



City of Manitowoc

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

Meeting Minutes

Common Council

Monday, October 21, 2019

6:30 PM

Council Chambers

A. CALL TO ORDER

B. ROLL CALL

Alders Present: 9 - Jim Brey, Eric Sitkiewitz, Steven Czekala, Mike Williams, Scott McMeans, Mike Howe, Jeremiah Novak, Todd Lotz and Courtney Pelot

Alders Absent: 1 - Lee H. Kummer

C. PLEDGE OF ALLEGIANCE & INVOCATION

D. PRESENTATIONS

[19-1107](#) City Clerk administers Oath of Office and badge pinning to Police Lieutenant Adam Sohlden

[19-1151](#) Proclamation declaring October 24, 2019 as World Polio Day

[19-1114](#) Presentation from Mayor Nickels on the 2020 Executive Budget

E. PUBLIC HEARINGS

[19-1108](#)

6:30 p.m. Public Hearing for the purpose of hearing objections to proposed assessments to property owners for abatement of nuisance Parks Forestry Assessments.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of proposed assessments to property owners for abatement of nuisance Parks Forestry Assessments.

City Clerk reported that the notice of the hearing was published in the Herald Times Reporter on 10/7/19 & 10/14/19. (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. City Clerk Deborah Neuser read a letter from property owner Tim Schaus appealing his assessment.

Moved by Brey, seconded by Williams, that this appeal be referred to the Board of Public Works. The motion carried by the following vote:

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

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

[19-1109](#)

Mayor appoints Alderperson Pelot to Personnel Committee, Public Safety Committee, and Council Representative on Citizens Advisory Committee

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

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

[19-1110](#)

Mayor makes the following appointments: Crime Prevention Committee: Amelie Doneff and Ryllie Kiss (Lutheran High representatives) and Grant Mihalakakos (Roncalli High representative)

Attachments: [Crime Prevention Appointments](#)

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

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

2. Miscellaneous

[19-1111](#) Minutes of September 16, 2019 Common Council meeting, recommending approval and place on file.

Attachments: [CC Minutes 9-16-19](#)

[19-1112](#) Communication from WI DNR relative to 2020 Preliminary Monitoring Schedules - Drinking Water Monitoring Requirements, recommending acceptance and place on file.

Attachments: [WI DNR Prelim Monitoring Schedules](#)

[19-1113](#) Communication form WI DNR of Public Notice of an Air Pollution Control Permit Application Review for Briess Industries Inc, located at 605 Washington St., recommending acceptance and place on file.

Attachments: [Air Pollution Control Permit App Review](#)

3. Committee of the Whole (Consent)

[19-1139](#) Report of Special Events Committee relative to approval of the following events: Boeder/Tiegs Wedding Reception on 9/14/19; STAKE PERMIT: Conard Party on 9/14/19; Trunk or Treat on 10/29/19; Hornet Hustle on 4/18/20; Manitowoc County Miracles Special Olympics Practices & Tournament on 5/3-6/14/20; FEE WAIVER: Lakeshore Tae Kwon Do Fundraiser/Kickathon on 10/26/19; Roncalli Cross Country Invite on 9/12/20, recommending approval.

Attachments: [SE Report - Approved by Special Events Committee](#)

[Boeder Tiegs Wedding Reception](#)

[Stake Permit - Conard](#)

[Trunk or Treat](#)

[Hornet Hustle](#)

[Manitowoc Co Miracles](#)

[Roncalli XC Invite 2020](#)

[Waiver of Fees - Tae Kwon Do Fundraiser](#)

4. Finance Committee (Consent)

[19-1078](#) Agreements with City Centre, LLC and the State of Wisconsin regarding the HAP Grant awarded to the City for the City Centre project on the Manitowoc River, recommend to enter into the agreement with the State.

Attachments: [City revisions to HAP Agreement.pdf](#)

[HAP Grant for Execution](#)

[City and City Centre Agreement for HAP Grant Reimbursement](#)

[19-1079](#) Claim from Ken Frank L19-00074, recommend to deny the claim.

