



City of Manitowoc

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

Meeting Minutes

Common Council

Monday, January 29, 2018

6:30 PM

Council Chambers

Adjourned Session - Amended Agenda

A. CALL TO ORDER

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

[18-0011](#) City Clerk administers Oath of Office to Police Officer Peter McGinty followed by badge pinning.

[18-0045](#) Presentation by Mayor Nickels on the Blight Program.

E. PUBLIC HEARINGS

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

[18-0040](#) Mayor makes the following appointments: Committee on Aging, Allan Brixuis in place of P. Clark for unexpired term ending 6/1/19; Harbor Commission, Joe Holzinger in place of R. Resch for three year term ending on 6/1/20; Crime Prevention Committee, Alex Vergenz, Lutheran High School Student Representative; Citizens Advisory Committee, Daniel Becker in place of G. Brandl for unexpired term ending on 6/1/18.

**Moved by McMeans, seconded by Brey, that these Appointments be approved.
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 by McMeans, seconded by Brey, 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

- [18-0003](#) Minutes of December 18, 2017 Council meeting, recommending approval and place on file.
- [18-0001](#) Thank you from Holy Family, Community and Family Services for donation from the Schuette, Wernecke, Wilda, Rank Christmas Fund, recommending placing on file.
- [18-0002](#) Thank you from St. Vincent De Paul for donation from the Schuette, Wernecke, Wilda, Rank Christmas Fund, recommending placing on file.
- [18-0004](#) Thank you from Catholic Charities for donation from the Schuette, Wernecke, Wilda, Rank Christmas Fund, recommending placing on file.
- [18-0060](#) Resignation from Joan Verhelst and Dylan Koski from Crime Prevention Committee, recommending acceptance and place on file.

3. Committee of the Whole (Consent)

- [18-0017](#) LEGO League Presentation, recommending to accept the presentation and place on file.
- [18-0018](#) Property tax collection issue with the County. Recommending to instruct the City Attorney's office and Finance Department to work on a Memorandum of Understanding with Manitowoc County on special tax collections.
- [18-0039](#) Report of Special Events Committee relative to approval of the following events: Immanuel's Walk-a-thon on the Lakeshore on 4/21/18; Jr. Brutal Wear Challenger on 8/4/18-8/6/18; Brutal Wear Open on 8/10/18-8/12/18; Ice on 8th on 2/10/18; recommending acceptance of report and place on file.

4. Finance Committee (Consent)

- [17-1040](#) Possible interim financing for Lake Michigan Trans Lake Shortcut, Inc. d/b/a/ Lake Michigan Carferry as part of the Carferry Dock Replacement Project. Recommending to instruct staff to develop an agreement with LMC.

- [18-0006](#) Policy regarding serving Alcohol while renting the Senior Center Facility. Recommend approving changing the policy to reflect other city rentals.
- [18-0019](#) General City Claims in the amount of \$14,068,134.56 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.
- [18-0057](#) Report of Finance Committee to grant the various licenses subject to approvals, inspections, insurance, payment of licenses fees and meeting State Statute requirements, as detailed therein, recommending acceptance.

5. Personnel Committee (Consent)

6. Public Infrastructure Committee (Consent)

- [17-0914](#) Alderman Howe's Proposal for Street Program, recommending placing on file and if more information available in the future, can bring back to Committee.
- [17-1099](#) Discussion on hiring a contractor for responding to sidewalk snow removal violations, recommending hiring EcoTech for 3 years for sidewalk snow removal violations.
- [17-1188](#) Request for weed notices to be sent to the Contractor for construction projects, Engineering will place language on Site Plans to remind Contractor/Owner to maintain weeds in accordance with the Ordinance at the Construction site, recommending placing on file
- [18-0015](#) Stormwater Management Facility Maintenance Agreement with The Meyer Group of Manitowoc LLC, (Parcel #805-202-040, 2851 South 10th Street), recommending approval
- [18-0029](#) Request for property maintenance notification for weed/snow assessments to remain, recommending placing on file.
- [18-0030](#) Equipment Replacement Request at the Streets Department, recommending purchase of the grader.
- [18-0036](#) Proposed Permanent Sewer Easement with Maritime Pointe Condominium Homeowner's Association, recommending referring to City Attorney to draft documentation to approve the agreement as proposed.
- [18-0048](#) Report of Board of Public Works of 01/10/18 for 10th and Final payment of \$1,386.42 to Martenson & Eisele, Inc. for Update City of Manitowoc Comprehensive Park Plan, recommending payment.

