

CITY OF SHEBOYGAN
TWENTY-FIFTH REGULAR COMMON COUNCIL MEETING
MINUTES

Wednesday, April 05, 2023

OPENING OF MEETING

1. Roll Call

Alders Present: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, and Salazar – 10.

2. Pledge of Allegiance

3. Approval of Minutes

Twenty-Fourth Regular Council Meeting held on March 20, 2023

MOTION TO APPROVE THE MINUTES

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 10.

3. Public Forum

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

4. Mayor's Announcements

Upcoming Community Events, Proclamations, Employee Recognitions

HEARINGS

6. Hearing No. 11-22-23 pursuant to a notice published by the City Clerk, on the proposed amendment to Section 15.207 of the City of Sheboygan Zoning Ordinance, Nonconforming Use Regulations, and Section 15.934, Zoning Board of Appeals, so as to streamline and expedite the process of reviewing nonconforming use applications.

No one spoke.

MOTION TO CLOSE HEARING

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 10.

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 Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 10.

8. R. O. No. 131-22-23 by City Clerk submitting a Notice of Determination from the State Board of Assessors in the matter of the Appeal of Georgia Pacific Corrugated LLC sustaining the assessed value of the property as previously determined.

MOTION TO RECEIVE AND FILE

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 10.

9. R. C. No. 196-22-23 by Public Works Committee to whom was referred Res. No. 159-22-23 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a lease with Lakeshore United FC for use and management of the Butzen property; recommends adopting the Resolution.

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

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 10.

10. R. C. No. 195-22-23 by Public Works Committee to whom was referred Res. No. 158-22-23 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a contract with Dorner Inc. for the reconstruction of Indiana Avenue from South 24th Street to South 17th Street and authorizing an adjustment to the 2023-2027 Capital Improvement Plan and the 2023 budget; recommends adopting the Resolution.

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

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 10.

11. R. C. No. 198-22-23 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 127-22-23 by City Clerk submitting various license applications; recommends granting the applications.

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

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 10.

12. R. C. No. 197-22-23 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 121-22-23 by City Clerk submitting various license applications; recommends granting the applications.

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

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 10.

REPORT OF OFFICERS

13. R. O. No. 132-22-23 by Director of Planning and Development submitting the 2022 Green Tier Legacy Communities Annual Sustainability Report outlining the City of Sheboygan's 2022 sustainable accomplishments and reporting that the document will be submitted to the Wisconsin Department of Natural Resources.

MOTION TO RECEIVE AND FILE THE DOCUMENT

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 10.

14. R. O. No. 134-22-23 by City Plan Commission to whom was referred Gen. Ord. No. 29-22-23 by Alderperson Perrella and R. O. No. 118-22-23 by City Clerk submitting and granting Sheboygan Self Storage, LLC, its successors and assigns, the privilege of encroaching upon described portions of South 13th Street and Kentucky Avenue right of way in the City of Sheboygan for the purpose of addressing the existing building structure, emergency egress, and adding a sun shade feature; recommends filing the R. O. and adopting the Ordinance.

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

Motion made by Perrella, Seconded by Mitchell.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 10.

15. R. O. No. 133-22-23 by City Plan Commission to whom was referred Res. No. 154-22-23 by Alderpersons Felde and Filicky-Peneski vacating the east-west alley between South 10th Street and the former South Commerce Street, located in Block 243 of the Original Plat; recommends adopting the Substitute Resolution which amends the Wis. Stat. § to 66.1003(3). LAYS OVER
16. R. O. No. 128-22-23 by City Clerk submitting an application from Jack VanDerWeele for a change in zoning classification for property on Pershing Avenue - Parcel No. 59281012240 from Suburban Residential (SR-3) to Suburban Residential (SR-5) Classification. REFER TO CITY PLAN COMMISSION
17. R. O. No. 136-22-23 by City Clerk submitting various license applications. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE
18. R. O. No. 129-22-23 by City Clerk submitting a claim from Yang Pao Chang for alleged damages to driveway and sidewalk due to a broken water main. REFER TO FINANCE AND PERSONNEL COMMITTEE
19. R. O. No. 130-22-23 by City Clerk submitting a Summons and Complaint in the matter of Midstate Amusement Games, LLC vs. City of Sheboygan. REFER TO FINANCE AND PERSONNEL COMMITTEE

20. 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. REFER TO FINANCE AND PERSONNEL COMMITTEE
21. R. O. No. 137-22-23 by City Clerk submitting a claim from James Passmore for alleged damages to his garage when it was hit by a City of Sheboygan garbage truck. REFER TO FINANCE AND PERSONNEL COMMITTEE

RESOLUTIONS

22. Res. No. 165-22-23 by Alderpersons Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, and Salazar commemorating the distinguished service of Silas VanderWeele to the City of Sheboygan.

MOTION TO SUSPEND THE RULES AND ADOPT THE RESOLUTION

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 10.

23. Res. No. 170-22-23 by Alderpersons Dekker and Salazar censuring 2nd District Alderperson Roberta Filicky-Peneski.

MOTION TO SUSPEND THE RULES AND ADOPT THE RESOLUTION

Motion made by Ackley, Seconded by Dekker

Voting Yea: Ackley, Dekker, Felde, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 9.

