



City of Manitowoc

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

Meeting Minutes

Common Council

Monday, December 16, 2019

6:30 PM

Council Chambers

A. CALL TO ORDER

B. ROLL CALL

Alders Present: 10 - Jim Brey, Eric Sitkiewitz, Lee H. Kummer, Steven Czekala, Mike Williams, Scott McMeans, Mike Howe, Jeremiah Novak, Todd Lotz and Courtney Pelot

C. PLEDGE OF ALLEGIANCE & INVOCATION

D. PRESENTATIONS

[19-1344](#)

Lakeshore Holiday Parade Awards

Stacey Groll, Assistant to Mayor Nickels, presented the 2019 Lakeshore Holiday Parade awards

E. PUBLIC HEARINGS

[19-1327](#)

6:30 PM - Public Hearing for the purpose of hearing any and all interested parties in the matter of a proposed change to the Official Map to remove a portion of unimproved Brunner Court.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of a proposed change to the Official Map to remove a portion of unimproved Brunner Court.

City Clerk reported that the notice of the hearing was published in the Herald times Reporter on 11/25/19, 12/2/19 & 12/9/19. (Proof of publication is on file in the City Clerk's office).

Community Development Director Adam Tegen provided an overview of the proposed change.

The following persons appeared to address the Council regarding the proposed change:

No interested parties appeared.

Mayor declared the public hearing closed. (A recording of the entire hearing is on file in the City Clerk's office).

[19-1328](#)

6:31 PM - Public Hearing for the purpose of hearing any and all interested parties in the matter of a proposed Conditional Use Permit for a proposed Adaptive Reuse located at 1501 Marshall Street

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of proposed Conditional Use Permit for a proposed Adaptive Reuse located at 1501 Marshall St.

City Clerk reported that the notice of the hearing was published in the Herald times Reporter on 12/2/19 & 12/9/19. (Proof of publication is on file in the City Clerk's office).

Community Development Director Adam Tegen provided an overview of the proposed CUP.

The following persons appeared to address the Council regarding the proposed change:

No interested parties appeared.

Mayor declared the public hearing closed. (A recording of the entire hearing is on file in the City Clerk's office).

[19-1329](#)

6:32 PM - Public Hearing for the purpose of hearing any and all interested parties in the matter of a proposed Conditional Use Permit for a proposed Bed and Breakfast establishment located at 2004 Menasha Avenue

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of proposed Conditional Use Permit for a proposed Bed and Breakfast establishment located at 2004 Menasha Ave.

City Clerk reported that the notice of the hearing was published in the Herald times Reporter on 12/2/19 & 12/9/19. (Proof of publication is on file in the City Clerk's office).

Community Development Director Adam Tegen provided an overview of the proposed CUP.

The following persons appeared to address the Council regarding the proposed change:

No interested parties appeared.

Mayor declared the public hearing closed. (A recording of the entire hearing is on file in the City Clerk's office).

F. PUBLIC INPUT

Mayor declared the meeting open for public input. In accordance with policy, the public input portion of the meeting is not made a part of the official record.

G. APPOINTMENTS AND BUSINESS PRESENTED BY THE MAYOR

[19-1343](#)

Appointments by Mayor of election inspectors and nursing home deputies in the City of Manitowoc for the ensuing two year term from 1/1/20 to 12/31/21.

Attachments: [2020-2021 Election Inspectors](#)

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

Aye: 10 - Brey, Sitkiewitz, Kummer, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

H. CONSENT AGENDA

1. Removal of Consent Agenda Items

None

Approval of the Consent Agenda

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

Aye: 10 - Brey, Sitkiewitz, Kummer, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

2. Miscellaneous

[19-1330](#) Minutes of November 18, 2019 Common Council meeting, recommending approval and place on file.

Attachments: [11-18-19 CC Minutes](#)

[19-1331](#) Thank yous from Peter's Pantry and Catholic Charities for donation from the Schuette, Wernecke, Wilda, Rank Christmas Fund, recommending placing on file.

Attachments: [Peter's Pantry Thank You](#)
[Catholic Charities Thank You](#)

3. Committee of the Whole (Consent)

[19-1349](#) Report of Special Events Committee relative to approval of the following events: Waiver of Fees - Magical Trolley Ride to the North Pole on 12/6-12/7/19; Shelltrack Fat Bike Race on 12/14/19; Kenny's Slowpitch Softball Tournament on 7/17-7/25/20; recommending acceptance of report and place on file.

Attachments: [December Special Events Report](#)
[Magical Trolley Ride](#)
[Shelltrack Bike Race](#)
[Kenny's Tournament](#)

4. Finance Committee (Consent)

[19-1290](#) Claims Report from City Attorney for Claims January through September, 2019, recommend to accept and place on file.

