

CITY OF SHEBOYGAN

FIFTH REGULAR COMMON COUNCIL MEETING

Monday, June 7, 2021

ALDERPERSONS PRESENT: Jim Bohren, Markus Savaglio, Dean Dekker, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Grazia Perrella, Leslie Laster - 9 .

ALDERPERSON ABSENT AND EXCUSED: Trey Mitchell - 1 .

Meeting called to order at 6: 00 PM

1. OPENING OF MEETING

1.1 ROLL CALL

1.2 PLEDGE OF ALLEGIANCE

1.3 APPROVAL OF MINUTES - 4 th Regular Council meeting held on May 17, 2021

MOTION TO APPROVE MINUTES Motion by Barbara Felde, second by Grazia Perrella.
Final Resolution:

Motion Passes Aye: Jim Bohren, Markus Savaglio, Dean Dekker, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Grazia Perrella, Leslie Laster - 9 .

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

1.5 MAYOR'S APPOINTMENTS - Various. LAYS OVER

1.6 CONFIRMATION OF MAYOR'S APPOINTMENTS - Various

MOTION TO CONFIRM Motion by Barbara Felde, second by Grazia Perrella.
Final Resolution:

Motion Passes Aye: Jim Bohren, Markus Savaglio, Dean Dekker, Betty Ackley,

Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Grazia Perrella, Leslie Laster - 9 .

1.7 CONFIRMATION OF MAYOR'S APPOINTMENT - Leslie Laster to the Licensing, Hearings, and Public Safety Committee

MOTION TO CONFIRMMotion by Barbara Felde, second by Roberta Filicky-Peneski.
Final Resolution:

Motion Passes Aye: Jim Bohren, Markus Savaglio, Dean Dekker, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Grazia Perrella - 8.
Abstain: Leslie Laster - 1 .

1.8 PRESENTATION - Senior Center Rebranding by Director of Senior Services Emily Rendall-Araujo

1.9 MAYOR'S ANNOUNCEMENTS - UPCOMING COMMUNITY EVENTS, PROCLAMATIONS, EMPLOYEE RECOGNITIONS

2. CONSENT

2.1 MOTION TO RECEIVE AND FILE ALL RO'S, RECEIVE ALL RC'S AND ADOPT ALL RESOLUTIONS AND ORDINANCES

Resolution:

MOTION TO RECEIVE AND FILE ALL RO'S, RECEIVE ALL RC'S AND ADOPT ALL RESOLUTIONS AND ORDINANCESMotion by Barbara Felde, second by Roberta Filicky-Peneski.

Final Resolution:

Motion Passes Aye: Jim Bohren, Markus Savaglio, Dean Dekker, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Grazia Perrella, Leslie Laster - 9 .

2.2 R. O. No. 19 - 21 - 22 by Board of License Examiners submitting applications for building Contractor Licenses already granted.

Resolution:

MOTION TO RECEIVE AND FILE THE DOCUMENTMotion by Barbara Felde, second by Roberta Filicky-Peneski.

Final Resolution:

Motion Passes Aye: Jim Bohren, Markus Savaglio, Dean Dekker, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Grazia Perrella, Leslie Laster - 9 .

2.3 R. O. No. 20 - 21 - 22 by City Clerk submitting various license applications (Sertich).

Resolution:

MOTION TO RECEIVE AND FILE Motion by Barbara Felde, second by Roberta Filicky-Peneski.

Final Resolution:

Motion Passes Aye: Jim Bohren, Markus Savaglio, Dean Dekker, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Grazia Perrella, Leslie Laster - 9 .

2.4 R. C. No. 23 - 21 - 22 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 179 - 20 - 21 by City Clerk submitting various license applications; recommends denying Taxicab Driver License application No. 4447 (Carey M. Henning) due to his record of violations related to the licensed activity, his record as a repeat law offender, and his failure to cooperate with staff for the committee.

Resolution:

MOTION TO RECEIVE THE R. C. AND DENY THE LICENSE Motion by Barbara Felde, second by Roberta Filicky-Peneski.

