



City of Manitowoc

19-1111
900 Quay Street
Manitowoc, WI 54220
www.manitowoc.org

Meeting Minutes

Common Council

CONSENT

Monday, September 16, 2019

6:30 PM

Council Chambers

A. CALL TO ORDER

B. ROLL CALL

Alders Present: 7 - Jim Brey, Eric Sitkiewitz, Steven Czekala, Mike Williams, Scott McMeans, Jeremiah Novak and Todd Lotz

Alders Absent: 2 - Lee H. Kummer and Mike Howe

C. PLEDGE OF ALLEGIANCE & INVOCATION

D. PRESENTATIONS

19-1024 Election of District 10 Alderperson for the City of Manitowoc for the term ending 4/19/21.

Moved by Brey, seconded by Novak, to reconsider the August 2019 decision to appoint this vacancy through April 19, 2021. The motion carried by the following vote:

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

Moved by Brey, seconded by Novak, to appoint a representative to District 10 through April 20, 2020 and to hold a special election in April 2020 to fill the remainder of the term through April 19, 2021. The motion carried by the following vote:

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

Mayor Nickels explained the nomination process and opened the floor for nominations.

Aldersperson McMeans nominated Courtney Pelot
Aldersperson Brey nominated Dennis Steinbrenner
Aldersperson Williams nominated Theresa Fessler
Aldersperson Czekala nominated Kathy Zucchi

Upon a roll call vote, Pelot received three votes, Fessler received two votes, Steinbrenner received one vote and Zucchi received one vote.

There being no absolute majority, the Council took a second vote of the top two candidates: Pelot and Fessler.

Upon a roll call vote, Pelot received five votes and Fessler received two votes. Courtney Pelot was declared appointed as District 10 Aldersperson for the term ending April 20, 2020. City Clerk administered the Oath of Office and Aldersperson Pelot assumed the seat of District 10 Aldersperson.

Updated roll call

- Alderspersons Present:** 8 - Jim Brey, Eric Sitkiewitz, Steven Czekala, Mike Williams, Scott McMeans, Jeremiah Novak, Todd Lotz and Courtney Pelot
- Alderspersons Absent:** 2 - Lee H. Kummer and Mike Howe

- 19-1032 Crime Prevention Month Proclamation
- 19-1033 Fire Prevention Month Proclamation
- 19-1034 Commendation to Post 88 of the American Legion

E. PUBLIC HEARINGS

19-0972

6:30 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 use to operate a transitional housing establishment at 3 Riverview Drive.

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 use to operate a transitional housing establishment located at 3 Riverview Drive.

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

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

- Christopher Ford
- Sue Diener - 100 Blk Riverview Drive
- Amber Daus - 108 Riverview Drive
- Christmas Rusch
- Bill Holmes - 702 Park Street
- Kathy Nichols
- Chris Gilbert
- Tom Diener - 100 Blk Riverview Drive
- Donna Firman
- Donna Lindholm - 142 Riverview Drive
- Jeff Dunn - 903 St. Clair Street

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).

19-0988

6:31 PM - Public Hearing for the purpose of hearing any and all interested parties in the matter of proposed changes to Chapter 15 regulating signs.

Mayor declared the meeting open for 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 regulating signs.

City Clerk reported that the notice of the hearing was published in the Herald Times Reporter on 9/5/19 & 9/9/19. (Proof of publication is on file in the City Clerk's office).

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

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

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

2. Miscellaneous

- 19-0989 Minutes of August 19, 2019 Common Council meeting, recommending acceptance and place on file.
- 19-0990 Communication from Public Service Commission of WI, recommending acceptance and place on file.
- 19-1019 Resignation from Heidi Schroderus from Library Board effective immediately, recommending acceptance and place on file.

3. Committee of the Whole (Consent)

- 19-1026 Report of Special Events Committee relative to approval of the following events: Fiesta Nayarit on 9/7/19; Waiver of Fees: Mtwc. County Drug Court Program Appreciation Picnic; Waiver of Fees: Cardboard City; Waiver of Fees: My Tiger Jungle; recommending acceptance of report and place on file.

4. Finance Committee (Consent)

- 19-0904 Natural Gas Pre Buy Program and Sample Agreements for Delivery Period: November 1, 2020 End: October 31, 2023, recommend to place on file.
- 19-0944 Wireless Telecommunications Equipment and Service Agreement with Cellcom, recommend to enter into agreement.

