

# **City of Manitowoc**

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

# **Meeting Minutes**

# **Common Council**

Monday, June 15, 2020 6:30 PM Council Chambers

### A. CALL TO ORDER

# **B. ROLL CALL**

Alderpersons Present: 9 - Jim Brey, Eric Sitkiewitz, Steven Czekala, Scott McMeans, Jeremiah Novak, Todd

Lotz, Courtney Hansen, Bill Schlei and John Brunner

Alderpersons Absent: 1 - Brett Vanderkin

## C. PLEDGE OF ALLEGIANCE & INVOCATION

### D. PRESENTATIONS

20-0588 Proclamation declaring June 21, 2020 as the 150 Year Building Anniversary on

behalf of First Presbyterian Church

<u>Attachments:</u> First Presbyterian Church Proclamation

20-0612 Presentation to outgoing Alderperson Todd Lotz

### **E. PUBLIC HEARINGS**

### 20-0586

6:31 PM - Public Hearing for the purpose of hearing any and all interested parties in the matter of proposed changes to Chapter 15 of the Manitowoc Municipal code regarding the Downtown Design Review Area and Historic Preservation.

Mayor declared the meeting open of a public hearing for the purpose of hearing any and all interested parties in the matter of proposed changes to Chapter 15 of the Manitowoc Municipal code regarding the Downtown Design Review Area and Historic Preservation.

City Clerk reported that the notice of the hearing was published in the Manitowoc Herald Times Reporter on 6/1/2020 & 6/8/2020. (Proof of publication is on file in the City Clerk's office).

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

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).

## 20-0587

6:32 PM - Public Hearing for the purpose of hearing any and all interested parties in the matter of the establishment of a Community Living Arrangement in a R-4 Single and Two Family Zoning District pursuant to Manitowoc Municipal Code 15.150(3)f located in the 1700 Block of Mirro Drive.

Mayor declared the meeting open of a public hearing for the purpose of hearing any and all interested parties in the matter of the establishment of a Community Living Arrangement in an R-4 Single and Two Family Zoning District pursuant to Manitowoc Municipal Code 15.150(3)f located in the 1700 Block of Mirro Drive.

City Clerk reported that the notice of the hearing was published in the Manitowoc Herald Times Reporter on 6/1/2020 & 6/8/2020. (Proof of publication is on file in the City Clerk's office).

Community Development Director Adam Tegen provided an overview of the proposed Conditional Use Permit.

The following persons appeared to address the Council regarding the proposed Conditional Use Permit:

Deanna Harp, Jeff Burish, Leroy Beilke, Heidi Herman, Tony Wilhelm, Paul Steinbrecher, Dave Last, Amber Daugs

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

20-0605 Appointments by Mayor to various Committees, Boards, and Commissions.

Attachments: Alder Appointments

Citizen Appointments

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

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

#### 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: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

### 2. Miscellaneous

20-0589 Minutes of May 18, 2020 Common Council meeting, recommending approval

and place on file.

Attachments: CC Min - 5-18-20

20-0590 Communication from Wisconsin DNR announcing award of 2020 Recycling

Grant to Responsible Units to the City of Manitowoc, recommending

acceptance and place on file.

Attachments: WI DNR Communication - Recycling Grants

# 3. Committee of the Whole (Consent)

20-0604 Report of temporary premises extensions for the sale of liquor and/or beer due

to following social distancing best practices in compliance with City Resolution 20-0518 adopted by the Common Council on May 18, 2020, recommending

acceptance of report and place on file.

Attachments: Premises Extension Report

20-0610 Report of Special Events Committee relative to approval of the following events:

Wilson Student Farewell Parade on 6/11/2020; Waiver of Fee Date Change: YP

Connect-Decades Dual Kickball Game on 8/11/2020; recommending

acceptance of report and place on file.

