

## **CITY OF SHEBOYGAN**

# **THIRTEENTH REGULAR COMMON COUNCIL MEETING MINUTES**

**Monday, October 02, 2023**

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### **OPENING OF MEETING**

#### **1. Roll Call**

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

Aldersperson excused: Dekker – 1.

#### **2. Pledge of Allegiance**

#### **3. Approval of Minutes**

Regular Council Meeting held on September 18, 2023

MOTION TO APPROVE THE MINUTES FROM THE TWELFTH REGULAR COUNCIL MEEETING HELD ON SEPTEMBER 18, 2023

Motion made by Salazar, Seconded by Rust.

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

#### **4. Confirmation of Mayoral Appointment**

Brittney Wagner to the Mayor's International Committee

MOTION TO CONFIRM

Motion made by Salazar, Seconded by Rust.

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

#### **5. Public Forum**

Limit of five people having five minutes each with comments limited to items on this agenda. No one spoke.

#### **6. Mayor's Announcements**

Upcoming Community Events, Proclamations, Employee Recognitions

### **CONSENT**

#### **7. Motion to Receive and File all R.O.'s, Receive all R.C.'s and Adopt all Resolutions and Ordinances**

Motion made by Salazar, Seconded by Rust.

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

#### **8. R. O. No. 49-23-24 by Board of Water Commissioners submitting a copy of the 2024 Budget for the Sheboygan Water Utility.**

MOTION TO RECEIVE AND FILE THE DOCUMENT

Motion made by Salazar, Seconded by Rust.

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

9. R. O. No. 52-23-24 by City Plan Commission to whom was referred R. O. No. 43-23-24 by City Clerk submitting a Certified Survey Map creating Lot 1A and Outlot 1B in the SouthPointe Enterprise Campus, including dedication of public street right-of-way for a portion of South Taylor Drive north of Horizon Drive, as shown on the attached map; recommends filing the R. O. and adopting the map.

MOTION TO FILE THE R. O. AND ADOPT THE MAP

Motion made by Salazar, Seconded by Rust.

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

10. R. O. No. 53-23-24 by City Plan Commission to whom was referred Gen. Ord. No. 18-23-24 by Alderperson Mitchell repealing Gen. Ord. No. 11-04-05 relating to the grant of encroachment privileges to Guralp Wisconsin Stations, LLC; recommends adopting the Ordinance.

MOTION TO RECEIVE THE R. O. AND ADOPT THE ORDINANCE

Motion made by Salazar, Seconded by Rust.

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

11. R. C. No. 91-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 135-22-23 by City Clerk submitting a Summons and Complaint - Small Claims in the matter of Cristy Murray vs. City of Sheboygan c/o Mayor Ryan Sorenson et al.; recommends filing the document.

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

Motion made by Salazar, Seconded by Rust.

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

12. R. C. No. 92-23-24 by Finance and Personnel Committee to whom was referred R. C. No. 218-22-23 by Finance and Personnel Committee and 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 filing the document.

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

Motion made by Salazar, Seconded by Rust.

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

13. R. C. No. 93-23-24 by Finance and Personnel Committee to whom was referred Res. No. 59-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the Finance Director to sign documents necessary to settle City Invoice No. 10131 for \$6,919.38; recommends adopting the Resolution.

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

Motion made by Salazar, Seconded by Rust.

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

14. R. C. No. 96-23-24 by Public Works Committee to whom was referred Res. No. 60-23-24 by Alderpersons Dekker and Rust authorizing the Purchasing Agent to issue purchase orders for the purchase of 717 trees to be received and planted in the spring of 2024 by the Department of Public Works Parks & Forestry Division; recommends adopting the Resolution.

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

Motion made by Salazar, Seconded by Rust.

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

15. R. C. No. 97-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 44-23-24 by City Clerk submitting a license application for License No. 2313 for a permanent change of premises; recommends granting the application contingent upon final Building Inspection confirmation that tenant has been removed and connecting way properly installed.

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

Motion made by Salazar, Seconded by Rust.

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

**REPORT OF OFFICERS**

16. R. O. No. 46-23-24 by Transit Commission to whom was referred Res. No. 47-23-24 by Alderpersons Dekker, Salazar and Mitchell authorizing the Purchasing Agent to issue a purchase order for a 2023 John Deere ProGator 2020A for the Sheboygan Parking Utility and to trade in a 2012 John Deere ProGator 2020A as part of the purchase; recommends amending the Resolution.

**RECEIVE THE R. O. AND ADOPT THE SUBSTITUTE RESOLUTION**

Motion made by Salazar, Seconded by Mitchell.

Voting Yea: Ackley, Felde, Heidemann, Mitchell, Ramey, Rust, Salazar

Voting Nay: Filicky-Peneski

Voting Abstaining: Perrella

17. R. O. No. 51-23-24 by City Plan Commission to whom was referred DIRECT REFERRAL R. O. No. 45-23-24 by Finance Director submitting Capital Improvements Program (CIP) Requests for the years 2024-2028; referring the CIP requests to council. REFER TO COMMITTEE OF THE WHOLE
18. R. O. No. 48-23-24 by City Clerk submitting a Petition for Direct Annexation by Unanimous Approval regarding certain lands within the Town of Wilson that are to be annexed to the City of Sheboygan (Tax Parcel Nos: 59030454421, 59030454462, 59030454450, and 59030454460). REFER TO CITY PLAN COMMISSION
19. R. O. No. 47-23-24 by City Clerk submitting a claim from Society Insurance for alleged damages to Limelight Pub. REFER TO FINANCE AND PERSONNEL COMMITTEE

20. R. O. No. 50-23-24 by City Clerk submitting a Summons and Complaint in the matter of BMO Harris Bank N.A. vs. Jessica J. Jacoby et al. REFER TO FINANCE AND PERSONNEL COMMITTEE
21. R. O. No. 54-23-24 by City Clerk submitting a license application. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

## RESOLUTIONS

22. Res. No. 68-23-24 by Alderpersons Dekker and Salazar authorizing the appropriate City officials to execute the Employee Leasing Agreement between the City of Sheboygan and GOVTEMPSUSA, LLC with regard to procuring the services of Interim HR Director Kelly Hendee.

