

**CITY OF SHEBOYGAN**  
**SEVENTEENTH REGULAR COMMON COUNCIL MEETING**  
**MINUTES**

**Monday, December 04, 2023**

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**OPENING OF MEETING**

**1. Roll Call**

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

Aldersperson excused: Felde (connected remotely initially, but lost service and unable to vote) – 1.

**2. Pledge of Allegiance**

**3. Approval of Minutes**

MOTION TO APPROVE THE MINUTES FROM THE SIXTEENTH REGULAR COUNCIL MEETING HELD ON NOVEMBER 20, 2023

Motion made by Dekker, Seconded by Salazar.

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

**4. Resignation**

William L. Bulson from the Mead Public Library Board of Trustees

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.

**5. Mayoral Appointments**

Katy Glodosy, Marol Testwuide, David Gass, David Haneman, Jackie Erdman, Andrew Jackus, and Ryan Sorenson to the Business Improvement District Board of Directors for the 2024-2025 Term. LAYS OVER

**6. Mayoral Appointments**

Election Inspectors for all elections in 2024 and 2025. LAYS OVER

**7. Mayoral Appointments**

Jim Hollister to the Mead Public Library Board of Trustees. LAYS OVER

**8. Confirmation of Appointment**

Kelly Hendee appointed as the Director of Human Resources and Labor Relations effective December 22, 2023

MOTION TO CONFIRM APPOINTMENT EFFECTIVE DECEMBER 22, 2023

Motion made by Dekker, Seconded by Salazar.

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

**9. Public Forum**

Limit of five people having five minutes each with comments limited to items on this agenda.  
Jim Van Akkeren, Braden Schmidt, Kyle Schmitz all spoke.

**10. Mayor's Announcements**

Upcoming Community Events, Proclamations, Employee Recognitions

**HEARINGS**

11. Hearing No. 4-23-24 pursuant to letters served and a notice published by the City Clerk, there is a hearing scheduled this evening for the purpose of the vacation and discontinuance of the east-west alley east of North 9th Street, located in Block 127 of the Original Plat.

No one spoke.

MOTION TO CLOSE HEARING

Motion made by Dekker, Seconded by Salazar.

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

**CONSENT**

**12. 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.

13. R. C. No. 143-23-24 by Finance and Personnel Committee to whom was referred Res. No. 97-23-24 by Alderpersons Mitchell and Filicky-Peneski expressing the intent of the Common Council of the City of Sheboygan to exercise its police powers in levying a special assessment for the 2023 cost of operating and maintaining the off-street parking facilities within the 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 Salazar.

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

14. R. C. No. 144-23-24 by Finance and Personnel Committee to whom was referred Res. No. 98-23-24 by Alderpersons Mitchell and Filicky-Peneski expressing the intent of the Common Council of the City of Sheboygan to exercise its police powers in levying a special assessment for the 2023 cost of operating and maintaining the off-street parking facilities within the 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 Salazar.

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

15. R. C. No. 145-23-24 by Finance and Personnel Committee to whom was referred Res. No. 99-23-24 by Alderpersons Mitchell and Filicky-Peneski expressing the intent of the Common Council of the City of Sheboygan to exercise its police powers in levying a special assessment for the 2023 cost of operating

and maintaining the off-street parking facilities within the 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 Salazar.

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

16. R. C. No. 146-23-24 by Finance and Personnel Committee to whom was referred Res. No. 100-23-24 by Alderpersons Mitchell and Filicky-Peneski expressing the intent of the Common Council of the City of Sheboygan to exercise its police powers in levying a special assessment for the 2023 cost of operating and maintaining the off-street parking facilities within the 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 Salazar.

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

17. R. C. No. 142-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 72-23-24 by City Clerk submitting the Tax Levy Certification for the 2023-2024 School Year from the Sheboygan Area School District; recommends filing the report.

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

Motion made by Dekker, Seconded by Salazar.

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

18. R. C. No. 147-23-24 by Finance and Personnel Committee to whom was referred Res. No. 102-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing an amendment in the 2023 budget and directing the Finance Director to make an advance from the General Fund to the Redevelopment Authority Fund to fund land purchases within Tax Incremental District No. 17 ("TID 17"); 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. 150-23-24 by Public Works Committee to whom was referred Res. No. 104-23-24 by Alderpersons Dekker and Rust authorizing Staff to file a claim in the multi-district litigation settlement of Aqueous Film-Forming Product Liability Litigation, District Court for the District of South Carolina, Master Docket No. 2:18-MN-2873-RMG; 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. 151-23-24 by Public Works Committee to whom was referred Gen. Ord. No. 29-23-24 by Alderpersons Dekker and Rust amending Sections 54-397, 54-398, 54-399 of the Municipal Code relating

to sewers and sewerage disposal so as to make changes to service charges; 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.

21. R. C. No. 153-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred Res. No. 101-23-24 by Alderpersons Salazar and Felde authorizing the Fire Chief to enter into a software contract with Locality Media, Inc. dba First Due; 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.

**REPORT OF OFFICERS**

22. R. O. No. 76-23-24 by City Plan Commission to whom was requested to consider recommending that the Common Council approve an amendment to the Project Plan and Boundaries of Tax Incremental District No. 17 at its meeting on November 14, 2023; wishes to report the commission considered and recommends approval as submitted.

**MOTION TO RECEIVE AND FILE**

Motion made by Mitchell, Seconded by Filicky-Peneski.

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

23. R. O. No. 75-23-24 by City Plan Commission to whom was requested to consider recommending that the Common Council approve an amendment to the Project Plan and Boundaries of Tax Incremental District No. 18 at its meeting on November 14, 2023; wishes to report the commission considered and recommends approval as submitted.

**MOTION TO RECEIVE AND FILE**

Motion made by Mitchell, Seconded by Filicky-Peneski.

