



FINANCE AND PERSONNEL COMMITTEE MEETING AGENDA

September 25, 2023 at 5:00 PM

Council Chambers, 828 Center Avenue, Sheboygan, WI

It is possible that a quorum (or a reverse quorum) of the Sheboygan Common Council or any other City committees/boards/commissions may be in attendance, thus requiring a notice pursuant to State ex rel. Badke v. Greendale Village Board, 173 Wis. 2d 553,494 N.W.2d 408 (1993).

Persons with disabilities who need accommodations to attend this meeting should contact the Finance Department at 920-459-3311. Persons other than council members who wish to participate remotely shall provide notice to the Finance Department at 920-459-3311 at least 24 hours before the meeting so that the person may be provided a remote link for that purpose.

OPENING OF MEETING

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Introduction of Committee Members and Staff

MINUTES

5. Approval of Minutes - September 11, 2023

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

6. R. O. No. 135-22-23 / April 5, 2023: Submitting a Summons and Complaint - Small Claims in the matter of Cristy Murray vs. City of Sheboygan c/o Mayor Ryan Sorenson et al.
7. Res. No. 59-23-24 / September 18, 2023: A RESOLUTION authorizing the Finance Director to sign documents necessary to settle City Invoice No. 10131 for \$6,919.38.
8. Res. No. 61-23-24 / September 18, 2023: A RESOLUTION authorizing the Finance Director to make all necessary changes and transactions in the City's General Ledger to close the Cable TV Fund and consolidate it into the General Fund.
9. R. C. No. 218-22-23 / April 17, 2023: Your Committee to whom was referred R. O. No. 34-22-23 by City Clerk submitting a Summons and Complaint in the matter of Badger State Lofts, LP vs. City of Sheboygan; recommends referring to the Finance and Personnel Committee of the 2023-2024 council year.
10. DIRECT REFERRAL Res. No. 62-23-24 by Alderpersons Michell and Filicky-Peneski authorizing the Finance Director/Treasurer to compensate Heather Burke interim pay for her service to the City as Business Manager of the Department of Public Works from March, 2023 to August 18, 2023.

DATE OF NEXT REGULAR MEETING

11. Next Meeting Date - October 9, 2023

ADJOURN

12. Motion to Adjourn

In compliance with Wisconsin's Open Meetings Law, this agenda was posted in the following locations more than 24 hours prior to the time of the meeting:

*City Hall • Mead Public Library
Sheboygan County Administration Building • City's website*

II

R. O. No. 135 - 22 - 23. By CITY CLERK. April 5, 2023.

Submitting a Summons and Complaint - Small Claims in the matter of
Cristy Murray vs. City of Sheboygan c/o Mayor Ryan Sorenson et al.

FAP

CITY CLERK

STATE OF WISCONSIN

CIRCUIT COURT

SHEBOYGAN

Cristy Murray vs. City of Sheboygan c/o Mayor Ryan
Sorenson et alElectronic Filing
NoticeCase No. 2023SC000577
Class Code: Sm Claim, Claim Under \$ Limit

FILED

03-27-2023

Sheboygan County

Clerk of Circuit Court

2023SC000577

Honorable Rebecca L.

Persick

Branch 4

Item 6.

CITY OF SHEBOYGAN C/O MAYOR RYAN SORENSON
828 CENTER AVE #300
SHEBOYGAN WI 53081

Case number 2023SC000577 was electronically filed with/converted by the Sheboygan County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a \$20.00 fee to register as an electronic party. This fee may be waived if you file a Petition for Waiver of Fees and Costs Affidavit of Indigency (CV-410A) and the court finds you are indigent under §814.29, Wisconsin Statutes.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

Pro Se opt-in code: 13109b

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 920-459-3070.

Sheboygan County Circuit Court
Date: March 27, 2023

FILED
03-27-2023

Item 6.

Sheboygan County
Clerk of Circuit Court
2023SC000577
Honorable Rebecca L.
Persick
Branch 4

DATE SIGNED: March 27, 2023

Electronically signed by Christine Koenig
Clerk of Court

STATE OF WISCONSIN

CIRCUIT COURT

SHEBOYGAN COUNTY

Amended

Cristy Murray vs. City of Sheboygan c/o Mayor Ryan
Sorenson et al

**Summons and
Complaint Small Claims**

Case No: 2023SC000577
Sm Claim, Claim Under \$ Limit 31001

Plaintiff:

Cristy Murray
1521 Kaufman Ave.
Sheboygan WI 53081

Defendant:

City of Sheboygan c/o Mayor Ryan Sorenson
828 Center Ave #300
Sheboygan WI 53081

Defendant:

Mark A Polich
2709 Pershing Ave.
Sheboygan WI 53083

This form does not replace the need for an interpreter, any colloquies mandated by law, or the responsibility of court and counsel to ensure that persons with limited English proficiency fully comprehend their rights and obligations.

If you require reasonable accommodations due to a disability to participate in the court process, please call 920-459-3070 at least 10 working days prior to the scheduled court date. Please note that the court does not provide transportation.

Item 6.

SUMMONS

To the Defendant(s):

You are being sued as described on the attached complaint. If you wish to dispute this matter:

- You must appear at the time and place stated.
- You must file a written answer and provide a copy to the plaintiff or plaintiff's attorney on or before the date and time stated.

If you do not appear or answer, the plaintiff may win this case and a judgment entered for what the plaintiff is asking.

| When to Appear/File an Answer | |
|---|-----------------------------------|
| Date 04-24-2023 | Time 08:30 am |
| Place to Appear/File an Answer | |
| Sheboygan County Courthouse B-10 Lower Level 615 N 6th Street Sheboygan WI 53081 | |
| Date Summons Issued 03-27-2023 | Date Summons Mailed 03-27-2023 |

FILED

03-27-2023

Item 6.

Sheboygan County
Clerk of Circuit Court
2023SC000577
Honorable Rebecca L. Persick
Branch 4

This form is also available in Spanish.
(Este formulario está disponible en español.)

STATE OF WISCONSIN, CIRCUIT COURT, SHEBOYGAN COUNTY

Plaintiff: [Name (First, Middle, Last), Address, City, State, Zip]

Cristy Murray
1521 Kaufman Ave.
Sheboygan, WI 53081

See attached for additional plaintiffs.

