

## CITY OF SHEBOYGAN

# EIGHTEENTH REGULAR COMMON COUNCIL MEETING MINUTES

Monday, December 18, 2023

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### OPENING OF MEETING

**1. Roll Call**

Alderpersons Present: \*Ackley (left meeting at 7:10 p.m.), Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

Alderpersion excused: Felde – 1.

**2. Pledge of Allegiance**

**3. Approval of Minutes**

Seventeenth Regular Council Meeting held on December 4, 2023

MOTION TO APPROVE THE MINUTES FROM THE SEVENTEENTH REGULAR COUNCIL MEETING HELD ON DECEMBER 4, 2023

Motion made by Dekker, Seconded by Salazar.

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

**4. Resignation**

Marcus Guevara from the Mead Public Library Board of Trustees

MOTION TO ACCEPT AND FILE

Motion made by Dekker, Seconded by Perrella.

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

**5. Confirmation of 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.

MOTION TO CONFIRM

Motion made by Dekker, Seconded by Salazar.

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

**6. Confirmation of Mayoral Appointments**

Election Inspectors for all elections in 2024 and 2025

MOTION TO CONFIRM

Motion made by Dekker, Seconded by Salazar.

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

**7. Confirmation of Mayoral Appointments**

Jim Hollister to the Mead Public Library Board of Trustees

**MOTION TO CONFIRM**

Motion made by Dekker, Seconded by Salazar.

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

**8. Public Forum**

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

**9. Presentation**

Baker Tilly 2022 Audit Review by Michelle Walter

**10. Mayor's Announcements**

Upcoming Community Events, Proclamations, Employee Recognitions

**HEARINGS**

11. Hearing No. 5-23-24 pursuant to letter served/waived and a notice published by the City Clerk the hearing scheduled this evening is for the purpose of vacating and discontinuing the public way of 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.  
No one spoke.

**MOTION TO CLOSE THE HEARING**

Motion made by Dekker, Seconded by Salazar.

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

12. Hearing No. 6-23-24 pursuant to letters sent and a notice published by the City Clerk the hearing scheduled this evening is for the purpose of changing the Land Use Classification of property located at 3021 Main Avenue - Parcel No. 59281615440 from Class Suburban Residential (SR-5) to Mixed Residential (MR-8) Classification.  
Ian Utech, Neal Leland, Garrett Corteen, and Mike Robinson all spoke.

**MOTION TO CLOSE THE HEARING**

Motion made by Dekker, Seconded by Salazar.

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

**CONSENT**

**13. 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.

14. R. O. No. 83-23-24 by Board of License Examiners submitting application for Building Contractor License 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.

15. R. O. No. 80-23-24 by City Clerk submitting a resolution recognizing the service of Konrad Testwuide to the Mead Public Library Foundation.

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.

16. R. C. No. 156-23-24 by Finance and Personnel Committee to whom was referred 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; 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. 157-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 39-23-24 by City Clerk submitting a claim from Timothy J. Mais for alleged damages to his vehicle; recommends filing the claim.

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

Motion made by Dekker, Seconded by Salazar.

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

18. R. C. No. 158-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 37-23-24 by City Clerk submitting a itemized claim/statement from Bee Vue; recommends filing the claim.

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

Motion made by Dekker, Seconded by Salazar.

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

19. R. C. No. 161-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred 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; 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. 162-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 79-23-24 by City Clerk submitting a new license application (Jake's Liquor); recommends approving the 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. 163-23-24 by Public Works Committee to whom was referred Res. No. 109-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to execute the Second Amendment to Operating Agreement Between City of Sheboygan and Power Pubs, LLC; 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. 164-23-24 by Public Works Committee to whom was referred R. O. No. 77-23-24 by City Clerk submitting a letter from Josh Sizonen asking permission to archery hunt on Parcel No. 59024342830; recommends filing the request.

**MOTION TO RECEIVE THE R. C. AND FILE THE R. O.**

Motion made by Dekker, Seconded by Salazar.

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

**REPORT OF OFFICERS**

23. R. O. No. 82-23-24 by City Plan Commission to whom was referred R. O. No. 74-23-24 by City Clerk and Gen. Ord. No. 30-23-24 by Alderperson Felde amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification for property located at 3021 Main Avenue - Parcel No. 59281615440 from Class Suburban Residential (SR-5) to Mixed Residential (MR-8) Classification; recommends filing the R. O. and adopting the Ordinance.

