

City of Manitowoc

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

Meeting Minutes

Common Council

Monday, February 17, 2020

6:30 PM

Council Chambers

A. CALL TO ORDER

B. ROLL CALL

Alderpersons Present: 8 - Jim Brey, Eric Sitkiewitz, Lee H. Kummer, Steven Czekala, Mike Williams, Scott

McMeans, Todd Lotz and Courtney Hansen

Alderpersons Absent: 1 - Jeremiah Novak

C. PLEDGE OF ALLEGIANCE & INVOCATION

D. PRESENTATIONS

E. PUBLIC HEARINGS

20-0153

6:30 p.m. 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 "Recycling Facility" in the C-1 Commercial District located at 1107 Franklin St.

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 Conditional Use Permit for the establishment of a "Recycling Facility" in the C-1 Commercial District located at 1107 Franklin St.

City Clerk reported that the notice of the hearing was published in the Manitowoc Herald Times Reporter on 2/3/2020 & 2/10/2020. (Proof of publication is on file in the City Clerk's office).

City Planner Paul Braun 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).

20-0154

6:31 p.m. Public Hearing for the purpose of hearing any and all interested parties in the matter of a proposed Conditional Use Permit for an Open Sales Lot located at 2020 Dufek Drive

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 Conditional Use Permit for an Open Sales Lot located at 2020 Dufek Dr.

City Clerk reported that the notice of the hearing was published in the Manitowoc Herald Times Reporter on 2/3/2020 & 2/10/2020. (Proof of publication is on file in the City Clerk's office).

City Planner Paul Braun 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).

<u>20-0155</u>

6:32 Public Hearing for the purpose of hearing any and all interested parties in the matter of proposed changes to Chapter 15 of the Municipal Code. Proposed changes: Amendment to Chapter 15.540 - Sign Ordinance, and Amendment to Chapter 15 regarding Bed & Breakfasts, Residential Dwellings and Short-Term Rentals.

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 Municipal Code.

City Clerk reported that the notice of the hearing was published in the Manitowoc Herald Times Reporter on 2/3/2020 & 2/10/2020. (Proof of publication is on file in the City Clerk's office).

City Planner Paul Braun 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

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, Kummer, Czekala, Williams, McMeans, Lotz and Hansen

2. Miscellaneous

20-0156 Minutes of January 20, 2020 Common Council meeting, recommending

approval and place on file.

Attachments: CC Min 1-20-2020

20-0170 Report of 2019 activities of Great Lakes Utilities (GLU) as required by

Resolution. Recommending acceptance and place on file.

Attachments: 2020-02-07 Ltr GLU Update to City Council

3. Committee of the Whole (Consent)

20-0185 Report of Special Events Committee relative to approval of the following events:

Brutal Wear Open Tennis Tournaments on 8/7-8/9/2020; Waiver of Fees: Magical Trolly Ride to the North Pole on 12/4-12/5/2020; Waiver of Fees: Shop With a Cop on 12/9-12/10/2020; Waiver of Fees & Event: Believe in Bella on 2/22/2020; Touch the Trucks on 7/15/2020; recommending acceptance of

report and place on file.

Attachments: SE Report - February

Brutal Wear Tennis Tourn

Trolley Ride - Waiver of Fees

Shop with a Cop - Waiver of Fees

Believe in Bella

Touch the Trucks

4. Finance Committee (Consent)

20-0103 CAWG recommended funding for Unbudgeted request to construct additional

storm inlets at 1112 N. 12th St. in the amount not to exceed \$35,000,

recommend approval.

<u>Attachments:</u> CAWG Request - new storm inlets

20-0105 2019 Capital Allocation Working Group request log, recommend acceptance

and place on file.

Attachments: 2019 Log of CAWG Requests Finance 2 2020 Meeting

20-0157 General City Claims in the amount of \$9,301,659.50 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: February Claims

2-14-2020 2-7-2020 1-31-2020 1-31-2020 (2) 1-24-2020

20-0174 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: Februrary License Report

5. Personnel Committee (Consent)

20-0057 Out of State Travel Request -Snow Plow Training-Ohio-DPI, recommending

approval.

Attachments: OOS APWA DPI Laborers.pdf

20-0109 Out of State Travel Request-FASTER Conference-DPI, recommending

approval.

