



City of Manitowoc

18-0701
900 Quay Street
Manitowoc, WI 54220
www.manitowoc.org

Meeting Minutes

Common Council

CONSENT

Monday, June 18, 2018

6:30 PM

Council Chambers

A. CALL TO ORDER

B. ROLL CALL

Alderspersons Present: 9 - Jim Brey, Mike Howe, Scott McMeans, Eric Sitkiewitz, Lee H. Kummer, Jeremiah Novak, Todd Lotz, Rhienna Gabriel and Mike Williams

Alderspersons Absent: 1 - Steven Czekala

C. PLEDGE OF ALLEGIANCE & INVOCATION

D. PRESENTATIONS

E. PUBLIC HEARINGS

18-0623

Mayor declared the meeting open for a public hearing for the purpose of hearing any all interested parties in the matter of a proposed Conditional Use Permit for a permitted use to operate a plumbing shop which requires outside storage of merchandise in a B-3 General Business District located at 1010 Hamilton Street. City Planner Paul Braun 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)

18-0624

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 change in zone from "R-2" Single Family District to "B-1" Office - Residential District for property located at 915 Memorial Drive. City Planner Paul Braun 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)

18-0625

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of proposed changes to Chapter 15 of the Manitowoc Municipal Code. Proposed Changes: Revision to 15.370(13) regulating the definition of swimming pools, hot tubs and spas. City Planner Paul Braun 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

18-0628 Mayor to make the following appointments: Public Infrastructure: Eric Sitkiewitz; Public Safety: Jim Brey, Steve Czekala, Vice-Chair; Cable Television Commission: Mike Howe; Citizens Advisory Committee: Rhienna Gabriel; Community Development Authority: Lee Kummer, Jeremiah Novak; Board of Ethics: Eric Sitkiewitz; Manitowoc Industrial Development Commission: Jim Brey, Mike Williams; Library Board: Todd Lotz; Municipal Tree Commission: Rhienna Gabriel; Board of Public Works: Jim Brey, Lee Kummer, Mike Williams; Rahr-West Art Museum Board: Mike Williams; TIF Finance Project Review Committee: Jim Brey; Transit Commission: Jim Brey; Wisconsin Maritime Museum Board of Directors: Scott McMeans; Zoological Board: Steve Czekala; Code Review Committee: Mike Howe, Steve Czekala; Wastewater Treatment Facility Board: Mike Howe; Cemetery Commission: Mike Williams; MAVCB Board of Directors: Lee Kummer; Progress Lakeshore Board of Directors: Eric Sitkiewitz.

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

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

2. Miscellaneous

18-0611 Minutes of May 21, 2018 Council meeting, recommending approval and place on file.

18-0610 Public Notice of an Air Pollution Control Permit Application Review for Tramontina US Cookware Inc., 2005 Mirro Dr., recommending placing on file.

18-0626 Bay-Lake Regional Planning Commission Annual Report, recommending acceptance and place on file.

18-0629 Resignation from Peter Dorner from Plan Commission effective immediately, recommending acceptance and place on file.

3. Committee of the Whole (Consent)

18-0612 Communication from Community Development Director Nic Sparacio resigning his position effective June 25, 2018, recommending acceptance of resignation and place on file.

18-0635 Report of Special Events Committee relative to approval of the following events: Slowpitch Softball Tournament on July 20-28, 2018; LHS Teacher Appreciation Day on 5/30/18; FEE WAIVER: Evening of Remembrance on 6/12/18; FEE WAIVER: Chamber Business Appreciation Picnic on 6/20/18; Yoga at Washington Park on 8/4/18; Silver Cup XVII Disc Golf Pros & Amateurs Tournaments on July 7-15, 2018; 3 on 3 Basketball Tournament on July 13-14, 2018; Scenic Shore 150 on July 21-22, 2018; Be the Change 5K on 8/10/18; Silver Creek Bike Race on 9/9/18; Manitowoc Middle School/Future Stars Cross Country Races on 10/9/18; Baseball Tournament on July 13-15, 2018; Tuesdays at 10! Jun. 12 - Aug. 7, 2018; Cool City Classic Car Show on 6/29/18; Krazy Daze Jul. 13-15, 2018; Manitowoc County Fair Aug. 21-26, 2018; recommending acceptance of report and place on file.

