



City of Manitowoc

900 Quay Street
Manitowoc, WI 54220
www.manitowoc.org

Meeting Minutes

Common Council

19-0271

CONSENT

Monday, February 18, 2019

6:30 PM

Council Chambers

A. CALL TO ORDER

B. ROLL CALL

Alders Present: 8 - Jim Brey, Scott McMeans, Eric Sitkiewitz, Lee H. Kummer, Steven Czekala, Jeremiah Novak, Todd Lotz and Mike Williams

Alders Absent: 2 - Mike Howe and Rhienna Gabriel

C. PLEDGE OF ALLEGIANCE & INVOCATION

D. PRESENTATIONS

19-0169 City Clerk administers oath of office to Police Officer Eric Schultz, followed by badge pinning

E. PUBLIC HEARINGS

E. PUBLIC HEARINGS

19-0171 6:30 p.m. - Public Hearing relating to proposed industrial development revenue bond financing for Red Line Plastics, LLC project

Mayor Nickels declared the meeting open for a public hearing. Notice of the hearing was published in the Herald Times Reporter on February 11, 2019. No interested parties addressed the Council. Mayor declared the public hearing closed. (A recording of the entire hearing is on file in the City Clerk's office).

19-0172 6:35 p.m. - Public Hearing regarding the proposed amendment to the City of Manitowoc Comprehensive Plan to revise the Map of Future Land Use for property located at 1013 Viebahn Street, generally located at the southwest corner of Viebahn and S. 10th Streets. The proposed revision is to change the future land use classification from "Planned Neighborhood" to "Office/Industrial"

Mayor Nickels declared the meeting open for a public hearing. Notice of the hearing was published in the Herald Times Reporter on January 18, 2019. (Proof of publication is on file in the Clerk's office). Jonathan Krueger, 1113 Viebahn St. addressed the Council as an interested party. No other interested parties appeared. Mayor declared the public hearing closed. (A recording of the entire hearing is on file in the City Clerk's office).

19-0173

6:38 p.m. - Public Hearing for the purpose of hearing any and all interested parties in the matter of a proposed change in zone from "R-5" Low Density Multiple Family District and "C-1" Commercial District to the "I-1" Light Industrial for property located at 1013 Viebahn Street

Mayor Nickels declared the meeting open for a public hearing. Notice of the hearing was published in the Herald Times Reporter on February 4 & 11, 2019. (Proof of publication is on file in the Clerk's office). No interested parties addressed the Council. Mayor declared the public hearing closed. (A recording of the entire hearing is on file in the City Clerk's office).

F. PUBLIC INPUT**G. APPOINTMENTS AND BUSINESS PRESENTED BY THE MAYOR**19-0170

Mayor makes the following appointments: Curtis Hall to Plan Commission, ex officio member, Committee on Aging: Deborah Bonk for unexpired term ending 6/1/19 (pl. of D. Duchon), Lydia Groeschel for unexpired term ending 6/1/22 (pl. of G. Erickson)

Moved by McMeans, seconded by Brey, that these Appointments be approved.
The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

H. CONSENT AGENDA**1. Removal of Consent Agenda Items**

Alderman Sitkiewitz requested items 19-0187 & 19-0155 be removed from Consent Agenda

Approval of the Consent Agenda

Moved by McMeans, seconded by Brey, to accept the Consent Agenda Items and recommendations of the various committees The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

2. Miscellaneous19-0174

Minutes of January 21, 2019 Common Council meeting, recommending approval and place on file.

19-0184

Report of 2018 activities of Great Lakes Utilities (GLU) as required by Resolution. Recommending acceptance and place on file.

3. Committee of the Whole (Consent)

- 19-0188 Report of Special Events Committee relative to approval of the following events: Yoga at Washington Park on 8/3/19; Assumption in the Park on 8/15/19; 5K Run/Walk/Roll for Ascend Services on 9/28/19; and Date Change for Snow Ball Waiver of Fees from 2/21/19 to 2/28/19; recommending acceptance of report and place on file.

