

20-0825



# City of Manitowoc

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

## Meeting Minutes

### Common Council

CONSENT

Monday, July 20, 2020

6:30 PM Council Chambers. Note-Meeting will also be available via Remote Conferencing

#### A. CALL TO ORDER

#### B. ROLL CALL

Alderpersons Present: 9 - Jim Brey, Eric Sitkiewitz, Steven Czekala, Scott McMeans, Jeremiah Novak, Courtney Hansen, Bill Schlei, Brett Vanderkin and John Brunner

#### C. PLEDGE OF ALLEGIANCE & INVOCATION

#### D. PRESENTATIONS

20-0706 Election of District 7 Alderperson for the City of Manitowoc for the term ending 4/19/21.

Alderperson Eric Sitkiewitz nominated Aaron Bailey to fill the District 7 Alderperson vacancy. There being no other nominations, Mayor Nickels announced that nominations were closed and upon a roll call vote, Bailey received nine votes.

Aaron Bailey was declared appointed as District 7 Alderperson for the term ending April 19, 2021. City Clerk administered Oath of Office and Alderperson Bailey assumed the seat of District 7 Alderperson

Alderpersons Present: 10 - Jim Brey, Eric Sitkiewitz, Steven Czekala, Scott McMeans, Jeremiah Novak, Courtney Hansen, Bill Schlei, Brett Vanderkin, John Brunner and Aaron Bailey

20-0277 Mayor presents Award of Valor to Officer Alex Nebel and Officer Robert Weyer

Mayor Nickels and Police Chief Nick Reimer provided the Awards of Valor.

#### E. PUBLIC HEARINGS

20-0716

6:30 p.m. - Public Hearing for the purpose of hearing any and all interested parties in the matter of the Analysis of Brownfield Cleanup Alternatives at the former CN Peninsula site located at 1110 Buffalo St., Manitowoc, Wisconsin.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of the Analysis of Brownfield Cleanup Alternatives at the former CN Peninsula site located at 1110 Buffalo St., Manitowoc, Wisconsin.

City Clerk reported that the notice of the hearing was published in the Herald Times Reporter on 6/29/2020. (Proof of publication is on file in the City Clerk's office).

Community Development Director Adam Tegen gave an overview of the reason for the public hearing.

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**

Mayor Nickels submitted appointment of Alderman Aaron Bailey to Public Safety and Personnel Committees, and Alderman Steve Czekala as vice-chair of Public Safety Committee.

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

Aye: 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

**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, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

## 2. Miscellaneous

- 20-0702 Minutes of June 15, 2020 Common Council meeting, recommending approval and place on file
- 20-0703 Minutes of July 7, 2020 Common Council Special Meeting, recommending approval and place on file
- 20-0705 Public Notice of an Air Pollution Control Permit Application Review of Briess Industries Inc., located at 605 Washington St. Manitowoc, WI, recommending acceptance and place on file.
- 20-0738 Communication from Public Service Commission of WI, recommending acceptance and place on file.

## 3. Committee of the Whole (Consent)

- 20-0726 Report of Special Events Committee relative to approval of the following events: Silver Cup XX Disc Golf Tournament on 7/4-7/12/2020; Tuesdays at 10! on 7/7 & 7/21/2020; Krazy Daze on 7/11/2020; Residential Block Party - 2100 block of S. 22nd St. on 7/25/2020; Residential Block Party - 700 block Oak St. on 7/25/2020; MYBA Tournament on 7/10-7/12/2020; War on the Shore on 7/31-8/2/2020; Muscular Dystrophy Association Fill the Boot Drive on 8/27-8/31/2020; ManitoWALK vs ALS on 8/29/2020; Waiver of Fees: Faith Church Vacation Bible School on 7/18-7/24/2020; Cool City Classic Car Cruise on 8/14/2020; Middle School Cross Country Meet on 9/10/2020; Silver Creek Bike Race on 9/19/2020; recommending acceptance of report and place on file.
- 20-0737 Notice of Assignment from Orthopedics and Sports Medicine Manitowoc LLC (OSMM) to BayCare Health Systems, LLC; recommending acceptance and place on file.
- 20-0740 July Report of temporary premises extensions for the sale of liquor and/or beer due to following social distancing best practices in compliance with City Resolution 20-0518 adopted by the Common Council on May 18, 2020, recommending acceptance of report and place on file.