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

24. R. O. No. 77-23-24 by City Clerk submitting a letter from Josh Sizonen asking permission to archery hunt on Parcel No. 59024342830. REFER TO PUBLIC WORKS COMMITTEE
25. 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. REFER TO FINANCE AND PERSONNEL COMMITTEE

**RESOLUTIONS**

26. Res. No. 111-23-24 by Alderpersons Dekker and Salazar authorizing the appropriate City officials to enter into an Employment Agreement with Kelly Hendee.

**MOTION TO SUSPEND THE RULES AND ADOPT THE RESOLUTION**

Motion by Dekker, Seconded by Salazar.

Before action was taken,

Motion to amend the resolution so as to provide that approval is of an Employment Agreement substantially the same to that attached, except that it is modified so as to provide the following:

- 1) the Effective Date shall be December 22, 2023;
- 2) the term of the Agreement shall expire on December 21, 2026, unless terminated sooner as provided in the Agreement;
- 3) the employee is authorized to take up to 10 days of vacation during December 2023, whether before or after the effective date of the Agreement;
- 4) and the Employee shall receive 160 hours of PTO effective January 1, 2024 and be granted paid leave according to City policy."

Motion made by Dekker, Seconded by Salazar.

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

On motion to adopt resolution as amended,

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

27. Res. No. 107-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing retaining outside legal counsel to represent the City in the matter of Wal-Mart Real Estate Business Trust v. City of Sheboygan, and authorizing payment for said services. SUSPEND AND ADOPT

MOTION TO SUSPEND THE RULES 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.

28. Res. No. 105-23-24 by Alderpersons Mitchell and Filicky-Peneski approving an amendment to the Project Plan and boundaries of Tax Incremental District No. 17.

MOTION TO SUSPEND THE RULES 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.

29. Res. No. 106-23-24 by Alderpersons Mitchell and Filicky-Peneski approving an amendment to the Project Plan and boundaries of Tax Incremental District No. 18.

MOTION TO SUSPEND THE RULES 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.

30. Res. No. 108-23-24 by Alderperson Rust officially recognizing the Farnsworth Neighborhood Association. LAYS OVER

31. Res. No. 113-23-24 by Alderpersons Mitchell and Filicky-Peneski obligating American Rescue Plan Act (ARPA) funds to pay for various eligible capital projects and authorizing the Finance Director to complete a 2024 budget amendment with associated anticipated costs. REFER TO FINANCE AND PERSONNEL COMMITTEE

32. Res. No. 112-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the issuance of a refund for excess property tax payable to Sheboygan Outboard Club related to 2022 real estate tax for Parcel No. 59281895368P. REFER TO FINANCE AND PERSONNEL COMMITTEE
33. Res. No. 110-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing entering into a Pre-Development Agreement with Cornerstone LLC regarding redevelopment of the Poth and Gartman Farms property on the south side of the City. REFER TO FINANCE AND PERSONNEL COMMITTEE
34. Res. No. 114-23-24 by Alderpersons Mitchell and Dekker submitting the final Resolution and order discontinuing a portion of South 19th Street between Union Avenue and Oakland Avenue and Oakland Avenue between South 19th Street and Union Pacific Railroad right of way. REFER TO CITY PLAN COMMISSION
35. Res. No. 115-23-24 by Alderpersons Salazar and Felde authorizing entering into a Master Services Agreement with Flock Group, Inc. for Flock Safety software products for the Sheboygan Police Department. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE
36. Res. No. 109-23-24 by Alderpersons Dekker and Rust authorizing City officials to execute the Second Amendment to Operating Agreement Between City of Sheboygan and Power Pubs, LLC. REFER TO PUBLIC WORKS COMMITTEE

## REPORT OF COMMITTEES

37. R. C. No. 148-23-24 by Finance and Personnel Committee to whom was referred Gen. Ord. No. 32-23-24 by Alderpersons Mitchell and Filicky-Peneski amending various sections of the Sheboygan Municipal Code relating to personnel; recommends adopting the Ordinance.

### MOTION TO RECEIVE THE R. C. 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.

38. R. C. No. 149-23-24 by Public Works Committee to whom was referred Res. No. 96-23-24 by Alderpersons Dekker and Rust directing Staff to develop a Complete Streets policy to improve citizen accessibility and all forms of mobility within our community and to increase safe, comfortable, and convenient travel while promoting public health and sustainable environmental practices; 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.

39. R. C. No. 152-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred Gen. Ord. No. 31-23-24 by Alderpersons Salazar and Felde adopting new records retention schedules and making necessary amendments to the Sheboygan Municipal Code relating to the adopting; 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, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

## **HELD FROM NOVEMBER 20, 2023 MEETING**

40. R. C. No. 133-23-24 by Finance and Personnel Committee to whom was referred Res. No. 92-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the sale of City Parking Lot No. 3 located at 821 Niagara Avenue to Trinity Evangelical Lutheran Church; 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.

## **MATTERS LAID OVER**

41. R. O. No. 64-23-24 by City Plan Commission to whom was referred Res. No. 85-23-24 by Alderpersons Mitchell and Perrella vacating the east-west alley east of North 9th Street, located in Block 127 of the Original Plat; recommends adopting the Resolution.

### **MOTION TO RECEIVE THE R. O. AND ADOPT THE RESOLUTION**

Motion made by Mitchell, Seconded by Perrella.

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

## **OTHER MATTERS AUTHORIZED BY LAW**

42. R. O. No. 79-23-24 by City Clerk submitting a new license application (Jake's Liquor). REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

## **ADJOURN MEETING**

43. Motion to Adjourn

### **MOTION TO ADJOURN AT 6:42 PM**

Motion made by Dekker, Seconded by Salazar.

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