

CITY OF SHEBOYGAN

AMENDED TWENTY-FIFTH REGULAR COMMON COUNCIL MEETING MINUTES

Wednesday, April 03, 2024

OPENING OF MEETING

1. Roll Call

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

Aldersperson excused: Felde – 1.

2. Pledge of Allegiance

3. Approval of Minutes

Fourth Special and Twenty-Fourth Regular Council Meeting held on March 25, 2024 and March 18, 2024 respectively

MOTION TO APPROVE

Motion made by Dekker, Seconded by Rust.

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

4. Resignation

Matt Wierzbach from Sheboygan Historic Preservation Commission

MOTION TO ACCEPT AND FILE

Motion made by Dekker, Seconded by Rust.

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

5. Confirmation of Mayoral Appointments

Aldersperson Daniel Peterson to the Public Works Committee

MOTION TO CONFIRM

Motion made by Dekker, Seconded by Rust.

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

6. Public Forum

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

7. Mayor's Announcements

Upcoming Community Events, Proclamations, Employee Recognitions

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.

*Before action was taken, motion to remove items 20 and 21 for an amendment and separate vote.

Motion made by Dekker, Seconded by Rust.

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

On Consent agenda motion,

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

9. R. O. No. 131-23-24 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 v. Wisconsin Department of Revenue.

MOTION TO ACCEPT AND FILE

Motion made by Dekker, Seconded by Rust.

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

10. R. C. No. 233-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 102-23-24 by City Clerk submitting a claim from Rogahn Jones regarding excessive assessment on Parcel No. 59281215133 (SCF RC Funding IV LLC); 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, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Peterson – 9.

11. R. C. No. 235-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 47-23-24 by City Clerk submitting a claim from Society Insurance for alleged damages to Limelight Pub; recommends filing the claim.

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

Motion made by Dekker, Seconded by Rust.

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

12. R. C. No. 234-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 101-23-24 by City Clerk submitting a claim from Stephanie Buskill for alleged damages to vehicle caused by a garbage truck; recommends filing the claim.

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

Motion made by Dekker, Seconded by Rust.

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

13. R. C. No. 237-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 88-23-24 by City Clerk submitting a Notice of Injury and Claim from Dempsey Law Firm, LLP regarding Town of Wilson Sanitary District #1; recommends filing the notice of claim.

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

Motion made by Dekker, Seconded by Rust.

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

14. R. C. No. 236-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 87-23-24 by City Clerk submitting a claim from Elissa Nyara for alleged damages to vehicle due to sewer cap left open; recommends filing the claim.

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

Motion made by Dekker, Seconded by Rust.

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

15. R. C. No. 238-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 84-23-24 by City Clerk submitting a claim from Charter Spectrum, for alleged damages to an aerial coax caused by a backhoe; recommends filing the claim.

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

Motion made by Dekker, Seconded by Rust.

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

16. R. C. No. 240-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 93-23-24 by City Clerk submitting a claim from Charter/Spectrum for alleged damages to their aerial facilities due to a City backhoe excavating the road; recommends filing the claim.

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

Motion made by Dekker, Seconded by Rust.

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

17. R. C. No. 239-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 92-23-24 by City Clerk submitting a claim from Eric Bubb for alleged damages to his home from sewage water; recommends filing the claim.

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

Motion made by Dekker, Seconded by Rust.

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

18. R. C. No. 244-23-24 by Public Works Committee to whom was referred Res. No. 194-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a contract with Foth Infrastructure and Environment, LLC for the Sheboygan Southside Sewer System Phases 1 and 2 Design; recommends adopting the Resolution.

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

Motion made by Dekker, Seconded by Rust.

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

19. R. C. No. 243-23-24 by Public Works Committee to whom was referred Res. No. 193-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City Officials to enter into a contract with Foth Infrastructure and Environment, LLC for the Gartman Farm Subdivision Design; 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, Mitchell, Perrella, Ramey, Rust, Peterson – 9.

20. R. C. No. 241-23-24 by Public Works Committee to whom was referred Res. No. 187-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a contract with LaLonde Contractors, Inc. for the construction of the 2024 Complete Streets - Union Avenue and Broadway Improvements; recommends adopting the Resolution.

*MOTION TO AMEND THE RESOLUTION TO REMOVE THE VERBIAGE
“COMPLETE STREETS” AND REPLACE WITH “ROAD PROJECTS”

Motion made by Dekker, Seconded by Peterson.

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

MOTION TO ADOPT THE RESOLUTION AS AMENDED

Motion made by Dekker, Seconded by Rust.

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

21. R. C. No. 242-23-24 by Public Works Committee to whom was referred Res. No. 188-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a contract with Buteyn-Peterson Construction Company, Inc. for the construction of the 2024 Complete Streets - Lincoln Avenue Improvements (North 6th Street to Barrett Street); recommends adopting the Resolution.

