



City of Manitowoc

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

Meeting Minutes

Common Council

Monday, April 15, 2019

6:30 PM

Council Chambers

A. CALL TO ORDER

B. ROLL CALL

Alders Present: 9 - Jim Brey, Mike Howe, Scott McMeans, Eric Sitkiewitz, Lee H. Kummer, Steven Czekala, Jeremiah Novak, Todd Lotz and Mike Williams

Alders Absent: 1 - Rhienna Gabriel

C. PLEDGE OF ALLEGIANCE & INVOCATION

D. PRESENTATIONS

- 19-0408 City Clerk administers oath of office to Police Officer Michael Kirchner, followed by badge pinning.
- 19-0421 Proclamation declaring the week of May 12th - May 18th, 2019 as National Police Week and May 15, 2019 as Peace Officers' Memorial Day.
- 19-0436 Proclamation declaring the week of April 14th - April 20th, 2019 National Public Safety Telecommunicators Week
- 19-0437 Proclamation declaring the week of May 11th - May 18th, 2019 as Creative Economy Week and Wisconsin Museums Week

E. PUBLIC HEARINGS

- 19-0407 Public Hearing for the purpose of hearing any and all interested parties in the matter of a proposed Conditional Use Permit for the Establishment of a "Wrecker Service and Sale of Used Vehicles" at 1118 S. 10th St.
- Mayor Nickels declared the meeting open for a public hearing. Notice of the hearing was published in the Herald Times Reporter on April 1 & 8, 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

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

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

2. Miscellaneous

- 19-0422 Communication from Wisconsin Historical Society that the property bounded by both sides of Lincoln Blvd. between Cleveland Ave. and Oak St. has been entered in the National Register of Historic Places by the Secretary of the Interior, and listed in the State Register of Historic Places by the State Historic Preservation Office; recommending acceptance and place on file.

- 19-0424 Communication from Board of Commissioners of Public Lands related to State Trust Fund Loan Payoff Notice; recommending acceptance and place on file.

- 19-0428 Fund statements from Lakeshore Community Foundation for Eternal Flame and Veterans Memorial fund and City of Manitowoc K-9 Preservation Fund, recommending acceptance and place on file.

3. Committee of the Whole (Consent)

- 19-0358 Minutes of March 18, 2019 Common Council meeting, recommending approval and place on file.

- 19-0430 Report of Special Events Committee relative to approval of the following events: Waiver of Fees: Business Appreciation Picnic on 6/19/19; Memorial Day Picnic on 5/27/19; Touch the Trucks on 7/17/19; Lakeshore District Spring Camporee on 5/3-5/19; Safety Patrol Picnic on 5/15/19; Children's Safety Network Family Fun Night on 5/16/19; Waiver of Fees: Breakfast on the Farm on 6/9/19; recommending acceptance of report and place on file.

4. Finance Committee (Consent)

- 19-0328 Minutes of March 5, 2019 Finance Committee meeting, recommending approval and place on file.

- 19-0329 Revision of Facade Grant Program Guidelines, recommending to adopt the revisions.
- 19-0335 Request from Manitowoc County Expo/Fair entertainment pavilion purveyors to extend live band music performances on Friday, August 23 and Saturday, August 24, 2019 to 11:30 p.m. with beer sales ending at Midnight and with music stopping at 11:00 p.m. on Tuesday, Wednesday, Thursday, and Sunday and beer sales discontinuing at 11:30 p.m., recommend to approve the request.
- 19-0338 Write-off of Special Assessments due to lack of proceeds from County Tax Deed Land Sale, recommend to approve the write-off.
- 19-0339 1st Quarter Report of Internal Controls, recommend to accept and place on file.
- 19-0398 General City Claims in the amount of \$5,573,210.54 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.
- 19-0418 Wisconsin DOT 2016 Mass Transit Operating Assistance Program Report, recommending acceptance and place on file.
- 19-0429 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)

- 19-0324 Out of State Travel Request-Police Department-Atlanta, GA-June 11-13, 2019, recommending approval.
- 19-0325 Out of State Travel Request-Fire Department-Washington D.C. -April 23-26, 2019, recommending approval.
- 19-0326 Request from Alder Gabriel to address Council and City Employee Code of Conduct, recommending to place on file.

6. Public Infrastructure Committee (Consent)

- 19-0331 Stormwater Maintenance Agreement with Grove U.S. LLC, (fka Manitowoc Cranes, LLC) at 2401 S. 30th Street, Manitowoc, WI, recommending approval.
- 19-0341 Waldo Blvd (US 10 & STH 42) Project - 14th Street to Maritime Drive, recommending to place on file.
- 19-0342 Request for 4 New Benches from Lincoln Park Zoo Donation Tube Funds, recommending to approve up to \$5,000 for four benches.