**MOTION TO RECEIVE AND 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.

24. R. O. No. 85-23-24 by City Plan Commission to whom was referred 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; recommends adopting the Resolution.

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

Motion made by Mitchell, Seconded by Filicky-Peneski.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Rust – 6.

Voting Nay: Ackley, Salazar – 2.

Voting Abstaining: Ramey – 1.

25. R. O. No. 81-23-24 by City Clerk submitting a claim from David Andrews for alleged damages to vehicle when it struck a manhole cover. REFER TO FINANCE AND PERSONNEL COMMITTEE
26. 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. REFER TO FINANCE AND PERSONNEL COMMITTEE
27. R. O. No. 86-23-24 by City Clerk submitting a license application (Suma Brothers Inc.). REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

**RESOLUTIONS**

28. Res. No. 120-23-24 by Alderpersons Dekker and Salazar ratifying retaining outside legal counsel in the matter of two citations issued to Robert P. McGillis and Andrea Lee Richman currently pending in Municipal Court.

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

Motion made by Dekker, Seconded by Salazar.

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

29. Res. No. 118-23-24 by Alderpersons Dekker and Salazar authorizing appropriate officials from the Sheboygan Fire Department to sign a Day Meeting Contract with Blue Harbor Resort & Conference Center for the use of meeting and banquet space at Blue Harbor for an IFF Peer Support Conference hosted by the Sheboygan Fire Department on March 8 and 9, 2024.

**REQUEST TO SUSPEND THE RULES**

Made by Dekker, objected to by Filicky-Peneski.

Voice vote, ayes carry.

**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.

30. Res. No. 129-23-24 by Alderpersons Dekker and Salazar authorizing the City Attorney's Office to settle the civil actions pending before the Sheboygan County Circuit Court captioned *Midstate Amusement Games, LLC v. City of Sheboygan*, which were consolidated as Case No. 2021-CV-000325.

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

Motion made by Dekker, Seconded by Salazar.

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

31. Res. No. 130-23-24 by Alderpersons Dekker and Salazar authorizing the purchase of Parcel No. 59281479010 located in the Sheboygan Business Center from Sheboygan WP LLC.

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

Motion made by Dekker, Seconded by Salazar.

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

32. Res. No. 123-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing retaining outside legal counsel to do legal work for the City related to tax incremental financing.

**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.

33. Res. No. 119-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to file an application with Wisconsin Emergency Management (WEM) for a Hazard Mitigation Grant Program (HMGP) to protect the wastewater infrastructure of the City of Sheboygan, specifically the sewer system interceptor; to execute documents necessary to accept grant funds; to designate the Director of Public Works as the City's Authorized Representative; and designating \$1,788,962.53 of local matching as required by the program. REFER TO PUBLIC WORKS COMMITTEE
34. Res. No. 121-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing an amendment in the 2023 budget and directing the Finance Director to transfer the Marina Fund advance from the Debt Service Fund to the General Fund. REFER TO FINANCE AND PERSONNEL COMMITTEE
35. Res. No. 122-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the City Clerk to execute all necessary documents to purchase nine (9) Badgerbook servers and thirty-six (36) Badgerbook client devices with associated equipment and authorizing the Finance Director to complete an adjustment to the 2024 budget for the purchase. REFER TO FINANCE AND PERSONNEL COMMITTEE
36. Res. No. 125-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing an amendment in the 2024 Marina Fund budget due to change in management structure. REFER TO FINANCE AND PERSONNEL COMMITTEE
37. Res. No. 126-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing an amendment in the 2024 budget and directing the Finance Director to create a special revenue fund for the transfer of revenues and expenses to the City related to Uptown Social activities. REFER TO FINANCE AND PERSONNEL COMMITTEE
38. Res. No. 127-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing entering into a Development Agreement with Partners for Community Development, Inc. and KG Development Group LLC regarding an affordable housing project to be located at the corner of North 13th Street and Erie Avenue. REFER TO FINANCE AND PERSONNEL COMMITTEE

39. Res. No. 128-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing an amendment in the 2024 budget and obligating \$3,600,000 of American Rescue Plan Act (“ARPA”) funds and \$250,000 of Community Development Block Grant (“CDBG”) funds to the Gateway Apartments at North 13<sup>th</sup> Street and Erie Avenue, including parcel numbers 59281204550, 59281204560, 59281204570, and 59281204580 per the Development Agreement. REFER TO FINANCE AND PERSONNEL COMMITTEE

## **REPORT OF COMMITTEES**

40. R. C. No. 154-23-24 by Finance and Personnel Committee to whom was referred 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; recommends amending the Resolution to authorize agreement with Pelton Builders LLC and approve the revised Pre-Development Agreement attached.

