

CITY OF SHEBOYGAN

EIGHTEENTH REGULAR COMMON COUNCIL MEETING

Monday, December 21, 2020

ALDERPERSONS PRESENT: Mary Lynne Donohue (remote), Jim Bohren (remote), Ryan Sorenson, Dean Dekker, Trey Mitchell (remote), Betty Ackley (remote), Barbara Felde (remote), Roberta Filicky-Peneski (remote) - 8 .

ALDERPERSONS ABSENT AND EXCUSED: Rose Phillips and Markus Savaglio - 2 .

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 - 17 th Regular Council meeting held on December 7, 2020

MOTION TO APPROVE MINUTES Motion by Ryan Sorenson, second by Jim Bohren.

Final Resolution:

Motion Passes Aye: Mary Lynne Donohue, Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski - 8 .

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 MAYORAL APPOINTMENTS - Andrew Jakus to the Senior Activity Center Commission. LAYS OVER

1.6 MAYORAL APPOINTMENTS - Amy Horst, Eileen Simenz, Jordan Saunders, Jane Davis-Wood, Paul Rudnick and Chad Pelishek to the Harbor Centre Business District Board. LAYS OVER

1.7 CONFIRMATION OF MAYORAL APPOINTMENTS - Emily Rendall-Araujo to the position of Director of Senior Services

MOTION TO CONFIRMMotion by Ryan Sorenson, second by Jim Bohren.

Final Resolution:

Motion Passes Aye: Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski - 7. Not Present at Vote: Mary Lynne Donohue - 1 .

1.8 MAYOR'S ANNOUNCEMENTS - UPCOMING COMMUNITY EVENTS, PROCLAMATIONS, EMPLOYEE RECOGNITIONS, UPDATE ON COVID- 19

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 Ryan Sorenson, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Mary Lynne Donohue, Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski - 8 .

2.2 R. O. No. 115 - 20 - 21 by City Clerk submitting various license applications.

Resolution:

MOTION TO RECEIVE THE R. O. AND GRANT THE LICENSESMotion by Ryan Sorenson, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Mary Lynne Donohue, Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski - 8 .

2.3 R. C. No. 200 - 20 - 21 by Finance and Personnel Committee to whom was referred R. O. No. 73 - 20 - 21 by City Clerk submitting a claim from Jon Weiss for alleged damages to his house when City workers cut down a tree and it fell onto the property; recommends filing the claim.

Resolution:

MOTION TO RECEIVE THE R. C. AND FILE THE CLAIMMotion by Ryan Sorenson, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Mary Lynne Donohue, Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski - 8 .

2.4 R. C. No. 201 - 20 - 21 by Licensing, Hearings, and Public Safety Committee

to whom was referred pursuant to R. O. No. 98 - 20 - 21 by City Clerk submitting various license applications; recommends to deny Beverage Operator's License application # 3406 (Amber R. Ernisse) due to her record of violations related to the licensed activity, her history as a habitual law offender, her failure to accurately answer application questions, and her failure to cooperate with the staff for the committee.

Resolution:

MOTION TO RECEIVE THE R. C. AND DENY THE LICENSE Motion by Ryan Sorenson, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Mary Lynne Donohue, Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski - 8 .

2.5 R. C. No. 202 - 20 - 21 by Licensing, Hearings, and Public Safety Committee to whom was referred pursuant to R. O. No. 98 - 20 - 21 by City Clerk submitting various license applications; recommends granting the license.

Resolution:

MOTION TO RECEIVE THE R. C. AND GRANT THE LICENSE Motion by Ryan Sorenson, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Mary Lynne Donohue, Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski - 8 .

2.6 R. C. No. 203 - 20 - 21 by Finance and Personnel Committee to whom was referred R. O. No. 103 - 20 - 21 by City Clerk submitting a claim from Sweigert Investments LLC for alleged damages that occurred when storms swept through the area and a city owned tree branch broke and damaged a house at 910 / 912 Ontario Avenue; recommends filing the claim.

Resolution:

MOTION TO RECEIVE THE R. C. AND FILE THE CLAIM Motion by Ryan Sorenson, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Mary Lynne Donohue, Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski - 8 .