Abstain: Filicky-Peneski – 1.

24. Res. No. 168-22-23 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City Officials to enter into a contract with Stantec Consulting Services Inc. for wetland delineation services regarding the land in the SouthPointe Enterprise Campus being purchased by Sheboygan Southpoint Development LLC. REFER TO FINANCE AND PERSONNEL COMMITTEE
25. Res. No. 167-22-23 by Alderpersons Mitchell and Filicky-Peneski authorizing an adjustment to the 2023 budget to fund a prisoner transport system for the police department's new Ford Transit van. REFER TO FINANCE AND PERSONNEL COMMITTEE
26. Res. No. 166-22-23 by Alderpersons Dekker and Rust authorizing executing a one-year lease for the agricultural property in the City of Sheboygan formerly owned by David L. Gartman, LLC. REFER TO PUBLIC WORKS COMMITTEE
27. Res. No. 169-22-23 by Alderpersons Felde and Ackley authorizing the Chief of Police to take necessary actions to receive, if awarded, the 2023 Law Enforcement-Based Victim Services Program Grant. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

REPORT OF COMMITTEES

28. R. C. No. 199-22-23 by Finance and Personnel Committee to whom was referred R. O. No. 126-22-23 by Finance Director/Treasurer submitting a communication from the Harbor Centre Business Improvement District requesting that the City of Sheboygan release all funds collected on their behalf and those funds allocated to them for fiscal year 2023; recommends filing the report.

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

Motion made by Mitchell, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 10.

29. R. C. No. 200-22-23 by Finance and Personnel Committee to whom was referred Direct Referral Res. No. 164-22-23 by Alderpersons Mitchell and Filicky-Peneski authorizing the Director of Human Resources and Labor Relations to enter into a service contract with GovHR to assist in facilitating and co-conducting the City Administrator recruitment process for the City of Sheboygan; 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, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 10.

30. R. C. No. 202-22-23 by Finance and Personnel Committee to whom was referred Direct Referral Res. No. 161-22-23 by Alderpersons Mitchell and Filicky-Peneski approving the FY 2023 One-Year Annual Action Plan for the Community Development Block Grant (CDBG) Program Submission; recommends adopting the Substitute Resolution amending the use of funds by the Finance and Personnel Committee.

MOTION TO REFER DOCUMENT BACK TO FINANCE AND PERSONNEL COMMITTEE

Motion made by Mitchell, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 10.

31. R. C. No. 201-22-23 by Finance and Personnel Committee to whom was referred Direct Referral Res. No. 162-22-23 by Alderpersons Mitchell and Filicky-Peneski authorizing entering into a Collateral Assignment of TIF Agreement with Sheboygan Press, LLC and Cardinal Capital Development, LLC, regarding the redevelopment of the former Sheboygan Press Building at 632 Center Avenue, in favor of First Business Bank; 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, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 10.

32. R. C. No. 203-22-23 by Finance and Personnel Committee to whom was referred Direct Referral Res. No. 163-22-23 by Alderpersons Mitchell and Filicky-Peneski updating the Job Description for the position of City Administrator for the City of Sheboygan and authorizing the Director of Human Resources and Labor Relations to initiate the hiring process for the position;

recommends adopting the Substitute Resolution that includes the language, “while authorizing the Human Resources and Labor Relations Director to adjust the job description prior to posting in a manner that does not change the scope of description.”

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

Motion made by Mitchell, Seconded by Filicky-Peneski.

Before action was taken,

MOTION TO AMEND THE SUBSTITUTE RESOLUTION TO INCLUDE A RESOLVED CLAUSE:

“BE IT FURTHER RESOLVED: Membership and participation in any search or hiring committee shall first require explicit approval by the Common Council for any individual that is not a city employee, elected or appointed city official, or representative of any consulting firm hired by the Common Council.”

Motion made by Mitchell, Seconded by Heidemann.

ON MOTION TO ADOPT SUBSTITUTE RESOLUTION AS AMENDED,

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 10.

GENERAL ORDINANCES

33. Gen. Ord. No. 30-22-23 by Alderperson Filicky-Peneski amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification for property on Pershing Avenue – Parcel #59281012240 from Suburban Residential (SR-3) to Suburban Residential (SR-5) Classification. REFER TO CITY PLAN COMMISSION
34. Gen. Ord. No. 31-22-23 by Alderpersons Dekker and Rust placing stop signs at the northwest corner and southeast corner of S. 22nd Street and David Avenue. REFER TO PUBLIC WORKS COMMITTEE

MATTERS LAID OVER

35. R. O. No. 114-22-23 to whom was referred Gen. Ord. No. 27-22-23 by Alderperson Mitchell amending Section 15.207 of the City of Sheboygan Zoning Ordinance, Nonconforming Use Regulations, and Section 15.934, Zoning Board of Appeals, so as to streamline and expedite the process of reviewing nonconforming use applications; recommends adopting the Ordinance.

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

Motion made by Mitchell, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 10.

OTHER MATTERS AUTHORIZED BY LAW

None.

ADJOURN MEETING

36. Motion to Adjourn

MOTION TO ADJOURN AT 6:23 PM

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, Salazar – 10.