### **MOTION TO RECEIVE THE R. C. AND ADOPT THE SUBSTITUTE RESOLUTION WITH REVISED AGREEMENT**

Motion made by Mitchell, Seconded by Filicky-Peneski.

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

\*Aldersperson Ackley left the meeting.

41. R. C. No. 155-23-24 by Finance and Personnel Committee to whom was referred 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; recommends amending the Resolution to change the project listing from “St. Clair Parklet” to “Downtown Parks”.

### **MOTION TO RECEIVE THE R. C. AND ADOPT THE SUBSTITUTE RESOLUTION**

Motion made by Mitchell, Seconded by Filicky-Peneski.

Before action was taken,

### **FRIENDLY AMENDMENT TO ADD “PUBLIC SPACES” TO THE RESOLUTION**

Motion made by Salazar, Seconded by Filicky-Peneski.

Aldersperson Heidemann objects.

### **ON MOTION TO ADOPT SUBSTITUTE RESOLUTION AS AMENDED,**

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

42. R. C. No. 159-23-24 by Finance and Personnel Committee to whom was referred Direct Referral Res. No. 117-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City officials to sign the January 1, 2024 -December 31, 2026 Contract between the City of Sheboygan and Sheboygan Professional Police Officers’ Association; recommends adopting the Resolution with the attached amended agreement.

### **MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION WITH AMENDED AGREEMENT**

Motion made by Mitchell, Seconded by Filicky-Peneski.

Voting Yea: Dekker, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust,

Salazar – 8.

43. R. C. No. 160-23-24 by Finance and Personnel Committee to whom was referred Direct Referral Res. No. 116-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing entering into a Section 125 – Flexible Benefit Plan Agreement for Service and a Business Associate Agreement with Diversified Benefits Services, Inc. regarding Section 125 – Flexible Benefit Plan services for 2024; recommends adopting the Resolution.

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

Motion made by Mitchell, Seconded by Filicky-Peneski.

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

**GENERAL ORDINANCES**

44. Gen. Ord. No. 33-23-24 by Alderpersons Mitchell and Filicky-Peneski modifying the City's table of organization.

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

Motion made by Mitchell, Seconded by Filicky-Peneski.

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

**MATTERS LAID OVER**

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

**MOTION TO ADOPT THE RESOLUTION**

Motion made by Rust, Seconded by Dekker.

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

**OTHER MATTERS AUTHORIZED BY LAW – None.**

**CLOSED SESSION**

46. Motion to convene in closed session under the exemption provided in Sec. 19.85(1)(e), Wis. Stats., where competitive and bargaining sessions require a closed session, related to the following: 1) potential development opportunities, land purchases, and incentives involving potential growth of the Nemak facility in the City's southside business park; 2) potential development, land purchase, and incentives involving redevelopment in the downtown and South Pier areas; and 3) potential use of Tax Incremental Financing involving the creation of new TID Districts within the City.
- Motion to convene in closed session under the exemption provided in Sec. 19.85(1)(g), for conferring with legal counsel who is rendering oral advice concerning strategy to be adopted by the common council with respect to a proposed settlement agreement in the matter of *Frank Bernard v. Anthony "T.J." Hamilton, et al.*, U.S. District Court, Eastern District of Wisconsin, Case No. 2:23-CV-00999-SCD



Motion made by Dekker, Seconded by Salazar.

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

## **RECONVENE IN OPEN SESSION**

### 47. Motion to reconvene in open session

Motion made by Dekker, Seconded by Salazar.

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

### 48. Res. No. 124-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the City Attorney's Office to settle the matter of *Frank Bernard v. Anthony "T.J." Hamilton, et al.*, U.S. District Court, Eastern District of Wisconsin, Case No. 2:23-CV-00999-SCD.

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

Motion made by Dekker, Seconded by Salazar.

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

## **ADJOURN MEETING**

### 49. Motion to Adjourn

## **MOTION TO ADJOURN AT 9:03 PM**

Motion made by Dekker, Seconded by Salazar.

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