Attachments: [CA Claims Report Jan-Sept 2019](#)

- [19-1291](#) Confirmation of audit services continuing for 2019 and 2020 with CLA (previously Schenck) , recommend to enter into agreement for two years.
Attachments: [Schenck \(CLA\) Agreement](#)
- [19-1292](#) Annual Maintenance Agreement with Wisconsin Document Imaging for the City's fleet of copiers, recommend to enter into Agreement.
Attachments: [WDI Maintenance Agreement](#)
- [19-1293](#) Certification of 2019 Levy Manitowoc Public School District, recommend to accept and place on file.
Attachments: [MPSD Levy](#)
- [19-1303](#) Brad Viegut, Managing Director Public Finance, Baird Review Financing Plan for 2020 Capital Borrowing, recommend to accept and place on file.
Attachments: [prs finance committee plan manitowoc 12.3.19](#)
- [19-1305](#) CAWG recommended funding for Unbudgeted request for 2020 Aerial Photos at 3" resolution in the amount NOT to exceed \$24,500, recommend to approve.
Attachments: [Community Develop Aerial Photos](#)
- [19-1306](#) CAWG recommended funding for Unbudgeted request for Backfilling 80% Grant funds to replace SCBA Equipment Fire Dept in the amount NOT to exceed \$240,000, recommend to accept.
Attachments: [Fire SCBA Equipment](#)
- [19-1307](#) CAWG recommended funding for Unbudgeted request in Streets Budget for Joint Project with Town of Manitowoc S 19th Street in the amount NOT to exceed \$1,600, recommend to accept.
Attachments: [Streets S 19th](#)
- [19-1341](#) General City Claims in the amount of \$3,164,588.28 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.
Attachments: [December Claims](#)
[11-19-19](#)
[11-22-19](#)
[11-29-19](#)
[12-6-19](#)
[12-13-19](#)

[19-1347](#) 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.

Attachments: [December Licenses](#)

5. Personnel Committee (Consent)

6. Public Infrastructure Committee (Consent)

[19-1285](#) Request from Constituent to discuss Snow Plowing on Indian Bluff Drive and Seneca Lane, recommending placing on file.

Attachments: [19-1285 Staff Recommendation for plowing on Indian Bluff](#)
[19-1285_Snow Plowing in Indian Bluff and Seneca Lane](#)

[19-1297](#) Request for Fricke Inc to obtain access of the Newton Gravel Pit to help reduce the excessive traffic on Highway 42 and Fricke Drive, recommending placing on file

Attachments: [19-1297_Request for access to Gravel Pit from Fricke Drive Property Owners](#)

[19-1298](#) Update on Public Transit Lease Agreement, recommending approval

Attachments: [MEMO for DPI Committee - DPI LETTERHEAD - 2020 ATT Exercise Option & Vehicle Lease Assist to Transport lease agreement 11.26.19](#)

[19-1299](#) Exercising option to extend Contract with Assist to Transport, recommending approval

Attachments: [MEMO for DPI Committee - DPI LETTERHEAD - 2020 ATT Exercise Option & Vehicle Lease Manitowoc EXERCISE OF OPTIONS SRT 2019 \(12.2.19\) Federal Clauses SRT 12.2.2019](#)

[19-1332](#) Report of Board of Public Works of 12/4/19 for 1st and Final payment of \$25,268.85 to Green Bay Pipe & TV, LLC for 2019 Televising Miscellaneous Sewers II, WU-19-4, recommending payment.

Attachments: [WU-19-14 Final Payment](#)

[19-1333](#) Report of Board of Public Works of 12/4/19 for 2nd and Final payment of \$20,497.98 to Vinton Construction Company for 2019 Asphaltic Concrete Paving II, WS-19-11, recommending payment.

Attachments: [WS-19-11 Final Payment](#)

[19-1334](#) Report of Board of Public Works of 12/4/19 for 2nd and Final payment of \$3,175.00 to Seiler Bros. Construction to Install Concrete Bases & Underground Conduit on Quay Street, AGMT-19-19, recommending payment.

Attachments: [AGMT-19-19 Final Payment](#)

[19-1335](#) Report of Board of Public Works of 12/4/19 for 1st and Final payment of \$76,640.00 to Lee Recreation, LLC for Playground Equipment at Citizen Park, WB-19-16, recommending payment.

Attachments: [WB-19-16 Final Payment](#)

[19-1336](#) Report of Board of Public Works of 11/20/2019, of quotes received for 2019 Crafcro Supershot 125D with 100 CFM Compressor Trailer, QE-19-4, recommending awarding to low quoter, Sherwin Industries, Inc. in the amount of \$72,052.64.

Attachments: [Crafcro Quote](#)
[QE-19-4 Quote Tab](#)

[19-1337](#) Report of Board of Public Works of 11/20/19 of approval to enter into AGMT-19-22 with Chris Lewis Tree Surgery for Tree Removal at Lincoln Park Zoo for a contract price of \$6,600.00, recommending acceptance of report and place on file.

