

**CITY OF SHEBOYGAN**  
**TWENTY-FOURTH REGULAR COMMON COUNCIL MEETING**  
**MINUTES**

**Monday, March 20, 2023**

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**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-Third Regular Council Meeting held on March 6, 2023

MOTION TO APPROVE MINUTES

Motion made by Felde, Seconded by Filicky-Peneski.

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

**4. Resignation**

Jessica Huss from the Room Tax Commission effective immediately

MOTION TO ACCEPT AND FILE

Motion made by Felde, Seconded by Filicky-Peneski.

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

**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

**HEARINGS**

7. Hearing No. 4-22-23 pursuant to a notice published and personal notices sent by the City Clerk, amending the City's Future Land Use Map of the Sheboygan Comprehensive Plan to change the Land Use Classification of property located off of the Northeast corner of N. Taylor Drive and Saemann Avenue - Parcel #59281631480 (Lot 1) from Public Parks and Open Space to Multi-Family Residential Classification.

Cheri Rasmussen and Vince Korbal 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.

8. Hearing No. 5-22-23 pursuant to a notice published and personal notices sent by the City Clerk, amending the City's Future Land Use Map of the Sheboygan Comprehensive Plan to change the Land Use Classification of property located off of the Northeast corner of N. Taylor Drive and Saemann Avenue - Parcel #59281631480 (Lot 2) from Public Parks and Open Space to Institutional and Community Facilities Classification.

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.

9. Hearing No. 6-22-23 pursuant to a notice published and personal notices sent by the City Clerk, amending the City's Future Land Use Map of the Sheboygan Comprehensive Plan to change the Land Use Classification of property located off of the Northeast corner of N. Taylor Drive and Saemann Avenue - Parcel #59281631480 (Lot 3) from Public Parks and Open Space to Multi-Family Residential Classification.

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.

10. Hearing No. 7-22-23 pursuant to a notice published and personal notices sent by the City Clerk, amending the City of Sheboygan Official Zoning Map to change the Use Classification of property located off of the Northeast corner of N. Taylor Drive and Saemann Avenue - Parcel #59281631480 (Lot 1) from Suburban Residential (SR-5) to Urban Residential (UR-12) Classification.

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.

11. Hearing No. 8-22-23 pursuant to a notice published and personal notices sent by the City Clerk, amending the City of Sheboygan Official Zoning Map to change the Use Classification of property located off of the Northeast corner of N. Taylor Drive and Saemann Avenue - Parcel #59281631480 (Lot 2) from Suburban Residential (SR-5) to Suburban Office (SO) Classification.

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.

12. Hearing No. 9-22-23 pursuant to a notice published and personal notices sent by the City Clerk, amending the City of Sheboygan Official Zoning Map to change the Use Classification of property located off of the Northeast corner of N. Taylor Drive and Saemann Avenue - Parcel #59281631480 (Lot 3) from Suburban Residential (SR-5) to Urban Residential (UR-12) Classification.

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.

13. Hearing No. 10-22-23 pursuant to a notice published and personal notices sent by the Finance Director, this hearing is to confirm the exercise of police power in making an assessment for those benefited properties against which assessments are proposed for Parking Assessment District No. 1.

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.

14. Hearing No. 11-22-23 pursuant to a notice published and personal notices sent by the Finance Director, this hearing is to confirm the exercise of police power in making an assessment for those benefited properties against which assessments are proposed for Parking Assessment District 2.

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.

15. Hearing No. 12-22-23 pursuant to a notice published and personal notices sent by the Finance Director, this hearing is to confirm the exercise of police power in making an assessment for those benefited properties against which assessments are proposed for Parking Assessment District 4.

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.

16. Hearing No. 13-22-23 pursuant to a notice published and personal notices sent by the Finance Director, this hearing is to confirm the exercise of police power in making an assessment for those benefited properties against which assessments are proposed for Parking Assessment District 5.

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**

### **17. 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.

18. R. C. No. 184-22-23 by Finance and Personnel Committee to whom was referred Res. No. 149-22-23 by Alderpersons Mitchell and Filicky-Peneski authorizing the Director of Public Works to issue purchase orders for the purchase of six mobile column hoists at the Municipal Services Building and authorizing an adjustment to the 2023 budget to fund the unanticipated purchase; 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.

19. R. C. No. 185-22-23 by Finance and Personnel Committee to whom was referred Res. No. 143-22-23 by Alderpersons Mitchell and Filicky-Peneski confirming the exercise of police power in making an assessment for the benefited properties against which assessments are proposed for Parking Assessment District No. 1; 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.

