

CITY OF SHEBOYGAN
TWELFTH REGULAR COMMON COUNCIL MEETING MINUTES
Monday, September 18, 2023

OPENING OF MEETING

1. Roll Call

Alders present: Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust – 8.

Alders excused: Ackley and Salazar – 2.

2. Presentation of the National Colors

Honor Guard VFW 9156

3. Pledge of Allegiance

4. Approval of Minutes

Eleventh Regular Council Meeting held on September 5, 2023 and Second Special Council Meeting held on September 11, 2023.

MOTION TO APPROVE THE MINUTES

Motion made by Dekker, Seconded by Rust.

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

5. Resignation

Adam Westbrook as the Director of Human Resources and Labor Relations effective September 22, 2023.

MOTION TO ACCEPT AND FILE

Motion made by Dekker, Seconded by Rust.

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

6. Mayoral Appointment

Brittney Wagner to the Mayor's International Committee. Lays over.

7. Public Forum

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

8. Election

Water commissioner - term to begin on October 1, 2023.

MOTION TO RECEIVE NOMINATIONS FROM THE FLOOR, VOTING TO BE DONE BY OPEN BALLOT, AND IF TWO OR MORE CANDIDATES ARE NOMINATED, THE CANDIDATE WITH THE LOWEST NUMBER OF VOTES BE DROPPED FROM THE LIST, AND BALLOTING TO CONTINUE UNTIL ONE CANDIDATE RECEIVES A MAJORITY.

Motion made by Dekker, Seconded by Rust.

MOTION TO NOMINATE THOMAS HOWE

Motion made by Dekker, Seconded by Filicky-Peneski.

MOTION TO CLOSE NOMINATIONS

Motion made by Dekker, Seconded by Rust.

MOTION TO INSTRUCT THE CITY CLERK TO CAST A UNANIMOUS BALLOT FOR THOMAS HOWE TO SERVE AS A MEMBER ON THE BOARD OF WATER COMMISSIONERS.

Motion by Dekker, Seconded by Rust.

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

9. Presentation

VFW 9156

10. Mayor's Announcements

Upcoming Community Events, Proclamations, Employee Recognitions

CONSENT

11. 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.

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

12. R. C. No. 83-23-24 by Public Works Committee to whom was referred Gen. Ord. No. 19-23-24 by Alderpersons Dekker and Ramey creating a two-way stop requiring northbound and southbound traffic on N. 18th Street to stop at Cambridge Avenue; recommends adopting the Ordinance.

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

Motion made by Dekker, Seconded by Rust.

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

13. R. C. No. 84-23-24 by Public Works Committee to whom was referred Gen. Ord. No. 21-23-24 by Alderpersons Dekker and Rust correcting various provisions of the Sheboygan Municipal Code so that they conform to Ordinance No. 14-23-24 adopted on August 7, 2023; recommends adopting the Ordinance.

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

Motion made by Dekker, Seconded by Rust.

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

14. R. C. No. 85-23-24 by Public Works Committee to whom was referred Res. No. 51-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a contract with JT Engineering, Inc. for design services related to the STH 23 and Taylor Drive intersection; recommends adopting the Resolution.

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

Motion made by Dekker, Seconded by Rust.

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

15. R. C. No. 86-23-24 by Public Works Committee to whom was referred Res. No. 52-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to execute a lease agreement with Lakeshore Regional Child Advocacy Center for long-term use of a portion of the Uptown Social Senior Community Center building located at 1817 N. 8th Street, Sheboygan, as a branch location; recommends adopting the Resolution.

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

Motion made by Dekker, Seconded by Rust.

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

16. R. C. No. 87-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred Res. No. 53-23-24 by Alderpersons Salazar and Felde authorizing the Purchasing Agent to issue a purchase order for five police-marked squad sport utility vehicles 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 Rust.

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

17. R. C. No. 88-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 38-23-24 by City Clerk submitting various license applications; recommends granting the license applications with caveat.

MOTION TO RECEIVE THE R. C. AND GRANT THE APPLICATIONS WITH
CAVEAT

Motion made by Dekker, Seconded by Rust.

