

CITY OF SHEBOYGAN
NINTH REGULAR COMMON COUNCIL MEETING MINUTES
Monday, August 07, 2023

OPENING OF MEETING

1. Roll Call

Alders present: Ackley, Dekker, Felde (joined remotely at 6:01 p.m.), Filicky-Peneski, Heidemann, Perrella, Ramey, Rust, and Salazar – 9.

Alderperson excused: Mitchell – 1.

2. Pledge of Allegiance

3. Approval of Minutes

Eighth Regular Council Meeting held on July 17, 2023 and First Special Council Meeting held on July 31, 2023

MOTION TO APPROVE MINUTES

Motion made by Dekker, Seconded by Salazar.

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

4. Mayoral Appointments

Diane McGinnis-Casey to the position of Director of Planning and Development. Lays over.

5. Mayoral Appointments

Samuel Melei to the position of Municipal Court Judge. Lays over.

6. Confirmation of Mayoral Appointments

Mickenzie Petrie to be considered for appointment to the Mayor's International Committee.

Amanda Salazar to be considered for appointment to the Sheboygan Area Room Tax Commission.

Chris Kennedy to be considered for appointment to the Sheboygan Area Room Tax Commission.

Steven Jaeger (Architect) to be considered for appointment to the Historic Preservation Commission.

Darrell Hofland to be considered for appointment to the Redevelopment Authority.

Leovardo Aguilar to be considered for appointment to the Sustainability Task Force.

MOTION TO CONFIRM

Motion made by Dekker, Seconded by Salazar.

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

7. Public Forum

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

8. Announcement

Board of Water Commissioners election to be held on September 18, 2023 (Term beginning October 1, 2023)

9. Mayor's Announcements

Upcoming Community Events, Proclamations, Employee Recognitions

HEARINGS

10. Hearing 2-23-24 pursuant to notice published and personal notices sent by City Clerk, this hearing is to amend the City of Sheboygan Official Zoning Map to change the Use District Classification of property located at 1923 Erie Avenue - Parcel #59281215510 - from Urban Industrial (UI) to Suburban Office (SO) Classification.

Diane Fletcher spoke.

MOTION TO CLOSE HEARING

Motion made by Dekker, Seconded by Salazar.

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

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 Salazar.

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

12. R. O. No. 30-23-24 by Board of Water Commissioners submitting the Board of Water Commissioners' Report on the Water Utility for the second quarter of 2023.
13. R. C. No. 53-23-24 by Finance and Personnel Committee to whom was referred R. O. No. 18-23-24 by City Clerk submitting a claim from Deon Johnson for alleged damages to vehicle from a scratch by the police dog; recommends filing the claim.
14. R. C. No. 54-23-24 by Finance and Personnel Committee to whom was referred Gen. Ord. No. 12-23-24 by Alderpersons Mitchell and Filicky-Peneski re-establishing the salaries of Election Officials; recommends adopting the Ordinance.
15. R. C. No. 56-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred DIRECT REFERRAL R. O. No. 29-23-24 by City Clerk submitting a license application; recommends granting the application contingent on approval of the description.
16. R. C. No. 57-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 28-23-24 by City Clerk submitting various license applications; recommends granting the applications with caveats.
17. R. C. No. 59-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 26-23-24 by Police Chief, Christopher Domagalski pursuant to section 50-65 of the Municipal Code, submitting the quarterly report of Benchmark Measurements for the Police

Department, for the period commencing April 1, 2023 and ending June 30, 2023; recommends filing the report.

18. R. C. No. 58-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 27-23-24 by Fire Chief pursuant to section 50-564 of the Municipal Code, submitting the quarterly report of Benchmark Measurements for the Fire Department, for the period commencing April 1, 2023 and ending June 30, 2023; recommends filing the report.

REPORT OF OFFICERS

19. R. O. No. 31-23-24 by City Plan Commission to whom was referred Gen. Ord. No. 11-23-24 by Alderperson Ramey and R. O. No. 23-23-24 by City Clerk submitting application to amend the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification of property located at 1923 Erie Avenue (Parcel #59281215510) from Class Urban Industrial (UI) to Class Suburban Office (SO) Classification; recommends filing the R. O. and adopting the Ordinance.

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

Motion made by Ramey, Seconded by Dekker.