[19-1081](#) First Amendment to City of Manitowoc Development Agreement with Lakeside Foods, Inc., recommend to enter into the agreement with the State.

Attachments: [First Amendment to TID 20 2018 Lakeside Development Agreement \(2\)](#)

[19-1088](#) Unbudgeted CAWG request for plows for two new Parks trucks, recommend to approve the request.

Attachments: [CAWG - Plows for new trucks](#)

[19-1089](#) Application for "Class B" Intoxicating Liquor & Fermented Malt Beverage License, TAV-1954A, for Renegades, 1421 S. 39th St., recommend to approve the application.

Attachments: [Renegades Application](#)

[19-1105](#) General City Claims in the amount of \$2,600,145.76 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: [October Claims](#)

[10-4-19](#)

[10-11-19](#)

[10-18-19](#)

[9-20-19](#)

[9-27-19](#)

[19-1115](#) Report of Industrial Development Corporation of September 24, 2019 of request from J-K Land Company LLC d/b/a Dramm Corporation for a request for an Option and Right of First Refusal for Lot 8, block 1, Manitowoc I-43 Industrial Park subdivision No. 2, recommending approval with the effective date being established when the City receives the option payment from the Dramm Corporation.

Attachments: [IDC Report - Dramm Corporation](#)

[19-1153](#) 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: [October License Report](#)

5. Personnel Committee (Consent)

[19-0998](#) Law Enforcement Employee Relations Division of the Wisconsin Professional Police Association Contract Memo of Understanding-Pregnancy MOU, recommending to authorize staff to enter into MOU upon ratification.

Attachments: [Manitowoc - Pregnancy MOU schauer 09 04 2019.pdf](#)

6. Public Infrastructure Committee (Consent)

[19-1055](#) Gator purchase at Evergreen Cemetery, recommending approval

Attachments: [19-1055 Gator Purchase at Evergreen Cemetery](#)

[Eis Implement Gator Proposal](#)

[John Deere Gator Proposal](#)

- [19-1058](#) Request for City to assist with Drainage Issues on Menasha Avenue, recommending placing on file
- Attachments:** [Memo re staff recommendations to committee - Item #19-1058 Drainage Issues on Menasha Ave. & Knuell St.](#)
[19-1058 Letter from Property Owners on S.W. Corner of Knuell St. and Menasha Ave. Regarding Flooding in the Backyards](#)
- [19-1062](#) Broadway and Rapids Road Intersection, recommending adding blinking lights to left turn only sign from Rapids Road eastbound onto Broadway Street not to exceed \$1800.
- Attachments:** [Memo re staff recommendations to committee - Item #19-1062 Broadway & Rapids Rd. Intersection](#)
[19-1062 Broadway and Rapids Rd Intersection](#)
- [19-1063](#) Request for Temporary Access Easement over an Unimproved Right-of-Way on Homestead Road, recommending approval
- Attachments:** [Memo re staff recommendations to committee - Item #19-1063 Request for Temporary Access Easement over Unimproved ROW on Homestead Rd.](#)
[19-1063 Temporary Access Easement over Unimproved Right-of-Way on Homestead](#)
- [19-1064](#) Request for "Children Present" signs to be put up by InCourage Domestic Violence and Sexual Assault Center on Reed Avenue, recommending granting the request.
- Attachments:** [Memo re staff recommendations to committee - Item #19-1064 Request for Children Present Sign on Reed Ave.](#)
[19-1064 Request for Children Present signs by InCourage Domestic Violence and Sexual Assault Center on Reed Ave](#)
- [19-1067](#) Grass Cutting in Right of Way on Rapids Road, Committee recommended having the property owners affected to sign "No Access Agreements" with the City.
- Attachments:** [19-1067 Grass Cutting in ROW on Rapids Road Recommendation](#)
[19-1067 Grass Cutting in ROW on Rapids Road](#)
[19-1067 Grass Cutting in ROW on Rapids Road Map](#)
- [19-1068](#) 2020-2021 Local Roads Improvement Program (LRIP) - Recommend submitting Reed Ave - N. 2nd to N. 8th Street for funding, recommending approval
- [19-1093](#) Request from Lighthouse Recovery Community Center for a waiver for the cost of the Snow Removal Invoice and future Snow Removal Annual Assessments, recommending placing on file.
- Attachments:** [19-1093 Request from Lighthouse Recovery Community Center for a waiver of Snow Removal Invoice and Assessments](#)