## 4. Finance Committee (Consent)

- 20-0556 Application for "Class B" Intoxicating Liquor & Fermented Malt Beverage License, Vinny's BBQ LLC, d/b/a Tony's Pizza, 1144 S. 21st Street, recommend to approve the request.
- 20-0640 Request for allocating the City's share of funding for a proposed water trail plan; recommend to approve the request.
- 20-0641 CAWG Request for a DPI Leaf Trailer Vac; recommend to approve the request.
- 20-0651 Request from Salute to Everyone for permanent premises extension to new fenced in area north of the current outdoor area; recommend to approve the request.
- 20-0652 Capital Allocation Working Group (CAWG) recommendation to fund up to \$17,250.00 as an unbudgeted request for Engineering Department for Preliminary Engineering & Plan Preparation for Memorial Dr. from Waldo to E. Magnolia per the DOT SMA; recommend to approve the request.
- 20-0658 Discussion on COVID-19 Expenses and CARES Funding; recommend to accept and place on file.
- 20-0659 Capital Allocation Working Group (CAWG) recommendation to fund up to \$9,625.00 as an unbudgeted request for Community Development Department for the 8th Street Pedestrian Bridge; recommend to approve the request.
- 20-0661 Guide Book Policy Manual updates; recommend to approve the changes.
- 20-0662 2nd Quarter Internal Control Report; recommend and place on file.
- 20-0663 Communication from Manitowoc County Treasurer of public notice of the tax foreclosure action in Rem 2020; recommend to accept and place on file.
- 20-0665 2nd Quarter Claims Report from City Attorney; recommend to accept and place on file.
- 20-0666 Amendments to HAP Grant Agreement for Carferry Dock; recommend to adopt the amendments.
- 20-0667 Approval to conduct structural assessment on walkway behind River Lofts; recommend to deny the request and place on file.
- 20-0668 Communication from City Assessor on 2019 Tax Roll Omitted Parcel: 789-007-190 (Pekarske Builders); recommend to approve and place on file.
- 20-0669 COVID-19 Small Business Grant Update; recommend to accept and place on file.

20-0704 General City Claims in the amount of \$2,890,573.33 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.

20-0736 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.

**5. Personnel Committee (Consent)**

**6. Public Infrastructure Committee (Consent)**

19-1304 Status Update on the Consultant's Report for the Bridge from Manitou to Lower Schuette, recommending placing on file

20-0637 Request to harvest grass and avoid weed violation at lots west of Monroe and Community Garden and avoid weed violation, recommending to place on file.

20-0638 Request to widen driveway approaches at 309 Waldo Boulevard, recommending approval

20-0639 Discussion regarding Parcel #135-002-010 on Lexington Avenue, recommending placing on file

20-0643 Roneta Lane Assessment Rates, recommending approval at assessment at 80 percent to abutting properties.

20-0699 Report of Board of Public Works of 7/1/2020 for 2nd and Final payment of \$10,995.00 to Kuzisaso Construction for Tree & Stump Removal for Sidewalk Program, WS-20-11R, recommending payment.

20-0700 Report of Board of Public Works of 7/1/2020 for 1st and Final payment of \$9,853.50 to SC Concrete for Storm Sewer Inlets on N. 12th St., AGMT-20-04, recommending payment.

20-0701 Report of Board of Public Works of 7/1/2020 for 2nd and Final payment of \$5,630.00 to SC Concrete for Miracles Park Concrete Walkway, AGMT-19-17, recommending payment.

20-0715 Progress invoices from WI Department of Transportation for Waldo Blvd project, recommending payment.

- 20-0718 Report of Board of Public Works of June 17, 2020 of downtown snow removal assessments in error; recommend to void the assessments made in error and remove from the 2019 tax year going forward for the impacted properties and accept report of Director of Public Infrastructure and place on file.
- 20-0722 Report of Board of Public Works of 7/1/2020 of approval to enter into AGMT-20-08 with WisCorps, Inc. for various trail improvement projects in Schuette Park for a contract price of \$24,000.00, recommending acceptance and place on file.
- 20-0723 Report of Board of Public Works of 7/1/2020 of approval to enter into AGMT-20-09 with Hubbart Electric, Inc. to install lighting at Manitowoc Skate Park for a contract price of \$9,700.00, recommending acceptance and place on file.
- 20-0724 Report of Board of Public Works of 7/1/2020 of approval to enter into AGMT-20-10 with Valley Sealcoat, Inc. to make repairs and improvements to Fleetwood Park Tennis Courts for a contract price of \$19,887.00, recommending acceptance and place on file.
- 20-0725 Report of Board of Public Works of 7/1/2020 of approval to enter into AGMT-20-11 with Hutchinson Property Services to maintain ball diamonds and fields at Citizen Park Field 2 and 3 for a contract price of \$14,000.00, recommending acceptance and place on file.
- 20-0728 Report of Board of Public Works of 7/15/2020 of denial of snow removal assessment appeals for the following properties: 1623 Iris Dr., 3814 Rock St., 1831 Spruce Dr., 1102 Waldo Blvd., 1411 N. 4th St., parcels 725-000-128 & 725-000-129, 1521 Philippen St., and reduction in assessment to actual cost for the following properties: at 1611 Jasmine Dr. (actual cost - \$111), 1714 Lilac Dr. (actual cost - \$111), and 861 N. 6th St (actual cost - \$100.25) recommending acceptance of report and place on file.