-vs-

Amended

To: Defendant(s): [Name (First, Middle, Last), Address, City, State, Zip]

CITY OF SHEBOYGAN
c/o Mayor Ryan Sorenson
828 Center Ave #300
Sheboygan, WI 53081
and
MARK A. POLICH
2709 Pershing Ave.
Sheboygan, WI 53083

See attached for additional defendants.

Summons and Complaint (Small Claims)

Case No. 23 SC

- Claim for money (\$10,000 or less) 31001
- Tort/Personal injury (\$5,000 or less) 31010
- Return of property (replevin) 31003
- Eviction 31004
- Eviction due to foreclosure 31002
- Arbitration award 31006
- Return of earnest money 31008

One or both parties require the services of an interpreter. Which party? _____
Which language? _____ Complete and file the Interpreter Request (GF-149) form.

If you require reasonable accommodations due to a disability to participate in the court process, please call _____ prior to the scheduled court date. Please note that the court does not provide transportation.

SUMMONS

To the Defendant(s):

You are being sued as described on the attached complaint. If you wish to dispute this matter:

- You must appear at the time and place stated.
- You must file a written answer and provide a copy to the plaintiff or plaintiff's attorney on or before the date and time stated.

If you do not appear or answer, the plaintiff may win this case and a judgment entered for what the plaintiff is asking.

| When to Appear/File an Answer | |
|---|---------------------|
| Date | Time 8:30 am |
| Place to Appear/File an Answer | |
| Sheboygan County Courthouse Court Room B 615 N 6th St. Sheboygan, WI 53081 | |
| Date Summons Issued | Date Summons Mailed |

Clerk/Attorney Signature

FILED

03-27-2023

Item 6.

Sheboygan County
Clerk of Circuit Court
2023SC000577
Honorable Rebecca L. Persick
Branch 4

COMPLAINT

Plaintiff's Demand:

The plaintiff states the following claim against the defendant(s):

1. Plaintiff demands judgment for (Check as appropriate)

- Claim for Money \$ 1,060.93
- Tort/Personal Injury \$ _____
- Return of property (replevin) (Describe property in 2 below.) (Not to include Wis. Stats. 425.205 actions to recover collateral.)
- Eviction
- Eviction due to foreclosure
- Return of Earnest Money
- Confirmation, vacation, modification or correction of arbitration award

Plus interest, costs, attorney fees, if any, and such other relief as the court deems proper

2. Brief statement of dates and facts:

(If this is an eviction action and you are seeking money damages, you must also state that claim on this form)

On September 2nd, 2022 Cristy Murray's 2005 Ford Focus ("car") was parked in front of her home at 1521 Kaufman Ave., Sheboygan, WI. At approximately 11:00am Mark Polich, a City of Sheboygan employee, was performing his job duties, driving and picking up garbage cans with a City of Sheboygan garbage truck.

Mark lowered the arm of the truck to place a garbage can back on the ground, in front of 1521 Kaufman Ave., he then continued on towards the next garbage can. Unfortunately, Mark failed to raise the arm of the truck before doing so. The arm of the truck collided with the rear of the car, causing a large dent and paint scrape on the car's rear bumper, and breaking off part of the arm of the garbage truck.

Mark contacted the police, Officer Becker responded, and knocked on Ms. Murray's door to inform her of the incident. Officer Becker documented the crash, and Mark apologized to Ms. Murray saying: "I'm so sorry, the arm didn't come up".

Ms. Murray took the vehicle to Dean's Auto Body, Inc. where Joe Black inspected the vehicle and gave Ms. Murray an estimate of \$1,060.93 to repair the damage done by the garbage truck.

A copy of the Preliminary Estimate is attached as Exhibit A.

Ms. Murray submitted a claim to the City of Sheboygan, and was denied in full on March 14th, 2023.

A copy of the letter denying Ms. Murray's claim is attached as Exhibit B.

See attached for additional information. Provide copy of attachments for court and defendant(s).

I am the: plaintiff. attorney for the plaintiff.

▶ _____
Plaintiff's Signature

_____ Name Printed or Typed

_____ Address

_____ Email Address

_____ Telephone Number _____ Date

Kyle Borkehagen _____
Attorney's Signature

Kyle Borkehagen _____
Attorney's Name Printed or Typed

909 N. 8th Street, Suite 100, Sheboygan, WI 53081 _____
Attorney's Address

kborkehagen@rohdedales.com (920) 458-5501 _____
Attorney's Email Address Attorney's Telephone Number

3/27/2023 1084544 _____
Date State Bar No

Item 6.

DEAN'S AUTO BODY, INC.Workfile ID:
PartsShare:018f
6ZZ **Item 6.**

Deans Has the Means for All Your Collision Needs!

1407 N 29TH ST, SHEBOYGAN, WI 53081

Phone: (920) 457-5494

FAX: (920) 457-6495

Preliminary Estimate**Customer: Murray, Cristy**

Written By: Joe Black

Insured: Murray, Cristy
Type of Loss:
Point of Impact: 07 Left RearPolicy #:
Date of Loss:Claim #:
Days to Repair: 0**Owner:**
Murray, Cristy
1521 Kaufmann Ave
Sheboygan, WI 53081
(920) 362-3664 Cell**Inspection Location:**
DEAN'S AUTO BODY, INC.
1407 N 29TH ST
SHEBOYGAN, WI 53081
Repair Facility
(920) 457-5494 Business**Insurance Company:****VEHICLE**

2005 FORD Focus SE ZX4 4D SED 4-2.0L Gasoline SMPI Blue

| | | | |
|------------------------|--------------------------|---------------------|--------------|
| VIN: 1FAFP34N35W209496 | Interior Color: | Mileage In: 162,906 | Vehicle Out: |
| License: ALB-8795 | Exterior Color: Blue | Mileage Out: | |
| State: WI | Production Date: 10/2004 | Condition: Poor | Job #: |

TRANSMISSIONOverdrive
5 Speed Transmission**POWER**Power Steering
Power Brakes
Power Windows
Power Locks
Power Mirrors**DECOR**Dual Mirrors
Tinted Glass
Console/Storage
Overhead Console**CONVENIENCE**Air Conditioning
Intermittent Wipers
Rear Defogger

Keyless Entry

RADIOAM Radio
FM Radio
Stereo
Search/Seek

CD Player

SAFETY

Drivers Side Air Bag

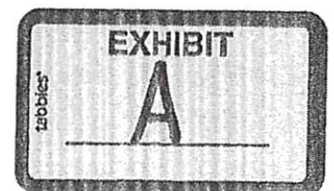
Passenger Air Bag

SEATSCloth Seats
Bucket Seats**WHEELS**

Wheel Covers

PAINT

Clear Coat Paint



Preliminary Estimate

Item 6.