4. Finance Committee (Consent)

- 19-0080 Discussion and possible action for a Sustainable Transportation and Development Strategies Resolution, recommend to place on file.
- 19-0156 Minutes of January 2, 2019 Finance Committee meeting, recommending approval and place on file.
- 19-0157 Minutes of MPU Commission meetings of November 26, 2018 and December 10, 2018; recommending acceptance and place on file.
- 19-0159 Discussion and possible action on Application for "Class B" Tavern License for True Endeavors, LLC, Brennan Seehafer, Agent, 606 Quay St., recommend to grant the license with amended premise subject to approvals, inspections, payment of license fees and meeting State Statute requirements as well as having an approved premise in place by June 30, 2019 that meets State Building and Fire Codes.
- 19-0161 Discussion and possible action on waiver of fees for Night Market 920 2019 events, recommend to waive fees.
- 19-0162 2018 Claims Report from City Attorney McDaniel, recommend to accept and place on file.
- 19-0163 2018 Municipal Court Revenues & Caseload Statistics, recommend to accept and place on file.
- 19-0168 Investment Report, recommend to accept and place on file.
- 19-0181 General City Claims in the amount of \$7,301,877.18 enumerated on list thereof, recommending that the claims be allowed and ordered paid and Mayor, Clerk and Finance Director/Treasurer are instructed to issue the necessary order.
- 19-0183 Request to rescind 2018 real estate taxes in the amount of \$4,779.05 due to palpable error on Real Property Parcel 788-011-060, ABP Homes LLC and refund overpayment of \$743.33, recommend to approve the request.
- 19-0185 Report of Finance Committee to grant the various licenses subject to approvals, inspections, insurance, payment of license fees and meeting State Statute requirements, as detailed therein, recommending acceptance.

5. Personnel Committee (Consent)

- 19-0114 Alder Gabriel's Request to Compensate a DPI Employee, recommending to place on file
- 19-0115 Out of State Travel Request-PD-Tyler Tech Conference-April 7-10, 2019-Dallas, TX, recommending approval

6. Public Infrastructure Committee (Consent)

- 19-0021 Request for additional lighting in S. 9th Street and Jay Street parking lot, recommending placing on file.
- 19-0031 Highway 151 and South 57th Street Intersection Discussion, recommending getting a quote from the contractor and placing on file
- 19-0126 Increase for Monthly Bus Pass from \$26 to \$28, recommending approving
- 19-0128 Winter Parking Ban Ordinance Revision to include S. 16th Street from Washington to Clark Street and from Wollmer Street to 650 feet north of Wollmer Street, recommending placing on file.
- 19-0130 Request to update Cemetery Fees to Round Numbers as recommended by the Cemetery Commission Chairman and requested by Funeral Homes, recommending approval.
- 19-0131 Request from MPU to Install a Large Pad Mount Transformer on Buffalo Street to the East of N. 8th Street, recommending approval
- 19-0132 Request from Miracle League of the Lakeshore to place Event Advertising on Park Property, recommending approval.
- 19-0133 Request for an additional 2 blocks to be added to the Downtown Snow Removal Route to include Park Street from the Rahr West to North 10th Street, recommending to place on file.
- 19-0135 Request to purchase a Z-Track Mower from the Perpetual Care Fund as recommended by the Cemetery Commission, recommending approval.
- 19-0136 Request for Use of Wenger Bandwagon for Mishicot Riverfest July 30th through August 4th, 2019, recommending to approve the request.
- 19-0140 Review of the six month trial period of the Token Transit Agreement, recommending placing on file
- 19-0141 Request to Amend the Downtown Snow Pickup Route to include S. 10th Street to Division Street, recommending to place on file.

- 19-0175 Report of Board of Public Works of 1-23-19 for 4th and Final payment of \$143,412.54 to Vinton Construction for 2018 Calumet Avenue Reconstruction, WS-18-13, recommending payment.
- 19-0176 Report of Board of Public Works of 1/23/19, of bids received for 2019 Televising Miscellaneous Sewers I, Project WU-19-5, recommending awarding to low bidder, Green Bay Pipe & TV, LLC in the amount of \$49,432.68.
- 19-0177 Report of Board of Public Works of January 23, 2019 of approval to enter into a contract with Chris Lewis Tree Surgery to remove trees and stumps at various locations, AGMT-19-01, for a contract sum of \$10,374.62, recommending acceptance and place on file.
- 19-0178 Report of Board of Public Works of January 23, 2019 of approval to enter into a contract with Chris Lewis Tree Surgery for 2019 Ash Tree Removal at various locations, AGMT-19-02, for a contract sum of \$11,625.00, recommending acceptance and place on file.
- 19-0179 Report of Board of Public Works of January 23, 2019 of approval to enter into a contract with Patriot Fence & Construction LLC to replace/repair fencing and gate adjustments at Municipal Field, AGMT-19-03, for a contract sum of \$7,050.00, recommending acceptance and place on file.
- 19-0180 Report of Board of Public Works of January 23, 2019 of approval to enter into a contract with Trail Genius LLC for mapping of City of Manitowoc Trails/Parks, AGMT-19-04, for a contract sum of \$5,500.00, recommending acceptance and place on file.