[19-1095](#) Approval to use up to \$10,000 from the recent bequest for Security Cameras at the Senior Center, recommending approval

Attachments: [19-1095 Request for up to \\$10k for security cameras at the Senior Center from Bequest received](#)
19-1095 Camera locations throughout Senior Center

[19-1096](#) Recommendation to Approve the Bike and Pedestrian Plan to Bay Lakes Regional Planning Commission, recommending approval

Attachments: [19-1096 Proposal from Bay Lake Regional Planning for COM Bike and Pedestrian Master Plan and Action Plan](#)
[Bike and Pedestrian Plan to Bay Lakes Regional Planning Commission](#)

[19-1117](#) Report of Board of Public Works of 9/30/19 of approval to inter into AGMT-19-19 with Seiler Bros Construction, Inc. for the installation of concrete bases and underground conduit on Quay Street from the Wharf to the Carferry for a contract price of \$23,275.00, recommending acceptance and place on file.

Attachments: [AGMT-19-19](#)

[19-1118](#) Report of Board of Public Works of 9/30/19 to void 1st & final payment to SC Concrete for walkway at red arrow park and replace with pay estimate #1 in the amount of \$20,000 and 2nd & final payment of \$4,347.11, recommending acceptance and place on file.

Attachments: [SC Concrete Payments](#)

[19-1119](#) Report of Board of Public Works of 9/18/19 of denial of request for appeal of noxious weed assessment for the property at parcel 692-005-170, recommending acceptance and place on file.

Attachments: [Weed Assessment Appeal - 692005170](#)

[19-1120](#) Report of Board of Public Works of 9/18/19 of approval to enter into AGMT-19-18 with Lunda Construction Construction Company for maintenance work on the Broadway Street bridge for a contract price of \$24,300.00, recommending acceptance and place on file.

Attachments: [AGMT-19-18 with Lunda](#)

[19-1121](#) Report of Board of Public Works of 9/18/19 of approval to enter into AGMT-19-16 with Maritime Plumbing & Mechanical LLC for a pedestal drinking fountain with bottle filler and pet fountain for the Dog Park at Halvorsen Park for a contract price of \$8,895.00, recommending acceptance and place on file.

Attachments: [AGMT-19-16 with Maritime Plumbing](#)

[19-1122](#) Report of Board of Public Works of 9/4/19 of approval to enter into AGMT-19-17 with SC Concrete for walkway at Miracles Park for a contract price of \$5,630.00, recommending acceptance and place on file.

Attachments: [AGMT-19-17 with SC Concrete](#)

[19-1123](#) Report of Board of Public Works of 9/18/19 for 1st and Final payment of \$8,480.00 to AECOM for IR Scan/3 Bridges, recommending payment.

Attachments: [AECOM 1st & fnl paymetn - IR Scan 3 Bridges](#)

[19-1124](#) Report of the Municipal Tree Commission of 2019 assessments for abatement of nuisances per Municipal Code Section 8.190(6), recommending acceptance and place on file.

Attachments: [Parks Forestry Assessments - 2019](#)
[3814 Custer St](#)
[3314 Pompon St](#)

[19-1140](#) Report of Board of Public Works of 10/9/19, of bids received for Sanitary Sewer Construction - Bayshore Drive, Project WU-19-17, recommending awarding to low bidder, Dorner Inc. in the amount of \$743,555.05.

Attachments: [BWP Report WU-19-17](#)
[WU-19-17 Bid Tab](#)

[19-1141](#) Report of Board of Public Works of 10/9/19 of approval to enter into AGMT-19-20 with SC Concrete for installation of monument base at the south side of river at carferry dock for a contract price of \$16,847.25, recommending acceptance and place on file.