2.7 R. C. No. 204 - 20 - 21 by Finance and Personnel Committee to whom was referred R. O. No. 104 - 20 - 21 by City Clerk submitting a claim from Sweigert Investments LLC for alleged damages that occurred when storms swept through the area and a city owned tree branch broke and damaged a house at 916 Ontario Avenue; recommends filing the claim.

Resolution:

MOTION TO RECEIVE THE R. C. AND FILE THE CLAIM Motion by Ryan Sorenson, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Mary Lynne Donohue, Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski - 8 .

2.8 R. C. No. 205 - 20 - 21 by Finance and Personnel Committee to whom was referred R. O. No. 105 - 20 - 21 by City Clerk submitting a claim from Eric Strouf for alleged damages to his basement due to a sewer backup; recommends filing the claim.

Resolution:

MOTION TO RECEIVE THE R. C. AND FILE THE CLAIM Motion by Ryan Sorenson, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Mary Lynne Donohue, Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski - 8 .

2.9 R. C. No. 206 - 20 - 21 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 106 - 20 - 21 by City Clerk submitting various license applications; recommends granting the licenses with caveats.

Resolution:

MOTION TO RECEIVE THE R. C. AND GRANT THE LICENSES WITH CAVEATS Motion by Ryan Sorenson, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Mary Lynne Donohue, Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski - 8 .

2.10 R. C. No. 207 - 20 - 21 by Finance and Personnel Committee to whom was referred R. O. No. 110 - 20 - 21 by City Clerk submitting a claim from Kara Bergin for alleged injuries from a trip and fall on uneven cement on N. 8 th Street; recommends filing the claim.

Resolution:

MOTION TO RECEIVE THE R. C. AND FILE THE CLAIM Motion by Ryan Sorenson, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Mary Lynne Donohue, Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski - 8 .

2.11 R. C. No. 208 - 20 - 21 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 112 - 20 - 21 by City Clerk submitting various license applications; recommends granting the licenses.

Resolution:

MOTION TO RECEIVE THE R. C. AND GRANT THE LICENSES Motion by Ryan Sorenson, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Mary Lynne Donohue, Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski - 8 .

2.12 R. C. No. 209 - 20 - 21 by Licensing, Hearings, and Public Safety Committee to whom was referred DIRECT REFERRAL R. O. No. 113 - 20 - 21 by City Clerk submitting a license application; recommends granting the license with a

warning that they must not neglect to report any accident that causes any amount of damage, even simply aesthetic, per Sec. 130 - 58 (b)(1)c of the Municipal Code.

Resolution:

MOTION TO RECEIVE THE R. C. AND GRANT THE LICENSE WITH WARNING Motion by Ryan Sorenson, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Mary Lynne Donohue, Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski - 8 .

2.13 R. C. No. 210 - 20 - 21 by Licensing, Hearings, and Public Safety Committee to whom was referred DIRECT REFERRAL R. O. No. 114 - 20 - 21 by City Clerk submitting a license application; recommends granting the license.

Resolution:

MOTION TO RECEIVE THE R. C. AND GRANT THE LICENSE Motion by Ryan Sorenson, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Mary Lynne Donohue, Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski - 8 .

2.14 R. C. No. 211 - 20 - 21 by Public Works Committee to whom was referred Gen. Ord. No. 27 - 20 - 21 by Alderpersons Dekker and Sorenson amending Sections 122 - 403, 122 - 404 and 122 - 405 of the Municipal Code relating to sewers and sewerage disposal so as to make changes to service charges; recommends adopting the Ordinance.

Resolution:

MOTION TO RECEIVE THE R. C. AND ADOPT THE ORDINANCE Motion by Ryan Sorenson, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Mary Lynne Donohue, Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski - 8 .