Final Resolution:

Motion Passes Aye: Jim Bohren, Markus Savaglio, Dean Dekker, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Grazia Perrella, Leslie Laster - 9 .

2.5 R. C. No. 24 - 21 - 22 by Finance and Personnel Committee to whom was referred R. O. No. 11 - 21 - 22 by City Clerk submitting a communication from the State of Wisconsin Tax Appeals State Board of Assessors for Manufacturing Property in the matter of Georgia-Pacific Consumer Operations, LLC and Georgia-Pacific Corrugated, LLC v. Wisconsin Department of Revenue; recommends filing the document.

Resolution:

MOTION TO RECEIVE THE R. C. AND FILE THE DOCUMENT Motion by Barbara Felde, second by Roberta Filicky-Peneski.

Final Resolution:

Motion Passes Aye: Jim Bohren, Markus Savaglio, Dean Dekker, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Grazia Perrella, Leslie Laster - 9 .

2.6 R. C. No. 25 - 21 - 22 by Finance and Personnel Committee to whom was referred R. O. No. 13 - 21 - 22 by Director of Planning and Development 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 2021 ; recommends filing the document and directing the Finance department to release the funds contingent on receiving a copy of the 2020 audited financials.

Resolution:

MOTION TO RECEIVE THE R. C. AND FILE THE DOCUMENT AND DIRECT FINANCE DEPARTMENT TO RELEASE FUNDS CONTINGENT ON RECEIVING A COPY OF THE 2020 AUDITED FINANCIALS Motion by Barbara Felde, second by Roberta Filicky-Peneski.

Final Resolution:

Motion Passes Aye: Jim Bohren, Markus Savaglio, Dean Dekker, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Grazia Perrella, Leslie

Laster - 9 .

2.7 R. C. No. 26 - 21 - 22 by Finance and Personnel Committee to whom was referred R. O. No. 14 - 21 - 22 by City Clerk submitting a communication from the State of Wisconsin Tax Appeals Commission regarding the filing of Petitions for Review of Determination by State Board of Assessors for Manufacturing Property in the matter of Nematik USA Inc. v. Wisconsin Department of Revenue; recommends filing the document.

Resolution:

MOTION TO RECEIVE THE R. C. AND FILE THE DOCUMENT Motion by Barbara Felde, second by Roberta Filicky-Peneski.

Final Resolution:

Motion Passes Aye: Jim Bohren, Markus Savaglio, Dean Dekker, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Grazia Perrella, Leslie Laster - 9 .

2.8 R. C. No. 27 - 21 - 22 by Licensing, Hearings, and Public Safety Committee to whom was referred pursuant to R. O. No. 16 - 21 - 22 by City Clerk submitting various license applications; recommends granting the license applications.

Resolution:

MOTION TO RECEIVE THE R. C. AND GRANT THE LICENSE APPLICATIONS Motion by Barbara Felde, second by Roberta Filicky-Peneski.

Final Resolution:

Motion Passes Aye: Jim Bohren, Markus Savaglio, Dean Dekker, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Grazia Perrella, Leslie Laster - 9 .

2.9 R. C. No. 28 - 21 - 22 by Licensing, Hearings, and Public Safety Committee to whom was referred pursuant to R. O. No. 17 - 21 - 22 by City Clerk submitting various license applications; recommends granting the license applications.

Resolution:

MOTION TO RECEIVE THE R. C. AND GRANT THE LICENSES Motion by Barbara Felde, second by Roberta Filicky-Peneski.

Final Resolution:

Motion Passes Aye: Jim Bohren, Markus Savaglio, Dean Dekker, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Grazia Perrella, Leslie Laster - 9 .

2.10 R. C. No. 29 - 21 - 22 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 17 - 21 - 22 by City Clerk submitting various license applications; recommends granting the license applications with various caveats.

Resolution:

MOTION TO RECEIVE THE R. C. AND GRANT THE LICENSE APPLICATIONS WITH CAVEATS Motion by Barbara Felde, second by Roberta Filicky-Peneski.

Final Resolution:

Motion Passes Aye: Jim Bohren, Markus Savaglio, Dean Dekker, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Grazia Perrella, Leslie Laster - 9 .