Attachments: FASTER out of state travel.pdf

6. Public Infrastructure Committee (Consent)

20-0113 Agreement for Professional Services with McMahon Associates, Inc. for

Sanitary Sewer & Lateral Reconstruction, recommending entering into

Agreement

<u>Attachments:</u> 20-0113 Agreement for PS with McMahon for Sanitary Sewer &

Lateral Reconstruction.pdf

20-0116 Request for permission to operate a Mobile Cookie Booth, recommending

approval of the request

Attachments: 20-0116 Request for permission to operate a Mobile Cookie Booth.pdf

20-0117 Storm Sewer Inlets for North 12th Street between Waldo Blvd and Windiate

Street, recommending approval for additional inlets

Attachments: 20-0117 Request to Install Storm Inlets for N 12th Street.pdf

20-0117 CAWG Request - new storm inlets.pdf

20-0125 Purchase of a z-track lawn mower from Cemetery Perpetual Care Fund,

recommending approval

Attachments: 20-0125 2020 Cemetry z-trak Request Memo.pdf

20-0125 Riesterer & Schnell Quote.pdf 20-0125 Eis Implement Quote.pdf

20-0158 Report of Board of Public Works of 1/22/2020 of appeal for snow removal

assessment for property at 3207 Mero St., recommending to deny the appeal.

Attachments: Snow Appeal - 3207 Mero

20-0159 Report of Board of Public Works of 1/22/2020, of bids received for 2020 Epoxy

Painting - Pavement Marking Program, Project WS-20-9, recommending awarding to low bidder, Brickline Inc Madison in the amount of \$117,512.40.

Attachments: WS-20-9

Bid Tab WS-20-9

20-0160 Report of Board of Public Works of 1/22/2020 of approval to enter into

AGMT-20-21 with Chris Lewis Tree Surgery for Ash Tree Removal at various locations for a contract price of \$9,450.00, recommending acceptance and

place on file.

Attachments: AGMT-20-21

20-0161 Report of Board of Public Works of 2/5/2020 of appeal for noxious weed

assessment for property at parcel 520-031-070, recommending to deny the

appeal.

Attachments: Noxious weed appeal 520-031-070

20-0162 Report of Board of Public Works of 2/5/2020 of appeal for snow removal

assessment for property at 719 York St., recommending to rescind the

assessment.

Attachments: Snow Appeal - 719 York

20-0163 Report of Board of Public Works of 2/5/2020, of bids received for 2020 Tree &

Stump Removal for Sidewalk Remove & Replace Program, Project

WO-20-11R, recommending awarding to low bidder, Kuzisaso Construction in

the amount of \$45,440.00.

Attachments: WO-20-11R

Bid Tab WO-20-11R

20-0164 Report of Board of Public Works of 2/5/2020, of bids received for 2020

Televising Miscellaneous Sewers I, Project WU-20-5, recommending awarding

to low bidder, Green Bay Pipe & TV, LLC in the amount of \$44,026.67.

Attachments: WU-20-5

Bid Tab WU-20-5

20-0165 Report of Board of Public Works of 2/5/2020, of bids received for Blue Rail

Restroom Facility, Project WB-20-15, recommending awarding to low bidder,

A.C.E. Building Service in the amount of \$598,932.00 subject to the City

receiving grants sufficient to complete the project.

Attachments: WB-20-15

Bid Tab WB-20-15

20-0166 Report of Board of Public Works of 2/5/2020, of bids received for 2020

Concrete Paving II, Project WS-20-2, recommending awarding to low bidder,

Vinton Construction Company in the amount of \$1,755,456.16.

Attachments: WS-20-2

Bid Tab WS-20-2

20-0167 Report of Board of Public Works of 2/5/2020, of quotes received for Sewer

Jetter with Front Mount Hose Reel with Rear Dump Valve for Sewer Flushing for Dept. of Public Infrastructure, Quote QE-20-5, recommending awarding to

Macqueen Equipment in the amount of \$248,556.00.

Attachments: QE-20-5

QE-20-5 Tab & Memo

20-0168 Report of Board of Public Works of 2/5/2020, of quotes received for Two

Tandem Axle Dump Trucks with Plow and Wing for Dept. of Public

Infrastructure, Quote QE-20-4, recommending awarding to low quoter, Monroe

Truck in the amount of \$171,228.00.

Attachments: QE-20-4

Quote Tab QE-20-4

20-0169 Report of Board of Public Works of 2/5/2020, of quotes received for Two 2.5

Ton Trucks with Slide in Salter with Plow and Wing Attachments for Dept. of Public Infrastructure, Quote QE-20-3, recommending awarding to low quoter,

Monroe Truck in the amount of \$228,460.00.

Attachments: QE-20-3

Quote Tab QE-20-3

7. Public Safety Committee (Consent)

8. Plan Commission (Consent)

<u>20-0067</u> PC 2-2020: Annual Review of Community Living Arrangements,

recommending to approve the associated licenses for Community Living

Arrangements for 2020.

