



City of Manitowoc

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

Meeting Minutes

Common Council

Monday, February 18, 2019

6:30 PM

Council Chambers

A. CALL TO ORDER

B. ROLL CALL

Alderspersons Present: 8 - Jim Brey, Scott McMeans, Eric Sitkiewitz, Lee H. Kummer, Steven Czekala, Jeremiah Novak, Todd Lotz and Mike Williams

Alderspersons Absent: 2 - Mike Howe and Rhienna Gabriel

C. PLEDGE OF ALLEGIANCE & INVOCATION

D. PRESENTATIONS

[19-0169](#) City Clerk administers oath of office to Police Officer Eric Schultz, followed by badge pinning

E. PUBLIC HEARINGS

E. PUBLIC HEARINGS

[19-0171](#) 6:30 p.m. - Public Hearing relating to proposed industrial development revenue bond financing for Red Line Plastics, LLC project

Attachments: [TEFRA Notice - Red Line Plastics](#)

Mayor Nickels declared the meeting open for a public hearing. Notice of the hearing was published in the Herald Times Reporter on February 11, 2019. 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).

[19-0172](#) 6:35 p.m. - Public Hearing regarding the proposed amendment to the City of Manitowoc Comprehensive Plan to revise the Map of Future Land Use for property located at 1013 Viebahn Street, generally located at the southwest corner of Viebahn and S. 10th Streets. The proposed revision is to change the future land use classification from "Planned Neighborhood" to "Office/Industrial"

Attachments: [19-0172](#)

Mayor Nickels declared the meeting open for a public hearing. Notice of the hearing was published in the Herald Times Reporter on January 18, 2019. (Proof of publication is on file in the Clerk's office). Jonathan Krueger, 1113 Viebahn St. addressed the Council as an interested party. No other interested parties appeared. Mayor declared the public hearing closed. (A recording of the entire hearing is on file in the City Clerk's office).

[19-0173](#) 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 "R-5" Low Density Multiple Family District and "C-1" Commercial District to the "I-1" Light Industrial for property located at 1013 Viebahn Street

Attachments: [19-0173](#)

Mayor Nickels declared the meeting open for a public hearing. Notice of the hearing was published in the Herald Times Reporter on February 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

G. APPOINTMENTS AND BUSINESS PRESENTED BY THE MAYOR

[19-0170](#) Mayor makes the following appointments: Curtis Hall to Plan Commission, ex officio member; Committee on Aging: Deborah Bonk for unexpired term ending 6/1/19 (pl. of D. Duchon), Lydia Groeschel for unexpired term ending 6/1/22 (pl. of G. Erickson)

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

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

H. CONSENT AGENDA

1. Removal of Consent Agenda Items

Alderman Sitkiewitz requested items 19-0187 & 19-0155 be removed from Consent Agenda

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: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

2. Miscellaneous

[19-0174](#) Minutes of January 21, 2019 Common Council meeting, recommending approval and place on file.

Attachments: [Minutes January 21, 2019](#)

[19-0184](#) Report of 2018 activities of Great Lakes Utilities (GLU) as required by Resolution. Recommending acceptance and place on file.

Attachments: [2019-02-12 Ltr GLU Update to City Council \(A3334043x9DEB4\)](#)

3. Committee of the Whole (Consent)

[19-0188](#) Report of Special Events Committee relative to approval of the following events: Yoga at Washington Park on 8/3/19; Assumption in the Park on 8/15/19; 5K Run/Walk/Roll for Ascend Services on 9/28/19; and Date Change for Snow Ball Waiver of Fees from 2/21/19 to 2/28/19; recommending acceptance of report and place on file.

Attachments: [19-0188](#)

[Yoga at Washington Park](#)

[Assumption in the Park](#)

[Ascend 5K](#)

[Snow Ball](#)

4. Finance Committee (Consent)

[19-0080](#) Discussion and possible action for a Sustainable Transportation and Development Strategies Resolution, recommend to place on file.

