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification for property located around 929 Greenfield Avenue including Parcel Nos. 59281321761, 59281321762, and 59281321763 from Class Suburban Residential (SR-5) to Class Suburban Residential (SR-5) with PUD overlay Classification; recommends filing the R. O. and adopting the Ordinance. REFER TO THE 2024-2025 COUNCIL FOR APPROVAL

18. R. O. No. 134-23-24 by Police Chief Christopher Domagalski pursuant to section 30-50 of the Municipal Code, submitting the quarterly report for the police department for the period commencing January 1, 2024 and ending March 31, 2024. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE OF THE 2024-2025 COUNCIL
19. R. O. No. 135-23-24 by Fire Chief Eric Montellano pursuant to section 24-459 of the Municipal Code, submitting the quarterly report showing the Benchmark Measurements for the fire department, for the period commencing January 1, 2024 and ending March 31, 2024. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE OF THE 2024-2025 COUNCIL
20. R. O. No. 138-23-24 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 Wis. Stat. §75-521 by Sheboygan County, List of Tax Liens for 2019 and 2020. REFER TO FINANCE AND PERSONNEL COMMITTEE OF THE 2024-2025 COUNCIL
21. R. O. No. 139-23-24 by Director of Human Resources & Labor Relations submitting an exit interview report for Quarter 1 for the City of Sheboygan. REFER TO FINANCE AND PERSONNEL COMMITTEE OF THE 2024-2025 COUNCIL
22. R. O. No. 140-23-24 by City Clerk submitting various license applications. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE OF THE 2024-2025 COUNCIL

RESOLUTIONS

23. Res. No. 211-23-24 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 Mitchell, Seconded by Rust.

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

24. Res. No. 206-23-24 by Alderpersons Dekker and Mitchell authorizing the appropriate City officials to execute an engagement letter with Quarles & Brady LLP to serve as bond counsel with regard to Taxable Water System Revenue Bonds. REFER TO THE 2024-2025 COUNCIL
25. Res. No. 207-23-24 by Alderpersons Dekker and Mitchell authorizing the appropriate City officials to execute the Engagement Letter with Landretti & Company, LLC relating to appraisal review services regarding three appraisals in the pending Wal-Mart Real Estate Business Trust assessment appeal litigation. REFER TO THE 2024-2025 COUNCIL
26. Res. No. 208-23-24 by Alderpersons Dekker and Mitchell authorizing the appropriate City officials to execute a conflict waiver letter prepared by von Briesen & Roper, s.c. regarding representation of the City of Sheboygan and Inspired Holdings LLC. REFER TO THE 2024-2025 COUNCIL

27. Res. No. 209-23-24 by Alderpersons Dekker and Mitchell authorizing the City Attorney's Office to settle the matter of *State of Wisconsin v. City of Sheboygan*, Case Nos. 2023FO000099, 2023FO000100, 2023FO000101, 2023FO000105, and 2023FO000159. REFER TO THE 2024-2025 COUNCIL
28. Res. No. 210-23-24 by Alderpersons Dekker and Mitchell authorizing the purchase of 636 Wisconsin Avenue from Wells Fargo Bank, N.A. for future use by the City. REFER TO THE 2024-2025 COUNCIL

REPORT OF COMMITTEES

29. R. C. No. 273-23-24 by Finance and Personnel Committee to whom was referred Direct Referral Res. No. 203-23-24 by Alderpersons Mitchell and Filicky-Peneski rescinding the twelve (12) month Tax Incremental Financing District No. 001E (TID 1E) affordable housing extension; 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, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Peterson – 9.

30. R. C. No. 274-23-24 by Finance and Personnel Committee to whom was referred Direct Referral Res. No. 204-23-24 by Alderpersons Mitchell and Filicky-Peneski terminating the City of Sheboygan Tax Incremental District (TID) No. 001E (Northgate) and authorizing the Finance Director to distribute excess increment to overlying taxing districts; 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, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Peterson – 9.

31. R. C. No. 277-23-24 by Public Works Committee to whom was referred Direct Referral Res. No. 202-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a State/Municipal Financial Agreement with the State of Wisconsin Department of Transportation for a pavement resurfacing project of Washington Avenue (South Taylor Drive to South Business Drive) and South Business Drive (Washington Avenue to 0.13 miles north of Wilson Avenue); 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, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Peterson – 9.

32. R. C. No. 278-23-24 by Public Works Committee to whom was referred R. O. No. 130-23-24 by City Clerk submitting a communication from the Sheboygan Event Company asking for the waiving of park and equipment rental fees for the Coho Derby; recommends filing the document and to split the park and equipment fees for the event.

