



City of Manitowoc

17-1095
900 Quay Street
Manitowoc, WI 54220
www.manitowoc.org

Meeting Minutes

Common Council

CONSENT

Monday, October 16, 2017

6:30 PM

Council Chambers

A. CALL TO ORDER

Mayor Nickels called the meeting to order at 7:15 p.m.

B. ROLL CALL

Alders Present: 10 - Dave Soeldner, Jim Brey, Mike Howe, Scott McMeans, Eric Sitkiewitz, Lee H. Kummer, Steven Czekala, Jeremiah Novak, Todd Lotz and Rhienna Gabriel

C. PLEDGE OF ALLEGIANCE & INVOCATION

D. PRESENTATIONS

17-1054 Presentation by Mayor Nickels of the 2018 Budget for the City of Manitowoc.

17-1061 Proclamation declaring October 2017 as Crime Prevention Month.

E. PUBLIC HEARINGS

17-1003 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 in zone from "R-4" Single and Two Family District to "I-2" Heavy Industrial District for properties located along the east side of the 800 hundred block of South 18th Street and south side of the 1700 hundred block of Clark Street. City Clerk reported that the notice was published in the Herald-Times-Reporter on 10/2/17 and 10/9/17. (Proof of publication is on file in the City Clerk's office). Community Development Director Nic Sparacio spoke to this issue. 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

17-1001 Mayor to disband Farmers Market Ad hoc Committee.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

H. CONSENT AGENDA

1. Removal of Consent Agenda Items

None

Approval of the Consent Agenda

Moved to accept the Consent Agenda Items and recommendations of the various committees. The motion carried by the following vote:

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

2. Miscellaneous

17-0999 Minutes of September 18, 2017 Council meeting, recommending approval and place on file.

17-1064 Public Notice on an Air Pollution Control Permit Application Review for Wisconsin Aluminum Foundry, 838 South 16th Street, recommending placing on file.

3. Committee of the Whole (Consent)

17-1044 Report of Special Events Committee relative to approval of the following events: Winter Farmers Market on the 2nd & 4th Saturdays November 11, 2017 through April 28, 2018; One in Community, One in Communion Unity Mass on September 23-24, 2017; Roncalli annual Cross Country Invite on 9/8/2018; Izaak Walton League Appreciation Dinner on 11/9/2017; MPPA Children's Christmas Party on 12/17/2017; REVISED End Domestic Violence Awareness Month Vigil on 10/19/2017 (denied); MPSD Jr. High Cross Country Invitational on 10/10/2017; Holiday Lights 2K Walk/Run on 12/30/2017; Miracles Special Olympics Tournament on 6/16/2018 (Rain date 6/17/2018); recommending acceptance of report and place on file.

4. Finance Committee (Consent)

17-1000 General City Claims in the amount of \$4,952,893.86 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.

- 17-1047 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)

- 17-0574 Request from 1311 Spring LLC, Peter and Alex Allie, for a Sidewalk Privilege Agreement for right-of-way encroachment of a berm on Spring Street, recommending placing on file.
- 17-0675 Changes to the Zoological Board By-Laws, Public Infrastructure Committee recommending approval of request subject approval by the City Attorney.
- 17-0789 Rollaire Lease Agreement request for a 4 week lease forgiveness for Floor Refinishing Project, recommending instructing the City Attorney to draft a lease amendment to allow the tenant to forego up to four (4) weeks of rent during floor refinishing.
- 17-0979 DPI Re-Organization due to Retirement October, 2017, recommending approval.
- 17-1013 Stormwater Management Facility Maintenance Agreement for St Vincent Hospital of the Hospital Sisters of the Third Order of St Francis at 4810 Expo Drive, Parcel #826-403-115, recommended approval of agreement
- 17-1016 Report of Board of Public Works of 10/04/2017 for 4th and Final payment of \$22,424.06 to Michels Corporation for Manitowoc Marina E Dock Replacement, WB-16-12, recommending payment.
- 17-1017 Report of Board of Public Works of 10/04/2017 for 2nd and Final payment of \$2,630.00 to Miller & Associates - Sauk Prairie Inc. for Playground Equipment at Silver Creek Park, recommending payment.
- 17-1018 Report of Board of Public Works of 10/04/2017 for 1st and Final payment of \$115,254.41 to Scott Construction, Inc. for 2017 Seal Coating Program, WS-17-6, recommending payment.
- 17-1019 Report of Board of Public Works of 10/04/2017 for 1st and Final payment of \$23,707.60 to Vinton Construction Co. for 2017 Mini Storm Sewer Connection, 17-08, recommending payment.