Attachments: [AGMT-19-20 SC Concrete](#)

[19-1142](#) Report of Board of Public Works of 10/9/19 for 2nd and Final payment of \$4,347.11 to SC Concrete for Red Arrow Park Concrete Walkway, AGMT-19-13, recommending payment.

Attachments: [AGMT-19-13 Final Payment](#)

[19-1143](#) Report of Board of Public Works of 10/9/19 for 6th and Final payment of \$4,552.50 to Seiler Bros for 2019 Remove & Replace Existing Sidewalks, WS-19-3, recommending payment.

Attachments: [WS-19-3 Final Payment](#)

[19-1144](#) Report of Board of Public Works of 10/9/19 for 3rd and Final payment of \$2,610.43 to Brickline, Inc. for 2019 Epoxy Pavement Marking Program, WS-19-9, recommending payment.

Attachments: [WS-19-9 Final Payment](#)

[19-1146](#) Progress Invoice from WI DOT in the amount of \$565,604.09 for Waldo Blvd., Project 39515003775, recommending payment.

Attachments: [Progress Invoice 19-1146](#)

[19-1147](#) Progress Invoice from WI DOT in the amount of \$23,422.11 for Waldo Blvd., Project 39545701271, recommending payment.

Attachments: [Progress Invoice 19-1147](#)

[19-1148](#) Progress Invoice from WI DOT in the amount of \$1,062.58 for Waldo Blvd., Project 39515003700, recommending payment.

Attachments: [Progress Invoice - 19-1148](#)

[19-1149](#) Progress Invoice from WI DOT in the amount of \$50,525.34 for Waldo Blvd., Project 39545701272, recommending payment.

Attachments: [Progress Invoice -019-1149](#)

7. Public Safety Committee (Consent)

[19-1134](#) Lifequest billing dispute 182A-18-3308, recommending to deny request.

8. Plan Commission (Consent)

[19-1152](#) Quit Claim Deed from Bay Pointe Developers II, LLC for Bayshore Drive for street purposes, recommending approval.

Attachments: [Bay Pointe Developers II QCD](#)

I. COMMITTEE REPORTS

1. Committee of the Whole

[19-1138](#) Report of Special Events Committee relative to approval of the following events subject to Council approval: Turkey Trot on 11/28/19 (Waiver of noise ordinance from 7 AM to 8 AM; various road closures as outlined on attached form); Lights in Lincoln Park & Run/Walk on 11/29-12/29/19 (Approval of advertising signs in City right-of-way); Lakeshore Holiday Parade on 11/27/19 (Closure of Washington St. & N. 8th St); Metro Jam on 6/19-6/20/20 (Closure of S. 12th St. between Washington & Marshall; waiver of rules prohibiting alcohol in the park).

Attachments: [SE Report - Events needing Council Approval](#)

[Turkey Trot](#)

[Lights in Lincoln Park & Run Walk](#)

[Lakeshore Holiday Parade](#)

[Metro Jam](#)

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

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

[19-1168](#) Extension to Development Agreement with Doneff's Schuette Building

Attachments: [Doneffs Schuette Building request for TIF extension.pdf](#)

Moved by Sitkiewitz, seconded by McMeans, to approve an extension to December 31, 2019 with a \$1,000 per day penalty starting January 1, 2020 if not complete, and contingent on walk-through by City staff. The motion carried by the following vote:

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

[19-1169](#) Authorization to enter into litigation related to groundwater contamination

Moved by Sitkiewitz, seconded by McMeans, to enter into litigation. The motion carried by the following vote:

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

2. Finance Committee

[19-1048](#) Agreement for Assessment Services for the years 2020-2023, with an option for two additional years with Accurate Appraisal, LLC.