Attachments: 20-0067 Report to Plan Commission CLAs.pdf

20-0067 Report to Council CLAs.pdf

20-0068 PC 1-2020: Koenig: Quit Claim Deed for Viebahn Street, recommending

to accept the quit claim deed and instruct the City Clerk to record the deed

at the Manitowoc County Register of Deeds Office.

Attachments: 20-0068 PC Report Viebahn Street Koenig.pdf

20-0068 Report to Council Viebahn St.pdf

20-0069 PC 7-2020: Release of Sanitary Sewer Easement - Bayshore

Development - former Elks Club Golf Course, recommending to approve

the release of easement as presented.

<u>Attachments:</u> 20-0069 PC Report easement release Bayshore.pdf

20-0069 Report to Council Bayshore Sanitary Sewer Release.pdf

I. COMMITTEE REPORTS

1. Committee of the Whole

20-0091 Discussion on City of Manitowoc moving to a city manager or city administrator

position

Attachments: 1272020 COW Presentation.pdf

Moved by Sitkiewitz, seconded by McMeans, that this Item be placed on file. The

motion carried by the following vote:

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

Nay: 1 - Kummer

<u>20-0092</u> Discussion on term limits for elected officials in the City of Manitowoc

Attachments: Memo from City Attorney re Term Limits Ordinance.pdf

2.110 Term Limits January 2020.pdf

Moved by Sitkiewitz, seconded by McMeans, that this Item be placed on file. The $\,$

motion carried by the following vote:

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

Nay: 1 - Kummer

<u>20-0172</u> Demolition permit request from City Centre LLC for Property located at parcel

819-403-020

<u>Attachments:</u> 819-403-020

Moved by Sitkiewitz, seconded by McMeans, that this Request be approved. The

motion carried by the following vote:

Abstain: 1 - Kummer

20-0186 Report of Special Events committee Recommending approval for the following

event subject to Council action: Acoustic Fest on 7/18/2020 (Waiver of rules prohibiting alcohol in the park; no parking on a portion of the east side of S. 12th

St.).

Attachments: Feb. SE Report need CC action

Acoustic Fest

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

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

20-0190 Agreement with Amanda Brusky for Vendor Management Services for 2020

Fourth on the Shore Event

Attachments: 2020 Proposed Fourth on the Shore Vendor Management Services

Agreement

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

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

2. Finance Committee

20-0101 Affidavit of canceled tax certificates from Manitowoc County

Attachments: Affidavit of Canceled Tax Certificates

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

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

<u>20-0104</u> Engagement letter from CLA for audit services

Attachments: Mtw City - EL

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

motion carried by the following vote.

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

20-0106 Resolution to extend TID #10 for Housing Programs

Attachments: Res to extend TID No. 10 for Housing Programs

Res - Extend TID 10 - Signed

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

20-0107 Resolution to extend TID #12 for Housing Programs

Attachments: Res to extend TID No. 12 for Housing Programs

Res - Extend TID 12 - signed

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

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

20-0110 Structure of 2020 permanent financing

Attachments: Baird Borrowing Structure

15 Year Scenario19 Year Scenario

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

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

20-0123 "Other Special Charge" appeal for parcel 330-008-152

<u>Attachments:</u> Lakeshore Mall

Other Special Charge appeal

Letter from Life Safety

<u>Lakeshore Special Charge Objection 020320 - With Exhibits</u>

Moved by Brey, seconded by McMeans, to reverse the Special Charges of \$50.00 and \$169.44 and refer to the City Attorney's office for review and return a finding back to the Finance Committee. Further, not to deem taxpayer delinquent on 2019 taxes pending outcome The motion carried by the following vote:

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

20-0124 Resolution to backfill Security Guard position at Rahr West Art Museum

Attachments: Res to backfill RWAM Security Guard position 2020

Security Guards Job Description

Res - backfill RWAM Security Guard - Signed

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

20-0126 Claim of unlawful personal property tax from Schmitz Amusements

Attachments: Schmitz Amusements Claim

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

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

20-0173 Resolution Terminating TIF District #9 and Authorizing Treasurer to Distribute

Excess Increment to Overlaying Taxing Districts

Attachments: Res Terminating TID 9

Res Terminating TID 9 - signed

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

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

3. Personnel Committee

20-0108 Request to Temporarily Staff Position at Zoo Due to Employee Medical Leave

Moved by Czekala, seconded by Sitkiewitz, that this Request be approved with the position not to exceed 1,200 hours. The motion carried by the following vote:

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

20-0171 Resolution to approve one-half day holiday pay for New Years Eve when it falls