<u>Attachments:</u> Special Event Committee Events Acted On 5-14-20 to 6-10-20

Waiver of Fees Date Change - YP Kickball

Wilson Jr. High Farewell Parade

### 4. Finance Committee (Consent)

20-0415 Possible change to alcohol licensing fees, recommend to place on file.

<u>Attachments:</u> <u>Summary Trial Balance</u>

Staff email - License Fees

20-0415

20-0553 Capital Allocation Working Group (CAWG) recommendation to fund up to

\$9,866.94 as an unbudgeted request for Finance/Clerk Division to purchase additional Badger Books (E-Poll Books), recommend to approve request.

Attachments: Badger Book CAWG Request

20-0554 Request from Ante LLC, d/b/a Digger Dave's for permanent extension of

premise to license TAV-2008 to include tables and chairs on sidewalk in front of

Digger Dave's property, recommend to approve the request.

Attachments: Digger Dave's Request

20-0555 Application for "Class B" Intoxicating Liquor & Fermented Malt Beverage

License, TAV-1965A, for Kathie's Act II, LLC, 701 Franklin St., recommend to

approve the request.

Attachments: Kathies Act II Application

20-0557 Request from Sun Development & Management Corporation (Manitowoc

Lodging Associates LLP) for a waiver of Failure to File Penalties in the amount of \$1,158.40 for Baymont Inn Room Tax, recommend to deny the request.

Attachments: Baymont Request

20-0559 2020 Budget Amendment due to Transit CARES Act Funding, recommend to

accept the CARES Act Funding for 100% of the estimated net deficit from January 20 thru December 31, 2020 and save the unused local share in Transit

to assist in future years.

Attachments: Memo PI Transit CARES Act Funding.pdf

Copy of CARES Scenarios

20-0562 Kerry Inc. V Wisconsin Department of Revenue Petitions for Review of

Determination by State Board of Assessors for Manufacturing Properties: 633 S. 20th St., 1226 S. Water St., 4343 Expo Dr., & 4502 Expo Dr., recommend to

accept and place on file.

Attachments: Kerry Inc. Acknowledgment of Receipt

Kerry 633 S. 20th

Kerry 1226 S. Water St.

Kerry 4343 Expo Kerry 4502 Expo

20-0595 General City Claims in the amount of \$5,368,330.31 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: June Claims

6-5-2020 6-9-2020 6-12-2020 5-22-2020 5-29-2020

20-0603 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.

Attachments: June Licenses

# 5. Personnel Committee (Consent)

# 6. Public Infrastructure Committee (Consent)

20-0127 Briess Lot Electrical Usage, recommending placing on file with no electrical

usage fees to be charged.

<u>Attachments:</u> 20-0127 Briess Lot Electrical Usage Memo.pdf

20-0127 Briess Lot Electrical Usage Summary Summer 2019.pdf

20-0353 Request to approve Part-time Zoo job description and to conduct recruitment

process to fill position, recommending approval

Attachments: Memo PT Zoo JD for PC.Council items.pdf

Zoo Maintenance Education and Animal Care PT(3.2020).pdf

20-0591 Report of Board of Public Works of 5/20/20 for 4th and Final payment of

\$18,194.83 to Vinton Construction for 2019 Concrete Paving, WS-19-1,

recommending payment.

Attachments: WS-19-1 Final Payment

20-0592 Report of Board of Public Works of 5/20/20 for 3rd and Final payment of

\$29,906.12 to Vinton Construction for 2019 Sanitary Sewer Construction,

WS-19-8, recommending payment.

Attachments: WS-19-8 Final Payment

20-0593 Report of Board of Public Works of 5/27/20 for 4th and Final payment of

\$18,588.88 to Dorner Inc. for 2019 Bayshore Drive Sanitary Sewer

Construction, WU-19-17, recommending payment.

Attachments: WU-19-17 Final Payment

20-0594 Report of Board of Public Works of 5/27/20 of approval to enter into

AGMT-20-06 with Hubbartt Electric, Inc. for installation of new light pole bases

and power located on the Riverwalk by City Hall, for a contract price of

\$5,266.00, recommend acceptance and place on file.