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

Motion made by Salazar, Seconded by Rust.

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

23. Res. No. 72-23-24 by Alderpersons Dekker and Salazar authorizing the purchasing agent to place bids on the Wisconsin Surplus Auction website and to complete the purchase of one or two rear-load refuse trucks for the Department of Public Works.

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

Motion made by Rust, Seconded by Salazar.

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

24. Res. No. 63-23-24 by Alderpersons Salazar and Felde establishing polling locations for the City of Sheboygan beginning in 2024. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE
25. Res. No. 64-23-24 by Alderpersons Mitchell and Filicky-Peneski adopting certain changes to the City's Medical Benefit Plan and Dental Benefit Plan effective for calendar year 2024 coverage and establishing the monthly premium equivalent rates effective for January 2024 coverage and thereafter. REFER TO FINANCE AND PERSONNEL COMMITTEE
26. Res. No. 65-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to file an application with the United States Department of Transportation for a RAISE grant to construct a bicycle and pedestrian bridge connecting South Pier with the Riverfront; to execute documents necessary to accept grant funds; and designating \$1,335,483.00 of local matching as required by the program. REFER TO PUBLIC WORKS COMMITTEE
27. Res. No. 66-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a contract with Buteyn-Peterson Construction Company for the construction of the Cleveland Park Splash Pad project. REFER TO PUBLIC WORKS COMMITTEE
28. Res. No. 67-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City officials to execute Engagement Letter Agreements with Baker Tilly US, LLP ("Baker Tilly") for auditing services relating to the dissolution of Tax Incremental District No. 6, Tax Incremental District No. 10, Tax Incremental District No. 12, Tax Incremental District No. 13,

Tax Incremental District No. 14, and Tax Incremental District No. 15. REFER TO FINANCE AND PERSONNEL COMMITTEE

29. Res. No. 69-23-24 by Alderpersons Dekker and Rust authorizing the Department of Public Works to donate a 2011 Ferris zero turn mower to the Sheboygan Area Youth Soccer Organization, Inc. DBA Lakeshore United FC c/o Christopher Lacey. REFER TO PUBLIC WORKS COMMITTEE
30. Res. No. 70-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a revised State/Municipal Agreement (revised date August 4, 2023) with the State of Wisconsin Department of Transportation to update the existing traffic signals at the intersection of S. Business Drive and STH 28 / Washington Avenue. REFER TO PUBLIC WORKS COMMITTEE
31. Res. No. 71-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a revised State/Municipal Agreement (revised date August 4, 2023) with the State of Wisconsin Department of Transportation to update the existing traffic signals at the intersection of STH 23 and Taylor Drive. REFER TO PUBLIC WORKS COMMITTEE
32. Res. No. 73-23-24 by Alderpersons Mitchell and Filicky-Peneski establishing the 2024 Budget appropriations and the 2023 Tax Levy for use during the calendar year. REFER TO COMMITTEE OF THE WHOLE

**REPORT OF COMMITTEES**

33. R. C. No. 94-23-24 by Finance and Personnel Committee to whom was referred Res. No. 61-23-24 by Alderpersons Mitchell and Filicky-Peneski 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; 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, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

34. R. C. No. 95-23-24 by Finance and Personnel Committee to whom was referred DIRECT REFERRAL Res. No. 62-23-24 by Alderpersons Mitchell 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; 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, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

**GENERAL ORDINANCES**

35. Gen. Ord. No. 22-23-24 by Alderpersons Salazar and Felde amending Section 2-115 so as to eliminate the need for alderperson signatures on council documents and revising the deadline for

submitting requests for documents to the legal department. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

36. Gen. Ord. No. 24-23-24 by Alderperson Mitchell annexing territory from the Town of Wilson to the City of Sheboygan, Wisconsin. REFER TO CITY PLAN COMMISSION
37. Gen. Ord. No. 23-23-24 by Alderpersons Salazar and Felde amending Section 26-20(c) so as to update the list of public buildings where smoking is prohibited. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY

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

#### **CLOSED SESSION**

38. MOTION TO CONVENE IN CLOSED SESSION pursuant to the exemption in sec. 19.85(1)(g), Wis. Stats., in order to confer with legal counsel for the City who is rendering oral advice concerning strategy to be adopted by the body with respect to litigation in which it is involved, to wit: Todd Wolf vs. City of Sheboygan, et al, and taking possible actions related to such strategy.

Motion made by Salazar, Seconded by Rust.

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

#### **ADJOURN MEETING**

39. Motion to Adjourn

MOTION TO ADJOURN IN CLOSED SESSION AT 6:54 PM

Motion made by Salazar, Seconded by Rust.

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