[18-0049](#) Report of Board of Public Works of 01/10/18 for 6th and Final payment of \$1,095.00 to Brandenburg for Demolition and Removal of All Above Ground Structures at Mirro Building, WB-17-12, recommending payment.

[18-0050](#) Report of Board of Public Works of 01/10/18 for 2nd and Final payment of \$3,500.00 to Tri City Glass & Door for Rahr West Art Museum Entrance Replacement, 17-11, recommending payment.

[18-0058](#) Report of Board of Public Works of January 10, 2018 of bids received to Replace Carpet - Rahr-West Art Museum, project WB-17-24. Recommend awarding to low bidder, Kaeden Services in the amount of \$28,152.00.

[18-0093](#) Report of Board of Public Works of January 24, 2018 of bids received for 2018 Sewer Re-Lining, WU-18-7. Recommending awarding to low bidder Michels Corporation in the amount of \$502,075.70.

[18-0094](#) Report of Board of Public Works of January 24, 2018 of bids received for 2018 Televising Miscellaneous Sewers I, WU-18-5. Recommending awarding to low bidder Green Bay Pipe & TV, LLC in the amount of \$60,189.11

7. Public Safety Committee (Consent)

8. Plan Commission (Consent)

I. COMMITTEE REPORTS

1. Committee of the Whole

[17-1206](#) Lakeshore Humane Society contract

Moved by McMeans, seconded by Brey, 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

[18-0038](#) Report of Special Events Committee recommending approval for the following event subject to Council action: Rotary Car on Ice Fundraiser on 1/15/18 - 4/30/18 (approve environmentally-friendly van to be placed in Manitowoc Marina until it falls through ice).

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

4. Finance Committee

[17-0989](#) Development Agreement Between the City and Doneff's Schuette Building LLC for Tax Incremental Financing Assistance

A motion was made by Gabriel to table this item. The motion failed for lack of a second.

Moved by Brey, seconded by McMeans, to enter into the development agreement at the \$900,000 pay-as-you-go level based on the January 15, 2018 programs agreement. The motion carried by the following vote:

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

Nay: 3 - Soeldner, Kummer and Gabriel

[18-0007](#) Term Sheet for Tax Incremental Financing in support of business expansion by Lakeside Foods, Inc.

Moved by Brey, seconded by McMeans, to approve the request at \$4.9 million. The motion carried by the following vote:

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

[18-0021](#) Professional Services Agreement between the City of Manitowoc and MSA Professional Services, Inc. to administer the CDBG RLF Housing Program

Moved by Brey, seconded by McMeans, 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

[18-0056](#) Loan agreement between the City of Manitowoc and Lake Michigan Trans-Lake Shortcut, Inc. for the purposes of financing repairs to the City-owned dock which Badger seasonally uses.

Moved by Brey, seconded by McMeans, 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

[18-0085](#) Palpable error on Personal Property Parcel # 000-312-447 Harbor Senior Concepts, Azura Harbor Holdings LLC, property was double assessed.

Moved by Brey, seconded by McMeans, to rescind the taxes due of \$665.52 and set the assessed value at \$33,000. The motion carried by the following vote:

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

[18-0086](#) Palpable error on Personal Property Parcel 000-301-713
Clipper City Model RR club is exempt from taxation.

Moved by Brey, seconded by McMeans, to rescind the taxes due of \$685.68 and set the assessed value at \$34,000. The motion carried by the following vote:

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

3. Personnel Committee

[18-0020](#) Resolution to approve revised job descriptions for Bridgetender-Operations, and Operations-Electrician.