- 19-0966 Request from Ted Frisch, Agent, Three T's, Inc. to extend his tavern license TAV-1950 on September 14th to include the parking lot, for premise located at 2202 Marshall St., recommend to approve the request.
- 19-0991 General City Claims in the amount of \$2,265,775.19 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.
- 19-1020 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)

6. Public Infrastructure Committee (Consent)

- 19-0748 Maintenance of Stormwater Pond on corner of Deerbrook Lane, recommending having the City to maintain the Stormwater Ponds on Deerbrook and Knuell Street to include the grass and outfall.
- 19-0850 Department of Public Infrastructure Reorganization, recommending approval.
- 19-0851 New Project State/Municipal Agreement Project ID 1470-37-00/71 STH 42 Memorial Drive (Waldo Blvd - E Magnolia Ave), recommending approval and entering into agreement
- 19-0957 Flooding under Dewey Street Trestle, recommending DPI to install signage the states "Flooding when Rains" and work with Manitowoc Public Utilities on the lighting.
- 19-0959 Emerald Ash Borer Urban Forestry Management Update Plan, recommending approval of plan and placing on file.
- 19-0962 Request to Discuss the possibility of eliminating Dale Street Park as a listed Park and consider Rezoning the Property, recommending placing on file
- 19-0965 To review proposals for the City of Manitowoc Parks Concessions, recommending DPI to work out a three (3) year contract agreement with a vendor for Concessions for the Zoo and Aquatic Center
- 19-0968 Park Playground Equipment Donation, recommending approval of donations
- 19-1001 Report of Board of Public Works of 8/21/19 for 1st and Final payment of \$140,305.30 to Scott Construction, Inc. for 2019 Seal Coating Program, WS-19-6, recommending payment.

- 19-1002 Report of Board of Public Works of 8/21/19 for 2nd and Final payment of \$10,576.03 to Forward Contractors for 2019 Concrete Slab Replacement, WS-19-10, recommending payment.
- 19-1003 Report of Board of Public Works of 9/4/19 for 3rd and Final payment of \$14,457.77 to Visu-Sewer, Inc. for 2019 Re-Lining Sanitary Sewer, WU-19-7, recommending payment.
- 19-1004 Progress invoice from WI Dept. of Transportation in the amount of \$7,323.52 for Waldo Blvd, project no. 39545701200, recommending payment.
- 19-1005 Progress invoice from WI Dept. of Transportation in the amount of \$16,650.37 for Waldo Blvd, project no. 39515003700, recommending payment.
- 19-1006 Report of Board of Public Works of 8/21/19 of denial of request to rescind weed cutting assessment for property at 815 Green Street, recommending acceptance and place on file.
- 19-1007 Report of Board of Public Works of 8/21/19, of bids received for Manitowoc River Docks, Project WO-19-15, recommending awarding to low bidder, Mammoth Construction in the amount of \$174,000.00.
- 19-1008 Progress invoice from WI Dept. of Transportation in the amount of \$219,913.16 for Waldo Blvd, project no. 39545701272, recommending payment.
- 19-1009 Progress invoice from WI Dept. of Transportation in the amount of \$134,975.38 for Waldo Blvd, project no. 39515003775, recommending payment.
- 19-1011 Report of Board of Public Works of 9/4/19 of approval to reduce 2018 concrete Paving Assessment on parcel no. 390-001-0140 to \$649.74 to account for corner lot adjustment, recommending acceptance and place on file.
- 19-1012 Report of Board of Public Works of 9/4/19 of approval to reduce 2018 concrete Paving Assessment on parcel no. 355-016-001 to \$7,129.94 to account for corner lot adjustment, recommending acceptance and place on file.
- 19-1013 Report of Board of Public Works of 9/4/19 of reduction in noxious weed assessment for property at parcel no. 813-201-100, recommending acceptance and place on file.

7. Public Safety Committee (Consent)

- 19-0890 Discussion regarding proposed parking stall markings on the west side of North 9th Street off Maritime Drive in front of the existing unused driveway entrances, recommending approval.

8. Plan Commission (Consent)

- 19-0936 PC 29-2019 Site Plan Review - Manitowoc Aquatic Center Proposed Expansion pursuant to §62.23(6) "Matters Referred to the Plan Commission," recommending to grant the proposed expansion to the Manitowoc Family Aquatic Center per the presented plans.
- 19-0937 PC 1-2019: Bright Horizon Properties, LLC; Quit Claim Deed for N. 8th Street purposes, recommending to grant the quit claim deed for the dedication N. 8th Street.

I. COMMITTEE REPORTS

1. Committee of the Whole

- 19-0947 CN Peninsula update

Moved by Sitkiewitz, seconded by McMeans, to enter into contract with Stantec and Ehlers at a cost not to exceed \$227,315 to be budgeted from the balance in downtown delegated funds from 2019 capitol budget to begin Phase 1. The motion carried by the following vote:

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

- 19-1027 Report of Special Events Committee relative to approval of the following events subject to Council approval: Halfway to St. Patrick's Day on 9/21/19 (Closure of Jay St. between S. 8th & S. 9th Streets; waiver of the noise ordinance until 11p.m.; extension of alcohol premise); Lincoln Homecoming, Tailgate & Rubick Run on 10/4/19 (Closure of streets from Lincoln High School to Municipal Field for parade & closure of Grand Ave. from S. 21st to S. 23rd until 10pm)

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

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

2. Finance Committee

- 19-0939 Election by Common Council of Manitowoc Public Utilities Commissioner for a term of five years, pursuant to Municipal Code, as the following term will expire: Daniel Hornung, term expires September 30, 2019.