3. REPORT OF OFFICER

3.1 R. O. No. 116 - 20 - 21 by City Clerk submitting a communication from John Michael Kohler Arts Center requesting an encroachment on a portion of the 600 block of New York Avenue to add a second entrance sign. REFER TO CITY PLAN COMMISSION

3.2 R. O. No. 117 - 20 - 21 by City Clerk submitting various license applications. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

4. RESOLUTIONS

4.1 Res. No. 135 - 20 - 21 by Alderpersons Sorenson and Donohue authorizing the

appropriate City officials to execute an Amendment to Offer Purchase with Martens-Trilling True Value Hardware Inc. SUSPEND THE RULES AND ADOPT THE RESOLUTION

MOTION TO SUSPEND THE RULES AND ADOPT THE RESOLUTION Motion by Ryan Sorenson, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Mary Lynne Donohue, Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski - 8 .

4.2 Res. No. 136 - 20 - 21 by Alderpersons Sorenson and Donohue authorizing the appropriate City officials to execute the First Amendment to Agreement Between the City of Sheboygan, Visit Sheboygan, Inc., and Sheboygan Area Room Tax Commission Regarding Reimbursement of Expenditures Made By the City of Sheboygan Related to Blue Harbor Resort and Conference Center. SUSPEND THE RULES AND ADOPT THE RESOLUTION

MOTION TO SUSPEND THE RULES Motion by Ryan Sorenson, second by Dean Dekker. OBJECTION TO SUSPENSION BY Mary Lynne Donohue

Final Resolution:

Motion fails Aye: Jim Bohren, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde - 5. Nay: Mary Lynne Donohue, Ryan Sorenson, Roberta

Filicky-Peneski - 3. MOTION TO REFER TO FINANCE AND PERSONNEL COMMITTEE Motion by Ryan Sorenson, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Mary Lynne Donohue, Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski - 8 .

4.3 Res. No. 137 - 20 - 21 by Alderpersons Donohue, Ackley and Sorenson expressing gratitude for the skill, efficiency, and dedication demonstrated by City Clerk Meredith DeBruin and her staff during the spring and fall election cycle. ADOPT RESOLUTION

MOTION TO ADOPT RESOLUTION Motion by Mary Lynne Donohue, second by Ryan Sorenson.

Final Resolution:

Motion Passes Aye: Mary Lynne Donohue, Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski - 8 .

4.4 Res. No. 138 - 20 - 21 by Alderpersons Donohue and Bohren authorizing a transfer of appropriations in the 2021 Budget. REFER TO FINANCE AND PERSONNEL COMMITTEE

4.5 Res. No. 139 - 20 - 21 by Alderpersons Dekker and Sorenson waiving the increase of boat dock fees for City-owned dock spaces on the Sheboygan River for the 2021 season. REFER TO PUBLIC WORKS COMMITTEE

5. REPORT OF COMMITTEES

5.1 R. C. No. 212 - 20 - 21 by Public Works Committee to whom was referred R. C. No. 187 - 20 - 21 by Public Works Committee and R. O. No. 97 - 20 - 21 by City Clerk submitting a communication from Michael Thomas, President of Black-American Community Outreach, regarding Juneteenth Day celebration; recommends the Common Council instruct the staff to prepare the appropriate document to waive the park rental fee for the Juneteenth Celebration. RECEIVE THE R. C., FILE THE DOCUMENT, INSTRUCT STAFF TO PREPARE THE APPROPRIATE DOCUMENT TO WAIVE THE PARK RENTAL FEE

MOTION TO RECEIVE THE R. C., FILE THE DOCUMENT AND INSTRUCT STAFF TO PREPARE THE APPROPRIATE DOCUMENT TO WAIVE THE PARK RENTAL FEE FOR THE JUNETEENTH DAY CELEBRATION Motion by Dean Dekker, second by Ryan Sorenson.

Final Resolution:

Motion Passes Aye: Mary Lynne Donohue, Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski

5.2 R. C. No. 213 - 20 - 21 by Finance and Personnel Committee to whom was referred Res. No. 131 - 20 - 21 by Alderpersons Donohue and Bohren authorizing a transfer of appropriations in the 2020 Budget and authorizing reimbursement for funds expended for the purchase of property located at 1807 North 8 th Street; recommends amending the Resolution by changing the address in the first paragraph to 1817 North 8 th Street. RECEIVE THE R. C. AND ADOPT THE SUBSTITUTE RESOLUTION

MOTION TO RECEIVE THE R. C. AND ADOPT THE SUBSTITUTE RESOLUTION Motion by Mary Lynne Donohue, second by Jim Bohren.

