

CITY OF SHEBOYGAN

SIXTEENTH REGULAR COMMON COUNCIL MEETING MINUTES

Monday, November 20, 2023

OPENING OF MEETING

1. Roll Call

Alders Present: Ackley, Dekker, Felde (remote), Mitchell, Ramey, Rust, and Salazar – 7.

Alders excused: Filicky-Peneski, Heidemann, and Perrella - 3.

2. Pledge of Allegiance

3. Approval of Minutes

Fifteenth Regular Council Meeting held on November 6, 2023

MOTION TO APPROVE THE MINUTES FOR THE FIFTEENTH REGULAR COUNCIL MEETING HELD ON NOVEMBER 6, 2023

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Felde, Mitchell, Ramey, Rust, Salazar – 7.

4. Appointment

Kelly Hendee appointed as the Director of Human Resources and Labor Relations effective December 5, 2023 – Lays over.

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 Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Felde, Mitchell, Ramey, Rust, Salazar – 7.

8. R. O. No. 71-23-24 by City Clerk submitting the State and County Apportionment Form from the County Board of Supervisors to determine the amount of taxes to be levied in Sheboygan County against all taxable property for the year.

MOTION TO RECEIVE AND FILE THE DOCUMENT

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Felde, Mitchell, Ramey, Rust, Salazar – 7.

9. Res. No. 103-23-24 by Alderperson Felde directing a public hearing to be held in connection with change of the City's Official Zoning Map for property located at 3021 Main Avenue - Parcel No. 59281615440 from Class Suburban Residential (SR-5) to Mixed Residential (MR-8) Classification.

MOTION TO ADOPT THE RESOLUTION

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Felde, Mitchell, Ramey, Rust, Salazar – 7.

10. R. C. No. 127-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 20-23-24 by City Clerk submitting a claim from James and Alice Wilsing for alleged damages to their fence from snow; recommends filing the claim.

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

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Felde, Mitchell, Ramey, Rust, Salazar – 7.

11. R. C. No. 128-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 22-23-24 by City Clerk submitting a claim from Leah V. Zinkgraf for alleged damages to vehicle due to potholes on 5th Street; recommends filing the claim.

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

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Felde, Mitchell, Ramey, Rust, Salazar – 7.

12. R. C. No. 129-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 41-23-24 by City Clerk submitting a claim from Holly L. Puchniarz for alleged damages to her vehicle; recommends filing the claim.

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

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Felde, Mitchell, Ramey, Rust, Salazar – 7.

13. R. C. No. 130-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 65-23-24 by City Clerk submitting the Tax Levy Certification for the 2023-2024 School Year from the Kohler School District; recommends filing the document.

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

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Felde, Mitchell, Ramey, Rust, Salazar – 7.

14. R. C. No. 131-23-24 by Finance and Personnel Committee to whom was referred Res. No. 46-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the sale of City Parking Lot No. 3 located at 821 Niagara Avenue to Trinity Evangelical Lutheran Church; recommends filing the document.

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

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Felde, Mitchell, Ramey, Rust, Salazar – 7.

15. R. C. No. 134-23-24 by Finance and Personnel Committee to whom held a public hearing on November 13, 2023 regarding the 2022 Consolidated Annual Performance Evaluation Report; wishes to report that Grant Coordinator Abby Block presented the Community Development Block Grant Consolidated Performance Evaluation Report for 2022 and the hearing was closed with no speakers present.

MOTION TO RECEIVE AND FILE THE R. C.

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Felde, Mitchell, Ramey, Rust, Salazar – 7.

16. R. C. No. 135-23-24 by Finance and Personnel Committee to whom held a public hearing on November 13, 2023 regarding the submittal of a Substantial Amendment to the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program for the 2023 Annual Action Plan; wishes to report that Planning and Development Director Diane McGinnis-Casey presented a substantial amendment to the City's U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program for the 2023 Annual Action Plan where \$250,000 of CDBG funds will be reprogramed to support Affordable Housing projects and the hearing was closed with no speakers present.

MOTION TO RECEIVE AND FILE THE R. C.

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Felde, Mitchell, Ramey, Rust, Salazar – 7.

17. R. C. No. 136-23-24 by Finance and Personnel Committee to whom held a public hearing on November 13, 2023 regarding the 2020-2024 Consolidation Plan; wishes to report that Grant Coordinator Abby Block presented a progress report of the 2020-2024 Consolidation Plan and the hearing was closed with no speakers present.

MOTION TO RECEIVE AND FILE THE R. C.

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Felde, Mitchell, Ramey, Rust, Salazar – 7.