- 19-0350 Utilization of Rental Fees at 1105 Fleetwood Drive, recommending to enter into the agreement.
- 19-0351 Chief's Sign Permit Application, recommending approval.
- 19-0399 Report of Board of Public Works of March 20, 2019 of approval to enter into a contract with Wendt Works, LLC d/b/a K & L Enterprises, LLC for portable bandshell renovation, AGMT-19-08, for a contract price of \$20,000.00. Recommending acceptance and place on file.
- 19-0400 Report of Board of Public Works of 3/20/19, of bids received for 2019 Asphaltic Concrete Paving, Project WS-19-4, recommending awarding to low bidder, Highway Landscapers, Inc. in the amount of \$1,455,060.31.
- 19-0401 Report of Board of Public Works of 3/20/19 of approval to rescind snow removal assessment for property located at 709 York St. Recommending acceptance and place on file.
- 19-0402 Report of Board of Public Works of 3/20/19 of approval to rescind two snow removal assessments for property at 1906 Paul Rd. Recommending acceptance and place on file.
- 19-0403 Report of Board of Public Works of 4/3/19, of bids received for 2019 Asphaltic Concrete Paving II, Project WS-19-11, recommending awarding to low bidder, Vinton Construction Company in the amount of \$462,287.07.
- 19-0404 Report of Board of Public Works of 4-3-19, of project proposals received for Miracles Park - Skate Park Upgrades, Project WU-19-2, recommending awarding to 5th Pocket Skate Parks in for a price of of \$89,000.00.
- 19-0405 Report of Board of Public Works of 3/20/19 for 3rd and Final payment of \$47,250.09 to Vinton Construction for 2018 Concrete Slab Replacement, WS-18-10, recommending payment.
- 19-0406 Report of Board of Public Works of 4/3/19 for 1st and Final payment of \$2,902.00 to Luisier Plumbing Inc. for Installation and Washout Waterline for Parks Maintenance Building, AGMT-19-06, recommending payment.

7. Public Safety Committee (Consent)

- 19-0384 Request for a 4-way stop at the intersection of South 23rd Street and Grand Avenue, recommending to place on file.

19-0391 Update on Blight Properties, recommending to place on file.

19-0392 Blight Expense Report, recommending to place on file.

8. Plan Commission (Consent)

19-0317 PC 14-2019: Joseph Schwister; Request for a Conditional Use Permit for the Establishment of a "Wrecker Service and Sale of Used Vehicles" at 1118 S. 10th Street under MMC 15.270(3)a and 15.370(27), recommending issuance of a Conditional Use Permit.

I. COMMITTEE REPORTS

1. Committee of the Whole

18-1252 Design of Farmer's Market Lot Reconstruction

Alderman McMeans provided an overview of the timeline, beginning with 2018 when the Council approved the budget for 2019 and through the variety of meetings and committee meetings where this item had been discussed.

Associate Planner Nicholas Mueller and Community Development Director April Kroner explained the project plan and the proposed changes to the Farmers Market/Briess lot. They also explained the updated estimate of costs for the project, down to \$130,980.38 from the original \$207,685.00 that was presented at the April 9, 2019 Committee of the Whole meeting.

Moved by McMeans, seconded by Brey, to approve the design as submitted not to exceed a cost of \$207,685.00

Council discussed the project proposal, the need for the amount of the electrical included in the plan, as well as other options both for the lot and for entertainment space in the City. A full recording of the discussion is available in the Clerk's office.

Moved by McMeans, seconded by Brey, that this Request be amended to reduce cost not to exceed \$130,980.38. The motion carried by the following vote:

Aye: 5 - Brey, Howe, McMeans, Sitkiewitz and Czekala

Nay: 4 - Kummer, Novak, Lotz and Williams

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

Aye: 5 - Brey, Howe, McMeans, Sitkiewitz and Czekala

Nay: 4 - Kummer, Novak, Lotz and Williams

19-0360

Proposed TIF Development Agreement with Prospect for Former Manitowoc Crane Site

City Attorney Kathleen McDaniel and Community Development Director April Kroner explained the changes to the agreement since the Committee of the Whole discussed this item.

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

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

Mayor and Council allowed additional public input at this time. In accordance with policy, the public input portion of the meeting is not made a part of the official record.

19-0431

Report of Special Events Committee recommending approval of the following events subject to Council action: Memorial Day Parade & Ceremony on 5/27/19 (Street closures for parade: S. 8th & Marshall to Huron/Michigan to N. 18th); Beach Bash Festival Carnival on June 28-29, 2019 (Closure of Quay St east of S. 8th St; waiver of noise ordinance until 11:30 p.m.; sale of fermented malt beverages on City property until 11:30 p.m.).

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

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

2. Finance Committee

19-0337

Resolution Authorizing Creating Investment Account with Associated Trust Company, N.A.