Attachments: AGMT-20-06 Hubbartt Electric

20-0601 Report of Board of Public Works of 6/3/20 of approval to enter into AGMT-20-07

with Hutchinson Property Services for the maintenance of the ball diamonds

and fields at Lincoln Park and West Field Park for a contract price of

\$15,500.00, recommending acceptance and place on file.

Attachments: AGMT-20-07 Hutchinson Property Services

### 7. Public Safety Committee (Consent)

20-0563 Capital Allocation Working Group (CAWG) recommendation to fund up to

\$5,995.00 as an unbudgeted request for the Police Department to trade-in 2012 CVSA Dell Model to Current Model CVSA III - Dell Rugged 14 Model Series and Dell 4-year PRo-Support Onsite Hardware Service Warranty with Accident

Protection, recommend to approve the request.

Attachments: EULA NFS -2018 - New CVSA Systems

Manitowoc PD (WI) CVSA Trade in for III Est.5982

The New CVSA III Instrument
Capital Project Request Form

20-0583 Request to remove pedestrian stop at the intersection of Crawford Boulevard

and South Rapids Road, recommending to approve the request.

Attachments: Proposed plan for replacement of traffic signals with yield signs at

rapids and crawford blvd

Crawford Blvd and South Rapids Road replacement of traffic signals

S. Rapids and Crawford Blvd signals

## 8. Plan Commission (Consent)

20-0527 PC 14-2020/14-2019: Assignment of a Conditional Use Permit from J&K

School Hill LLC to Excel Auto LLC located at 1118 S. 10th Street for the Continued Operation of a Wrecker Service and Used Car Sale business, recommend to transfer the 2019 Conditional Use Permit from J & K School

Hill, LLC to Excel Auto LLC.

Attachments: 20-0527 PC Report Excel Auto CUP.pdf

20-0527 Report to Council Excel Auto CUP.pdf

20-0534 PC 1-2020: Quit Claim Deeds from the City of Manitowoc for Viebahn

Street, West Viebahn Street and Hecker Road, recommend to approve and accept the quit claim deeds and instruct the City Clerk to record the deeds at the Manitowoc County Register of Deeds office after Council

approval.

Attachments: 20-0534 PC Report Hecker Viebahn W Viebahn qc deeds.pdf

20-0534 Report to Council Hecker Viebahn W. Viebahn QC Deeds.pdf

#### I. COMMITTEE REPORTS

#### 1. Plan Commission

20-0526 PC 5-2020: Vichil Properties LLC, d.b.a. Samaritan Group Homes: 1700

Block Mirro Drive, Request for a Conditional Use Permit for the

establishment of a Community Living Arrangement in a R-4 Single and Two

Family Residential Zoning District pursuant to 15.150(3)f.

Attachments: 20-0526 PC Report Samaritan Group Home Mirro Dr.pdf

20-0526 Report to Council Samaritan CLA.pdf
Memo from Director of Public Infrastructure

Council and City staff discussed the issues with the water table in this area and addressed many of the resident's concerns about the new facility. Community Development Director Adam Tegen outlined the conditions set forth in the Conditional Use Permit.

Moved by Brey, seconded by Sitkiewitz, to approve the Conditional Use Permit for the establishment of a Community Living Arrangement for up to 60 residents pursuant to the submittal packet and following conditions. The motion carried by the following vote:

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

### 2. Committee of the Whole

20-0584 Procedure to fill District 7 Aldermanic Vacancy due to resignation of Alderman

Todd Lotz

Moved by Sitkiewitz, seconded by McMeans, to fill this vacancy for the unexpired term ending 4-19-2021 by Council appointment with the application process to close July 15, 2020. The motion carried by the following vote:

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

20-0585 Communication from Alderman Todd Lotz resigning as Alderperson for District