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

18. R. C. No. 90-23-24 by Finance and Personnel Committee to whom was referred Res. No. 50-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City officials to execute the Agreement Between the City of Sheboygan and Sheboygan County for the Development of a Crisis Co-Response Pilot Program Utilizing American Rescue Plan Act State and Local Fiscal Recovery Funds; recommends adopting the Resolution.

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

Motion made by Dekker, Seconded by Rust.

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

REPORT OF OFFICERS

19. R. O. No. 42-23-24 by City Attorney, submitting, as a matter of record, a copy of the Stipulation for Dismissal filed with the Circuit Court on August 30, 2023 in the matter of *Badger State Lofts, LP v. City of Sheboygan*, Case No. 22-CV-292.

MOTION TO ACCEPT AND FILE

Motion made by Dekker, Seconded by Rust.

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

20. R. O. No. 41-23-24 by City Clerk submitting a claim from Holly L. Puchniarz for alleged damages to her vehicle. REFER TO FINANCE AND PERSONNEL COMMITTEE
21. R. O. No. 40-23-24 by City Clerk submitting a notice of claim from Gregory R. Robinson for alleged injuries from a fall. REFER TO FINANCE AND PERSONNEL COMMITTEE
22. R. O. No. 39-23-24 by City Clerk submitting a claim from Timothy J. Mais for alleged damages to his vehicle. REFER TO FINANCE AND PERSONNEL COMMITTEE

RESOLUTIONS

23. 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. REFER TO FINANCE AND PERSONNEL COMMITTEE
24. 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. REFER TO PUBLIC WORKS COMMITTEE
25. 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. REFER TO FINANCE AND PERSONNEL COMMITTEE

REPORT OF COMMITTEES

26. R. C. No. 80-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred Gen. Ord. No. 20-23-24 by Alderpersons Salazar and Felde amending the City's Nuisance Ordinance; recommends amending the Ordinance to delete the words "in article III" in section 36-2(a) and to strike section 36-2(b).

MOTION TO RECEIVE THE R. C. AND ADOPT THE SUBSTITUTE ORDINANCE

Motion made by Felde, Seconded by Dekker.

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

27. R. C. No. 81-23-24 by Public Works to whom was referred Res. No. 36-23-24 by Alderpersons Dekker and Rust adopting the City of Sheboygan 2024-2028 Comprehensive Outdoor Recreation Plan; recommends amending the Resolution to modify the first "Whereas" clause to read, "Whereas, the City of Sheboygan adopted a five-year comprehensive outdoor recreation plan in 2016..." and to also replace the comprehensive outdoor recreation plan originally referred to the

Public Works Committee on August 7, 2023 with the September 6, 2023 final draft version attached.

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

Motion made by Dekker, Seconded by Rust.

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

28. R. C. No. 82-23-24 by Finance and Personnel Committee to whom was referred DIRECT REFERRAL Res. No. 58-23-24 by Alderpersons Mitchell and Filicky-Peneski adopting policies to be contained in a City of Sheboygan Employee Handbook; recommends returning document to council without a recommendation.

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

Motion made by Mitchell, Seconded by Filicky-Peneski.

Before action was taken,

MOTION TO AMEND THE RESOLUTION TO ADD AN EFFECTIVE DATE OF JANUARY 1, 2024.

Motion made by Mitchell, Seconded by Filicky-Peneski.

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

On motion to adopt the Resolution as amended,

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

29. R. C. No. 89-23-24 by Finance and Personnel Committee to whom was referred DIRECT REFERRAL Res. No. 56-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City officials to execute three Mortgage Subordination documents regarding loans to Catering With Culinary Artists, LLC and Black Pig Elkhart Lake LLC; 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, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust – 8.

GENERAL ORDINANCES – None

OTHER MATTERS AUTHORIZED BY LAW

30. 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. REFER TO CITY PLAN COMMISSION

ADJOURN MEETING

31. Motion to Adjourn
MOTION TO ADJOURN AT 6:42 PM

Motion made by Dekker, Seconded by Rust.

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