

20-0029



City of Manitowoc

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

Meeting Minutes

Common Council

CONSENT

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.

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.

19-1331 Thank yous from Peter's Pantry and Catholic Charities for donation from the Schuette, Wernicke, Wilda, Rank Christmas Fund, recommending placing on file.

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.

4. Finance Committee (Consent)

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

19-1291 Confirmation of audit services continuing for 2019 and 2020 with CLA (previously Schenck) , recommend to enter into agreement for two years.

19-1292 Annual Maintenance Agreement with Wisconsin Document Imaging for the City's fleet of copiers, recommend to enter into Agreement.

19-1293 Certification of 2019 Levy Manitowoc Public School District, recommend to accept and place on file.

19-1303 Brad Viegut, Managing Director Public Finance, Baird Review Financing Plan for 2020 Capital Borrowing, recommend to accept and place on file.

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.

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.

- 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.
- 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.
- 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.

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.
- 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
- 19-1298 Update on Public Transit Lease Agreement, recommending approval
- 19-1299 Exercising option to extend Contract with Assist to Transport, recommending approval
- 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.
- 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.
- 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.
- 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.

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.

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.

7. Public Safety Committee (Consent)

19-1313 Request to rescind unpaid outstanding parking tickets from 2004-2006, recommending to rescind these parking tickets.

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.

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.
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
- 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
- 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
- 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.
- 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.

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

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

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

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

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

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

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.

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.

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

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.

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
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.
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
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
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
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"
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**