4. Finance Committee (Consent)

18-0408 Request from ALDI Inc. for a Class "A" Liquor License in order to showcase their wine selection that is currently under 100 square feet, recommend to place on file.

18-0564 CN 2018CV000191 Melissa Bennett Vs. City of Manitowoc et al, recommend to refer the document to the City Attorney.

18-0565 Salvation Army request for donation for annual "Ride for Hunger" charity bike ride & silent auction on 9-15-2018, recommend to place on file.

18-0566 Communication from State of Wisconsin Department of Administration relative to Bond Maturity DNR Project #4679-02, Sewerage System Revenue Bond, Series 1999, recommend to place on file.

18-0567 Discussion and possible action on how the Finance Committee intends to address District 10 concerns brought forward by their elected representative, Alderperson Gabriel, recommend to place on file.

18-0568 Minutes of the Manitowoc Public Utilities Commission Meeting of April 9, 2018, recommending acceptance and place on file.

- 18-0569 Communication from Health Dimensions Group relative to sale of Manitowoc Health Care Center, recommend to accept and place on file
- 18-0570 Minutes of the May 1, 2018 Finance Committee meeting, recommending acceptance and place on file.
- 18-0596 Night (Farmers) Market 920 Event Series Request and Request for Potential Fee Waivers, recommend approval with the balance being paid by the Farmer's Market surplus.
- 18-0597 Development Agreement for TIF Assistance - Lakeside Foods Expansion, recommend to enter into Agreement.
- 18-0601 Consultant Proposal for Tax Incremental Financing Services, recommend to place on file.
- 18-0604 Update on Fundraising Agreement between the City and the Friends of the Family Aquatic Center, recommend to place on file.
- 18-0605 Request from Moore's Irish Pub for waiver of noise ordinance from 10pm - 11pm on Saturday, June 23rd, recommend to approve request.
- 18-0609 General City Claims in the amount of \$3,856,949.89 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.
- 18-0614 Agreement with The SpyGlass Group, LLC to Conduct a Communications Audit for the City of Manitowoc, recommend to approve agreement.
- 18-0615 2018 Budget Adjustment to realign Promotional and Event spending to reflect departmental responsibilities and to recognize Credit Card Rebates as a Revenue Source, recommend to approve.
- 18-0618 Update on RFP for Alternatives for City-Wide Revaluation for Assessment Purposes, recommend to accept and place on file.
- 18-0631 Report of City Clerk of summary of fees collected for leased parking stalls for 2017-18, recommending acceptance and place on file.
- 18-0633 Report of Finance Committee to grant the various license 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)**

- 18-0116 2019 Potential Park and Trail Projects, recommending placing on file.

- 18-0118 2019/2020/2021 Major Road Projects (Reed Avenue, S. 30th Street, Custer Street, Viebahn Street), recommending approval
- 18-0563 Henry Schuette Park Trail Revitalization, recommending approving the request for revitalization of Henry Schuette Park Trail, with materials not to exceed \$6,000 by the City, placement of a port-a-john, and to allow overnight camping by the employees with an additional \$16,500 for labor
- 18-0573 Installation of a Diesel Exhaust Fluid Tank/Dispenser at the Department of Public Works Facility, recommending approving request subject to bid process.
- 18-0579 Request to Rescind Snow Shoveling Violation for 2714 Wollmer Street, recommending to deny request.
- 18-0581 Installation of Boardwalk at Camp Vits, recommending approval subject to review by the City Attorney.
- 18-0585 Request from Manitowoc Chiefs Youth Football Organization to place walkway/steps to the Carl VanSerke Field, recommend approval subject to City Attorney's approval.
- 18-0589 Request for Painted Parking Stalls on State Street between North 8th Street and North 9th Street, recommending placing on file.
- 18-0591 Public Works Petition by Bay Pointe Developers II, LLC, Peter Allie to cause permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed for property abutting Bayshore Drive, recommending approval and placing on file.
- 18-0592 Tourism Parking downtown along the River, recommending to refer to public works for resigning of lots to reflect lease hours.
- 18-0593 Exploratory Work for Repairs Needed on the Sheet Wall by the Maritime Museum, recommending approving and referring to CAWG.
- 18-0607 Report of Board of Public Works of 06/06/18 for 1st and Final payment of \$24,412.00 to A.C.E. Building Services for Office Remodel Work at Manitowoc City Hall, recommending payment.
- 18-0608 Report of Board of Public Works of 06/06/18 for 4th and Final payment of \$5,869.66 to A.C.E. Building Service for Marina Re-decking A, B, C and D Docks, WS-17-11, recommending payment.
- 18-0613 Report of Board of Public Works of 5/23/18, of bids received for 2018 Sanitary and Storm Sewer Construction, Project WU-18-8, recommending awarding to low bidder, Vinton Construction Company in the amount of \$240,635.78.