A nomination was on the floor to elect Daniel Hornung to the MPU Commission. There being no other nominations, it was moved by Brey, seconded by McMeans, to close nominations and cast a unanimous ballot appointing Daniel Hornung to the MPU Commission for a five year term ending September 30, 2024. The motion carried by the following vote:

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

19-0948 Resolution to Extend TID #9 to Fund Healthy Neighborhood Initiative

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

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

19-1000 Resolution Providing for the Sale of Approximately \$2,390,000 General Obligation Refunding Bonds

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

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

19-1018 Resolution to backfill part time Security Guard position at Rahr West Art Museum

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

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

19-1021 Request from HFM Wellness Center request to have Sabbatical Brewery serve beer at the HFM Wellness Center for an open to the public event on October 25th.

Moved by Brey, seconded by McMeans, that this Request be approved according to State and City policy. The motion carried by the following vote:

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

3. Personnel Committee

19-1028 Resolution Appointing Adam Tegen as Community Development Director

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

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

19-1029 Resolution to Approve Revised Employee Policy Manual

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

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

19-1030 Resolution to Approve Reorganization of Department of Public Infrastructure

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

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

19-1031

Resolution to Approve Robin HealthPartners Health Plan for 2020

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

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

Abstain: 1 - McMeans

4. Public Infrastructure Committee

19-0853

Ordinance to amend Section 7.110 of Municipal Code regulating Railroads Operating in the City of Manitowoc.

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

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

19-1010

Stormwater Management Facility Maintenance Agreement with Investors Community Bank

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

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

5. Public Safety Committee

19-0823

Ordinance to amend Section 10.390 of the Municipal Code regulating parking on N. 9th Street

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

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

19-0979

Lifeguard billing dispute 182A-19-2420.

Moved by Lotz, seconded by Czekala, to waive the ambulance fee. The motion carried by the following vote:

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

19-0985

Ordinance to create Section 14.100 of the Manitowoc Municipal Code regulating tampering with ring life buoys prohibited.

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

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

- 19-0986 Ordinance to amend Section 14.860 of the Manitowoc Municipal Code regulating general penalty.
 Moved by Lotz, seconded by Czekala, that this Ordinance be adopted. The motion carried by the following vote:
 Aye: 8 - Brey, Sitkiewitz, Czekala, Williams, McMeans, Novak, Lotz and Pelot

- 19-0987 Town of Newton Agreement for Ambulance Services beginning January 1, 2020.
 Moved by Lotz, seconded by Czekala, that this Agreement be entered into. The motion carried by the following vote:
 Aye: 8 - Brey, Sitkiewitz, Czekala, Williams, McMeans, Novak, Lotz and Pelot

- 19-1025 Ordinance amending Section 10.4990 of the Municipal Code regulating two-hour parking on Maritime Drive
 Moved by Lotz, seconded by Czekala, that this Ordinance be adopted. The motion carried by the following vote:
 Aye: 8 - Brey, Sitkiewitz, Czekala, Williams, McMeans, Novak, Lotz and Pelot

6. Plan Commission

- 19-0934 PC 33-2019 Holy Family Memorial / Core Treatment Services Pursuant to MMC 15.230(3)k. Request for a Conditional Use Permit for the establishment of a Transitional Housing Residential Treatment Center in the B-1 Office - Residential Zoning District located at 3 Riverview Drive.
 Moved by McMeans, seconded by Czekala, to amend the motion to approve the CUP contingent upon confirmed communication of neighborhood listening session as well as communication of policies around loitering, security and visibility of clients in the neighborhood. The motion failed by the following vote:
 Aye: 3 - Czekala, McMeans and Novak
 Nay: 5 - Brey, Sitkiewitz, Williams, Lotz and Pelot
 Moved by Brey, seconded by Sitkiewitz, that this Conditional Use Permit be approved. The motion carried by the following vote:
 Aye: 8 - Brey, Sitkiewitz, Czekala, Williams, McMeans, Novak, Lotz and Pelot

- 19-1022 Ordinance to amend Section 15.450 of the Municipal Code regulating signs
 Moved by Brey, seconded by Sitkiewitz, that this Ordinance be adopted. The motion carried by the following vote:
 Aye: 8 - Brey, Sitkiewitz, Czekala, Williams, McMeans, Novak, Lotz and Pelot

J. OTHER BUSINESS

K. ADJOURN

Moved by Sitkiewitz, seconded by McMeans, that this meeting be adjourned at 9:11 p.m. The motion carried by the following vote:

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

Deborah Neuser
City Clerk