20. R. C. No. 186-22-23 by Finance and Personnel Committee to whom was referred Res. No. 144-22-23 by Alderpersons Mitchell and Filicky-Peneski confirming the exercise of police power in making an assessment for the benefited properties against which assessments are proposed for Parking Assessment District No. 2; 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.

21. R. C. No. 187-22-23 by Finance and Personnel Committee to whom was referred Res. No. 145-22-23 by Alderpersons Mitchell and Filicky-Peneski confirming the exercise of police power in making an assessment for the benefited properties against which assessments are proposed for Parking Assessment District No. 4; 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.

22. R. C. No. 188-22-23 by Finance and Personnel Committee to whom was referred Res. No. 146-22-23 by Alderpersons Mitchell and Filicky-Peneski confirming the exercise of police power in making an assessment for the benefited properties against which assessments are proposed for Parking Assessment District No. 5; 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.

23. R. C. No. 189-22-23 by Finance and Personnel Committee to whom was referred R. O. No. 101-22-23 by City Clerk submitting a claim from Pessefall Law, LLC for alleged unlawful tax against Midstate Amusement Games, LLC; recommends filing the claim.

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

Motion made by Felde, Seconded by Filicky-Peneski.

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

24. R. C. No. 190-22-23 by Finance and Personnel Committee to whom was referred R. O. No. 102-22-23 by City Clerk submitting a claim from Alexandria Engle for alleged damages to vehicle when it slid on an icy road; recommends filing the claim.

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

Motion made by Felde, Seconded by Filicky-Peneski.

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

25. R. C. No. 192-22-23 by Public Works Committee to whom was referred Res. No. 155-22-23 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a contract with Vinton Construction Company for the construction of the Calumet Drive Pavement Repair; 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.

26. R. C. No. 191-22-23 by Public Works Committee to whom was referred Res. No. 147-22-23 by Alderpersons Dekker and Rust authorizing executing a one-year lease for the agricultural property in the City of Sheboygan formerly owned by John Poth, Jr.; 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.

27. R. C. No. 193-22-23 by Public Works Committee to whom was referred Res. No. 150-22-23 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a contract with Klunck Masonry LLC for the 2023 Sidewalk Program; 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.

28. R. C. No. 194-22-23 by Public Works Committee to whom was referred Res. No. 151-22-23 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a contract with Buteyn-Peterson Construction Company for miscellaneous sewer repairs; 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.

**REPORT OF OFFICERS**

29. R. O. No. 122-22-23 by City Clerk submitting a claim from Johnson Financial Group for reimbursement of personal property tax paid. REFER TO FINANCE AND PERSONNEL COMMITTEE
30. R. O. No. 124-22-23 by City Clerk submitting a Summons and Complaint in the matter of U.S. Bank Trust Company, National Association, as Trustee vs. David J. Rosenthal et al. REFER TO FINANCE AND PERSONNEL COMMITTEE
31. R. O. No. 123-22-23 by City Clerk submitting a letter from Crystal Meise-Henning notifying the City of Sheboygan of the intent to file civil action regarding an incident that occurred on August 23, 2022. REFER TO FINANCE AND PERSONNEL COMMITTEE
32. R. O. No. 125-22-23 by City Clerk submitting a claim from Mario D. Campbell for alleged injuries that occurred when he fell. REFER TO FINANCE AND PERSONNEL COMMITTEE
33. 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. REFER TO FINANCE AND PERSONNEL COMMITTEE

34. R. O. No. 127-22-23 by City Clerk submitting various license applications. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

## **RESOLUTIONS**

35. Res. No. 157-22-23 by Alderpersons Mitchell and Filicky-Peneski authorizing the sale of land in the SouthPointe Enterprise Campus to Sheboygan Southpoint Development, LLC.

### **MOTION TO SUSPEND THE RULES 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.

36. Res. No. 160-22-23 by Alderpersons Felde and Filicky-Peneski authorizing the Purchasing Agent to issue a purchase order to Lee Recreation, LLC for the purchase of Playground Equipment for installation by the Parks and Forestry Division of the Department of Public Works at End Park and authorizing an adjustment to the 2023 budget to fund the purchase.

### **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.

37. 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 24<sup>th</sup> Street to South 17<sup>th</sup> Street and authorizing an adjustment to the 2023-2027 Capital Improvement Plan and the 2023 budget. REFER TO PUBLIC WORKS COMMITTEE

38. 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. REFER TO PUBLIC WORKS COMMITTEE

## **REPORT OF COMMITTEES**

39. R. C. No. 182-22-23 by Finance and Personnel Committee to whom was referred DIRECT REFERRAL Res. No. 156-22-23 by Alderpersons Mitchell and Filicky-Peneski authorizing entering into a Development Agreement with GenCap Emem Sheboygan 101, LLC regarding an affordable housing project to be located on or near the former Koepsell property; 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.