Customer: Murray, Cristy

2005 FORD Focus SE ZX4 4D SED 4-2.0L Gasoline SMPI Blue

| Line | Oper | Description | Part Number | Qty | Extended Price \$ | Labor | Paint |
|------------------|------|--|--------------|-----|-------------------|------------|------------|
| 1 | | REAR BUMPER | | | | | |
| 2 | Repl | Bumper cover | 6S4Z17K835BA | 1 | 417.92 | 1.5 | 2.8 |
| | | Note: CCC Guide to Estimating G36 | | | | | |
| | | . Any Component clear coated as a separate procedure is not included. If the bumper cover requires a different clear coat mix because of flex additives, a separate procedure is required. - MOTOR, DEG Inquiry 5321 | | | | | |
| 3 | | Add for Clear Coat | | | | | 1.1 |
| 4 | | MISCELLANEOUS OPERATIONS | | | | | |
| 5 | # | Repl Administration Supplies | | 1 | 25.00 | | |
| 6 | # | Hazardous waste removal | | 1 | 6.00 T | | |
| 7 | # | Repl Flex additive | | 1 | 6.50 T | | |
| SUBTOTALS | | | | | 455.42 | 1.5 | 3.9 |

ESTIMATE TOTALS

| Category | Basis | Rate | Cost \$ |
|----------------------|---------------|--------------|-----------------|
| Parts | | | 442.92 |
| Body Labor | 1.5 hrs @ | \$ 68.00 /hr | 102.00 |
| Paint Labor | 3.9 hrs @ | \$ 68.00 /hr | 265.20 |
| Paint Supplies | 3.9 hrs @ | \$ 45.00 /hr | 175.50 |
| Body Supplies | 1.5 hrs @ | \$ 5.00 /hr | 7.50 |
| Miscellaneous | | | 12.50 |
| Subtotal | | | 1,005.62 |
| Sales Tax | \$ 1,005.62 @ | 5.5000 % | 55.31 |
| Grand Total | | | 1,060.93 |
| Deductible | | | 0.00 |
| CUSTOMER PAY | | | 0.00 |
| INSURANCE PAY | | | 1,060.93 |

MyPriceLink Estimate ID / Quote ID:

1009540312516796416 / 113073047

Preliminary Estimate

Item 6.

Customer: Murray, Cristy

2005 FORD Focus SE ZX4 4D SED 4-2.0L Gasoline SMPI Blue

As a family owned business, OUR MISSION, is to be your #1 collision repair facility. To provide you with outstanding customer care as we honestly and ethically repair your vehicle using environmentally friendly materials, the latest techniques, and up-to-date procedures. We will strive to grow our company with integrity to keep your business for life.

** All supplements must be addressed before the vehicle leaves. Any supplements left open will result in the vehicle not being delivered until the supplement is agreed upon with a copy in hand.

Per Wisconsin Statute 628.46 - any claim not paid within 30 days is subject to a 7.5% interest charge.

TOTAL LOSS ESTIMATES

Charges for total loss estimates with pictures and documentation to support estimate

Minimum of 4 hours at \$90 and going up from there depending what is all need to complete the written evaluation for a total loss.

Disassembly to gain access to document damage will be added on accordingly at the proper shop rate.

Scanning and measuring for diagnosing complete damage, will be billed out for each job accordingly at the proper shop rate.

Any OEM repair procedures needing a subscription to gather information for the repairs will also be added per vehicle according.

STORAGE CHARGES are \$50 per day

MOTOR VEHICLE REPAIR PRACTICES ARE REGULATED BY CHAPTER ATCP 132, WIS. ADM. CODE, ADMINISTERED BY THE BUREAU OF CONSUMER PROTECTION, WISCONSIN DEPT. OF AGRICULTURE, TRADE AND CONSUMER PROTECTION, P.O. BOX 8911, MADISON, WISCONSIN 53708-8911.

Preliminary Estimate

Item 6.

Customer: Murray, Cristy

2005 FORD Focus SE ZX4 4D SED 4-2.0L Gasoline SMPI Blue

Estimate based on MOTOR CRASH ESTIMATING GUIDE and potentially other third party sources of data. Unless otherwise noted, (a) all items are derived from the Guide DE2JK00, CCC Data Date 09/16/2022, and potentially other third party sources of data; and (b) the parts presented are OEM-parts. OEM parts are manufactured by or for the vehicle's Original Equipment Manufacturer (OEM) according to OEM's specifications for U.S. distribution. OEM parts are available at OE/Vehicle dealerships or the specified supplier. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships with discounted pricing. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor data provided by third party sources of data may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. The symbol (<>) indicates the refinish operation WILL NOT be performed as a separate procedure from the other panels in the estimate. Non-Original Equipment Manufacturer aftermarket parts are described as Non OEM, A/M or NAGS. Used parts are described as LKQ, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries.

Some 2023 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The CCC ONE estimator has a list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

The following is a list of additional abbreviations or symbols that may be used to describe work to be done or parts to be repaired or replaced:

SYMBOLS FOLLOWING PART PRICE:

m=MOTOR Mechanical component. s=MOTOR Structural component. T=Miscellaneous Taxed charge category. X=Miscellaneous Non-Taxed charge category.

SYMBOLS FOLLOWING LABOR:

D=Diagnostic labor category. E=Electrical labor category. F=Frame labor category. G=Glass labor category. M=Mechanical labor category. S=Structural labor category. (numbers) 1 through 4=User Defined Labor Categories.