Attachments: [19-0080 Sustainable Transportation](#)

[19-0156](#) Minutes of January 2, 2019 Finance Committee meeting, recommending approval and place on file.

Attachments: [Minutes January 2, 2019](#)

[19-0157](#) Minutes of MPU Commission meetings of November 26, 2018 and December 10, 2018; recommending acceptance and place on file.

Attachments: [MPU Commission Minutes 11-26-18](#)

[MPU Commission Minutes 12-10-18](#)

[19-0159](#) Discussion and possible action on Application for "Class B" Tavern License for True Endeavors, LLC, Brennan Seehafer, Agent, 606 Quay St., recommend to grant the license with amended premise subject to approvals, inspections, payment of license fees and meeting State Statute requirements as well as having an approved premise in place by June 30, 2019 that meets State Building and Fire Codes.

Attachments: [True Endeavors, LLC Tavern License Request](#)
[19-0159](#)

[19-0161](#) Discussion and possible action on waiver of fees for Night Market 920 2019 events, recommend to waive fees.

Attachments: [Night Market 920](#)
20190213101027276

[19-0162](#) 2018 Claims Report from City Attorney McDaniel, recommend to accept and place on file.

Attachments: [19-0162](#)

[19-0163](#) 2018 Municipal Court Revenues & Caseload Statistics, recommend to accept and place on file.

Attachments: [19-0163](#)

[19-0168](#) Investment Report, recommend to accept and place on file.

Attachments: [2018 Bank Reconciliation](#)

[19-0181](#) General City Claims in the amount of \$7,301,877.18 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: [19-0181](#)
[2-1-19](#)
[2-8-19](#)
[2-15-19](#)
[1-25-19](#)

[19-0183](#) Request to rescind 2018 real estate taxes in the amount of \$4,779.05 due to palpable error on Real Property Parcel 788-011-060, ABP Homes LLC and refund overpayment of \$743.33, recommend to approve the request.

Attachments: [19-0183](#)

[19-0185](#) 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: [February Licenses](#)

5. Personnel Committee (Consent)

[19-0114](#) Alder Gabriel's Request to Compensate a DPI Employee, recommending to place on file

Attachments: [Alder Gabriel Email Correspondence 1.2019](#)

[19-0115](#) Out of State Travel Request-PD-Tyler Tech Conference-April 7-10, 2019-Dallas, TX, recommending approval

Attachments: [PD Out of State Travel Request.pdf](#)

6. Public Infrastructure Committee (Consent)

[19-0021](#) Request for additional lighting in S. 9th Street and Jay Street parking lot, recommending placing on file.

Attachments: [19-0021_201901071602](#)

[19-0031](#) Highway 151 and South 57th Street Intersection Discussion, recommending getting a quote from the contractor and placing on file

Attachments: [19-0031_201901081002](#)

[19-0126](#) Increase for Monthly Bus Pass from \$26 to \$28, recommending approving

Attachments: [19-0126_201901311605](#)

[19-0128](#) Winter Parking Ban Ordinance Revision to include S. 16th Street from Washington to Clark Street and from Wollmer Street to 650 feet north of Wollmer Street, recommending placing on file.

Attachments: [19-0128](#)

[19-0130](#) Request to update Cemetery Fees to Round Numbers as recommended by the Cemetery Commission Chairman and requested by Funeral Homes, recommending approval.

Attachments: [19-0130](#)
[19-0130 2019 Fee schedule - rounded](#)