7. Public Safety Committee (Consent)

- 18-0469 Citizen request for a two-way stop at the intersection of Rock Street and Ray Street, recommending placing on file.
- 18-0588 Discussion on how Public Safety Committee intends to address District 10 concerns brought forward by their elected representative, Alder Gabriel, recommending placing on file.

8. Plan Commission (Consent)

- 18-0516 PC 17-2018: West of the Lake Gardens - Request to Rezone property located at 915 Memorial Drive from R-2 Single Family Residential to B-1 Office Residential. Recommending approval of the rezoning request with City Clerk having called for a public hearing.
- 18-0520 PC 16-2018: Request from James and Kimberly Everett to Purchase City Owned Land Adjacent to 1418 N. 3rd Street. Recommending approval of the sale of the lot with City staff to proceed with any steps required to coordinate the sale.
- 18-0523 PC 10-2018: Tax Incremental District #12 (Manitowoc I-43 Industrial Park, Phase III) Territory Subtraction Amendment and Adopting Resolution, recommending approval.
- 18-0525 PC 11-2018: Maritime Pointe Subdivision - Release of a Pedestrian Easement. Recommending approval of the release of easement.
- 18-0527 PC1-2018: Bay Pointe Developers II, LLC Quit Claim Deed for Bayshore Drive purposes. Recommending to approve the Quit Claim Deed for the dedication and the naming of the Bayshore Drive right of way and instructing the City Clerk to record said deed with the Register of Deeds.
- 18-0528 PC 18-2018: Proposed Amendment to MMC Section 15.370(13) Regulating the definition of Swimming Pools, Hot tubs and Spas recommending approval following Public Hearing on June 18, 2018.

I. COMMITTEE REPORTS**1. Committee of the Whole**

- 18-0620 Parklet Policy and Guidelines

Moved by McMeans, seconded by Brey, to approve the policy as amended by the Committee of the Whole. The motion carried by the following vote:

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

18-0627 Ordinance to amend Section 7.285 of the Manitowoc Municipal Code regulating interest rates for special assessments.

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

Aye: 8 - Brey, Howe, McMeans, Kummer, Novak, Lotz, Gabriel and Williams

Nay: 1 - Sitkiewitz

18-0634 Report of Special Events Committee Recommending approval for the following events subject to Council action: Manitowoc Salmon Derby on July 3-8, 2018 (Waiver of noise ordinance until 11:30 PM on Fri. & Sat.; extension of fermented beverage sales on City property until 11:30 PM); Vic Ferrari Celebration Concert on 7/3/2018 (Closure of Quay St. from S 6th to S 8th; waiver of noise ordinance until 11:30 PM); Gumby's Glow Run on 7/13/2018 (Closure of the far west lane of Johnston Dr. from Ash St. to E. Park Ln); Fat Seagull 10th Annual Street Party on 7/28/2018 (Closure of Quay St. from S 8th to S 9th; extension of premise for alcohol); Manitowoc Praisefest on 7/28/2018 (Closure of S 12th St from Washington St to Marshall St); Summer Carnival on 8/4/2018 (Closure of Quay St. from S 6th to S 8th, llamas present at event); Kiwanis Club Car & Motorcycle Show on 8/12/2018 (Closure of S 11th & 12th Sts between Washington & Marshall Sts; waiver of rules prohibiting alcohol in the park); Acoustic Fest on 7/21/2018 (Waiver of rules prohibiting alcohol in the park; no parking on east side of S 12th St).