Attachments: [Accurate Assessment City of Manitowoc Blend Program Contract 2020 - 2023](#)

Moved by Brey, seconded by McMeans, to enter into this agreement. The motion carried by the following vote:

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

[19-1091](#) Progress Lakeshore Municipal Services Agreement Extension for January 1, 2020 to December 31, 2023

Attachments: [2020 to 2023 Extension Agreement for Services Agreement bw Progress Lakeshore and Municipalities](#)

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

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

Nay: 1 - Williams

[19-1092](#) City of Manitowoc and Progress Lakeshore RLF Management Agreement for 2020-2023

Attachments: [Progress Lakeshore City of Manitowoc RLF Management Administrative Services Agreement 2020-2023](#)

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

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

Nay: 1 - Williams

[19-1102](#) Scope of Engagement relative to Proposed Issuance of \$2,385,000 City of Manitowoc General Obligation Refunding Bonds

Attachments: [Scope of Engagement 2385000 GO Refunding Bonds](#)

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

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

[19-1103](#) Resolution Awarding the Sale of \$2,385,000 General Obligation Refunding Bonds

Attachments: [Manitowoc C of - 2019 GORBs - Resolution](#)
[BPA - Manitowoc Cy GORBs](#)
[PB - Manitowoc Cy GORBs](#)
[FINAL PRICING \\$2.375mm gorbs 111219 manitowoc cy](#)

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

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

[19-1104](#) Application for "Class B" Intoxicating Liquor & Fermented Malt Beverage License, TAV-1952A, for Wisconsin Apple LLC, Applebee's Neighborhood Grill & Bar, 4435 Calumet Ave

Attachments: [Applebee's Application](#)

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

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

[19-1145](#) Ordinance to amend Section 11.010 of the Municipal Code regulating "Class B" License regulations allowing for the sale of intoxicating liquor in the original package or container

Attachments: [Ord 19-1145 Class B Licenses](#)

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

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

Nay: 1 - Williams

[19-1165](#) Ordinance to repeal Section 11.160 of the Municipal Code regulating the sale and licensing of Christmas trees.

Attachments: [Ordinance - Christmas trees](#)

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

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

3. Personnel Committee

[19-1166](#) Resolution to Increase Municipal Court Judge Salary

Attachments: [Resolution - Municipal Judge Salary Increase](#)

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

Aye: 5 - Brey, Czekala, Williams, Novak and Pelot

Nay: 4 - Sitkiewitz, McMeans, Howe and Lotz

4. Public Infrastructure Committee

[19-1065](#) Ordinance to amend Section 7.125 of the Manitowoc Municipal Code regulating Location of Mailboxes.

Attachments: [Memo re staff recommendations to committee - Item #19-1065 Ordinance to Amend Section 7.125 of the MMC regulating the location of mailboxes](#)
[19-1065 Ordinance to amend Section 7.125 regulating location of Mailboxes](#)

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

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

[19-1116](#) Stormwater Management Facility Maintenance Agreement with Briess Industries Inc.

Attachments: [Briess Stormwater Agreement](#)

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

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

[19-1164](#) Ordinance to amend Section 10.410 of the Municipal Code regulating parking from December 1st to March 31st

Attachments: [Ordinance - Winter Parking](#)

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

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

5. Public Safety Committee

[19-1133](#) An Ordinance to amend section 10.390 of the Manitowoc Municipal Code regulating parking.

Attachments: [October 2019 Memo Re Unregistered Vehicle Parking Restriction](#)
[Ordinance - Parking of unregistered vehicles](#)

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

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

[19-1167](#) Ordinance to amend Section 10.390 of the Municipal Code regulating parking on Marshall Street

Attachments: [Ordinance - Parking on Marshall Street](#)

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

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

6. Plan Commission

J. OTHER BUSINESS

[19-1106](#)

Call for Public Hearing on General City budget to be held at 6:30 p.m. on Monday, November 18, 2019.

Moved by Sitkiewitz, seconded by McMeans, to instruct the City Clerk to call for a public hearing. The motion carried by the following vote:

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

K. ADJOURN

Moved by Sitkiewitz, seconded by McMeans, that this meeting be adjourned at 7:46 p.m. The motion carried by the following vote:

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

**Deborah Neuser
City Clerk**