*MOTION TO AMEND THE RESOLUTION TO REMOVE THE VERBIAGE
“COMPLETE STREETS” AND REPLACE WITH “ROAD PROJECTS”

Motion made by Dekker, Seconded by Heidemann.

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

MOTION TO ADOPT THE RESOLUTION AS AMENDED

Motion made by Dekker, Seconded by Rust.

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

22. R. C. No. 245-23-24 by Public Works Committee to whom was referred Direct Referral Res. No. 192-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to execute an Overhead Electric Easement for Alliant Energy at Evergreen Park (Parcel No. 59281628964); 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, Mitchell, Perrella, Ramey, Rust, Peterson – 9.

23. R. C. No. 246-23-24 by Public Works Committee to whom was referred Res. No. 196-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to apply for the Targeted Runoff Management & Notice of Discharge Grant and Urban Nonpoint Source and Stormwater Grant with the Wisconsin Department of Natural Resources for the purpose of implementing measures to control agricultural or urban storm water runoff pollution sources (as described in the application and pursuant to ss.281.65 or 281.66, Wis. Stats., and chs. NR 151, 1153 and 154); 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, Mitchell, Perrella, Ramey, Rust, Peterson – 9.

24. R. C. No. 247-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred Res. No. 190-23-24 by Alderpersons Rust and Felde authorizing the appropriate City officials to enter into an Agreement with Waukesha County Technical College for clinical experience with the Sheboygan Fire Department; 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, Mitchell, Perrella, Ramey, Rust, Peterson – 9.

25. R. C. No. 249-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 123-23-24 by Fire Chief Eric Montellano pursuant to section 24-400 of the Municipal Code, I herewith submit my annual report for the Fire Department, for the year 2023; recommends filing the report.

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

Motion made by Dekker, Seconded by Rust.

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

26. R. C. No. 250-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 125-23-24 by City Clerk submitting a license application (Brennan's); recommends granting the application.

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

Motion made by Dekker, Seconded by Rust.

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

REPORT OF OFFICERS

27. R. O. No. 129-23-24 by City Attorney submitting, for information, a copy of the Court of Appeals Decision dated March 20, 2024 in the matter of *Wisconsin Department of Revenue and City of Plymouth v. Master's Gallery Foods, Inc.*, Appeal No. 2022AP1909.

MOTION TO ACCEPT AND FILE

Motion made by Dekker, Seconded by Rust.

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

28. 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. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE
29. 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. REFER TO PUBLIC WORKS COMMITTEE
30. R. O. No. 132-23-24 by City Clerk submitting various license applications. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

RESOLUTIONS

31. Res. No. 201-23-24 by Alderpersons Dekker and Rust authorizing executing a one-year lease with David L. Gartman, LLC for agricultural property in the City of Sheboygan. SUSPEND THE RULES AND ADOPT THE RESOLUTION
REQUEST TO SUSPEND THE RULES
Request made by Dekker, objected to by Filicky-Peneski
Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Ramey, Rust, Peterson – 8.
Voting Nay: Filicky-Peneski – 1.
MOTION TO ADOPT THE RESOLUTION
Motion made by Dekker, Seconded by Rust.
Voting Yea: Ackley, Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Peterson – 9.
32. 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. REFER TO PUBLIC WORKS COMMITTEE
33. Res. No. 198-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the continuation of the self-insured worker's compensation program. REFER TO FINANCE AND PERSONNEL COMMITTEE
34. 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. REFER TO FINANCE AND PERSONNEL COMMITTEE

REPORT OF COMMITTEES

35. R. C. No. 248-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred Res. No. 195-23-24 by Alderpersons Rust and Felde authorizing the appropriate City officials to enter into an Agreement for Urban Search and Rescue Emergency Response Services for the period July 1, 2024 through June 30, 2026; recommends adopting the Resolution.

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

Motion made by Rust, Seconded by Heidemann.

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

36. R. C. No. 231-23-24 by Finance and Personnel Committee to whom was referred Res. No. 182-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City officials to enter into a contract with Mike Koenig Construction Co., Inc. for the Phase II remodeling and improvements for the Uptown Social building in an effort to further enhance the lives of Uptown Social members; 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, Peterson – 9.

37. R. C. No. 232-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 124-23-24 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 attached list of paid vouchers for February 2024 is being provided; recommends filing the document.

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

Motion made by Mitchell, Seconded by Filicky-Peneski.

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

OTHER MATTERS AUTHORIZED BY LAW – None.

ADJOURN MEETING

38. Motion to Adjourn

MOTION TO ADJOURN AT 6:20 PM

Motion made by Dekker, Seconded by Rust.

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