



# City of Manitowoc

18-0611

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

## Meeting Minutes

### Common Council

# CONSENT

Monday, May 21, 2018

6:30 PM

Council Chambers

#### A. CALL TO ORDER

#### B. ROLL CALL

Alders Present: 10 - Jim Brey, Mike Howe, Scott McMeans, Eric Sitkiewitz, Lee H. Kummer, Steven Czekala, Jeremiah Novak, Todd Lotz, Rhienna Gabriel and Mike Williams

#### C. PLEDGE OF ALLEGIANCE & INVOCATION

#### D. PRESENTATIONS

18-0436 Proclamation declaring the week of May 15, 2018 as National Police Week and May 15, 2018 as Peace Officers' Memorial Day.

18-0529 Promotional ceremony of Fire Lieutenant Jeremy Wagner.

#### E. PUBLIC HEARINGS

18-0438 Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of a proposed Conditional Use Permit for the establishment of Mini-Warehouses in a C-1 Commercial District pursuant to 15.310(3)b located at 2625 Hamilton Street. Community Development Director Nic Sparacio spoke to this issue. The following persons appeared to address the Council regarding the proposed item: 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

18-0511 Council appointment of Council member to serve on Plan Commission for ensuing one year term ending 4/17/19.

Motion made by Sitkiewitz to nominate Alderperson Jim Brey to serve on the Plan Commission for the term ending 4/17/19. There being no other nominations, it was moved by Sitkiewitz, seconded by McMeans, to close nominations and cast a unanimous ballot for Alderperson Brey. The motion carried by the following vote:

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

**18-0512** Council appointment of Council member to serve on Manitowoc Public Utilities Commission for ensuing one year term ending 4/17/19.

**Motion made by Brey to nominate Alderperson Eric Sitkiewitz to serve on the MPU Commission for the term ending 4/17/19. There being no other nominations, it was moved by Brey, seconded by McMeans, to close nominations and cast a unanimous ballot for Alderperson Sitkiewitz. The motion carried by the following vote:**

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

**18-0513** Appointments by Mayor to various Committees, Boards, and Commissions.

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

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

## **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 - Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz, Gabriel and Williams

### **2. Miscellaneous**

**18-0433** Minutes of April 16, 2018 Council meeting, recommending approval and place on file.

**18-0434** Communication from Wisconsin DNR announcing award of 2018 Recycling Grant to Responsible Units to the City of Manitowoc in the amount of \$216,482.27, recommending acceptance and place on file.

**18-0435** Thank you from Lakeshore Community Foundation for contribution to City of Manitowoc K-9 Preservation Fund of Lakeshore Community Foundation, recommending acceptance and place on file.

**18-0481** Communication from State of Wisconsin DNR relative to Water Main Extension Approval - Water main relay on Dewey St, recommending placing on file.

18-0483 Resignation from Sandra Keil from Crime Prevention Committee, recommending acceptance and place on file.

18-0496 Thank you note from Chue and Kang Yang for assisting with Malt Beverage License application process, recommending acceptance and place on file.

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

18-0531 Report of Special Events Committee relative to approval of the following events: Date Change - Dia de Los Niños "Day of the Children" on 6/2/2018; WAIVER OF FEES: Pitch, Hit, & Run Competition on 5/5/2018; WAIVER OF FEES: AMVETS Memorial Day Picnic on 5/28/2018; WAIVER OF FEES: Breakfast on the Farm on 6/10/2018; Schuette Park Game Day & Franklin School Outreach on 5/19/2018; WAIVER OF FEES: St. Francis of Assisi Middle School Field Day; Night Market 920 on 6/13/2018; Touch the Trucks on 7/18/2018; recommending acceptance of report and place on file.

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

18-0308 Information on Alternatives for City-Wide Revaluation for Assessment Purposes, recommend to authorize staff to draft an RFP for Options B, C, D and E.

18-0409 Minutes of the April 10, 2018 Finance Committee meeting. Recommending acceptance and place on file.

18-0411 Notice of Claim from Tracy Virnoche, #L18-00029, recommend to accept to allow the payment up to \$7,500.

18-0413 1st Quarter Claims Report from City Attorney, recommend to accept and place on file.

18-0415 City Letters of Partner Organization and Critical Resources to support Grow It Forward Inc. application for USDA Farmers Market Promotion Program Grant, recommend to authorize the Community Development Director to sign the letters of support.

18-0437 General City Claims in the amount of \$2,419,853.57 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.

18-0461 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)**

- 18-0421 Request for a Resolution-ADA Title II Policy, ADA Grievance Policy, ADA Notice, ADA Accommodation Form, and ADA Grievance Procedure. Recommending to approve the policies.