- 17-1023 Report of Board of Public Works of October 4, 2017, relative to request from Cha Yang to rescind snow removal charge for property located at 1511 S. 10th St., Parcel No. 122-000-100. Recommending denying the request.
- 17-1024 Request to rescind the weed cutting violation at the vacant lot on Stoney Brook Drive that was gifted to Manitowoc Lutheran High School, Committee recommended to deny the request.
- 17-1025 Request to rescind weed cutting invoice for 2220 Stoney Brook Court, Committee recommended granting the request.
- 17-1026 Request made by the Special Events Committee for a Vendor Agreement for a food truck in City right-of-way, recommending approval without a Vendor Agreement to be submitted
- 17-1027 Request for Zoo Parking Street Signs, recommending approval to redirect the traffic to Reed Avenue parking lot.
- 17-1028 Public Works Petition from James Check, to cause permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on Homestead Road as described therein and shown on the attached map, recommending acceptance of petition with copy to be sent to Director of Public Works, recommending approval and placing on file.
- 17-1029 Public Works Petition from James Check, to cause permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on Nicyssa Lane as described therein and shown on the attached map, recommending acceptance of petition with copy to be sent to Director of Public Works, recommending accepting and placing on file.
- 17-1041 Request for Henry Schuette Park Kiosk sign from Donation Tube Funds, recommending approval
- 17-1048 Report of Board of Public Works of October 4, 2017, of bids received for Re-Decking for Manitowoc Marina A, B, C, and D Docks, Project WB-17-11, recommending awarding to low bidder, A.C.E. Building Services in the amount of \$163,111 for A, B and D Dock. City plans to self perform the work on C Dock at a later date.

7. Public Safety Committee (Consent)

- 17-0940 Request from Manitowoc Church of Christ for No Parking - Loading Zone in front of 1109 North 17th Street. Recommending to approve loading zone for width of property.
- 17-1020 Request for "No Parking" signs to be placed on the west side of North 8th Street from Eck Industries driveway for 100 feet to the south. Recommending to approve the request.

- 17-1021 Discussion regarding the bond schedule amount for Ordinance 14.020(12) Attacking or Biting Dog, Cat or Other Creature. Recommending ordinance increasing fine to \$212.

8. Plan Commission (Consent)

I. COMMITTEE REPORTS

1. Committee of the Whole

- 17-0801 Manitowoc Marina, LLC Lease extension request.

Moved by McMeans, seconded by Brey, that this Request be granted. After some discussion, the motion carried by the following vote:

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

Nay: 3 - Soeldner, Kummer and Gabriel

- 17-1046 Report of Special Events Committee Recommending approval for the following events subject to Council action: Metro Jam on 6/15/2018-6/16/2018 (Waiver of rules prohibiting alcohol in the park; closure of S. 12th Street between Washington & Marshall Sts.); Lights in Lincoln Park 11/24/2017-12/23/2017 (Approval of advertising signs in City right-of-ways); Lakeshore Holiday Parade on 11/22/2017 (Closure of Washington Sts. & N. 8th Sts. for parade); WI Maritime Museum Christmas Tree Ship Day (No parking allowed in lot west of the Maritime Museum for the day).

