



City of Manitowoc

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

Meeting Minutes

Common Council

Monday, March 18, 2019

6:30 PM

Council Chambers/1st Floor Hearing Room - East

A. CALL TO ORDER

B. ROLL CALL

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

Alders Absent: 1 - Lee H. Kummer

C. PLEDGE OF ALLEGIANCE & INVOCATION

D. PRESENTATIONS

19-0267 City Clerk administers oath of office to Police Officer Jacob Gardner, followed by badge pinning.

19-0265 Presentation of the 2017 Volunteer of the Year Award to Randy Heinzen

19-0266 Presentation of the 2018 Volunteer of the Year Award to Laura Ziemer

19-0268 City of Manitowoc 150th Anniversary Logo Contest

E. PUBLIC HEARINGS

19-0269 6:35 p.m. - Public hearing for the purpose of hearing any and all interested parties in the matter of a proposed change to the Official Map and Street Vacation to remove a portion of unimproved Archer Street.

Mayor Nickels declared the meeting open for a public hearing. Notice of the hearing was published in the Herald Times Reporter on February 25, March 4 & 11, 2019. (Proof of publication is on file in the Clerk's office). No interested parties addressed the Council. Mayor declared the public hearing closed. (A recording of the entire hearing is on file in the City Clerk's office).

19-0270 6:38 p.m. - Public hearing for the purpose of hearing any and all interested parties in the matter of a proposed change in zone from "B-1" Office - Residential to "B-3" General Business for property located in the 4600 Block of Calumet Ave.

Mayor Nickels declared the meeting open for a public hearing. Notice of the hearing was published in the Herald Times Reporter on March 4 & 11, 2019. (Proof of publication is on file in the Clerk's office). No interested parties addressed the Council. 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

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

2. Miscellaneous

19-0271 Minutes of February 18, 2019 Common Council meeting, recommending approval and place on file.

19-0289 Communication from the Public Service Commission of Wisconsin, recommending acceptance and place on file.

3. Committee of the Whole (Consent)

19-0297 Report of Special Events Committee relative to approval of the following events: Kenny's Slow Pitch Softball Tournament on 7/19-26/19; War on the Shore Girls Fastpitch Softball on 8/1-4/19; Faith Church Easter Sunrise Service on 4/21/19; recommending acceptance of report and place on file.

4. Finance Committee (Consent)

19-0224 2019 Borrowing Timeline, recommend to approve the timeline.

- 19-0229 Minutes of February 13, 2019 Finance Committee meeting, recommending approval and place on file.
- 19-0230 Minutes of the MPU Commission meetings of 1/14/19, 1/22/19 and 2/5/19, recommending acceptance and place on file.
- 19-0236 Request to rescind 2018 real estate taxes in the amount of \$3,547.57 due to palpable error and adjusting the assessment for real estate parcel 000-117-080, Michael & Mariluxi Merrill, to zero (exempt property), recommend to approve.
- 19-0237 Request to rescind 2018 real estate taxes in the amount of \$4,736.13 due to palpable error and correct assessment of improvements to \$0 for 2018 for real estate parcel 833-304-111, Jason J. and Jennie Naidl, recommend to approve.
- 19-0238 Kerry Inc. v. Wisconsin Department of Revenue petition for review of determination by State Board of Assessors for manufacturing property: 633 S. 20th St., Manitowoc, WI., recommend to accept and place on file.
- 19-0264 General City Claims in the amount of \$5,411,932.64 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.
- 19-0288 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)

- 19-0120 Out of State Travel Request-Community Development-San Diego for a National GIS Conference, recommending to approve the request.
- 19-0228 Request for PTO Increase for New Hire in the Associate Planner-Business and Housing Position, recommending to approve the request.
- 19-0253 Unpaid Leave Request Extension-Transit, recommending to approve the request.

6. Public Infrastructure Committee (Consent)

- 19-0240 Zoo Kayak Launch Grant Funding, recommending placing on file
- 19-0241 Agreement for Professional Services with McMahon Associates, Inc. for Sanitary Sewer & Lateral Reconstruction on Waldo Blvd from N. 14th Street to Maritime Drive, recommending approval.
- 19-0242 Agreement for Professional Services with McMahon Associates, Inc. for Mini-Storm Sewer Construction on Waldo Blvd from N. 14th Street to Maritime Drive, recommending approval.