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

- 18-0439 Report of Board of Public Works of April 25, 2018 of approval to enter into a contract with Schaus Roofing and Mechanical Contractors for Department of Public Works Exhaust System Renovation, AGMT-18-07, for a contract sum of \$22,337.00, recommending acceptance and place on file.
- 18-0441 Report of Board of Public Works of April 25, 2018 of approval to enter into a contract with Dave's Tree Services, Inc. to remove 16 trees at various locations for the City of Manitowoc Parks Department, AGMT-18-05, for a contract sum of \$11,898.00, recommending acceptance and place on file.
- 18-0442 Report of Board of Public Works of April 25, 2018 of approval to enter into a contract with LeMahieu Tree Service for Maritime Drive Tree Clearing Project to remove trees and treat stumps on one-third of project, AGMT-18-06, for a contract sum of \$24,990.00, recommending acceptance and place on file.
- 18-0443 Report of Board of Public Works of April 25, 2018 of approval to enter into a contract with Chris Lewis Tree Surgery to remove stumps at various locations for the City of Manitowoc Parks Department, AGMT-18-08, for a contract sum of \$5,560.00, recommending acceptance and place on file.
- 18-0444 Report of Board of Public Works of April 18, 2018, of approval to award 2018 Concrete Paving, Project WS-18-1, to low bidder, Vinton Construction Company, in the amount of \$2,490,345.99, recommending acceptance and place on file.
- 18-0448 Report of Board of Public Works of April 25, 2018 of approval of the report of Dewey Street Reconstruction prepared by Engineering Division dated 4-9-18 with Schedule C, Schedule of proposed assessments against each benefited parcel, recommending acceptance and place on file.
- 18-0455 Report of Board of Public Works of April 25, 2018 of approval to enter into a contract with Camera Corner, Inc. to install Digital Cameras and Related Equipment Replacement in City Hall, AGMT 18-04, for a contract sum of \$10,912.28, recommending acceptance and place on file.
- 18-0478 Report of Board of Public Works of 5/9/18 for 2nd and Final payment of \$2,489.61 to Green Bay Pipe & TV, LLC for 2018 Televising Miscellaneous Sewers I, WU-18-5, recommending payment.

- 18-0479** Report of Board of Public Works of 5/9/10 for 1st and Final payment of \$11,050.00 to Chris Lewis Tree Surgery for 2018 Tree Removal (Remove & Replace City Sidewalk Program), AGMT-18-01, recommending payment.
- 18-0480** Report of Board of Public Works of 5/9/18 for 9th and Final payment of \$3,000.00 to Vinton Construction for 2017 Concrete Paving, WS-17-1, recommending payment.
- 18-0514** Report of Board of Public Works of 5/9/18, of bids received for 2018 Asphaltic Concrete Paving, Project WS-18-4, recommending awarding to low bidder, Vinton Construction Company in the amount of \$169,745.66.

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

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

### **I. COMMITTEE REPORTS**

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

- 18-0432** Update on site activities related to the Newton Gravel Pit and memo with recommendations on next steps.
- Moved by McMeans, seconded by Brey, to approve the recommendations of the City Attorney and Dan Koski regarding the former Newton Gravel Pit as discussed on May 21, 2018 at Committee of the Whole meeting. The motion carried by the following vote:**
- Aye:** 10 - Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz, Gabriel and Williams
- 18-0465** Proposal from Herald Times Reporter to publish Council proceedings, legal notices, display ads and ordinances, for the contract year beginning June 1, 2018.
- Moved by McMeans, seconded by Brey, that this Agreement be accepted and to enter into a contract. The motion carried by the following vote:**
- Aye:** 10 - Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz, Gabriel and Williams

**18-0530** Report of Special Events Committee recommending approval for the following events subject to Council action: Garden Faire Extraordinaire on 6/9/2018 (Closure of S. 12th St. between Washington & Marshall Sts.); Fourth on the Shore on 7/4/2018 (Lane closures from S. 7th to Huron; right lanes of northbound & southbound lanes of Maritime Dr., intersection of Waldo/Maritime/Memorial & south pier); Class of 2012 Reunion on 6/16/2018 (Waiver of noise ordinance to 11:45 p.m., extension of premise); Sub Fest 2018 on July 13-15, 2018 (Closure of Maritime Dr.; waiver of noise ordinance until 11 p.m. on Sat.; extension of premise); St. Francis of Assisi Community Picnic on August 10-11, 2018 (Closure of N. 14th St. between Waldo & Menasha).

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

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

**18-0534** Fourth on the Shore Entertainment Contract with Twinstunts LLC.

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

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

**18-0532** Resolution censuring Alder Gabriel for inappropriate conduct.

Council President McMeans provided an overview and explanation of the Resolution. Council held discussion on this resolution.

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

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

**Nay:** 3 - Novak, Gabriel and Williams

**18-0507** Letter of Intent to purchase property from Canadian National.

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

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

Committee of the Whole held discussion during recess on item 18-0508. Community Development Director Nic Sparacio and Finance Director/Treasure Steve Corbeille answered questions on this item.

It was moved by Mayor Nickels, second by Alderperson Sitkiewitz to authorize Mayor, City Attorney, and Community Development Director to finalize a contract with Canadian National. Ayes, 11. Nays, none.