OTHER SYMBOLS AND ABBREVIATIONS:

Adj.=Adjacent. Algn.=Align. ALU=Aluminum. A/M=Aftermarket part. Blnd=Blend. BOR=Boron steel. CAPA=Certified Automotive Parts Association. D&R=Disconnect and Reconnect. HSS=High Strength Steel. HYD=Hydroformed Steel. Incl.=Included. LKQ=Like Kind and Quality. LT=Left. MAG=Magnesium. Non-Adj.=Non Adjacent. NSF=NSF International Certified Part. O/H=Overhaul. Qty=Quantity. Refn=Refinish. Repl=Replace. R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel. Sect=Section. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

CCC ONE Estimating - A product of CCC Intelligent Services Inc.

The following is a list of abbreviations that may be used in CCC ONE Estimating that are not part of the MOTOR CRASH ESTIMATING GUIDE:

BAR=Bureau of Automotive Repair. EPA=Environmental Protection Agency. NHTSA= National Highway Transportation and Safety Administration. PDR=Paintless Dent Repair. VIN=Vehicle Identification Number.

Preliminary Estimate

Item 6.

Customer: Murray, Cristy

2005 FORD Focus SE ZX4 4D SED 4-2.0L Gasoline SMPI Blue

PARTS SUPPLIER LIST

| Line | Supplier | Description | Price |
|------|--|---|-----------|
| 2 | Broadway Ford Hyundai Genesis 1010 S Military Ave Green Bay WI 54304 | #6S4Z17K835BA Bumper cover Quote: 1338263642 Expires: 11/11/22 | \$ 417.92 |

Preliminary Estimate

Item 6.

Customer: Murray, Cristy

2005 FORD Focus SE ZX4 4D SED 4-2.0L Gasoline SMPI Blue

ALTERNATE PARTS USAGE

2005 FORD Focus SE ZX4 4D SED 4-2.0L Gasoline SMPI Blue

VIN: 1FAFP34N35W209496 Interior Color: Mileage In: 162,906 Vehicle Out:
 License: ALB-8795 Exterior Color: Blue Mileage Out:
 State: WI Production Date: 10/2004 Condition: Poor Job #:

| Alternate Part Type | Selection Method | # Of Times Notified Of Available Parts | # Of Parts Selected |
|---------------------|--------------------|--|---------------------|
| Aftermarket | Automatically List | 0 | 0 |
| Optional OEM | Automatically List | 0 | 0 |
| Reconditioned | Automatically List | 0 | 0 |
| Recycled | N/A | 0 | 0 |

Item 6.

March 14, 2023

CERTIFIED & RESTRICTED MAIL

Cristy Murray
1521 Kaufmann Avenue
Sheboygan, WI 53081

Re: Your Claim Against the City of Sheboygan
Date of Loss: September 2, 2022

Dear Ms. Murray:

City of Sheboygan staff have reviewed and considered your claim filed on November 28, 2023, concerning damages you allegedly received, and denied it in full.

Please be advised that no lawsuit may be brought on this claim against the City of Sheboygan or any of its officials, officers, agents or employees after six (6) months from the date of receipt of this letter.

If you have any further questions on this claim, contact the City Attorney's office at 459-3917.

Sincerely,

[Handwritten Signature]
Charles C. Adams
CITY ATTORNEY

CCA/mmj

City Clerk Meredith DeBruin
Analyst Margo Wagner



To all litigants,

SUBSTANTIAL CHANGES were made to the Sheboygan County Small Claims rules in April, 2020. It is important that you follow the procedures below carefully. Court staff cannot make exceptions for individuals who do not follow the Small Claims procedures set forth below.

PLEASE NOTE: ALL PARTIES MUST READ “THE ABBREVIATED GUIDE TO SMALL CLAIMS” AVAILABLE ON THE SHEBOYGAN COUNTY OFFICIAL WEBSITE, sheboygancounty.com. THE DOCUMENT IS AVAILABLE ON THE PAGES OF BOTH THE CLERK OF COURTS OFFICE AND THE FAMILY COURT COMMISSIONERS OFFICE. If necessary, a paper copy of the Guide can be obtained in person from the Clerk of Courts office. Failure to read and follow all rules in the Guide and this letter may result in adverse consequences to parties failing to follow the applicable law and procedure.

Additional assistance can be found at <https://www.wicourts.gov/services/public/selfhelp/smallclaims.htm> .

THESE SPECIFIC LOCAL INSTRUCTIONS OVERRIDE ANY LANGUAGE REGARDING APPEARANCES ON THE COMPLAINT ITSELF, INCLUDING IN THE BOX MARKED “WHEN TO APPEAR/FILE AN ANSWER”. FOLLOW ONLY THE INSTRUCTIONS BELOW.

This letter will provide important information regarding the initial appearance in this matter. Information on the next steps in the process are in The Abbreviated Guide referenced above.

Initial appearances are conducted in writing only. **DO NOT COME TO THE COURTHOUSE IN PERSON ON THE RETURN DATE.** All answers are to be e-filed or submitted by mail only.

The **PLAINTIFF** does not need to file a letter of appearance, but Proofs of Service and non-military service must be filed with the Clerk of Courts office by noon on the Friday before the date of the scheduled initial appearance. The proof of Non-Military Service can be found at wicourts.gov, under Form, Circuit Court, General, Form GF-175. Submission through the e-filing system or by mail is strongly preferred.

If you are a **DEFENDANT**, you may answer one of two ways:

- You may submit your answer through the e-filing system or by mail. Defendants should receive a copy of the answer form with the complaint. If you do not have a form, it can be downloaded at wicourts.gov, under “Forms,” “Circuit Court,” “Small Claims”. Form SC5200V. Answers must be received by the Clerk of Courts Office by noon of the Friday before the scheduled initial appearance date. A copy also must be mailed to the plaintiff or his or her attorney at this time as well.

| | |
|---|---|
| Enter the name of the county in which you are filing this case. | STATE OF WISCONSIN, CIRCUIT COURT, SHEBOYGAN COUNTY |
| Enter the Plaintiff's name. The Plaintiff is the person bringing the lawsuit. | Plaintiff(s): _____ |
| Enter the Plaintiff's address. | First name Middle name Last name _____ Address _____ Address _____ |
| If there is more than one plaintiff, check the "additional plaintiffs" box and attach another sheet with their names and addresses. | City State Zip <input type="checkbox"/> See attached for additional plaintiffs. |
| Enter the case number from the summons and complaint. | -VS- |
| Enter your name. You are the Defendant. | Defendant(s): _____ |
| Enter your address. | First name Middle name Last name _____ Address _____ Address _____ |
| If there is more than one defendant, check the "additional defendants" box and attach another sheet with their names and addresses. | City State Zip <input type="checkbox"/> See attached for additional defendants. |