## **7. Public Safety Committee (Consent)**

- 20-0687 Sidewalk crossing improvement request at Huron Street and Maritime Drive, recommending stripping and signage changes on Huron St.
- 20-0688 Sidewalk crossing on S. 29th Street and Mero Street, recommending approval of the request.

## **8. Plan Commission (Consent)**

### **I. COMMITTEE REPORTS**

#### **1. Committee of the Whole**

**20-0721** Resolution requiring masks in all City Facilities

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

**Aye:** 8 - Brey, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

**Nay:** 2 - Sitkiewitz and Czekala

**20-0727** Report of Special Events Committee recommending approval for the following events subject to Council action: Fat Seagull Annual Street Party on 7/25/2020 (Closure of Quay St. from S. 8th to S. 9th; extension of premise for alcohol); Kiwanis Club Car and Bike Show on 8/9/2020 (Closure of S. 11th & S. 12th Sts. between Washington & Marshall, waiver of rules prohibiting alcohol in the park); Fox's Pig to Pig Walk on 9/12/2020 (Waiver of noise ordinance from 7:30 a.m. to 8:00 a.m.)

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

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

**2. Finance Committee****20-0650** Application for "Class B" Intoxicating Liquor & Fermented Malt Beverage License, Leslie O's LLC, d/b/a Deja Vu, 214 N. 8th St

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

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

**20-0657** Amendment to City policy to limit any combination of corporate bonds and Commercial Paper to 30% of portfolio

Moved by Brey, seconded by McMeans, to amend the City policy to limit any combination of corporate bonds and commercial paper to 30% of portfolio. The motion carried by the following vote:

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

**20-0717** Lowe's Home Centers, LLC Summons and Complaint 2020 Assessment, Case number 2020CV000230

Moved by Brey, seconded by McMeans, that this Summons and Complaint be accepted and referred to the City Attorney. The motion carried by the following vote:

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

**20-0735** Resolution Regarding a Policy to Prohibit the use of Excessive Force and the Barring of Entrances/Exits for Non-Violent Civil Rights Demonstrations  
Community Development Director Adam Tegen gave an overview and explanation as to why this is tied to CDBG program.

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

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

**20-0739** Resolution Authorizing a Harbor Assistance Program (HAP) Grant Application

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

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

**20-0741** Resolution Authorizing HAP Grant Amendments for the Lake Michigan Carferry

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

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

### **3. Personnel Committee**

**20-0698** Resolution to Hire Seasonal Employees Related to Elected Officials, Department Heads, or Supervisory Personnel

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

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

### **4. Public Infrastructure Committee**

### **5. Public Safety Committee**

**20-0690** Resolution adopting the Manitowoc County multi-hazard mitigation plan 2020-2025.

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

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

**20-0691** Ordinance to create section 14.220 of the MMC regulating Lewd and Lascivious Behavior and Display.

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



Aye: 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

20-0692 Ordinance to create section 14.090 of the MMC regulating Harassment.

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

Aye: 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

20-0693 Ordinance to amend section 8.230 of the MMC, regulations of Parks and Related Facilities.

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

Aye: 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

20-0714 Ordinance to amend Section 10.170 of the MMC regulating through intersections at N. 5th St. & Buffalo St. and N. 5th St. & New York Ave.

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

Aye: 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

**6. Plan Commission**

**J. OTHER BUSINESS**

**K. ADJOURN**

Moved by Sitkiewitz, seconded by Schlei, that this meeting be adjourned at 7:32 p.m. The motion carried by the following vote:

Aye: 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

**Deborah Neuser  
City Clerk**