- [19-0131](#) Request from MPU to Install a Large Pad Mount Transformer on Buffalo Street to the East of N. 8th Street, recommending approval
Attachments: [19-0131_201901311405](#)
- [19-0132](#) Request from Miracle League of the Lakeshore to place Event Advertising on Park Property, recommending approval.
Attachments: [19-0132](#)
- [19-0133](#) Request for an additional 2 blocks to be added to the Downtown Snow Removal Route to include Park Street from the Rahr West to North 10th Street, recommending to place on file.
Attachments: [19-0133](#)
- [19-0135](#) Request to purchase a Z-Track Mower from the Perpetual Care Fund as recommended by the Cemetery Commission, recommending approval.
Attachments: [19-0135_201901311410](#)
- [19-0136](#) Request for Use of Wenger Bandwagon for Mishicot Riverfest July 30th through August 4th, 2019, recommending to approve the request.
Attachments: [19-0136](#)
- [19-0140](#) Review of the six month trial period of the Token Transit Agreement, recommending placing on file
Attachments: [19-0140 Token Transit update for PI 02-2019](#)
- [19-0141](#) Request to Amend the Downtown Snow Pickup Route to include S. 10th Street to Division Street, recommending to place on file.
Attachments: [19-0141](#)
- [19-0175](#) Report of Board of Public Works of 1-23-19 for 4th and Final payment of \$143,412.54 to Vinton Construction for 2018 Calumet Avenue Reconstruction, WS-18-13, recommending payment.
Attachments: [19-0175](#)
- [19-0176](#) Report of Board of Public Works of 1/23/19, of bids received for 2019 Televising Miscellaneous Sewers I, Project WU-19-5, recommending awarding to low bidder, Green Bay Pipe & TV, LLC in the amount of \$49,432.68.
Attachments: [WU-19-5](#)
[WU-19-5 BID TAB_201902181120](#)

[19-0177](#) Report of Board of Public Works of January 23, 2019 of approval to enter into a contract with Chris Lewis Tree Surgery to remove trees and stumps at various locations, AGMT-19-01, for a contract sum of \$10,374.62, recommending acceptance and place on file.

Attachments: [AGMT 19-01](#)

[19-0178](#) Report of Board of Public Works of January 23, 2019 of approval to enter into a contract with Chris Lewis Tree Surgery for 2019 Ash Tree Removal at various locations, AGMT-19-02, for a contract sum of \$11,625.00, recommending acceptance and place on file.

Attachments: [AGMT-19-02](#)

[19-0179](#) Report of Board of Public Works of January 23, 2019 of approval to enter into a contract with Patriot Fence & Construction LLC to replace/repair fencing and gate adjustments at Municipal Field, AGMT-19-03, for a contract sum of \$7,050.00, recommending acceptance and place on file.

Attachments: [AGMT-19-03](#)

[19-0180](#) Report of Board of Public Works of January 23, 2019 of approval to enter into a contract with Trail Genius LLC for mapping of City of Manitowoc Trails/Parks, AGMT-19-04, for a contract sum of \$5,500.00, recommending acceptance and place on file.

Attachments: [AGMT-19-04](#)

7. Public Safety Committee (Consent)

[19-0052](#) Manitowoc Sex Offender Residency Board Appeal for Jonas Ellwart, recommending to place on file.

[19-0154](#) Request for "No Truck Route" signs on South 35th Street between Calumet Avenue and Dewey Street, recommending to place on file.

8. Plan Commission (Consent)

[19-0078](#) PC 9-2018: East Point Rentals, LLC / Mike Howe: Request to Amend the Comprehensive Plan's Future Land Use Map for Property at 1013 Viebahn Street. Recommending to amend the Future Land Use Map from Planned Neighborhood to Office/Industrial.

Attachments: [19-0078 Council Report Howe Land Use Map](#)
[19-0078 Howe future land use amendment](#)

[19-0079](#) PC 03-2019; East Point Rentals, LLC / Mike Howe: Request to Rezone the Property at 1013 Viebahn Street from “R-5” Low Density Multiple Family District and “C-1” Commercial District to the “I-1” Light Industrial District. Recommending i) approval of the rezoning request and ii) instruct the City Clerk to call for a public hearing at the Common Council's February 18th meeting.

Attachments: [19-0079 Council Report Howe Rezone](#)
[19-0079 Howe Rezone 1013 Viebahn St](#)

[19-0084](#) PC 7-2019: Downtown Wayfinding Signs, recommend that the Plan Commission go on record in support of the Downtown Wayfinding sign project.