**Answer and Counterclaim
(Small Claims)**

Case No. _____

ANSWER

I am the defendant (or an authorized representative of the defendant):

| |
|--|
| Check 1 or 2. Check 1 if you do not dispute the plaintiff's claim. |
| Check 2 if you do dispute the plaintiff's claim. State the reasons why you disagree. |
| Check the box if you need more room and attach any additional pages. See <u>Pre-Judgment: Basic Steps to Small Claims Service</u> (SC-6050V). |

- 1. This matter **IS NOT** contested. I agree with the plaintiff's claim. Judgment may be taken as requested in the complaint, plus costs and interest as allowed by law.
-OR-
- 2. This matter **IS** contested. I do not agree with the plaintiff's claim. This matter should be scheduled so that the parties may present their evidence. The reason(s) why the matter is contested are as follows: **See attached** for additional information.

Counterclaim/Demand

Check the box if there is no counterclaim/demand and go to the signature section.

I/We do not have a counterclaim/demand against the plaintiff(s).

Check this box if there is a counterclaim/demand. Complete this section only if you are making a counterclaim/demand.

I/We have a counterclaim/demand against the plaintiff(s) and demand judgment against the plaintiff(s) for \$ _____, plus interest, costs, attorney fees, if any, and such other relief as the court deems proper.

Briefly explain why the court should award you what you are asking for.

If you are seeking to recover damages of more than \$5,000 for your tort or personal injury counterclaim, or more than \$10,000 for other types of counterclaims, the case may not continue in small claims court. In addition, you must pay a filing fee to the Clerk of Court, and you must send the *Notice of Counterclaim* (SC-5250V) to the plaintiff(s) on the same day the counterclaim is filed.

NOTE: Eviction actions are heard in small claims court, regardless of the amount of the counterclaim.

If you need more room, check the box and attach any additional pages to this Counterclaim.

Defendant(s) certify that a copy of this answer and counterclaim has been or will be mailed to the plaintiff(s) or plaintiff's attorney, if any.

Follow local rules for filing and serving.

Signatures

Sign and print your name. Enter the date on which you signed your name. **Note:** This signature does not need to be notarized.

▶ _____
Defendant's Signature

▶ _____
Attorney's Signature

Name Printed or Typed

Name Printed or Typed

Address

Law Firm and Address

Email Address

Email Address

Telephone Number

Date

Telephone Number

State Bar No. (if any)

If an attorney is completing this form, enter your information.

**CITY OF SHEBOYGAN
RESOLUTION 59-23-24**

BY ALDERPERSONS MITCHELL AND FILICKY-PENESKI.

SEPTEMBER 18, 2023.

A RESOLUTION authorizing the Finance Director to sign documents necessary to settle City Invoice No. 10131 for \$6,919.38.

WHEREAS, the City incurred damage on January 19, 2023, when a vehicle struck a street light on Behrens Avenue east of Gateway Drive; and

WHEREAS, Progressive has offered to settle the claim for \$6,919.38; and

WHEREAS, the Finance Director states that this payment is sufficient to fully reimburse the City for costs incurred to repair and/or replace the damaged property; and

WHEREAS, pursuant to Res. No. 66-20-21, the City Administrator would normally be authorized to negotiate and settle certain claims; and

WHEREAS, Council has not authorized anyone else to negotiate and/or settle certain claims while the City Administrator position is vacant thereby necessitating individual Council approval for each claim.

NOW, THEREFORE, BE IT RESOLVED: That the Finance Director is hereby authorized to sign the release form accepting \$6,919.38, to accept payment in that amount, and to deposit the payment amount into the appropriate account(s).

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

_____.

Presiding Officer

Attest

Ryan Sorenson, Mayor, City of Sheboygan

Meredith DeBruin, City Clerk, City of Sheboygan



City of Sheboygan
828 Center Ave, Suite 110
Sheboygan, WI 53081

PHONE
(920) 459-3371
FAX
(920) 459-3967

WEBSITE
www.sheboyganwi.gov

Cus Item 7. y

| CUSTOMER | INVOICE DATE | INVOICE NUMBER | AMOUNT PAID | DUE DATE | INVOICE TOTAL DUE | | |
|---|--------------|----------------|-------------|---------------|-------------------|--------|------------|
| FREIBURGER, TRAVIS LEE | 07/10/2023 | 10131 | \$0.00 | 08/09/2023 | \$8,649.23 | | |
| DESCRIPTION | QUANTITY | PRICE | UOM | ORIGINAL BILL | ADJUSTED | PAID | AMOUNT DUE |
| WORK ORDER 96299 STREET LIGHT DAMAGED BEHRENS AVE E OF GATEWAY DR 1/19/23 | 1 | \$8,649.23 | EACH | \$8,649.23 | \$0.00 | \$0.00 | \$8,649.23 |
| Invoice Total: | | | | | \$8,649.23 | | |

✂ DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT ✂

Promptly Send Payment To:



City of Sheboygan
828 Center Ave, Suite 110
Sheboygan, WI 53081
(920) 459-3371 Fax (920) 459-3967

58911
FREIBURGER, TRAVIS LEE
W3348 CTY RD V
SHEBOYGAN FALLS, WI 53805

INVOICE

Remit Portion

| | |
|--------------------------|-------------------|
| Invoice Date | 07/10/2023 |
| Invoice Number | 10131 |
| Customer Number | 58911 |
| Amount Paid | \$0.00 |
| Due Date | 08/09/2023 |
| Invoice Total Due | \$8,649.23 |

Please put Invoice Number on your check.
Make Checks Payable to: **City of Sheboygan**

**CITY OF SHEBOYGAN
RESOLUTION 61-23-24**

BY ALDERPERSONS MITCHELL AND FILICKY-PENESKI.

SEPTEMBER 18, 2023.

A RESOLUTION authorizing the Finance Director to make all necessary changes and transactions in the City's General Ledger to close the Cable TV Fund and consolidate it into the General Fund.