- 19-0244 Request from David Naidl for Permission to Erect Crosses on Hillside at Evergreen Cemetery facing North 18th Street April 13th through April 22, 2019, recommending approval.
- 19-0246 Ordinance to Prohibit Snowplowing City Streets, recommending placing on file
- 19-0247 Request for Access Over Unimproved Right-of-Way of Dewey Street West of S. Rapids Road, recommending approval
- 19-0248 DNR MS4 Annual Permit - 2018 Accomplishments, recommending approving the report and placing on file.
- 19-0250 Request from Zoo Society to build a garage near Cabin 2 for Light Show Storage, recommending approving the request subject to Zoo Society covering the cost and City Staff approving the site and appearance.
- 19-0251 Request from War on the Shore Special Event for Reduced Price Entry to the Aquatic Center during their Tournament, recommending approving request.
- 19-0254 Land Use Agreement between City of Manitowoc and Corevac, LLC, for Equipment Storage at 1105 Fleetwood Drive, recommending approval of the agreement
- 19-0272 Report of Board of Public Works of 3/8/19, of bids received for 2019 Concrete Paving, Project WS-19-1, recommending awarding to low bidder, Vinton Construction Company in the amount of \$418,068.96.
- 19-0273 Report of Board of Public Works of 3/8/19, of bids received for 2019 Epoxy Painting - Pavement Marking Program, Project WS-19-9, recommending awarding to low bidder, Brickline Inc Madison in the amount of \$104,417.40.
- 19-0274 Report of Board of Public Works of 2/20/19, of bids received for 2019 Remove & Replace Existing Sidewalk, Project WS-19-3, recommending awarding to low bidder, Seiler Bros. Construction Inc. in the amount of \$126,682.00.
- 19-0275 Report of Board of Public Works of 2/20/19, of bids received for 2019 Seal Coating Program, Project WS-19-6, recommending awarding to low bidder, Scott Construction, Inc. in the amount of \$163,289.48.
- 19-0276 Report of Board of Public Works of 2/20/19, of bids received for 2019 Sewer Re-Lining, Project WU-19-7, recommending awarding to low bidder, Visu-Sewer in the amount of \$166,770.75.

- 19-0277 Report of Board of Public Works of 2/20/19, of bids received for 2019 Concrete Slab Replacement, Project WS-19-10, recommending awarding to low bidder, Forward Contractors in the amount of \$118,815.25.
- 19-0278 Report of Board of Public Works of 2/20/19 of approval to enter into a contract with Luiser Plumbing for installation of washout waterline for Parks Maintenance Building, AGMT-19-06, for a contract price of \$2,9002.00. Recommending acceptance and place on file.
- 19-0279 Report of Board of Public Works of 2/20/19 of approval to enter into a contract with R. Turner Construction for cemetery storage room remodeling at 2221 Michigan Ave., AGMT-19-07, for a contract price of \$23,505.00. Recommending acceptance and place on file.
- 19-0280 Progress Invoice from Wisconsin Dept. of Transportation in the amount of \$1,074.36 for Waldo Blvd., Project No. 39515003700, recommending payment.
- 19-0281 Report of Board of Public Works of 2/20/19 of denial of appeal for snow shoveling assessment for property at 719 York St., recommending acceptance and place on file.
- 19-0282 Report of Board of Public Works of denial of request for appeal of noxious weed assessment for the property at parcel 785001170, recommending acceptance and place on file.
- 19-0283 Report of Board of Public Works of 3/6/19 of approval to reduce snow shoveling assessment by \$150 for property located at 904 N. 9th St., recommending acceptance and place on file.
- 19-0284 Report of Director of Public Infrastructure Dan Koski of Tonnage Report for the year ending 12/31/18. Recommending acceptance and place on file.
- 19-0285 Report of Board of Public Works of March 6, 2019, of quotes received for Ready Mix Concrete for 2019 Construction Season, Project QM-19-1, recommending awarding to low quoter, Carew Concrete in the amount of \$88,875.00.

7. Public Safety Committee (Consent)

- 19-0255 Discussion regarding Jackson Elementary School drop off and pick up locations, recommending to place on file.
- 19-0262 York Street Parking Discussion, recommending to place on file.
- 19-0263 Discussion on ambulance collection, recommending to place on file.

8. Plan Commission (Consent)

- 19-0218 PC 35-2018: Keil; Archer Street - Proposed Street Vacation under §66.1003(4) and Official Map Amendment under §62.23(6), recommending approval of the Street Vacation and Amendment to the Official Map and instruct City Clerk to schedule the necessary public hearings for the March 18th Council meeting.
- 19-0219 PC 10-2019: Calumet Ave Manitowoc, LLC: Request to Rezone Property from "B-1" Office - Residential to "B-3" General Business in the 4600 Block of Calumet Avenue, recommending approval of the rezoning request and instruct the City Clerk to call for a public hearing at the Common Council's March 18th meeting.
- 19-0222 PC 2-2019: Annual Review of Community Living Arrangements under MMC 15.370(19)b. Recommending to approve the associated licenses for the Community Living Arrangements for 2019.
- 19-0223 PC 13-2019: Harbor Assistance Program - Annual Statement of Intentions. Recommending to go on record indicating support of the Annual Statement of Intentions.