Attachments: [AGMT-19-22](#)

7. Public Safety Committee (Consent)

[19-1313](#) Request to rescind unpaid outstanding parking tickets from 2004-2006, recommending to rescind these parking tickets.

Attachments: [Request to rescind outstanding parking tickets from 2004-2006](#)

[19-1317](#) Lifequest billing dispute 182A-18-2928, recommending to deny the request.

8. Plan Commission (Consent)

[19-1249](#) PC 32-2015: The Crossing of Manitowoc County, 419 Park Street, Conditional Use Permit - Annual Review, recommending to approve 1) the 2019 Annual Review of the Conditional Use Permit and 2) the removal of condition "J" regarding the annual review requirement.

Attachments: [19-1249 PC Report Crossing2019 review](#)
[Council Report - The Crossing CUP](#)

I. COMMITTEE REPORTS

1. Committee of the Whole

[19-1348](#) Communication from Alderperson Mike Howe resigning his position as Alderperson for District 1 effective December 31, 2019.

Attachments: [M Howe Resignation](#)

Mayor Justin Nickels presented Alderman Howe with a plaque for his years of service

Moved by Sitkiewitz, seconded by McMeans, that this Communication be accepted and placed on file. The motion carried by the following vote:

Aye: 10 - Brey, Sitkiewitz, Kummer, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

[19-1353](#) Procedure to fill aldermanic vacancy in District 1

Moved by Brey, seconded by McMeans, that the Mayor and City Clerk be authorized to order a special election to be held on April 7, 2020 with a primary to be held February 18, 2020 if needed. Papers may be taken out December 17, 2019 and must be returned by 5 p.m. January 14, 2020. The motion carried by the following vote:

Aye: 10 - Brey, Sitkiewitz, Kummer, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

2. Finance Committee

[19-1294](#) Request from American Multi-Cinema for a refund of a portion of their intoxicating liquor license for 2019-2020

Attachments: [AMC Request](#)
[Staff Recommendation](#)

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

Aye: 10 - Brey, Sitkiewitz, Kummer, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

[19-1295](#) Resolution Creating a Revolving Loan Fund for the City of Manitowoc

Attachments: [Res to Create Revolving Loan Fund from CDBG closeout](#)

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

Aye: 10 - Brey, Sitkiewitz, Kummer, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

[19-1296](#) Resolution Creating a Non-Lapsing Fund for the Performance Management and Pay Plan

Attachments: [Res to Create Pay Plan Fund - Personnel Committee Revisions](#)

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

Aye: 9 - Brey, Sitkiewitz, Kummer, Czekala, Williams, McMeans, Howe, Lotz and Pelot

Nay: 1 - Novak

[19-1301](#) Ordinance to amend Section 11.170 of the Municipal Code regulating Theaters, Circuses and Carnivals Licenses.

Attachments: [19-1301 Ord Amend 11.170](#)

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

Aye: 10 - Brey, Sitkiewitz, Kummer, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

[19-1302](#) Resolution Providing for the Sale of Approximately \$9,905,000 Note Anticipation Note

Moved by Brey, seconded by McMeans, that this Resolution Item be adopted. The motion carried by the following vote:

Aye: 10 - Brey, Sitkiewitz, Kummer, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

3. Personnel Committee

4. Public Infrastructure Committee

[19-1338](#) Referral from Board of Public Works of 12-4-19: Appeal for weed cutting assessments for property at 409 Park St.

Attachments: [Weed Appeal 409 Park St.](#)

[409 Park Street Memo outlining purchasing history](#)

Mayor Justin Nickels and City Attorney Kathleen McDaniel provided an overview of the situation and what transpired at the December 4, 2019 Board of Public Works meeting. Property owners Chris and Joe Lamers addressed the Council relative to their request.

Moved by Brey, seconded by Kummer, to uphold the assessments. The motion carried by the following vote:

Aye: 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Pelot

Nay: 1 - Williams

[19-0832](#) Ordinance to create section 11.100 of the Municipal Code regulating Mobile Food Vendors

Attachments: [Ord to create 11](#)

Moved by Brey, seconded by McMeans that this Ordinance be placed on file. After discussion, moved by Brey, Seconded by McMeans to rescind that motion.