2.11 R. C. No. 30 - 21 - 22 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 18 - 21 - 22 by City Clerk submitting various license applications; recommends granting all change of premise applications contingent upon the applicants obtaining the necessary street festival permits.

Resolution:

MOTION TO RECEIVE THE R. C. AND GRANT THE LICENSES CONTINGENT Motion by Barbara Felde, second by Roberta Filicky-Peneski.

Final Resolution:

Motion Passes Aye: Jim Bohren, Markus Savaglio, Dean Dekker, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Grazia Perrella, Leslie Laster - 9 .

2.12 R. C. No. 31 - 21 - 22 by Licensing, Hearings, and Public Safety Committee to whom was referred Res. No. 11 - 21 - 22 by Alderpersons Felde and Ackley authorizing the City Attorney's Office to take all appropriate action on behalf of the City of Sheboygan related to Purdue Pharma, L.P.'s bankruptcy; recommends adopting the Resolution.

Resolution:

MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION Motion by Barbara Felde, second by Roberta Filicky-Peneski.

Final Resolution:

Motion Passes Aye: Jim Bohren, Markus Savaglio, Dean Dekker, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Grazia Perrella, Leslie Laster - 9 .

2.13 R. C. No. 32 - 21 - 22 by Public Works Committee to whom was referred Res. No. 12 - 21 - 22 by Alderpersons Dekker and Perrella authorizing the appropriate City officials to execute the Second Amendment to Management Services Agreement between the City of Sheboygan and EOS Recreation LLC regarding Quarry Park; recommends adopting the Resolution.

Resolution:

MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION Motion by Barbara Felde, second by Roberta Filicky-Peneski.

Final Resolution:

Motion Passes Aye: Jim Bohren, Markus Savaglio, Dean Dekker, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Grazia Perrella, Leslie Laster - 9 .

2.14 R. C. No. 33 - 21 - 22 by Public Works Committee to whom was referred Res. No. 13 - 21 - 22 by Alderpersons Dekker and Perrella authorizing the Mayor to sign the Reinstatement and Third Amendment to Purchase and Sale Agreement, further extending several dates in the previous Agreement authorized pursuant to Res. No. 12 - 19 - 20 , for the purchase of land from the Union Pacific Railroad Company; recommends adopting the Resolution.

Resolution:

MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION Motion by Barbara Felde, second by Roberta Filicky-Peneski.

Final Resolution:

Motion Passes Aye: Jim Bohren, Markus Savaglio, Dean Dekker, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Grazia Perrella, Leslie Laster - 9 .

2.15 R. C. No. 34 - 21 - 22 by Public Works Committee to whom was referred Res. No. 14 - 21 - 22 by Alderpersons Dekker and Perrella authorizing the appropriate City officials to execute the License to Use U.S. Coast Guard Real Property to place signs along the Sheboygan River; recommends adopting the Resolution.

Resolution:

MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION Motion by Barbara Felde, second by Roberta Filicky-Peneski.

Final Resolution:

Motion Passes Aye: Jim Bohren, Markus Savaglio, Dean Dekker, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Grazia Perrella, Leslie Laster - 9 .

3. REPORT OF OFFICERS

3.1 R. O. No. 21 - 21 - 22 by City Plan Commission to whom was referred Res. No. 9 - 21 - 22 by Alderpersons Mitchell and Perrella approving the Capital Improvements Program as recommended by the Capital Improvements Commission for the program period of 2022 - 2026 and adopting the program for implementation; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, April 25, 2021, and after due consideration, recommends adopting the Resolution. RECEIVE THE R. O. AND ADOPT THE RESOLUTION

MOTION TO RECEIVE THE R. O. AND ADOPT THE RESOLUTION Motion by Grazia Perrella, second by Dean Dekker.

Final Resolution:

Motion Passes Aye: Jim Bohren, Markus Savaglio, Dean Dekker, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Grazia Perrella, Leslie Laster - 9 .