Moved by Brey, seconded by Lotz, that this Resolution be approved as recommended by City Attorney and Finance Director. The motion carried by the following vote:

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

19-0353

2014 Electric Bond Defeasance Approval Request

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

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

19-0356

Amendment to Intergovernmental Agreement with City of Ludington

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

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

19-0373 Statement of the Board of Canvassers relative to the April 2, 2019 Spring Election for Alderpersons in Districts 1, 2, 3, 7 and 10.

Moved by Brey, seconded by Lotz, that this Report be approved and placed on file. The motion carried by the following vote:

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

19-0419 MPU Bank First new account request

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

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

19-0420 Resolution Authorizing the Transfer of Funds, the Establishment of an Escrow Account with Respect to and the Defeasance of the Electric Power System Revenue Refunding Bonds, Series 2014, Dated November 10, 2014

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

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

19-0426 Scope of Engagement relative to Proposed Defeasance of City of Manitowoc Electric Power System Revenue Refunding Bonds, Series 2014, dated November 10, 2014.

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

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

19-0427 Council Initiated Rezoning for the former Riverview Apartments pursuant to MMC 15.530(2)b.

Moved by Brey, seconded by Lotz, that this Request be referred to the Plan Commission. The motion carried by the following vote:

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

19-0455 Resolution for 2018 to 2019 Department Carryforward Requests

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

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

3. Personnel Committee

19-0323 Memo of Understanding-Police Department Lateral Transfers

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

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

19-0327 Memo of Understanding-Police Department-Training Academy Working Conditions

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

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

4. Public Infrastructure Committee

19-0343 City of Manitowoc Video Upgrade

Moved by Brey, seconded by Novak, that this be referred to CAWG at a cost not to exceed \$57,000. The motion carried by the following vote:

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

Nay: 1 - Kummer

19-0345 Solid Waste Disposal Facilitation Agreement

Moved by Kummer, seconded by Novak, that this Request be approved subject to review and approval by City Attorney. The motion carried by the following vote:

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

19-0346 Recycling Agreement with Manitowoc County

Moved by Kummer, seconded by Novak, that this Request be approved subject to review and approval by City Attorney. The motion carried by the following vote:

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

19-0348 Faster Software Upgrade, recommending approval.

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

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

19-0352 **Manitou Park Kayak Launch**

Moved by Kummer, seconded by Novak, to approve acceptance of the West Foundation grant and fund up to \$7,000 through Park Land Dedication Fund. The motion carried by the following vote:

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

19-0355 **Request to use monies from the Park Land Dedication Fund for a Concrete Slab at Washington Park to place donated Exercise Equipment on**

Moved by Kummer, seconded by Novak, to approve up to \$10,500 from Park Land Dedication Fund for concrete. The motion carried by the following vote:

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

19-0454 **Resolution to proclaim May 11, 2019 as World Migratory Bird Day in the City of Manitowoc**

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

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

19-0456 **Ordinance to amend Section 13.050 of the MMC regulating Removal of Noxious Weeds.**

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

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

19-0457 **Resolution Setting the Destruction of Noxious Weeds Assessments**

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

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

19-0460 **Resolution Adopting Schedule of Prices for BPI Restoration of Public Streets**

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

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

19-0461 **Parklet Policy and Guidelines Revisions**

Alderman Kummer explained that the revisions were to allow non food and drink related businesses to have a parklet.

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

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

5. Public Safety Committee

19-0261 Ordinance to Create 10.570, Parking on Front Lawns Prohibited.

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

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

Nay: 1 - Howe

19-0378 An Ordinance to amend Section 14.270 of the Manitowoc Municipal Code regulating Smoking and Tobacco Products.

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

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

19-0379 An Ordinance to amend Section 10.830 of the Manitowoc Municipal Code regulating Bicycles.

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

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

19-0380 An Ordinance to amend Section 6.170 of the Manitowoc Municipal Code regulating Fire Suppression Systems.

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

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

19-0381 An Ordinance to amend Section 14.280 of the Manitowoc Municipal Code regulating Use of Cigarettes, Tobacco Products, and Nicotine Products Prohibited.

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

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

19-0382 An Ordinance to amend Section 14.190 of the Manitowoc Municipal Code regulating Littering.

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

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

19-0383 Ordinance to amend Section 10.010 of the Manitowoc Municipal Code adopting Wisconsin Traffic Code.

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

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

19-0458

Ordinance to amend 10.010 of the MMC regulating Provisions of State Law Adopted by Reference and Section 10.390 regulating Parking.

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

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

6. Plan Commission

J. OTHER BUSINESS

Mayor Nickels offered appreciation on behalf of the City for Alder Gabriel's two years of service on the Common Council and indicated that the City has a plaque for her in recognition of said service.

Mayor and Council members thanked one another for the spirited debate and discussion during the meeting.

K. ADJOURN

Moved by McMeans, seconded by Brey, that this meeting be adjourned sine die. The motion carried by the following vote:

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

Deborah Neuser
City Clerk