40. R. C. No. 183-22-23 by Finance and Personnel Committee to whom was referred Res. No. 153-22-23 by Alderpersons Mitchell and Filicky-Peneski appointing the chairperson of the Finance and Personnel Committee to take certain actions and exercise certain authority of the common

council as has been delegated to the city administrator during the current vacancy in the position of city administrator; recommends adopting the Resolution.

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

Motion made by Filicky-Peneski, seconded by Felde.

Before action was taken,

**MOTION TO FILE THE RESOLUTION**

Motion made by Salazar, Seconded by Perrella.

Voting Yea: Ackley, Filicky-Peneski, Perrella, Ramey, Salazar – 5.

Voting Nay: Dekker, Felde, Heidemann, Rust – 4.

Voting Abstaining: Mitchell – 1.

Motion passes.

**GENERAL ORDINANCES**

None

**MATTERS LAID OVER**

41. R. O. No. 115-22-23 by City Plan Commission to whom was referred Gen. Ord. No. 21-22-23 by Alderperson Felde amending the City's Future Land Use Map of the Sheboygan Comprehensive Plan to change the Use District Classification for property located off of the Northeast corner of N. Taylor Drive and Saemann Avenue – Parcel #59281631481 (Lot 1) from Public Parks and Open Space to Multi-Family Residential Classification; recommends adopting the Ordinance.

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

Motion made by Felde, Seconded by Filicky-Peneski.

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

42. R. O. No. 116-22-23 by City Plan Commission to whom was referred Gen. Ord. No. 22-22-23 by Alderperson Felde amending the City's Future Land Use Map of the Sheboygan Comprehensive Plan to change the Use District Classification for property located off of the Northeast corner of N. Taylor Drive and Saemann Avenue – Parcel #59281631481 (Lot 2) from Public Parks and Open Space to Institutional and Community Facilities Classification; recommends adopting the Ordinance.

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

Motion made by Felde, Seconded by Filicky-Peneski.

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

43. R. O. No. 117-22-23 by City Plan Commission to whom was referred Gen. Ord. No. 23-22-23 by Alderperson Felde amending the City's Future Land Use Map of the Sheboygan Comprehensive Plan to change the Use District Classification for property located off of the Northeast corner of N. Taylor Drive and Saemann Avenue – Parcel #59281631481 (Lot 3) from Public Parks and Open Space to Multi-Family Residential Classification; recommends adopting the Ordinance.

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



Motion made by Felde, Seconded by Filicky-Peneski.

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

44. R. O. No. 111-22-23 by City Plan Commission to whom was referred Gen. Ord. No. 24-22-23 by Alderperson Felde and R. O. No. 107-22-23 by City Clerk submitting an application from Froedtert Health, Inc. to amend the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification for property located off of the Northeast corner of N. Taylor Drive and Saemann Avenue – Parcel #59281631481 (Lot 1) from Suburban Residential (SR-5) to Urban Residential (UR-12) Classification; recommends filing the R. O. and adopting the Ordinance.

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

Motion made by Felde, Seconded by Filicky-Peneski.

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

45. R. O. No. 112-22-23 by City Plan Commission to whom was referred Gen. Ord. No. 25-22-23 by Alderperson Felde and R. O. No. 108-22-23 by City Clerk submitting an application from Froedtert Health, Inc. to amend the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification for property located off of the Northeast corner of N. Taylor Drive and Saemann Avenue – Parcel #59281631481 (Lot 2) from Suburban Residential (SR-5) to 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 Felde, Seconded by Filicky-Peneski.

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

46. R. O. No. 113-22-23 by City Plan Commission to whom was referred Gen. Ord. No. 26-22-23 by Alderperson Felde and R. O. No. 109-22-23 by City Clerk submitting an application from Froedtert Health, Inc. to amend the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification for property located off of the Northeast corner of N. Taylor Drive and Saemann Avenue – Parcel #59281631481 (Lot 3) from Suburban Residential (SR-5) to Urban Residential (UR-12) Classification.; recommends filing the R. O. and adopting the Ordinance.

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

Motion made by Felde, 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**

47. Motion to Adjourn

MOTION TO ADJOURN AT 6:43 PM

Motion made by Felde, Seconded by Filicky-Peneski.

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