7. Public Safety Committee (Consent)

- 19-0052 Manitowoc Sex Offender Residency Board Appeal for Jonas Ellwart, recommending to place on file.
- 19-0154 Request for "No Truck Route" signs on South 35th Street between Calumet Avenue and Dewey Street, recommending to place on file.

8. Plan Commission (Consent)

- 19-0078 PC 9-2018: East Point Rentals, LLC / Mike Howe: Request to Amend the Comprehensive Plan's Future Land Use Map for Property at 1013 Viebahn Street. Recommending to amend the Future Land Use Map from Planned Neighborhood to Office/Industrial.

19-0079 PC 03-2019; East Point Rentals, LLC / Mike Howe: Request to Rezone the Property at 1013 Viebahn Street from "R-5" Low Density Multiple Family District and "C-1" Commercial District to the "I-1" Light Industrial District. Recommending i) approval of the rezoning request and ii) instruct the City Clerk to call for a public hearing at the Common Council's February 18th meeting.

19-0084 PC 7-2019: Downtown Wayfinding Signs, recommend that the Plan Commission go on record in support of the Downtown Wayfinding sign project.

I. COMMITTEE REPORTS

1. Committee of the Whole

19-0187 Communication from Alder Gabriel.

Moved by Sitkiewitz, seconded by Brey, that this Communication be tabled. The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

19-0189 Report of Special Events Committee recommending approval for the following event subject to Council action: St. Patrick's Day Parade on 3/15/19 (Street Closure for parade from S. 8th & Washington Sts. to Bank First National on N. 8th St.)

Moved by McMeans, seconded by Brey, that this Report be approved. The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

2. Finance Committee

19-0076 Proposed TIF Development Agreement with Webster Family Holdings, LLC dba Red Line Plastics

Moved by Brey, seconded by Lotz, to enter into the agreement with the TIF assistance to be \$2 million. The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

19-0160 Ordinance to amend Section 11.260 of the Manitowoc Municipal Code regulating Sidewalk Cafes

Moved by Brey, seconded by Lotz, that this Ordinance be adopted. The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

- 19-0164** Report of City Clerk of proposed schedule of assessments for 2019 Weights and Measures licenses
- Mayor asked if anyone objected to these assessments. No interested parties appeared.
- Moved by Brey, seconded by Lotz, that this Report be accepted and placed on file. The motion carried by the following vote:
- Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams
- 19-0165** Resolution authorizing and designating public depositories
- Moved by Brey, seconded by Lotz, that this Resolution be adopted. The motion carried by the following vote:
- Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams
- 19-0166** An Ordinance to amend Section 11.220 of the Manitowoc Municipal Code regulating Animal Licenses, Section 11.220(4) Chickens.
- Moved by Brey, seconded by Lotz, that this Ordinance be adopted. The motion carried by the following vote:
- Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams
- 19-0167** Presentation of the Budget Book
- Moved by Brey, seconded by Lotz, that this Report be adopted and placed on file. The motion carried by the following vote:
- Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams
- 19-0182** Final Resolution Regarding Industrial Development Revenue Bond Financing for Red Line Plastics, LLC Project
- Moved by Brey, seconded by Lotz, that this Resolution be adopted. The motion carried by the following vote:
- Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams
- 19-0186** Ordinance amending the amended zone map to rezone the property at 1013 Viebahn St. from "R-5" Low Density Multiple Family District and "C-1" Commercial District to the "I-1" Light Industrial District.
- Moved by Brey, seconded by Lotz, that this Ordinance be adopted. The motion carried by the following vote:
- Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams
- 19-0195** Ordinance to amend the City of Manitowoc Comprehensive Plan to revise the Map of Future Land Use for property located at 1013 Viebahn Street, generally located at the southwest corner of Viebahn and S. 10th Streets.
- Moved by Brey, seconded by Lotz, that this Ordinance be adopted. The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