WHEREAS, the Common Council previously approved changes to the General Ledger to implement a large-scale chart of account redesign project; and

WHEREAS, the City's auditor, Baker Tilly, has recommended further consolidation of the Cable TV Fund into the General Fund after review; and

WHEREAS, the Finance Director agrees that consolidation of the Cable TV Fund into the General Fund would align with accounting best practice; and

WHEREAS, the Common Council finds that these changes are in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED: That the Finance Director is authorized to make all necessary changes and transactions in the City's General Ledger to close the Cable TV Fund and consolidate it into the General Fund.

BE IT FURTHER RESOLVED: That the Finance Director is authorized to transfer the December 31, 2022 fund balance amounts via the following budget amendment:

INCREASE:

| | |
|--|--------------|
| Capital Project Fund – Capital Projects – Interfund Transfer In (Acct. No. 400-492000) | \$ 80,000.00 |
| Information Technology Fund – Information Technology – Interfund Transfer In (Acct. No. 713-492000) | \$437,783.24 |
| Cable TV Fund – Cable TV – Interfund Transfer Out (Acct. No. 211519-811100) | \$517,783.24 |

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

Presiding Officer

Attest

Ryan Sorenson, Mayor, City of
Sheboygan

Meredith DeBruin, City Clerk, City of
Sheboygan

VI

R. C. No. 218 - 22 - 23. By FINANCE AND PERSONNEL COMMITTEE. April 17, 2023.

Your Committee to whom was referred R. O. No. 34-22-23 by City Clerk submitting a Summons and Complaint in the matter of Badger State Lofts, LP vs. City of Sheboygan; recommends referring to the Finance and Personnel Committee of the 2023-2024 council year.

FAP 23-24

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Committee

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

II

R. O. No. 34 - 22 - 23. By CITY CLERK. July 5, 2022.

Submitting a Summons and Complaint in the matter of Badger State Lofts,
LP vs. City of Sheboygan.

CITY CLERK

F+P

STATE OF WISCONSIN CIRCUIT COURT SHEBOYGAN

BADGER STATE LOFTS, LP vs. CITY OF SHEBOYGAN Electronic Filing Notice

Case No. 2022CV000292
Class Code: Money Judgment

FILED 06-01-2022 Sheboygan County Clerk of Circuit Court 2022CV000292 Honorable Samantha R. Bastil Branch 1

CITY OF SHEBOYGAN
828 CENTER AVENUE
SHEBOYGAN WI 53081

Process Server
Date: 6/29/22 Time: 3:36 am
Personal Substitue
Posted Corporate

Case number 2022CV000292 was electronically filed with/converted by the Sheboygan County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at http://efiling.wicourts.gov/ and may withdraw as an electronic party at any time. There is a \$20.00 fee to register as an electronic party. This fee may be waived if you file a Petition for Waiver of Fees and Costs Affidavit of Indigency (CV-410A) and the court finds you are indigent under §814.29, Wisconsin Statutes.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

Pro Se opt-in code: 150aea

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 920-459-3068.

Sheboygan County Circuit Court
Date: June 1, 2022

JUN 29 '22 3:47

Item 9.

FILED
06-01-2022
Sheboygan County
Clerk of Circuit Court
2022CV000292
Honorable Samantha R.
Bastil
Branch 1

STATE OF WISCONSIN
CIRCUIT COURT
SHEBOYGAN COUNTY

BADGER STATE LOFTS, LP
9311 N. Meridian Street, Suite 100
Indianapolis, IN 46260-1865,

Plaintiff,

v.

Case No. _____
Money Judgment - 30301

CITY OF SHEBOYGAN,
828 Center Avenue
Sheboygan, WI 53081,

Defendant.

SUMMONS

To each entity named above as Defendant:

You are hereby notified that the plaintiff named above have filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within 20 days of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to or electronically filed with the Court, whose address 615 North 6th Street, Sheboygan, Wisconsin 53081, and to plaintiff's attorneys, Reinhart Boerner Van Deuren s.c., whose address is 22 East Mifflin Street, Suite 700, Madison, Wisconsin 53703. You may have an attorney help or represent you.

If you do not provide a proper answer within 20 days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 1st day of June, 2022.

Reinhart Boerner Van Deuren s.c.
22 East Mifflin Street, Suite 700
Milwaukee, WI 53703
Telephone: 608-229-2200
Facsimile: 608-229-2100

Mailing Address:
P.O. Box 2018
Milwaukee, WI 53701-2018

Electronically signed by Don M. Millis

Don M. Millis
State Bar ID No. 1015755
Sara Stellpflug Rapkin
State Bar ID No. 1076539
Shawn E. Lovell
State Bar ID No. 1079801
Karla M. Nettleton
State Bar ID No. 1098960
Attorneys for Plaintiff

FILED
06-01-2022
Sheboygan County
Clerk of Circuit Court
2022CV000292
Honorable Samantha R
Bastil
Branch 1

STATE OF WISCONSIN
CIRCUIT COURT
SHEBOYGAN COUNTY

BADGER STATE LOFTS, LP
9311 N. Meridian Street, Suite 100
Indianapolis, IN 46260-1865,

Plaintiff,

v.

Case No. _____
Money Judgment - 30301

CITY OF SHEBOYGAN,
828 Center Avenue
Sheboygan, WI 53081,

Defendant.

COMPLAINT

Plaintiff Badger State Lofts LP ("Plaintiff"), by its undersigned counsel, Reinhart Boerner Van Deuren s.c., for its Complaint against the defendant the City of Sheboygan (the "City"), alleges as follows:

NATURE OF ACTION AND PARTIES

1. This action is brought under Wis. Stat. § 74.37(3)(d), for a refund of excessive real estate taxes imposed on Plaintiff by the City for the 2021 tax year, plus statutory interest, with respect to a parcel of real property in the City (the "Property").

2. Plaintiff is the owner of the Property, is responsible for the payment of property taxes and the prosecution of property tax disputes involving the Property and is authorized to bring this claim in its own name.

3. The City is a body corporate and politic, duly organized as a municipal corporation under Wisconsin law, with its principal office located at 828 Center Avenue, in the City.

4. The Property is located at 1031 Maryland Avenue, within the City, and is identified in the City's records as Tax Parcel No. 59281505650.