18. R. C. No. 137-23-24 by Public Works Committee to whom was referred Res. No. 87-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a contract with Buteyn-Peterson Construction Company, Inc. for the construction of the Kiwanis Park pickleball courts, and authorizing a budget amendment; 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, Felde, Mitchell, Ramey, Rust, Salazar – 7.

19. R. C. No. 138-23-24 by Public Works Committee to whom was referred Res. No. 91-23-24 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a contract with Premier Excavation LLC for the construction of the Butzen Sports Complex parking lot, and authorizing a budget amendment; 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, Felde, Mitchell, Ramey, Rust, Salazar – 7.

20. R. C. No. 139-23-24 by Public Works Committee to whom was referred R. O. No. 66-23-24 by City Clerk submitting a request from Paul Rammer for approval to allow hunters to hunt migratory wildlife within the City limits; recommends filing the report.

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

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Felde, Mitchell, Ramey, Rust, Salazar – 7.

21. R. C. No. 140-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred Res. No. 90-23-24 by Alderpersons Salazar and Felde authorizing the appropriate City officials to execute the Joint Powers Agreement for Sheboygan County and City of Sheboygan 911 Emergency Systems; 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, Felde, Mitchell, Ramey, Rust, Salazar – 7.

22. R. C. No. 141-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 69-23-24 by City Clerk submitting license applications; recommends granting the applications.

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

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Felde, Mitchell, Ramey, Rust, Salazar – 7.

REPORT OF OFFICERS

23. R. O. No. 72-23-24 by City Clerk submitting a Tax Levy Certification for the 2023-2024 School Year from the Sheboygan Area School District. REFER TO FINANCE AND PERSONNEL COMMITTEE
24. R. O. No. 74-23-24 by City Clerk submitting an application from City Church Sheboygan, Inc. for a rezone of property located at 3021 Main Avenue – Parcel No. 59281615440 from Class Suburban Residential (SR-5) to Mixed Residential (MR-8). REFER TO CITY PLAN COMMISSION
25. R. O. No. 73-23-24 by City Clerk submitting a ballot from the United States Department of Agriculture Farm Service Agency requesting the City of Sheboygan vote for a candidate to serve on the Sheboygan County Farm Service Agency Committee.

MOTION TO FILE THE R. O. AND DIRECT THE MAYOR TO VOTE THE BALLOT WITH NO RECOMMENDATION FROM COUNCIL

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Felde, Mitchell, Ramey, Rust, Salazar – 7.

RESOLUTIONS

26. Res. No. 95-23-24 by Alderpersons Dekker and Salazar authorizing the appropriate City official to cast an official ballot for the Sheboygan County representative on the Farm Service Agenda Committee.

MOTION TO FILE THE RESOLUTION

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Felde, Mitchell, Ramey, Rust, Salazar – 7.

27. Res. No. 96-23-24 by Alderpersons Dekker and Rust directing Staff to develop a Complete Streets policy to improve citizen accessibility and all forms of mobility within our community and to increase safe, comfortable, and convenient travel while promoting public health and sustainable environmental practices. REFER TO PUBLIC WORKS COMMITTEE
28. Res. No. 97-23-24 by Alderpersons Mitchell and Filicky-Peneski expressing the intent of the Common Council of the City of Sheboygan to exercise its police powers in levying a special assessment for the 2023 cost of operating and maintaining the off-street parking facilities within the Parking Assessment District No. 1. REFER TO FINANCE AND PERSONNEL COMMITTEE

29. Res. No. 98-23-24 by Alderpersons Mitchell and Filicky-Peneski expressing the intent of the Common Council of the City of Sheboygan to exercise its police powers in levying a special assessment for the 2023 cost of operating and maintaining the off-street parking facilities within the Parking Assessment District No. 2. REFER TO FINANCE AND PERSONNEL COMMITTEE
30. Res. No. 99-23-24 by Alderpersons Mitchell and Filicky-Peneski expressing the intent of the Common Council of the City of Sheboygan to exercise its police powers in levying a special assessment for the 2023 cost of operating and maintaining the off-street parking facilities within the Parking Assessment District No. 4. REFER TO FINANCE AND PERSONNEL COMMITTEE
31. Res. No. 100-23-24 by Alderpersons Mitchell and Filicky-Peneski expressing the intent of the Common Council of the City of Sheboygan to exercise its police powers in levying a special assessment for the 2023 cost of operating and maintaining the off-street parking facilities within the Parking Assessment District No. 5. REFER TO FINANCE AND PERSONNEL COMMITTEE
32. Res. No. 101-23-24 by Alderpersons Salazar and Felde authorizing the Fire Chief to enter into a software contract with Locality Media, Inc. dba First Due. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE
33. Res. No. 102-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing an amendment in the 2023 budget and directing the Finance Director to make an advance from the General Fund to the Redevelopment Authority Fund to fund land purchases within Tax Incremental District No. 17 ("TID 17"). REFER TO FINANCE AND PERSONNEL COMMITTEE
34. Res. No. 104-23-24 by Alderpersons Dekker and Rust authorizing Staff to file a claim in the multi-district litigation settlement of Aqueous Film-Forming Product Liability Litigation, District Court for the District of South Carolina, Master Docket No. 2:18-MN-2873-RMG. REFER TO PUBLIC WORKS COMMITTEE