19-0201 Collateral Assignment of Development Agreement and Tax Increment Financing Note relative to Schuette Building LLC Development Agreement

Moved by Brey, seconded by Lotz, that this Agreement be approved. The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

3. Personnel Committee

19-0072 Resolution to revise Employee Policy Manual for Overtime/Call-in-Pay language change

Moved by Sitkiewitz, seconded by Czekala, that this Resolution be adopted with retroactive implementation date of 1/1/2019. The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

19-0196 Resolution to Adopt a Drug and Alcohol Free Workplace Policy for all Employees

Moved by Sitkiewitz, seconded by Czekala, that this Resolution be adopted. The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

19-0197 Resolution to approve revised Employee Policy Manual

Moved by Sitkiewitz, seconded by Czekala, that this Resolution be approved. The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

19-0198 Resolution to approve the Seasonal Hiring Policy for 2019

Moved by Sitkiewitz, seconded by Czekala, that this Resolution be adopted. The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

19-0200 Resolution to fund the Donation of Leave Time Policy bank for implementation

Moved by Sitkiewitz, seconded by Czekala, that this Resolution be adopted. The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

4. Public Infrastructure Committee

18-1249

Tree near 5012 Cypress Court and Drainage Issue

Moved by Kummer, seconded by Novak, to take down the tree and cost split 50/50 between affected properties unless resolved between property owners on or before May 1, 2019. The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

19-0134

Snow Removal training for Local Contractors

Moved by Kummer, seconded by Novak, that this Request be approved. The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

19-0142

Proposed Changes to the Cemetery Rules and Regulations as Recommended by Cemetery Commission

Moved by Kummer, seconded by Novak, to amend the document on page 10, paragraph e removing the restriction on allowing bird baths at gravesites. The motion carried by the following vote:

Aye: 7 - Brey, McMeans, Kummer, Czekala, Novak, Lotz and Williams

Nay: 1 - Sitkiewitz

Moved by Brey, seconded by Sitkiewitz, that this Request be approved as amended. The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

5. Public Safety Committee

19-0150

Ordinance to Amend 10.830 Bicycle Registrations.

Moved by Czekala, seconded by Brey, that this Ordinance be adopted. The motion carried by the following vote:

Aye: 7 - Brey, McMeans, Sitkiewitz, Czekala, Novak, Lotz and Williams

Nay: 1 - Kummer

19-0155

Lifequest billing hardship request 182A-18-4859.

Moved by Sitkiewitz, seconded by Kummer, that this Request be referred to the Public Safety Committee. The motion failed by the following vote:

Aye: 3 - McMeans, Sitkiewitz and Kummer

Nay: 5 - Brey, Czekala, Novak, Lotz and Williams

Moved by Czekala, seconded by Brey, to reduce the bill by \$310. The motion carried by the following vote:

Aye: 6 - Brey, McMeans, Czekala, Novak, Lotz and Williams

Nay: 2 - Sitkiewitz and Kummer

6. Plan Commission

19-0082 PC 4-2019: Discussion and Possible Action on an Option and Right of First Refusal with Jagemann Stamping of Parcel 449-006-030 (Lot 1, Certified Survey Map, Volume 33, Page 199).

Moved by Brey, seconded by McMeans, to approve the right of first refusal and to approve any subsequent land sale that may occur in the future. The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

19-0083 PC 5-2019: Discussion and Possible Action on Land Sale of Parcel 449-004-050 (Lot 5 Block 4, Manitowoc I-43 Industrial Park Subdivision #3) to Apex Leasing.

Moved by Brey, seconded by McMeans, that this be approved subject to the following conditions: 1. The land sale price shall be \$113,000 plus closing costs, and is subject to the City's Land Rebate Policy. 2. The use and development of the parcel shall comply with the Manitowoc I-43 Industrial Park Protective Covenants. 3. The Community Development Director is authorized to negotiate and finalize the offer to purchase and terms of the sale, and to proceed to close the land sale with City officials authorized to sign all the related documents. The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

J. OTHER BUSINESS**K. ADJOURN**

Moved by McMeans, seconded by Novak, that this meeting be adjourned at 7:31 p.m. The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

Deborah Neuser
City Clerk