JURISDICTION AND VENUE

5. The Court has personal jurisdiction over the City pursuant to Wis. Stat. § 801.05(1).

6. Venue is appropriate in Sheboygan County pursuant to Wis. Stat. § 801.50(2)(a).

BACKGROUND FACTS

2021 Assessment - Background Facts

7. The Department of Revenue determined that the aggregate ratio of property assessed in the City was 78.6759827% as of January 1, 2021.

8. For 2021, property tax was imposed on property in the City at the rate of \$26.21 per \$1,000 of assessed value for the Property.

9. For 2021, the City's assessor set the assessment of the Property at \$14,307,000.

10. Plaintiff did not receive any notice of the changed assessment pursuant to Wis. Stat. § 70.365. Therefore, Plaintiff was not required to comply with City's Board of Review procedures pursuant to Wis. Stat. § 74.37(4)(a).

11. The City imposed tax on the Property in the amount of \$374,992.28.

12. Plaintiff timely paid the property taxes imposed by the City on the Property for 2021, or the required installment thereof.

13. On January 31, 2022, Plaintiff timely and personally served on the City Clerk a claim for excessive assessment pursuant to Wis. Stat. § 74.37(2) (the "2021 Claim"). A true and

correct copy of the 2021 Claim is attached hereto as **Exhibit A** and is incorporated herein by reference.

14. On or about March 4, 2022, Plaintiff received a letter from the City, stating that the City Common Council considered the 2021 Claim and disallowed the 2021 Claim in its entirety (the "2021 Disallowance"). A true and correct copy of the 2021 Disallowance is attached hereto as **Exhibit B** and is incorporated herein by reference

CLAIM FOR RELIEF

15. The allegations of paragraphs 1-14 are incorporated as if fully re-alleged herein.

2021 Assessment - Claim for Relief

16. The fair market value of the Property as of January 1, 2021 was no higher than \$6,500,000.

17. Based on the aggregate ratio of 78.6759827%, the correct assessment of the Property for the 2021 tax year was no higher than \$5,113,939.

18. Based on the tax rate of \$26.21 per \$1,000 of assessed value, the correct amount of property taxes on the Property for the 2021 tax year is no higher than \$134,038.

19. The 2021 assessment of the Property, as set by the City's Assessor and compared with other commercial properties in the City was excessive and, upon information and belief, violated Article VIII, Section 1 (i.e., the Uniformity Clause) of the Wisconsin Constitution. As a result, the property tax imposed on the Property for 2021 may be excessive in at least the amount of \$240,954.

20. Upon information and belief the City will take the position that the assessment of property in the City is at market value and, if true, then an over assessment of the Property constitutes a Uniformity Clause violation. As a result of the assessment of the Property, the Property bears an unreasonably disproportionate share of taxes on an ad valorem basis.

21. Plaintiff is entitled to a refund of 2021 tax in the amount of at least \$240,954, or such greater amount as may be determined to be due to Plaintiff, plus statutory interest.

WHEREFORE, Plaintiff respectfully requests the following relief:

A. A determination that the assessment of the Property for 2021 should be no higher than \$5,113,939;

B. A determination that the correct tax on the Property for 2021 should be no higher than \$134,038;

C. Judgment in the amount of \$240,954 or such greater amount as may be determined due to Plaintiff, plus statutory interest;

D. An award of all litigation costs incurred by Plaintiff in this action, including the reasonable fees of its attorneys; and

E. Such other and further relief as the Court deems appropriate and just.

Dated this 1st day of June, 2022.

Reinhart Boerner Van Deuren s.c.
22 East Mifflin Street, Suite 700
Madison, WI 53703
Telephone: 608-229-2200
Facsimile: 608-229-2100

Mailing Address:
P.O. Box 2018
Madison, WI 53701-2018

47405268

Electronically signed by Don M. Millis

Don M. Millis
State Bar ID No. 1015755
Sara Stellpflug Rapkin
State Bar ID No. 1076539
Shawn E. Lovell
State Bar ID No. 1079801
Karla M. Nettleton
State Bar ID No. 1098960
Attorneys for Plaintiff

Item 9.

Rec'd
JAN 31 '22 11:25 AM MD



Reinhart Boerner Van Deuren s.c.
P.O. Box 2018
Madison, WI 53701-2018

22 East Mifflin Street
Suite 700
Madison, WI 53703

Telephone: 608.229.2200
Fax: 608.229.2100
reinhartlaw.com

January 26, 2022

EXHIBIT
A

Don M. Millis, Esq.
Direct Dial: 608-229-2234
dmillis@reinhartlaw.com

CLAIM FOR EXCESSIVE ASSESSMENT

SERVED BY PROCESS SERVER

Meredith DeBruin, Clerk
City of Sheboygan
City Hall
828 Center Avenue, Suite 103
Sheboygan, WI 5308

Process Server *DM*
Date 1/31/22 Time 11:28 am
 Personal Substitute
 Posted Corporate

Dear Clerk:

Re: Tax Parcel No. 59281505650

Now comes Claimant, Badger State Lofts LP, owner of parcel 59281505650 0 (the "Property") in Sheboygan, Wisconsin, by Claimant's attorneys Reinhart Boerner Van Deuren s.c., and files this Claim for Excessive Assessment against the City of Sheboygan (the "City"), pursuant to Wis. Stat. § 74.37. You hereby are directed to serve any notice of disallowance on the undersigned agent of the Claimant.

1. This Claim is brought under Wis. Stat. § 74.37(3)(d), for a refund of excessive real estate taxes imposed on Claimant by the City for the year 2021, plus statutory interest, with respect to the Property.

2. Claimant is the owner of the Property, is responsible for the payment of property taxes and the prosecution of property tax disputes involving the Property and is authorized to bring this claim in its own name.

3. The City is a body corporate and politic, duly organized as a municipal corporation under Wisconsin law, with its principal office located at 828 Center Avenue in the City.

4. The Property is located at 1031 Maryland Avenue within the City and is identified in the City's records as Tax Parcel No. 59281505650.

5. The Wisconsin Department of Revenue determined that the aggregate ratio of property assessed in the City was 78.6759827% as of January 1, 2021.