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

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

Nay: 2 - Kummer and Novak

Abstain: 1 - Howe

[19-1280](#) Resolution for 2020 Seal Coating Program

Attachments: [19-1280 Resolution for 2020 Seal Coating](#)

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

Aye: 10 - Brey, Sitkiewitz, Kummer, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

[19-1281](#) Resolution for 2020 Public Works Program, Streets Improvement, Sanitary and Storm Sewer and Miscellaneous Program

Attachments: [19-1281 Resolution for 2020 Infrastructure Improvements](#)

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

Aye: 10 - Brey, Sitkiewitz, Kummer, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

[19-1282](#) Resolution for 2020 Dust Palliatives

Attachments: [19-1282_Resolution for 2020 Dust Palliatives](#)

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

Aye: 10 - Brey, Sitkiewitz, Kummer, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

[19-1283](#) Resolution for City-wide Sidewalk Construction and Repair Program for 2020

Attachments: [19-1283_Resolution for 2020 Sidewalk Program](#)

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

Aye: 10 - Brey, Sitkiewitz, Kummer, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

[19-1351](#) Temporary Access Easement Agreement over unimproved right-of-way for Homestead Road

Attachments: [Homestead Rd - Temp Access Easement Agmt](#)

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

Aye: 10 - Brey, Sitkiewitz, Kummer, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

5. Public Safety Committee

[19-1315](#) An Ordinance to amend Section 10.290 of the Manitowoc Municipal Code regulating Traffic Regulations - One Way Streets.

Attachments: [Ordinance to Amend 10](#)

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

Aye: 10 - Brey, Sitkiewitz, Kummer, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

[19-1316](#) An Ordinance to create Section 14.230 of the Manitowoc Municipal Code regulating Unlawful Massage Therapy Practices.

Attachments: [Memo re Massage Therapy Regulations](#)
[Ord to Create 14 - Massage Therapy](#)

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

Aye: 10 - Brey, Sitkiewitz, Kummer, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

[19-1342](#) Joint Powers Agreement between Manitowoc County Joint Dispatch Center and the City of Manitowoc effective March 1, 2020

Attachments: [Joint Powers Dispatch Agreement](#)

Moved by Howe, seconded by Lotz, that this Agreement be entered into. The motion carried by the following vote:

Aye: 10 - Brey, Sitkiewitz, Kummer, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

[19-1345](#) Ordinance amending Section 10.490 of the Municipal Code regulating Two Hour Parking on York St. & N. 9th St.

Attachments: [Ord - 2 Hr Parking on York St & N 9th St](#)

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

Aye: 8 - Brey, Kummer, Czekala, Williams, Howe, Novak, Lotz and Pelot

Nay: 2 - Sitkiewitz and McMeans

[19-1346](#) Ordinance to amend Section 10.390 of the Municipal Code regulating parking prohibited on Menasha Avenue

Attachments: [Ord - Parking prohibited on Menasha](#)

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

Aye: 10 - Brey, Sitkiewitz, Kummer, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

[19-1350](#) Ordinance to amend section 10.010 of the Municipal Code regulating Provisions of State Law Adopted by Reference relative to the speed limit on Waldo Blvd.

Attachments: [Ord - Provisions of State Law Adopted by Reference](#)

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

Aye: 9 - Brey, Kummer, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

Nay: 1 - Sitkiewitz

6. Plan Commission

[19-1247](#) Grow it Forward Inc Request for a Conditional Use Permit for an Adaptive Reuse pursuant to Chapter 15.370(29) located at 1501 Marshall Street

Attachments: [19-1247 PC Report Grow it Forward CUP](#)
[Council Report - GIF CUP](#)

Moved by Brey, seconded by Sitkiewitz, that this Conditional Use Permit be approved. The motion carried by the following vote:

Aye: 10 - Brey, Sitkiewitz, Kummer, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

[19-1248](#) Kevin and Kay Sonnenburg; Request for a Conditional Use Permit for the establishment of a Bed and Breakfast at 2004 Menasha Avenue pursuant to Chapter 15.130(3)h

Attachments: [19-1248 PC Report Sonnenburg Bed & Breakfast CUP](#)
[Council Report - Sonnenburg B&B CUP](#)

Moved by Brey, seconded by Sitkiewitz, that this Conditional Use Permit be approved. The motion carried by the following vote:

Aye: 10 - Brey, Sitkiewitz, Kummer, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

[19-1339](#) Resolution to vacate a portion of Brunner Court

Attachments: [Res - Brunner Ct Vacation](#)
[Brunner Ct Map](#)
[Brunner Ct - Petition & PC Report](#)

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

Aye: 10 - Brey, Sitkiewitz, Kummer, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

[19-1340](#) Ordinance amending Section 22.010 of the Municipal Code entitled: "Official Map - Master Subdivision Plans"

Attachments: [Ord - Official Map](#)
[Brunner Ct Map](#)
[Brunner Ct - Petition & PC Report](#)

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

Aye: 10 - Brey, Sitkiewitz, Kummer, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

J. OTHER BUSINESS

K. ADJOURN

Moved by Sitkiewitz, seconded by McMeans, that this meeting be adjourned at 7:59 p.m. The motion carried by the following vote:

Aye: 10 - Brey, Sitkiewitz, Kummer, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

Deborah Neuser
City Clerk