**18-0508** Discussion and possible action authorizing Mayor, City Attorney, and Community Development Director to finalize contract with Canadian National for purchase of 24.538 acres of land owned by Canadian National.

**Moved by McMeans, seconded by Brey, to authorize Mayor, City Attorney, and Community Development Director to finalize a contract with Canadian National. The motion carried by the following vote:**

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

## **2. Finance Committee**

**18-0342** Request from Capitol Civic Centre for \$100,000.00 from the Room Tax Reserve Fund for renovations to the Capitol Civic Centre.

**Moved by Brey, seconded by McMeans, that this Request be referred to the Room Tax Commission. The motion carried by the following vote:**

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

**18-0403** Transfer General Fund Unassigned Fund Balance to cover deficit in Aquatic Center Fund to cover accumulated deficit since opening in the amount of \$96,318.07

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

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

**18-0412** Ordinance to repeal Section 11.010(2)(e) of the Manitowoc Municipal Code regulating Transfers of "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage License (Tavern) and related fee.

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

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

**18-0482** Appointments selected by Finance Committee for Council confirmation to Capital Allocation Working Group per Resolution 13-086 for term June 1, 2018 through May 31, 2020: Chad Scheinoha, Operations Division Manager; Police Chief Nick Reimer; Fire Chief Todd Blaser; Rahr-West Art Museum Director Greg Vadney; Director of Public Infrastructure Dan Koski; Transit Division Manager Jim Muenzenmeyer; Finance Director/Treasurer Steve Corbeille.

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

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

### 3. Personnel Committee

18-0505 Resolution to approve offering a \$500 sign-on bonus to newly hired part-time Transit Drivers, effective May 22, 2018 through December 31, 2018, with a pro-rated payback if the new hire did not retain continued employment with the City of up to one year from the date of issuance of the sign-on bonus.

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

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

18-0506 Resolution to Adopt a Respirable Crystalline Silica Exposure Control Plan Policy for Employees.

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

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

18-0533 Resolution to Hire Seasonal Employees Related to Elected Officials, Department Heads, or Supervisory Personnel.

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

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

### 4. Public Infrastructure Committee

18-0378 Service Agreement with Eco-Tech for sidewalk snow and ice shoveling 2018-2020

**Moved by Kummer, seconded by Novak, that this Agreement be entered into. The motion carried by the following vote:**

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

18-0485 Resolution Authorizing Public Improvement and Levying Special Assessments against Benefited Property in Manitowoc, Wisconsin.

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

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

18-0486 Request from O'Connor's Concessions to sell concessions for the 2018 season.

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



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

**18-0510** Animal Loan Agreement between the City of Manitowoc and Manitowoc County Farm Bureau for the Lincoln Park Zoo's Big Red Barn exhibit.

**Moved by Kummer, seconded by Novak, that this Agreement be entered into. The motion carried by the following vote:**

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

**18-0535** Resolution to Authorize Submittal of Grant Application for Assistance with Recreational Boating Parking Lot Re-Construction

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

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

## **5. Public Safety Committee**

**18-0470** An Ordinance to amend Section 10.310 of the Manitowoc Municipal Code regulating Courtesy Parking.

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

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

**18-0472** Discussion on the parking study's recommendations for leased and permitted parking in downtown.

**Moved by Howe, seconded by Gabriel, to allow for parking leases expiring June 1, 2018 to be extended only until December 31, 2018 to allow all parking leases to be started on January 1, 2019. The motion carried by the following vote:**

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

**18-0473** An Ordinance to repeal Section 14.230 of the Manitowoc Municipal Code regulating registration of entertainers.

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

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

**18-0474** An Ordinance to amend Section 14.280 of the Manitowoc Municipal Code regulating Cigarettes and Tobacco Products.

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

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

**18-0475** An Ordinance to amend Section 16.130 of the Manitowoc Municipal Code regulating Junked and Abandoned Vehicles.

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

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

**18-0476** An Ordinance to amend Section 16.070 of the Manitowoc Municipal Code regulating Razing of Buildings.

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

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

**18-0477** Resolution to create a parklet policy.

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

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

**18-0484** Ordinance to amend Section 10.550 of the Manitowoc Municipal Code regulating Fifteen-Minute Parking on North 8th St.

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

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

## **6. Plan Commission**

**18-0294** PC 7-2018: Laugin Enterprises / Wergin, Request for a Conditional Use Permit for the Establishment of Mini-Warehouses in a C-1 Commercial District pursuant to 15.310(3)b located at 2625 Hamilton Street.

**Moved by Brey, seconded by McMeans, that this Conditional Use Permit Item be approved pursuant to conditions. The motion carried by the following vote:**

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

## **J. OTHER BUSINESS**

## **K. ADJOURN**

**Moved by McMeans, seconded by Brey, that this meeting be adjourned at 8:31 PM. The motion carried by the following vote:**

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

**Deborah Neuser  
City Clerk**