Final Resolution:

Motion Passes Aye: Mary Lynne Donohue, Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski - 8 .

5.3 R. C. No. 214 - 20 - 21 by Public Works Committee to whom was referred Res. No. 132 - 20 - 21 by Alderperson Sorenson and Dekker adopting the Sheboygan County, Wisconsin Hazard Mitigation Plan 2020 - 2025 ; recommends adopting the Resolution. RECEIVE THE R. C. AND ADOPT THE RESOLUTION

MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION Motion by Dean Dekker, second by Ryan Sorenson.

Final Resolution:

Motion Passes Aye: Mary Lynne Donohue, Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski - 8 .

5.4 R. C. No. 215 - 20 - 21 by Finance and Personnel Committee to whom was referred DIRECT REFERRAL Res. No. 133 - 20 - 21 by Alderpersons Donohue and Bohren authorizing retaining outside legal counsel to represent the City in the matter of Wal-Mart Real Estate Business Trust v. City of Sheboygan, and authorizing payment for said services; recommends adopting the Resolution. RECEIVE THE R. C. AND ADOPT THE RESOLUTION

MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION Motion by Mary Lynne Donohue, second by Jim Bohren.

Final Resolution:

Motion Passes Aye: Mary Lynne Donohue, Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski - 8 .

5.5 R. C. No. 216 - 20 - 21 by Public Works Committee to whom was referred DIRECT REFERRAL Res. No. 134 - 20 - 21 by Alderpersons Dekker and Sorenson authorizing the appropriate City officials to accept the quote from Ovivo USA, LLC for the purchase of the components required to maintain the west influent screens at the Wastewater Treatment Plant and to make other expenditures relating to the maintenance of the west influent screen and the control of the east and west influent screens; recommends adopting the Resolution. RECEIVE THE R. C. AND ADOPT THE RESOLUTION

MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION Motion by Dean Dekker, second by Ryan Sorenson.

Final Resolution:

Motion Passes Aye: Mary Lynne Donohue, Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski

5.6 R. C. No. 217 - 20 - 21 by Licensing, Hearings, and Public Safety Committee to whom was referred Gen. Ord. No. 26 - 20 - 21 by Alderperson Dekker amending Sections 118 - 276 and 118 - 279 of the Municipal Code relating to unlicensed vehicles; recommends adopting the Ordinance. RECEIVE THE R. C. AND ADOPT THE ORDINANCE

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

Final Resolution:

Motion Passes Aye: Mary Lynne Donohue, Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski

6. GENERAL ORDINANCES

6.1 Gen. Ord. No. 29 - 20 - 21 by Alderperson Donohue granting John Michael Kohler Arts Center, its successors and assigns, the privilege of encroaching upon described portions of the 600 block of New York Avenue in the City of Sheboygan for the purpose of adding a second entrance sign. REFER TO CITY PLAN COMMISSION

6.2 Gen. Ord. No. 30 - 20 - 21 by Alderpersons Dekker and Sorenson creating a no parking zone on the east side of Riverfront Drive south of Pennsylvania Avenue. REFER TO PUBLIC WORKS COMMITTEE

6.3 Gen. Ord. No. 31 - 20 - 21 by Alderpersons Dekker and Sorenson amending Section 74 - 42 of the Municipal Code to allow the waiver of park rental fees in certain circumstances. REFER TO PUBLIC WORKS COMMITTEE

7. OTHER MATTERS AUTHORIZED BY LAW

8. ADJOURN MEETING

8.1 Motion to Adjourn

MOTION TO ADJOURN at 6: 40 PM Motion by Ryan Sorenson, second by Mary Lynne Donohue.

Final Resolution:

Motion Passes Aye: Mary Lynne Donohue, Jim Bohren, Ryan Sorenson, Dean Dekker, Trey Mitchell, Betty Ackley, Barbara Felde, Roberta Filicky-Peneski - 8 .