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

2. Finance Committee

- 17-0975 Resolution to hold Primary Election on February 20, 2018 if there are three or more candidates who file nomination papers for a City office at the April 3, 2018 Spring Election.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

17-0988 Resolution to allow filling of vacant Arts Instructor position for Rahr West Art Museum.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

17-0990 Development Agreement Between the City and Briess Industries Inc for Tax Incremental Financing Assistance, recommend approval.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

17-0991 Memorandum of Understanding Between the City and the Community Development Authority for the Blighted Housing Restoration Program, recommend approval.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

17-0992 Resolution of the Common Council Authorizing Staff to Procure an Environmental Consultant, Apply for EPA Site Assessment Grant Funds, and Administer Grants if Awarded, recommend to adopt the resolution.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

17-1014 Resolution Awarding the Sale of \$775,000 General Obligation Promissory Notes.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

17-1022 Scope of Engagement relative to Proposed Issuance of \$775,000 City of Manitowoc General Obligation Promissory Notes.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

17-1030 Request for Silver Creek Disc Park Upgrades from Donation Tube Funds and Room Tax Funds.

**Moved by Brey, seconded by McMeans, that this Request be amended as follows:
Change \$8,516.00 to \$10,145.00 from the Parkland Dedication Fund; Change \$1,500.00 to \$1,681.00 from the Silver Creek Donation Tube; Change \$1,151 to \$1,132 from the Room Tax Reserve Fund.**

The motion carried by the following vote:

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

3. Personnel Committee

17-0987 Teamsters No. 662 2017-2019 Bargaining Agreement

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

17-1042 Resolution to approve Participation Agreement with Anthem Blue Cross Blue Shield - Well Priority Plan Health and Dental insurance and National Vision Administrators (NVA) Vision Insurance for 2018.

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

Aye: 9 - Soeldner, Brey, Howe, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

Abstain: 1 - McMeans

4. Public Infrastructure Committee

17-0969 Lease Agreement with the Zoological Society for Lights in Lincoln Park Cabin 1.

**Moved by Kummer, seconded by Soeldner, that this Agreement be approved.
The motion carried by the following vote:**

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

17-0981 Resolution to Backfill WWTF Electrician Position Prior to Current Employee Retirement

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

17-1034 Resolution Authorizing Emergency Repairs to Broadway Street Bridge.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

17-1049 Contract (AGMT 17-13) with A.C.E. Building Service for the office remodel work at the Manitowoc Senior Center.

**Moved by Kummer, seconded by Soeldner, that this Agreement be approved.
The motion carried by the following vote:**

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

17-1053 Amendment No. 1 to Lease Agreement between City of Manitowoc and Lemberger Enterprises LLC allowing Lessees to forego \$1,000 (one month) of rent due to floor refinishing in 2017.

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

Aye: 9 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Czekala, Novak, Lotz and Gabriel

Abstain: 1 - Kummer

17-1055 Resolution to Approve the Reorganization of Department of Public Infrastructure.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

5. Public Safety Committee

17-0998 Request for second batch of judgements to be authorized for expungement by TiPSS software program.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

17-1002 Pedestrian Sign Installation and Maintenance Agreement between the City of Manitowoc and Holiday House of Manitowoc County.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

17-1043 Ordinance to amend Section 10.390 of the Manitowoc Municipal Code regulating Parking on North 17th Street.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

17-1052 Ordinance to amend the Bond Schedule for violations of Section 14.020 of the Manitowoc Municipal Code regulating Attacking or Biting Dog, Cat, or Other Creatures.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

6. Plan Commission

17-0948 Ordinance amending Section 15.050 of the amended zone map of the City to provide that the property East of S. 18th St. and South of Clark St. be changed from "R-4" Single and Two Family District to "I-2" Heavy Industrial District.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

17-1060 Tax Incremental Financing District #11 Proposed Boundary Amendment to Subtract Territory Subject to Development Agreement and Adoption of Related Resolution.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

17-1063 Updates to Project Plan, Boundary Creation, and Common Council Resolution for Tax Incremental Financing District #19.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

J. OTHER BUSINESS

17-1004 Call for Public Hearing on General City budget to be held at 6:35p.m. on Monday, November 20, 2017.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

K. ADJOURN

Moved by McMeans, seconded by Brey, that this meeting be adjourned at 8:40 p.m. The motion carried by the following vote:

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

**Deborah Neuser
City Clerk**