Monday through Friday for non-library, non-represented employees

Attachments: Res - NYE Holiday

Memo PC.Council NYE Holiday Pay 2.2020

Res - NYE Holiday - signed

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

20-0189 Resolution to approve the Seasonal Hiring Policy for 2020

Attachments: Res - 2020 Seasonal Hiring Policy

Appendix A to Seasonal Hiring Policy FLSA Rec Positions.pdf

Appendix B-WI Fair Emp Laws.pdf

App C 2020 Seasonal payrates -Final.pdf

Appendix D- List of Acceptable Documents.pdf

Appendix E-HOW TO INITIATE A TERMINATION OF AN

EMPLOYEE.PDF

Res - 2020 Seasonal hiring policy - signed

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

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

4. Public Infrastructure Committee

20-0111 LNRP Schuette Park Restoration Proposal

Attachments: 20-0111 LNRP Schuette Park Restoration Proposal.pdf

Moved by Kummer, seconded by Brey, that this Proposal be approved. The

motion carried by the following vote:

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

20-0151 Resolution to fill vacant Bridgetender position

Attachments: Res - Backfill Bridgetender

Res - Fill Bridgetender signed

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

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

5. Public Safety Committee

20-0140 Ordinance to amend section 10.390 of the Manitowoc Municipal Code regulating

parking.

Attachments: Ord to Amend 10.390 Parking on Private Property

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

20-0141 Ordinance to amend section 6.070 of the Manitowoc Municipal Code regulating

fireworks.

Attachments: FireworksPermitApplication

Ord to Amend 6 - Fireworks 02-10-2020

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

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

<u>20-0146</u> LifeQuest EMS hardship request, call 182A-18-3633.

Moved by Lotz, seconded by Hansen, to deny the request and set up a payment plan. The motion carried by the following vote:

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

20-0142 Ordinance to amend bond schedule for simple truancy and contributing to

truancy violations.

<u>Attachments:</u> Ord to Amend Bond for Contributing to Truancy

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

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

<u>20-0147</u> LifeQuest EMS hardship request, call 182A-18-3169.

Moved by Lotz, seconded by Hansen, to deny the request and set up a payment plan. The motion carried by the following vote:

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

20-0149 LifeQuest EMS dispute, call 182A-18-1842.

Moved by Lotz, seconded by Hansen, to deny the request and setup a payment plan. The motion carried by the following vote:

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

20-0187 Resolution to restructure Inspection Division and fill Lead Inspector position

<u>Attachments:</u> Res - Lead Inspector

Res - Building Inspection Lead Inspector signed

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

Resolution to backfill Police Department Office Manager position 20-0188

Attachments: Res - Backfill PD Office Manager

Res - backfull PD office manager signed

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

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

6. Plan Commission

20-0063 PC 4-2020: Michael Plate. d.b.a. Plate Enterprises: 1107 Franklin Street,

Conditional Use Permit - for the establishment of a Recycling Facility

pursuant to MMC 15.310(3)d.

Attachments: Conditions only.pdf

20-0063 PC Report Plate Recycling 1107 Franklin St REVISED.pdf

20-0063 Report to Council Plate Recycling.pdf

Moved by Brey, seconded by Sitkiewitz, to approve the request for a Conditional Use Permit pursuant to the attached map, conditions, and petitioner's submittal packet, including property owner as a party to the CUP per City Attorney

recommendation. The motion carried by the following vote:

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

20-0064 PC 5-2020: Knutson: 2020 Dufek Drive, Conditional Use Permit for the

establishment of an Open Sales Lot pursuant to MMC 15.270(3)g.

Attachments: 20-0064 PC report Open Sales lot.pdf

20-0064 Report to Council Knutson Open Sales Lot.pdf

Moved by Brey, seconded by Sitkiewitz, to approve the request for a Conditional Use Permit pursuant to the attached map, conditions and petitioner's submittal backet with a termination date of 01/01/2022. The motion carried by the following

vote:

Aye: 6 - Brey, Sitkiewitz, Czekala, McMeans, Lotz and Hansen

Nay: 2 - Kummer and Williams

20-0152 Ordinance to amend Chapter 15 of the Municipal Code regulating Bed and

Breakfasts, Residential Dwellings and Short-Term Rentals

Attachments: Ord Ch. 15 - Bed and Breakfast

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

<u>20-0191</u> Ordinance to amend Section 15.450 of the Municipal Code regulating signs

Attachments: Ord - Ch 15 Signs

PC Report to Council - Ch. 15 - Signs

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

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

J. OTHER BUSINESS

K. ADJOURN

Moved by Sitkiewitz, seconded by Williams, that this meeting be adjourned at 7:03 p.m. The motion carried by the following vote:

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

Deborah Neuser City Clerk