I. COMMITTEE REPORTS

1. Committee of the Whole

- 19-0187 Communication from Alder Gabriel.
- Moved by Sitkiewitz, seconded by Brey, that this Communication be taken off the table. The motion carried by the following vote:
- Aye: 9 - Brey, Howe, McMeans, Sitkiewitz, Czekala, Novak, Lotz, Gabriel and Williams
- Moved by Sitkiewitz, seconded by Williams, that this Communication be placed on file. The motion carried by the following vote:
- Aye: 9 - Brey, Howe, McMeans, Sitkiewitz, Czekala, Novak, Lotz, Gabriel and Williams
- 19-0239 Report requesting authorization to acquire CN Peninsula
- Moved by McMeans, seconded by Brey, to adopt the following recommendations in the report from City Attorney Kathleen McDaniel: 1.) Proceed with closing and acquiring the CN properties on or before March 27, 2019 2.) Transfer \$800,000 from general fund to CN 3.) After acquisition, file all appropriate paperwork with WI DNR and US EPA to allow City to utilize available grant funds for the environmental assessment work on the property and 4.) Continue work with Stantec, DNR, and EPA to evaluate the site for future development purposes under existing MSA. The motion carried by the following vote:
- Aye: 8 - Brey, Howe, McMeans, Sitkiewitz, Czekala, Novak, Lotz and Gabriel

Nay: 1 - Williams

19-0298 Report of Special Events Committee recommending approval for the following events subject to Council action: Acoustic Fest on 7/20/19 (waiver of rules prohibiting alcohol in the park; no parking on a portion of the east side of S. 12th St.); Sputnikfest on 9/7/19 (waiver of noise ordinance until 10:30 pm.m; Street closures of Park St. from N. 7th to 9th & N 8th from State to St. Clair; no parking on one side of N. 9th from State to St. Clair).

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

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

4. Finance Committee

19-0225 Resolution Terminating TID District 14 and Authorizing Treasurer to Distribute Excess Increment to Overlaying Districts

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

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

19-0226 Resolution Terminating TID District 15 and Authorizing Treasurer to Distribute Excess Increment to Overlaying Districts

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

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

19-0233 Request from Wal-Mart to extend alcohol premise to include specific parking stalls designated for online grocery pickup.

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

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

Nay: 1 - Williams

19-0234 Resolution Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing

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

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

- 19-0249** Agreement for Management Services 2019 Manitowoc Farmers Market
- Moved by Brey, seconded by Lotz, that this Agreement be entered into. The motion carried by the following vote:
- Aye: 9 - Brey, Howe, McMeans, Sitkiewitz, Czekala, Novak, Lotz, Gabriel and Williams
- 19-0291** Ordinance to amend Section 11.010(4) of the Municipal Code to increase fees for Operator's Licenses and to require a license ID badge be carried on licensed bartenders.
- Moved by Brey, seconded by Lotz, that this Ordinance be adopted. The motion carried by the following vote:
- Aye: 9 - Brey, Howe, McMeans, Sitkiewitz, Czekala, Novak, Lotz, Gabriel and Williams
- 19-0292** Ordinance to amend 15.510(3) of the Municipal Code to change Mobile Home or Manufactured Home Parks license periods to the calendar year.
- Moved by Brey, seconded by Lotz, that this Ordinance be adopted. The motion carried by the following vote:
- Aye: 9 - Brey, Howe, McMeans, Sitkiewitz, Czekala, Novak, Lotz, Gabriel and Williams
- 19-0295** Ordinance amending the amended zone map of the City of Manitowoc rezoning property in the 4600 block of Calumet Ave. from "B-1" Office - Residential to "B-3" General Business.
- Moved by Brey, seconded by Lotz, that this Ordinance be adopted. The motion carried by the following vote:
- Aye: 9 - Brey, Howe, McMeans, Sitkiewitz, Czekala, Novak, Lotz, Gabriel and Williams

3. Personnel Committee

- 19-0299** Resolution to Change to Vendor for Short Term Disability and Addition of Long Term Disability Plan Option
- Moved by Sitkiewitz, seconded by Czekala, that this Resolution be adopted. The motion carried by the following vote:
- Aye: 9 - Brey, Howe, McMeans, Sitkiewitz, Czekala, Novak, Lotz, Gabriel and Williams

4. Public Infrastructure Committee

- 19-0243** Ordinance to Ban the Sale and Use of High-PAH Coal Tar Sealants in the City.
- Moved by Novak, seconded by Brey, that this Ordinance be adopted. The motion carried by the following vote:
- Aye: 9 - Brey, Howe, McMeans, Sitkiewitz, Czekala, Novak, Lotz, Gabriel and Williams

19-0245

Donation of Exercise Equipment Request for Washington Park.

Moved by Novak, seconded by Brey, that this Request be accepted subject to staff's approval of the site plan. The motion carried by the following vote:

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

19-0290

Resolution Approving the Three Year Harbor Development Statement of Intentions for 2019-2021

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

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

5. Public Safety Committee

6. Plan Commission

J. OTHER BUSINESS

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

**Deborah Neuser
City Clerk**