



# City of Manitowoc

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

## Meeting Minutes

### Common Council

Monday, December 18, 2017

6:30 PM

Council Chambers

#### A. CALL TO ORDER

#### B. ROLL CALL

**Alderspersons 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

17-1267 City Clerk administers Oath of Office to Police Officer Alex Nebel followed by badge pinning.

17-1225 Presentation of awards for 30th Annual Lakeshore Holiday Parade.

17-1194 Annual update from the MAVCB.

#### 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

17-1222 Appointments by Mayor of election officials and nursing home deputies in the City of Manitowoc for the ensuing two year term from 1/1/18 to 12/31/19.

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

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

17-1226 Appointment of Joe Holzinger to Building Board of Appeals in place of James Blaha for unexpired term ending on 6/1/2019.

**Moved by McMeans, seconded by Brey, that this Appointment 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**

- 17-1195 Minutes of November 20, 2017 Council meeting, recommending approval and place on file.
- 17-1224 Thank you from The Salvation Army for donation from the Schuette, Wernecke, Wilda, Rank Christmas Fund, recommending placing on file.
- 17-1227 Communication from Wisconsin DNR providing notification that Lakeside Foods has applied to the DNR for a permit for wetland fill or disturbance near Lake Michigan. Recommending placing on file.
- 17-1249 Communication from Manitowoc County Treasurer of public notice of the tax foreclosure action in Rem 2016. Recommending placing on file.

### **3. Committee of the Whole (Consent)**

- 17-1229 Report of Special Events Committee relative to approval of the following events: WAIVER OF FEES - Monroe Elementary Staff Holiday Party on 1/12/18; WAIVER OF FEES - Magical Trolley Ride to the North Pole one 12/8/17-12/9/17; recommending acceptance of report and place on file.

### **4. Finance Committee (Consent)**

- 17-1196 General City Claims in the amount of \$3,388,291.56 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.
- 17-1197 Certification of 2017 State School Levy Tax Credit. Recommending acceptance and place on file.

- 17-1266 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)**

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

- 17-1093 Insurance denial of claim for removal of tree due to premature death as a result of a car accident, recommended denying the relief but no collection action for 12 months.
- 17-1186 Wisconsin Public Service Corporation Easement - Waldo Blvd - City of Manitowoc Gas Easement, recommended approval subject to City Attorney review.
- 17-1187 Request to rescind weed assessments at parcels 673-002-010 and 674-002-160 within the Shar-Ann Subdivision, located south of Dewey Street between South 22nd and South 23rd Street, recommended denying the request and placing on file.
- 17-1190 Snow Plowing Policies/Procedures, recommended placing on file.
- 17-1191 Request for change in the downtown snow pick-up route and additional street to be added, recommended placing on file
- 17-1193 Survey and Design Engineering for Calumet Avenue - S. Rapids to I-43 Reconstruction, recommended entering into agreement with McMahon Associates for Professional Services.
- 17-1198 Progress Invoice in the amount of \$4,266.36 from Wisconsin Department of Transportation for Waldo Blvd., 8th St. - Maritime Dr., project number 39545701200. Recommending payment.
- 17-1199 Project Invoice in the amount of \$4,309.73 from Wisconsin Department of Transportation of Waldo Blvd., CTH R - 8th St. for project number 39515003700. Recommending payment.
- 17-1200 Report of Board of Public Works of 11/28/2017 for 5th and Final payment of \$5,745.35 to Waste Management for Disposal of Demolition Waste - Mirro, WO-17-17, recommending payment.
- 17-1201 Report of Board of Public Works of 11/28/2017 for 1st and Final payment of \$24,500.00 to McMullen & Pitz Construction Company for Repair Sheet Pile Cap at Manitowoc Harbor, recommending payment.

- 17-1203 Request to Backfill the Part-time DPI Administrative Support Specialist at the Senior Center/Recreation Department, recommended backfilling the position.
- 17-1204 Request to Backfill the Part-time DPI Administrative Support Specialist for Transit, recommended backfilling the position.
- 17-1247 Progress invoice in the amount of \$1,996.09 from Wisconsin Department of Transportation for Waldo Blvd., 8th St. - Maritime Dr., project number 39545701200, recommending payment.
- 17-1248 Progress Invoice in the amount of \$310.94 from Wisconsin Department of Transportation for Waldo Blvd., CTHR - 8th St., project number 39515003700, recommending payment.
- 17-1250 Pay estimate #8 in the amount of \$677,453.70 to CD Smith Construction for Wastewater Treatment Facility Improvements, WB-17-2. Recommending payment.
- 17-1251 Pay estimate #6 in the amount of \$3,565.00 to Stantec Consulting Services, Inc. for Lawton Terrace Sanitary Sewer Design. Recommending payment.
- 17-1252 Pay estimate #5 in the amount of \$71,250.97 to Brandenburg for Demolition and Removal of All Above Ground Structures at Mirro Building, WB-17-12. Recommending payment.
- 17-1253 First and final payment of \$55,080.00 to Pheifer Bros. Construction Co. Inc., for Repair/Replace Expansion Joint - Broadway Street Bridge. Recommending payment.
- 17-1254 Second and final payment of \$19,856.64 to Holian Environmental Cleaning Co. for Mirro Building Asbestos & Environmental Hazards Abatement, WB-16-11. Recommending payment.
- 17-1255 First and final payment of \$24,000.00 to A.C.E. Building Services for Repainting Wood Windows at the Rahr-West Art Museum. Recommending payment.
- 17-1256 Third and final payment of \$7,800.00 to Schaus Roofing & Mechanical Contractors for Boiler Replacement at Rahr West and Senior Center, WB-17-18. Recommending payment.
- 17-1257 Second and final payment of \$18,357.63 to Green Bay Pipe & TV LLC for 2017 Televising Miscellaneous Sewers II, WU-17-22. Recommending payment.
- 17-1258 Third and final payment of \$49,475.57 to RLP Diversified Inc. for 2017 Former Town of Newton Gravel Pit Remediation Project, WO-17-16. Recommending payment.