REPORT OF COMMITTEES

35. R. C. No. 132-23-24 by Finance and Personnel Committee to whom was referred Res. No. 88-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City officials to enter into an Intergovernmental Cooperative Agreement with Sheboygan County for Sales Tax Revenue-Sharing for Transportation Infrastructure Maintenance; recommends adopting the Resolution.

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

Motion made by Mitchell, Seconded by Rust.

Voting Yea: Ackley, Dekker, Felde, Mitchell, Ramey, Rust, Salazar – 7.

36. R. C. No. 133-23-24 by Finance and Personnel Committee to whom was referred Res. No. 92-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the sale of City Parking Lot No. 3 located at 821 Niagara Avenue to Trinity Evangelical Lutheran Church; recommends adopting the Resolution.

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

Motion made by Mitchell, Seconded by Rust.

BEFORE ACTION WAS TAKEN, MOTION TO HOLD THE RESOLUTION UNTIL THE DECEMBER 4, 2023 COUNCIL MEETING

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Dekker, Felde, Rust, Salazar – 4.

Voting Nay: Ackley, Mitchell, Ramey – 3.

DISCHARGE THE FINANCE AND PERSONNEL COMMITTEE

37. MOTION TO DISCHARGE the Finance and Personnel Committee regarding Res. No. 93-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the submittal of a Substantial Amendment to the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program for the 2023 Annual Action Plan.

Motion made by Mitchell, Seconded by Dekker.

Voting Yea: Ackley, Dekker, Felde, Mitchell, Ramey, Rust, Salazar – 7.

38. Res. No. 93-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the submittal of a Substantial Amendment to the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program for the 2023 Annual Action Plan.

MOTION TO ADOPT THE RESOLUTION

Motion made by Mitchell, Seconded by Rust.

Voting Yea: Ackley, Dekker, Felde, Mitchell, Ramey, Rust, Salazar – 7.

39. MOTION TO DISCHARGE the Finance and Personnel Committee regarding R. O. No. 70-23-24 by Director of Planning and Development submitting the 2022 Consolidated Annual Performance Evaluation Report (CAPER).

Motion made by Mitchell, Seconded by Rust.

Voting Yea: Ackley, Dekker, Felde, Mitchell, Ramey, Rust, Salazar – 7.

40. R. O. No. 70-23-24 by Director of Planning and Development submitting the 2022 Consolidated Annual Performance Evaluation Report (CAPER) for the purpose of a presentation and public hearing to be held on November 13, 2023.

MOTION TO RECEIVE AND FILE THE R. O.

Motion made by Mitchell, Seconded by Rust.

Voting Yea: Ackley, Dekker, Felde, Mitchell, Ramey, Rust, Salazar – 7.

GENERAL ORDINANCES

41. Gen. Ord. No. 29-23-24 by Alderpersons Dekker and Rust amending Sections 54-397, 54-398, 54-399 of the Municipal Code relating to sewers and sewerage disposal so as to make changes to service charges. REFER TO PUBLIC WORKS COMMITTEE
42. 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. REFER TO CITY PLAN COMMISSION
43. Gen. Ord. No. 31-23-24 by Alderpersons Salazar and Felde adopting new records retention schedules and making necessary amendments to the Sheboygan Municipal Code relating to the adoption. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE
44. Gen. Ord. No. 32-23-24 by Alderpersons Mitchell and Filicky-Peneski amending various sections of the Sheboygan Municipal Code relating to personnel. REFER TO FINANCE AND PERSONNEL COMMITTEE

OTHER MATTERS AUTHORIZED BY LAW – None.

ADJOURN MEETING

45. Motion to Adjourn

MOTION TO ADJOURN AT 6:16 PM

Motion made by Dekker, Seconded by Salazar.

Voting Yea: Ackley, Dekker, Felde, Mitchell, Ramey, Rust, Salazar – 7.