Moved by Sitkiewitz, seconded by Czekala, 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

[18-0051](#) Resolution to backfill the Payroll Administrator position due to an anticipated retirement on August 6, 2018, including an up to four month overlap for training purposes, provided a notice of retirement is received from the current employee.

Moved by Sitkiewitz, seconded by Czekala, 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

[18-0054](#) Resolution to approve the hiring of an Associate Planner - Business and Housing Development and to backfill any budgeted vacancies created as a result of this hiring.

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

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

Nay: 1 - Soeldner

[18-0055](#) Resolution to approve revised job descriptions in the Police Department for Clerk Typist, School Resource Officer (SRO) and Crime Prevention Sergeant.

Moved by Sitkiewitz, seconded by Czekala, 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

[18-0089](#) Resolution to approve the hiring of Lynn Muenzenmeyer as a part-time Administrative Support Specialist in the Senior Center/Recreation Division of the Department of Public Infrastructure.

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

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

4. Public Infrastructure Committee

[18-0044](#) License Agreement between the City of Manitowoc and Manitowoc Bandits for use of Municipal Field.

Moved by Kummer, 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

[18-0052](#) Ordinance to amend Section 10.440 of the Manitowoc Municipal Code setting parking regulations for spring clean-up.

Moved by Kummer, 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

5. Public Safety Committee

[17-1218](#) An Ordinance to amend Section 4.070 of the Manitowoc Municipal Code regulating Navigation Rules, Section 10.130 regulating Snowmobile Regulation, Section 14.070 regulating Contributing to Truancy, and Section 14.560 regulating Public Nuisance Properties.

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

[18-0033](#) School Resource Officer Agreement for the City of Manitowoc and the Manitowoc Public School District.

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

[18-0042](#)

Ordinance to amend Section 14.020 of the Manitowoc Municipal Code regulating Regulation of Dogs, Cats, and Other Animals.

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

[18-0043](#)

Ordinance to amend the Bond Schedule for violations of Section 11.220 of the Manitowoc Municipal Code regulating Animal Licenses.

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

J. OTHER BUSINESS

COMMITTEE REPORTS

1. Committee of the Whole

Alderspersons Present: 11 - Dave Soeldner, Jim Brey, Mike Howe, Scott McMeans, Eric Sitkiewitz, Lee H. Kummer, Steven Czekala, Jeremiah Novak, Todd Lotz, Rhienna Gabriel and Justin Nickels

Chairperson McMeans read the notice to go into closed session:

Notice is hereby given that the above governmental body may adjourn into a closed session during the meeting as authorized by Section 19.85(1)(e) of the Wisconsin Statutes, which authorizes the governmental body to convene in closed session for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

And

Notice is hereby given that the above governmental body may adjourn into a closed session during the meeting as authorized by Section 19.85(1)(g) of the Wisconsin Statutes, which authorizes the governmental body to convene in closed session for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

The specific subject matter that may be considered in closed session is:

18-0092 Establishment of settlement amounts related to the Newton Gravel Pit Cost Recovery Action.

2. Closed Session

Moved by Brey, seconded by Sitkiewitz, to convene in closed session. The motion carried by the following roll call vote:

Aye: 11 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz, Gabriel and Nickels

[18-0092](#) Establishment of settlement amounts related to the Newton Gravel Pit Cost Recovery Action.

Committee of the Whole deliberated in closed session. (redacted -- Closed Session).

3. Reconvene in Open Session

Moved by Nickels, seconded by Gabriel, to reconvene in open session. The motion carried by the following roll call vote:

Aye: 11 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz, Gabriel and Nickels

[18-0096](#) Resolution Authorizing Settlements with Responsible Parties at the Newton Gravel Pit Under NR 292.

Moved by McMeans, seconded by Brey, 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

L. ADJOURN

Moved by McMeans, seconded by Brey, that this meeting be adjourned at 8:08 PM. The motion carried by the following vote:

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