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

Clarification provided that the split would be 50%

Motion made by Dekker, Seconded by Rust

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

33. R. C. No. 276-23-24 by Public Works Committee to whom was referred Direct Referral Res. No. 205-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a contract with BMD Concrete Innovations, LLC for the construction of the 2024 Sidewalk 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, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust, Peterson – 9.

34. R. C. No. 251-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 9-23-24 by City Clerk submitting a Notice of Injury from Jacobs Injury Law, S.C. regarding alleged injuries to their client, Robert Autman; recommends referring document to the Finance and Personnel Committee of the 2024-2025 council year.
35. R. C. No. 252-23-24 by Finance and Personnel Committee to whom was referred R. C. No. 205-22-23 by Finance and Personnel Committee to whom was referred R. O. No. 28-22-23 by City Clerk submitting a Notice of Claim from Frontier for alleged damages to their facilities from a mowing incident; recommends referring to the Finance and Personnel Committee of the 2024-2025 council year.
36. 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 referring to the Finance and Personnel Committee of the 2024-2025 council year.
37. R. C. No. 254-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 40-23-24 by City Clerk submitting a notice of claim from Gregory R. Robinson for alleged injuries from a fall; recommends referring to the Finance and Personnel Committee of the 2024-2025 council year.
38. R. C. No. 255-23-24 by Finance and Personnel Committee to whom was referred R. C. No. 207-22-23 by Finance and Personnel Committee to whom was referred 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 the Finance and Personnel Committee of the 2024-2025 council year.
39. R. C. No. 256-23-24 by Finance and Personnel Committee to whom was referred R. C. No. 208-22-23 by Finance and Personnel Committee to whom was referred 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 the Finance and Personnel Committee of the 2024-2025 council year.
40. R. C. No. 257-23-24 by Finance and Personnel Committee to whom was referred R. C. No. 210-22-23 by Finance and Personnel Committee to whom was referred 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 the Finance and Personnel Committee of the 2024-2025 council year.

41. R. C. No. 258-23-24 by Finance and Personnel Committee to whom was referred R. C. No. 220-22-23 by Finance and Personnel Committee to whom was referred 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 2024-2025 council year.
42. R. C. No. 259-23-24 by Finance and Personnel Committee to whom was referred R. C. No. 221-22-23 by Finance and Personnel Committee to whom was referred 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 2024-2025 council year.
43. R. C. No. 260-23-24 by Finance and Personnel Committee to whom was referred 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; recommends referring to the Finance and Personnel Committee of the 2024-2025 council year.
44. R. C. No. 261-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 103-23-24 by City Clerk submitting a Notice of Injury from Attorney Jordan P. Blad representing Douglas C. Diedrichs; recommends referring to the Finance and Personnel Committee of the 2024-2025 council year.
45. R. C. No. 262-23-24 by Finance and Personnel Committee to whom was referred 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; recommends referring to the Finance and Personnel Committee of the 2024-2025 council year.
46. R. C. No. 263-23-24 by Finance and Personnel Committee to whom was referred 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; recommends referring to the Finance and Personnel Committee of the 2024-2025 council year.
47. R. C. No. 264-23-24 by Finance and Personnel Committee to whom was referred R. C. No. 214-22-23 by Finance and Personnel Committee to whom was referred R. O. No. 104-22-23 by City Clerk submitting a Summons and Complaint in the matter of Todd Wolf v. City of Sheboygan et al; recommends referring to the Finance and Personnel Committee of the 2024-2025 council year.
48. R. C. No. 265-23-24 by Finance and Personnel Committee to whom was referred R. C. No. 215-22-23 by Finance and Personnel Committee to whom was referred R. O. No. 89-22-23 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 2024-2025 council year.

49. R. C. No. 266-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 78-23-24 by City Clerk submitting a Summons and Complaint in the matter of Walmart Real Estate Business Trust c/o Wal-Mart Stores, Inc. vs. City of Sheboygan; recommends referring to the Finance and Personnel Committee of the 2024-2025 council year.
50. R. C. No. 267-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 8-23-24 by City Clerk submitting a Summons and Complaint in the matter of Wisconsin Consumer Credit vs. Eduardo Angel Hernandez et. al; recommends referring to the Finance and Personnel Committee of the 2024-2025 council year.
51. R. C. No. 268-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 95-23-24 by City Clerk submitting a Summons and Complaint in the matter of WellsFargo bank, N.A. vs. Estate of Robert W. Schultz c/o James Mulligan, Special Administrator of the Estate et al; recommends referring to the Finance and Personnel Committee of the 2024-2025 council year.

OTHER MATTERS AUTHORIZED BY LAW – None.

ADJOURN MEETING

52. Motion to Adjourn sine die

MOTION TO ADJOURN SINE DIE AT 6:26 PM

Motion made by Dekker, Seconded by Rust.

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