7 effective June 16, 2020

Attachments: Lotz Resignation

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

20-0611 Report of Special Events Committee recommending approval for the following

events subject to Council action: 4th of July Parade on 7/4/20 (Closure of S. 8th St. from Madison to Maritime Dr. & Maritime Dr. from N. 8th St. to Waldo with

closure of parking lanes); Night Market 920 on various nights from

7/8/20-9/16/20 (original request was not approved in March. Special Event Committee is recommending approval provided the organizer submits a plan on how they will maintain social distancing guidelines and how they will clean and sanitize; fees waived for supplies and equipment, event organizer to pay the

assessed delivery fees)

<u>Attachments:</u> Special Events for Council Approval - 05-14-20 to 6-10-20

Night Market 920 4th of July Parade

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

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

#### 3. Finance Committee

20-0558 TIF Project Report and Term Sheet for 939 South 8th St.

Attachments: Report to Finance Committee with Attachments (002)

Brix Exterior Facades 05-29-2020.pdf

Moved by Brey, seconded by McMeans, to adopt the recommendations. The motion carried by the following vote:

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

20-0564 Ordinance to amend various sections of Chapters 2 and 3 of the Municipal

Code in order to update references

Attachments: ORD- MMC reference clean up

Ord - Ch 2 & 3 cleanup - signed

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

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

20-0596 Request from Bridgeview Bar for extension of premises into their parking lot for

an event on June 27, 2020.

<u>Attachments:</u> <u>Bridgeview Premises Extension Request</u>

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

20-0597 Contract with AT&T to move from Copper PRI circuits to Fiber circuits

Attachments: ATT Service Guide - IP Flex

Customer Signature Page

Master Agreement Online

ATT DEDICATED INTERNET PRICING SCHEDULE

ATT IP FLEXIBLE REACH AND ATT IP TOLL-FREE PRICING

**SCHEDULE** 

Product Comparison 10M both locations 6-10-2020

AT&T email

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

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

20-0598 2020 HAVA Coronavirus Air, Relief and Economic (CARES) Subgrant Program

Agreement for costs incurred due to the pandemic affecting the 2020 federal

elections

Attachments: HAVA CARES Agmt - Signed

Moved by Brey, seconded by McMeans, to authorize Mayor and City Clerk to sign upon City Attorney's approval. The motion carried by the following vote:

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

20-0602 Report of Industrial Development Corporation of 6/10/20 recommending the

sale of Lots 1, 2, 3, & 4 in Block 3, Manitowoc I-43 Industrial Park No. 1 to Bank

First, N.A.

Attachments: Report to Council Bank First

Moved by Brey, seconded by McMeans, to i) approve the sale of the lots subject to conditions in offer to purchase, ii) authorize City staff to negotiate and finalize the offer to purchase, iii) and authorize City staff to proceed with closing the land sale and sign any documents related to said sale. The motion carried by the following vote:

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

#### 4. Personnel Committee

20-0549 Resolution to Revise Employee Policy Manual Language Update-June, 2020

Attachments: Res - EPM Updates

Memo to Council re EPM Revisions 06.2020.pdf

Employee Policy Manual Recommended Revisions 6.2020.pdf

Employee Policy Manual Clean Copy for Council 6.2020.pdf

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

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

20-0571 Resolution to revise the Employee Policy Manual to include revisions to the

Extended Leave Policy post COVID-19 Pandemic

Attachments: Res - Extended Leave Policy

Memo to Council re Extended Leave Revisions 06.2020.pdf

Extended Leave revisions 6.2020.pdf
Sick Leave other municipalities 2018.pdf

Moved by McMeans, seconded by Novak, to approve the resolution with a sunset date of December 1, 2020. The motion failed by the following vote:

Aye: 4 - McMeans, Novak, Lotz and Schlei

Nay: 5 - Brey, Sitkiewitz, Czekala, Hansen and Brunner

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

Aye: 7 - Brey, Czekala, McMeans, Novak, Lotz, Hansen and Schlei

Nay: 2 - Sitkiewitz and Brunner

20-0607 Resolution to backfill and overlap the Finance Director/Treasurer position due to

retirement

<u>Attachments:</u> Res - Finance Director Treasurer

Res - Backfill & Overlap Finance Director - Signed

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

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

### 5. Public Infrastructure Committee

20-0566 Reimbursement Resolution for the Safe Drinking Water Loan Program

Attachments: Res - Reimbursement for SDWLP

20-0566 DRAFT - Reimbursement Resolution SDWLP.pdf

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

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

20-0573 Preliminary Resolution Declaring Intent to Levy Special Assessment for Roneta

Lane

<u>Attachments:</u> Preliminary Resolution Declaring Intent to Levy Special Assessment

for Roneta Lane.pdf

Preliminary Res - Roneta Lane Special Assessment

Moved by Novak, seconded by Hansen, that this Resolution be adopted. The

motion carried by the following vote:

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

20-0606 Resolution to create and fill a Part-time Zoo Maintenance Education and Animal

Care position

Attachments: Res - Create and Fill PT Zoo Maintenance and Education and Animal

**Care Position** 

Memo & JD Zoo Maintenance

Moved by Novak, seconded by Hansen, that this Resolution be adopted. The

motion carried by the following vote:

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

### 6. Public Safety Committee

20-0463 Ordinance to amend Section 10.570; 15.030; and 15.430 of the Manitowoc

Municipal Code regulating Off-Street Parking and Loading.

Attachments: Need to rescind

Ord to Amend 15

Moved by Lotz, seconded by McMeans, that the adoption of this Ordinance be rescinded and then referred to the Plan Commission. The motion carried by the

following vote:

20-0581 An Ordinance to amend Section 10.170; 10.230; and 10.390 of the Manitowoc

Municipal Code regulating parking and traffic on Bayshore Drive and Bay Pointe

Road.

Attachments: Ord revise parking and traffic on Bayshore Drive and Bay Pointe Road

Bayshore Drive and Bay Pointe Road communication

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

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

#### 7. Plan Commission

20-0530 PC 17-2020: Review of Location and Architectural Design of the Blue Rail

Restroom Building Pursuant to §62.23(5) "Matters Referred to City Plan

Commission".

Attachments: 20-0530 Report to Council Blue Rail Bathroom.pdf

20-0530 PC Report Blue Rail bathroom.pdf

Moved by Brey, seconded by Sitkiewitz, that the location and architectural

design be approved. The motion carried by the following vote:

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

20-0599 Ordinance to repeal section 15.290, amend section 15.650, and create section

15.790 of the Municipal Code regulating the Downtown Design Review Area and

Historic Preservation

Attachments: Ord - Ch. 15

Report to Council and PC document 20-0532

Moved by Brey, seconded by Sitkiewitz, that this Ordinance be adopted. The

motion carried by the following vote:

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

20-0600 Ordinance to rename a portion of Johnston Drive to Bayshore Drive

Attachments: Ord - Rename portion of Johnston Dr

Report to Council and PC Doc 20-0533

ORd - Rename portion of Johnston Dr - signed

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

20-0608 Ordinance to annex certain territory from the Town of Newton to the City of

Manitowoc as part of the 9th Aldermanic District and the 17th, 18th, 21st, 23rd,

24th, 25th, 26th and 28th Wards of the City

Attachments: Ord - Annex Ward 32

PC report to Council

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

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

20-0609 Resolution to create Ward Number 32, population zero (0), for the Hecker #3

Annexation Area to be combined with the 17th, 18th, 21st, 23rd, 24th, 25th, 26th

and 28th Wards for voting purposes and use a common polling place as

established for the 9th Aldermanic District

Attachments: Res - Annex Ward 32

PC report to Council

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

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

#### J. OTHER BUSINESS

### K. ADJOURN

Moved by Sitkiewitz, seconded by Brey, that this meeting be adjourned at 8:38 p.m. The motion carried by the following vote:

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

Deborah Neuser City Clerk