- 17-1261 Change order #1-Final from Green Bay Pipe & TV for 2017 Televising II Miscellaneous Sewers, WU-17-22, for an increase of \$4,473.17. Recommending approval.

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

- 17-1185 Joint Powers Agreement between Manitowoc County Joint Dispatch Center and the City of Manitowoc effective March 1, 2018. Recommending entering into the agreement.

**8. Plan Commission (Consent)**

**I. COMMITTEE REPORTS**

**1. Finance Committee**

- 17-1160 Presentation and possible action on potential restaurant sub-lease by Vinny's BBQ at Baymont Hotel (former Inn on Maritime Bay)

Moved by Brey, seconded by McMeans, that this item be referred to the Community Development Director for review and approve contingent upon their acceptance of the document. The motion carried by the following vote:

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

- 17-1175 Maintenance Agreement with Wisconsin Document Imaging for copiers for the year 2018.

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

- 17-1176 Ordinance to amend Section 1.030(7) of the Municipal Code changing the location of the voting place for the Seventh Aldermanic District.

Moved by Brey, seconded by McMeans, 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

- 17-1205 Contract with Grow It Forward Inc. for Management Services for the 2018 Farmers Market.

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

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

**17-1220** Request from St. Mary/St. Michael School for a donation for their Winterfest auction or raffle to support the operation of their school.

**Moved by Brey, seconded by McMeans, that this Request be placed on file. The motion carried by the following vote:**

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

**17-1228** Presentation on the 2017 Farmers Market Season and performance under the Management Services Contract.

**Moved by Brey, seconded by McMeans, that this Presentation be placed on file. The motion carried by the following vote:**

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

## **2. Personnel Committee**

**17-1263** Resolution to fill any vacant Wastewater Treatment Facility Operator, Transit Driver, and DPI Streets Laborer budgeted positions through 2018.

**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

**17-1265** Resolution to approve new and revised job descriptions in Department of Public Infrastructure, Human Resources, Attorney and fire and Rescue.

**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

## **3. Public Infrastructure Committee**

**17-1181** Resolution for 2018 Street and Infrastructure Improvements to be included in the 2018 Public Works Program.

**Moved by Kummer, seconded by Soeldner, 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

17-1182 Resolution for 2018 Dust Palliatives.

**Moved by Kummer, seconded by Soeldner, 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

17-1183 Resolution for 2018 City-wide Sidewalk Construction and Repair Program.

**Moved by Kummer, seconded by Soeldner, 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

17-1184 Resolution for seven (7) Ornamental Street Lights at Abbey Ridge and Ravenswood Lanes.

**Moved by Kummer, seconded by Soeldner, 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

17-1189 Resolution for 2018 Seal Coating Program.

**Moved by Kummer, seconded by Soeldner, 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

17-1264 Resolution to backfill vacant part-time clerical staff in the Senior Center/Recreation Division and Transit Division within the Department of Public Infrastructure.

**Moved by Kummer, seconded by Soeldner, 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

#### **4. Public Safety Committee**

- 17-1141** Discussion regarding LifeQuest EMS rate recommendation.
- Moved by Howe, seconded by Soeldner, to recommend to adjust the rates per LifeQuest and Chief's recommendation. The motion carried by the following vote:**
- Aye:** 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel
- 17-1213** Manitowoc Sex Offender Residency Board Appeal for Christopher J. Klein.
- Moved by Howe, seconded by Soeldner, that this Request be approved with TLP up to 120 days. The motion carried by the following vote:**
- Aye:** 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel
- 17-1214** Request to rescind unpaid outstanding parking tickets from 1997 - 2002.
- Moved by Howe, seconded by Soeldner, that this Request be approved. The motion carried by the following vote:**
- Aye:** 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel
- 17-1216** An Ordinance to amend Manitowoc Municipal Code Section 11.220 regulating Soda Water Beverage Licenses; Section 14.010 Dog and Cat Licenses; and Section 14.020 regulating 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
- 17-1262** Resolution setting Fire Rescue Ambulance Transport Rates for 2018.
- Moved by Howe, seconded by Soeldner, 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

## 5. Plan Commission



**17-1068**      **Americare Senior Services, Inc / Angelus Village of Manitowoc, LLC;  
Request for a Conditional Use Permit for the establishment of an Assisted  
Living Facility located at 200 E. Waldo Blvd Pursuant to Municipal Code  
15.310(3)g**

**Moved by Brey, seconded by Sitkiewitz, that this Request be approved. After  
some discussion, the motion carried by the following vote:**

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

**Nay: 2 - Kummer and Gabriel**

**Abstain: 1 - McMeans**

## **J. OTHER BUSINESS**

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

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)(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:

Discussion on litigation with Big Jay's Smoke Shop at federal and state level.

### **2. Closed Session**

**Moved by Gabriel, seconded by Sitkiewitz, to convene in closed session. The  
motion carried on a roll call vote:**

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

**17-1246**      **Discussion on litigation with Big Jay's Smoke Shop at federal and state level.**

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

### **3. Reconvene in open session**

**Moved by Brey, seconded by Howe, to reconvene in open session. The motion  
carried on a roll call vote:**

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

## **K. ADJOURN**

**Moved by McMeans, seconded by Novak, that this meeting be adjourned at 8:24  
PM. The motion carried by the following vote:**

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

**Deborah Neuser  
City Clerk**