Attachments: [19-0084 Council Report Wayfinding Signs](#)
[19-0084 Wayfinding Signs](#)

I. COMMITTEE REPORTS

1. Committee of the Whole

[19-0187](#) Communication from Alder Gabriel.

Attachments: [19-0187](#)
[19-0187 \(2\)](#)

Moved by Sitkiewitz, seconded by Brey, that this Communication be tabled. The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

[19-0189](#) Report of Special Events Committee recommending approval for the following event subject to Council action: St. Patrick's Day Parade on 3/15/19 (Street Closure for parade from S. 8th & Washington Sts. to Bank First National on N. 8th St.)

Attachments: [19-0189](#)
[St. Patrick's Day Parade](#)

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

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

2. Finance Committee

[19-0076](#) Proposed TIF Development Agreement with Webster Family Holdings, LLC dba Red Line Plastics

Attachments: [Redline - Development Agreement - Red Line Plastics-20065077-v4](#)
[and Development Agreement - Red Line Plastics-20065077-v5](#)

Moved by Brey, seconded by Lotz, to enter into the agreement with the TIF assistance to be \$2 million. The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

[19-0160](#) Ordinance to amend Section 11.260 of the Manitowoc Municipal Code regulating Sidewalk Cafes

Attachments: [19-0160](#)
[Ordinance to Revise 11.260 Sidewalk Cafes](#)

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

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

[19-0164](#) Report of City Clerk of proposed schedule of assessments for 2019 Weights and Measures licenses

Attachments: [19-0164](#)

Mayor asked if anyone objected to these assessments. No interested parties appeared.

Moved by Brey, seconded by Lotz, that this Report be accepted and placed on file. The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

[19-0165](#) Resolution authorizing and designating public depositories

Attachments: [Res 19-0165](#)

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

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

[19-0166](#) An Ordinance to amend Section 11.220 of the Manitowoc Municipal Code regulating Animal Licenses, Section 11.220(4) Chickens.

Attachments: [Ord 19-0166](#)

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

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

[19-0167](#) Presentation of the Budget Book

Attachments: [Budget Book 2019](#)

**Moved by Brey, seconded by Lotz, that this Report be adopted and placed on file.
The motion carried by the following vote:**

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

[19-0182](#) Final Resolution Regarding Industrial Development Revenue Bond Financing for Red Line Plastics, LLC Project

Attachments: [Final Resolution - Red Line](#)
[Comm Sign Pg - 2018 Finance](#)

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

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

[19-0186](#) Ordinance amending the amended zone map to rezone the property at 1013 Viebahn St. from "R-5" Low Density Multiple Family District and "C-1" Commercial District to the "I-1" Light Industrial District.

Attachments: [Ord 19-0186](#)

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

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

[19-0195](#) Ordinance to amend the City of Manitowoc Comprehensive Plan to revise the Map of Future Land Use for property located at 1013 Viebahn Street, generally located at the southwest corner of Viebahn and S. 10th Streets.

Attachments: [Ord 19-0195](#)
[19-0078 Council Report Howe Land Use Map](#)

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

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

[19-0201](#) Collateral Assignment of Development Agreement and Tax Increment Financing Note relative to Schuette Building LLC Development Agreement

Attachments: [Collateral Assignment of Development Agreement and Tax Increment Financi..](#)

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

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

3. Personnel Committee

[19-0072](#) Resolution to revise Employee Policy Manual for Overtime/Call-in-Pay language change

Attachments: [Redline OT Call In Pay Proposed Language Change 2018](#)

[Res 19-0072](#)

[Call in policy MEMO](#)

[Final Overtime-Call in pay EPM Change](#)

Moved by Sitkiewitz, seconded by Czekala, that this Resolution be adopted with retroactive implementation date of 1/1/2019. The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

[19-0196](#) Resolution to Adopt a Drug and Alcohol Free Workplace Policy for all Employees

Attachments: [Res 19-0196](#)

[_FINAL Drug Free Workplace Policy \(All employees\) \(2018\)](#)