3.2 R. O. No. 22 - 21 - 22 by City Clerk submitting an application from Paul Weaver, Watershed Development, LLC, for a change in zoning classification of vacant land on N. 15 th Street (Part of Parcel # 5928155000) from Class Urban Residential (UR- 12) to Class Urban Commercial (UC) Classification. REFER TO CITY PLAN COMMISSION

3.3 R. O. No. 23 - 21 - 22 by City Clerk submitting a notice of claim from Randy Roth for alleged damages to his skid steer glass door when a stone hit it from a City worker's lawnmower. REFER TO FINANCE AND PERSONNEL COMMITTEE

3.4 R. O. No. 24 - 21 - 22 by Finance Director reporting that, pursuant to Res. No. 66 - 20 - 21 authorizing the City Administrator to negotiate settlement of certain claims made by the City of Sheboygan, City Invoice No. 7975 in the amount of \$6,007.49 billed to Kenneth Koopman regarding damage to a traffic control signal located at the corner of South Business Drive and Wilson Avenue on November 16, 2019, has been settled with a payment to the City of Sheboygan in the amount of \$5,715,24. REFER TO FINANCE AND PERSONNEL COMMITTEE

3.5 R. O. No. 25 - 21 - 22 by City Clerk submitting a claim from Shari Smith for alleged damages to her vehicle from road debris and/or unsafe conditions on road due to construction on Taylor Drive. REFER TO FINANCE AND PERSONNEL COMMITTEE

3.6 R. O. No. 26 - 21 - 22 by City Clerk submitting a Notice of Claim from the Law Office of Daniel J. Raymonds regarding alleged injuries their client (Mao Yang) suffered when struck by debris from a City of Sheboygan snow plow. REFER TO FINANCE AND PERSONNEL COMMITTEE

4. RESOLUTIONS

4.1 Res. No. 16 - 21 - 22 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City officials to execute the Financial Management Planning Services Agreement with Ehlers, Inc. and to make a necessary budget adjustment and appropriation in the 2021 budget. REFER TO FINANCE AND PERSONNEL COMMITTEE

4.2 Res. No. 17 - 21 - 22 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City officials to execute the agreement with Assessment Technologies of Wisconsin, LLC d/b/a Grota Appraisals for assessment services between 2023 and 2026 and for revaluation services, and to make a necessary budget adjustment and appropriation in the 2021 budget. REFER TO FINANCE AND PERSONNEL COMMITTEE

4.3 Res. No. 18 - 21 - 22 by Alderpersons Mitchell and Filicky-Peneski authorizing the Director of Planning & Development to accept the Proposal for Environmental Services - Wetland delineation at Parcels 59281 - 628961 and 52981 - 657937 from Stantec Consulting Services Inc. REFER TO FINANCE AND PERSONNEL COMMITTEE

4.4 Res. No. 19 - 21 - 22 by Alderpersons Mitchell and Filicky-Peneski approving Tax Increment Financing (TIF) Policy of the City of Sheboygan. REFER TO FINANCE AND PERSONNEL COMMITTEE

4.5 Res. No. 20 - 21 - 22 by Alderpersons Dekker and Perrella authorizing the appropriate City officials to approve Change Order No. 2 to the Agreement with Wondra Construction, Inc. regarding Butzen Sports Complex. REFER TO PUBLIC WORKS COMMITTEE

4.6 Res. No. 21 - 21 - 22 by Alderpersons Dekker and Perrella authorizing the

appropriate City officials to enter into a contract with Buteyn-Peterson Construction Company, Inc. for the Union Avenue Reconstruction (Georgia Avenue to S. 26 th Street). REFER TO PUBLIC WORKS COMMITTEE

4.7 Res. No. 22 - 21 - 22 by Alderpersons Dekker and Perrella informing the Wisconsin Department of Natural Resources (WDNR) that the 2020 Compliance Maintenance Annual Report (CMAR) has been reviewed. REFER TO PUBLIC WORKS COMMITTEE

5. REPORT OF COMMITTEES

5.1 R. C. No. 35 - 21 - 22 by Finance and Personnel Committee to whom was referred Res. No. 10 - 21 - 22 by Alderpersons Mitchell and Filicky-Peneski authorizing a budget adjustment and appropriation in the 2021 budget regarding the MyCivic Citizen Engagement Software System; recommends adopting the Resolution.

MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION Motion by Roberta Filicky-Peneski, second by Barbara Felde.

Final Resolution:

Motion Passes Aye: Jim Bohren, Markus Savaglio, Dean Dekker, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Grazia Perrella, Leslie Laster - 9 .

5.2 R. C. No. 36 - 21 - 22 by Licensing, Hearings, and Public Safety Committee to whom was referred Gen. Ord. No. 3 - 21 - 22 by Alderpersons Felde, Ackley, and Dekker amending the Municipal Code so as to temporarily reduce fees for sidewalk cafes; recommends adopting the Ordinance.

MOTION TO RECEIVE THE R. C. AND ADOPT THE ORDINANCE Motion by Barbara Felde, second by Dean Dekker.

Final Resolution:

Motion Passes Aye: Jim Bohren, Markus Savaglio, Dean Dekker, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Grazia Perrella, Leslie Laster - 9 .

6. GENERAL ORDINANCES

6.1 Gen. Ord. No. 4 - 21 - 22 by Alderperson Dekker amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification of vacant land on N. 15 th Street - Part of Parcel # 59281550000 from Class Urban Residential (UR- 12) to Class Urban Commercial (UC) Classification. REFER TO CITY PLAN COMMISSION

6.2 Gen. Ord. No. 5 - 21 - 22 by Alderpersons Felde and Ackley amending the City of Sheboygan's Code of Ethics. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

6.3 Gen. Ord. No. 6 - 21 - 22 by Alderpersons Felde and Ackley amending the Municipal Code so as to add provision for a parklet permit, to modify provisions related to drinking on public streets to account for the creation of parklets, to update the provisions related to street festival permits and sidewalk cafe permits so as to make them more congruent with each other and the parklet provisions, and to remove an ordinance no longer applicable related to drinking on the erstwhile Plaza

8. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

6.4 Gen. Ord. No. 7 - 21 - 22 by Alderpersons Felde and Ackley amending the Municipal Code so as to take advantage of the provisions in 2019 Wisconsin Act 166 authorizing issuance of alcohol beverage operator's licenses by a designated municipal official and applying similar provisions to other licenses issued by the city where issuance by such an official is not proscribed by state law. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

6.5 Gen. Ord. No. 8 - 21 - 22 by Alderpersons Dekker and Perrella placing a stop sign at the northwest corner of S. 7 th Street and Lakeshore Drive. REFER TO PUBLIC WORKS COMMITTEE

6.6 Gen. Ord. No. 9 - 21 - 22 by Alderpersons Dekker and Perrella placing a stop sign at the northwest corner of S. 14 th Street and Broadway Avenue. REFER TO PUBLIC WORKS COMMITTEE

7. OTHER MATTERS AUTHORIZED BY LAW

7.1 R. O. No. 27 - 21 - 22 by City Clerk submitting various license applications. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

8. CLOSED SESSION

8.1 Motion to convene in closed session under the exemption provided in Sec. 19.85 (1)(e), Wis. Stats., for the purpose of a discussion related to a possible development incentive regarding the former Shopko Store located at 518 S. Taylor Drive where competitive and bargaining sessions require a closed session; and under the exemption provided in Sec. 19.85 (1)(g), Wis. Stats., for the purpose of a discussion related to possible litigation related to the termination of one or more City employees where legal counsel will render oral advice concerning strategy to be adopted by the body with respect to litigation in which it is likely to become involved.

MOTION TO CONVENE IN CLOSED SESSION Motion by Barbara Felde, second by Roberta Filicky-Peneski.

Final Resolution:

Motion Passes Aye: Jim Bohren, Markus Savaglio, Dean Dekker, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Grazia Perrella, Leslie Laster - 9 .

9. ADJOURN MEETING

9.1 Motion to Adjourn

MOTION TO ADJOURN 7: 31 PM Motion by Betty Ackley, second by Amanda Salazar.

Final Resolution:

Motion Passes Aye: Jim Bohren, Markus Savaglio, Dean Dekker, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski, Amanda Salazar, Grazia Perrella, Leslie Laster - 9 .