Meredith DeBruin, Clerk
January 26, 2022
Page 2

6. For 2021, property tax was imposed on property in the City at the rate of \$26.210405 per \$1,000 for of the assessed value for Property.
7. For 2021, the City's assessor set the assessment of the Property at \$2,759,000.
8. Claimant did not receive any notice of the changed assessment pursuant to Wis. Stat. § 70.365. Therefore, Claimant was not required to comply with City's Board of Review procedures pursuant to Wis. Stat. § 74.37(4)(a).
9. The City imposed tax on the Property in the amount of \$374,992.28.
10. Claimant timely paid the property taxes imposed by the City on the Property for 2021, or the required installment thereof.
11. The fair market value of the Property as of January 1, 2021 was no higher than \$6,500,000.
12. Based on the aggregate ratio 78.6759827%, the correct assessment of the Property for 2021 is no higher than \$5,113,939.
13. Based on the tax rate of \$26.210405 per \$1,000 of assessed value, the correct amount of property tax on the Property for 2021 should be no higher than \$134,038.
14. The 2021 assessment of the Property, as set by the City's Board of Assessors and compared with other properties in the City was excessive and, upon information and belief, violated Article VIII, Section 1 (i.e., the Uniformity Clause) of the Wisconsin Constitution. As a result, the property tax imposed on the Property for 2021 was excessive in at least the amount of \$240,954.
16. Upon information and belief the City will take the position that the assessment of property in the City is at market value and, if true, then an over assessment of the Property constitutes a Uniformity Clause violation. As a result of the assessment of the Property, the Property bears an unreasonably disproportionate share of taxes on an ad valorem basis.
17. Claimant is entitled to a refund of 2021 tax in the amount of \$240,954, or such greater amount as may be determined to be due to Claimant, plus statutory interest.
18. The amount of this claim is \$240,954, plus interest thereon.

Meredith DeBruin, Clerk
January 26, 2022
Page 3

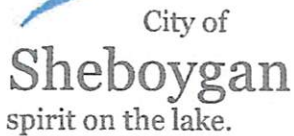
Dated at Madison, Wisconsin, this 26th day of January, 2022.

Sincerely yours,



Don M. Millis
Agent for Claimant

46684067



City of
Sheboygan
spirit on the lake.

March 4, 2022

CERTIFIED & RESTRICTED MAIL

Reinhart Boerner Van Deuren s.c.
c/o Attorney Don Millis
22 East Mifflin Street, Suite 700
Madison, WI 53701-2018



Re: Your Claimant: Badger State Lofts LP
Date of Loss: 2021 Tax Year

Dear Attorney Millis:

City of Sheboygan staff have reviewed and considered your claim filed on January 31, 2022, concerning damages your claimant allegedly received, and denied it in full.

Please be advised that no lawsuit may be brought on this claim against the City of Sheboygan or any of its officials, officers, agents or employees after six (6) months from the date of receipt of this letter.

If you have any further questions on this claim, contact the City Attorney's office at 459-3917.

Sincerely,



Charles C. Adams
CITY ATTORNEY

CCA/mms

cc: City Clerk Meredith DeBruin
Financial Reporting Analyst Margo Wagner
Director of Liability Claims Allison DeFranze

CITY ATTORNEY'S OFFICE

CITY HALL
828 CENTER AVENUE
SUITE 210
SHEBOYGAN, WI 53081

920/459-3917
FAX 920/459-3919

www.sheboyganwi.gov

WISCONSIN CITY ATTORNEY
WATER AVENUE, SUITE 2
MILWAUKEE, WI 53081

CERTIFIED MAIL



MILWAUKEE WI 530
MAR. 2022 PM 4 L



quadrant
FIRST-CLASS MAIL
IMI
\$013.33⁰
03/04/2022 ZIP 53081
043M31230357

Item 9.

US POSTAGE

7016 2710 0000 7505 1581

NO RECEIPT
REQUESTED

RESTRICTED DELIVERY

NK
3/7

Reinhart Boerner Van Deuren s.c
c/o Attorney Don Millis
22 East Mifflin Street, Suite 700
Madison, WI 53701-2018

RESTRICTED DELIVERY



53701-422575



✓

**CITY OF SHEBOYGAN
DIRECT REFERRAL RESOLUTION 62-23-24
TO FINANCE AND PERSONNEL COMMITTEE**

BY ALDERPERSONS MITCHELL AND FILICKY-PENESKI.

SEPTEMBER 25, 2023.

A RESOLUTION authorizing the Finance Director/Treasurer to compensate Heather Burke interim pay for her service to the City as Business Manager of the Department of Public Works from March, 2023 to August 18, 2023.

WHEREAS, the Business Manager position, a “step 15” position, became vacant on August 26, 2022; and

WHEREAS, Heather Burke assumed the role on August 21, 2023; and

WHEREAS, from August, 2022 to August, 2023, Heather Burke, a “step 9” employee assumed some of the additional responsibilities, in the interim as Director Biebel decided whether to fill the Business Manager position or not; and

WHEREAS, Sheboygan Municipal Code (“SMC”) § 18-74(a) allows an affected department head and the Director of Human Resources and Labor Relations to recommend to the City Administrator that an appropriate subordinate, nonrepresented employee fill a vacant position temporarily and that if the subordinate employee is in a lower salary grade while serving on an acting basis, the employee “shall receive additional compensation for the additional work assigned;” and

WHEREAS, SMC § 18-74(a) provides further that the acting employee shall be compensated with “an increase of ten percent” when acting in full capacity or at a “reduced amount” “for limited acting duties or when partial duties are assigned” and that such compensation shall be issued “after a replacement starts in the form of a lump-sum for all acting time;” and

WHEREAS, the Director of Human Resources and Labor Relations has calculated Ms. Burke’s acting pay would total \$2,733.12; and

WHEREAS, in the absence of a City Administrator, the Common Council has declared that the Common Council be the one to approve this request.

NOW, THEREFORE, BE IT RESOLVED: That the Finance Director is hereby authorized to compensate Heather Burke for her service to the City as Business Manager prior to assuming the role.

BE IT FURTHER RESOLVED: That the Finance Director is authorized to draw funds sufficient to effectuate this resolution from Account No. 101310-510110 (General Funds – Public Works Admin. – Full-Time Salaries).

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

_____.

Presiding Officer

Attest

Ryan Sorenson, Mayor, City of Sheboygan

Meredith DeBruin, City Clerk, City of Sheboygan