[_FINAL Drug and Alcohol DOT Regulated Employees](#)

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

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

[19-0197](#) Resolution to approve revised Employee Policy Manual

Attachments: [_EPM-City with Library Final rev 2.2019](#)

[Memo to Council re EPM Revisions 1.2019](#)

[Res 19-0197](#)

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

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

[19-0198](#) Resolution to approve the Seasonal Hiring Policy for 2019

Attachments: [Res 19-0198](#)

[2019-SEASONAL HIRING POLICY-Final- with Appendix-02-2019](#)

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

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

[19-0200](#) Resolution to fund the Donation of Leave Time Policy bank for implementation

Attachments: [Res 19-0200](#)

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

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

4. Public Infrastructure Committee

[18-1249](#) Tree near 5012 Cypress Court and Drainage Issue

Attachments: [18-1249_201812051654](#)
[201812051712](#)

Moved by Kummer, seconded by Novak, to take down the tree and cost split 50/50 between affected properties unless resolved between property owners on or before May 1, 2019. The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

[19-0134](#) Snow Removal training for Local Contractors

Attachments: [19-0134](#)

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

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

[19-0142](#) Proposed Changes to the Cemetery Rules and Regulations as Recommended by Cemetery Commission

Attachments: [19-0142 Rules Regulations handout for PI 02-2019](#)

Moved by Kummer, seconded by Novak, to amend the document on page 10, paragraph e removing the restriction on allowing bird baths at gravesites. The motion carried by the following vote:

Aye: 7 - Brey, McMeans, Kummer, Czekala, Novak, Lotz and Williams

Nay: 1 - Sitkiewitz

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

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

5. Public Safety Committee

[19-0150](#) Ordinance to Amend 10.830 Bicycle Registrations.

Attachments: [Ord to amend 10.830 Bicycle License Registration Fees](#)

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

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

Nay: 1 - Kummer

[19-0155](#) Lifequest billing hardship request 182A-18-4859.

Moved by Sitkiewitz, seconded by Kummer, that this Request be referred to the Public Safety Committee. The motion failed by the following vote:

Aye: 3 - McMeans, Sitkiewitz and Kummer

Nay: 5 - Brey, Czekala, Novak, Lotz and Williams

Moved by Czekala, seconded by Brey, to reduce the bill by \$310. The motion carried by the following vote:

Aye: 6 - Brey, McMeans, Czekala, Novak, Lotz and Williams

Nay: 2 - Sitkiewitz and Kummer

6. Plan Commission

[19-0082](#) PC 4-2019: Discussion and Possible Action on an Option and Right of First Refusal with Jagemann Stamping of Parcel 449-006-030 (Lot 1, Certified Survey Map, Volume 33, Page 199).

Attachments: [19-0082 report to council jagemann option](#)
[19-0082 Jagemann Option](#)

Moved by Brey, seconded by McMeans, to approve the right of first refusal and to approve any subsequent land sale that may occur in the future. The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

[19-0083](#) PC 5-2019: Discussion and Possible Action on Land Sale of Parcel 449-004-050 (Lot 5 Block 4, Manitowoc I-43 Industrial Park Subdivision #3) to Apex Leasing.

Attachments: [19-0083 report to council Apex Leasing sale](#)
[19-0083 Apex Land Purchase](#)

Moved by Brey, seconded by McMeans, that this be approved subject to the following conditions: 1. The land sale price shall be \$113,000 plus closing costs, and is subject to the City's Land Rebate Policy. 2. The use and development of the parcel shall comply with the Manitowoc I-43 Industrial Park Protective Covenants. 3. The Community Development Director is authorized to negotiate and finalize the offer to purchase and terms of the sale, and to proceed to close the land sale with City officials authorized to sign all the related documents. The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

J. OTHER BUSINESS

K. ADJOURN

Moved by McMeans, seconded by Novak, that this meeting be adjourned at 7:31 p.m. The motion carried by the following vote:

Aye: 8 - Brey, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Williams

Deborah Neuser
City Clerk