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

20. R. O. No. 32-23-24 by City Clerk submitting a Summons and Complaint in the matter of Wisconsin Bank & Trust v. Judith A. Meyer et al. REFER TO FINANCE AND PERSONNEL COMMITTEE
21. R. O. No. 33-23-24 by City Clerk submitting various license applications. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

RESOLUTIONS

22. Res. No. 40-23-24 by Alderpersons Dekker and Rust authorizing the use of property owned by City of Sheboygan for commercial purposes and for VIP seating and parking during the Mercury Racing Power Boat races, August 11-13.

MOTION TO SUSPEND THE RULES AND ADOPT THE RESOLUTION

Motion made by Dekker, Seconded by Rust.

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

23. Res. No. 33-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the City Attorney's Office to settle the matter of *Cristy Murray v. City of Sheboygan and Mark A. Polich*, Case No. 23SE577. REFER TO FINANCE AND PERSONNEL COMMITTEE
24. Res. No. 38-23-24 by Alderpersons Dekker and Salazar authorizing retaining outside legal counsel to represent the City in the matter of Frank Bernard v. Anthony "T.J." Hamilton and City of Sheboygan, and authorizing payment for said services.

MOTION TO SUSPEND THE RULES AND ADOPT THE RESOLUTION

Motion made by Dekker, Seconded by Salazar.

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

25. Res. No. 35-23-24 by Alderpersons Salazar and Felde authorizing application for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program Fiscal Year 2023 Local Solicitation and entering into a Memorandum of Understanding with Sheboygan County. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE
26. Res. No. 34-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City officials to execute an agreement with HeyGov, Inc., to implement forms, licenses, and applications software for the Departments of Public Works and City Clerk. REFER TO FINANCE AND PERSONNEL COMMITTEE
27. Res. No. 36-23-24 by Alderpersons Dekker and Rust adopting the City of Sheboygan Comprehensive Outdoor Recreation Plan. REFER TO PUBLIC WORKS COMMITTEE
28. Res. No. 37-23-24 by Alderpersons Dekker and Rust authorizing the donation of a snowmobile and G-2 groomer to the Northern Kettle Moraine Nordic Ski Club. REFER TO PUBLIC WORKS COMMITTEE
29. Res. No. 39-23-24 by Alderpersons Mitchell and Filicky-Peneski transferring budgeted funds so as to pay for additional cybersecurity products provided by ACP CreativIT, LLC d/b/a Camera Corner Connecting Point and obligating American Rescue Plan Act (ARPA) funds to pay for the associated costs. REFER TO FINANCE AND PERSONNEL COMMITTEE

REPORT OF COMMITTEES

30. R. C. No. 55-23-24 by Public Works Committee to whom was referred Gen. Ord. No. 14-23-24 by Alderpersons Dekker and Rust repealing Article 14-III, Article 14-IV, Article 48-II-3, and Article 48-VI, and creating Article 48-VIII so as to simplify regulations for utilizing public property; recommends amending the Ordinance so that Section 48-95 reads as follows: no person shall encroach upon, occupy, obstruct, or encumber any public street or highway or part thereof, unless expressly authorized to do so by the common council, or by permit in accordance with this code, or as specifically allowed by state law or another section of this code. No encroachment may reduce the pedestrian path of travel to less than a continuous width of five feet or extend into the frontage of adjacent properties.

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

Motion made by Dekker, Seconded by Rust.

Voting Yea: Ackley, Dekker, Felde, Heidemann, Perrella, Ramey, Rust, Salazar – 8.

Voting Abstaining: Filicky-Peneski – 1.

31. R. C. No. 60-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred Gen. Ord. No. 13-23-24 by Alderpersons Salazar, Perrella, and Ackley amending Chapter 14 of the City of Sheboygan Municipal Code so as to create Article 14-IX relating to Mobile Entertainment Providers; recommends amending Section 14-372(g) to decrease annual license fee to \$250.00.

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

Motion made by Salazar, Seconded by Perrella.

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

GENERAL ORDINANCES

32. Gen. Ord. No. 15-23-24 by Alderpersons Salazar and Felde amending section 52-401 so as to remove provisions related to nonpayment notices and administrative fees related thereto so as to have the penalties for bicycle, skateboard, and in-line skate violations be consistent with those for electric scooter violations, thereby allowing the use of citation writing software for such violations. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE
33. Gen. Ord. No. 16-23-24 by Alderpersons Dekker and Rust creating a no parking zone on Broughton Drive north of Ontario Avenue. REFER TO PUBLIC WORKS COMMITTEE

OTHER MATTERS AUTHORIZED BY LAW – None

ADJOURN MEETING

34. Motion to Adjourn

MOTION TO ADJOURN AT 6:18 PM

Motion made by Dekker, Seconded by Salazar.

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