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

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

Committee of the Whole held discussion during recess on item 18-0622. Committee agreed that the request to waive noise ordinance until 2 AM was not in line with other noise ordinance waivers. It was moved by Alderperson Brey, seconded by Alderperson Howe to deny the request and place on file. After some discussion, Alderperson Brey amended motion to allow waiver of noise ordinance until 11PM, seconded by Howe. The motion carried unanimously. Ayes, 10. Nays, none.

18-0622 Request from Pamela Vertanen for a waiver of noise ordinance for a wedding being held on private property on August 25, 2018.

Moved by McMeans, seconded by Brey, to approve waiver of noise ordinance until 11 PM. The motion carried by the following vote:

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

2. Finance Committee

18-0598 Resolution and Project Plan for Tax Incremental Financing District #12 Boundary Amendment

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

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

18-0599 Request for 30 Day Timeline Extension on Development Agreement with Doneff's Schuette Building

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

Aye: 6 - Brey, McMeans, Sitkiewitz, Lotz, Gabriel and Williams

Nay: 3 - Howe, Kummer and Novak

18-0600 Letter of Interest to Purchase Land and Request for TIF Assistance from The Metal Ware corporation

Moved by Brey, seconded by McMeans, to refer the letter of interest to the Industrial Development Corporation and to approve the draft term sheet with Metal Ware. The motion carried by the following vote:

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

18-0602 Resolution to Fill Community Development Director and Associate Planner-GIS Coordinator Positions due to resignations.

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

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

18-0632 Consideration of an Initial Resolution Regarding Industrial Development Revenue Bond Financing for Red Line Plastics, LLC Project. Information with respect to the job impact of the project will be available at the time of consideration of the Initial Resolution.

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

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

18-0616 Recommendations to fund Canadian National Land Purchase, a/k/a "CN Peninsula"

Moved by Brey, seconded by Lotz, to use \$800,000.00 from the General Fund unassigned balance to pay for the CN property. The motion carried by the following vote:

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

- 18-0637 Scope of Engagement relative to \$7,000,000 City of Manitowoc, Wisconsin Industrial Development Revenue Bonds, Series 2018 (Red Line Plastics, LLC Project) (the "Bonds")

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

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

- 18-0650 Contract with Vierbicher for Tax Incremental Financing Services

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, Kummer, Novak, Lotz, Gabriel and Williams

- 18-0651 Amendment to Development Agreement with Doneff's Schuette Building

Moved by Brey, seconded by Lotz, to amend Section 1 of the agreement from "beginning of construction" to "June 30, 2018." The motion carried by the following vote:

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

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

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

Nay: 1 - Kummer

3. Personnel Committee

4. Public Infrastructure Committee

- 18-0576 Approval of Compliance Maintenance Annual Report (CMAR) for WWTF

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

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

- 18-0636 Request from the Capital Civic Centre to have their Capital Campaign Banners hung downtown until the Christmas banners go up in November.

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

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

5. Public Safety Committee

18-0556 Ordinance to repeal Section 14.090 of the Manitowoc Municipal Code regulating Indecent Exhibition of Animals.

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

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

18-0557 An Ordinance to repeal Section 14.100 of the Manitowoc Municipal Code regulating Billiard Halls, to amend Section 14.710 regulating Evidence of Gambling-Possession, and to amend Section 14.130 regulating Disorderly Conduct.

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

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

18-0558 An Ordinance to amend Section 14.040 of the Manitowoc Municipal Code regulating Social Host.

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

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

18-0586 An Ordinance to amend the Bond Schedule for certain violations of Chapter 10, Traffic Regulations, Section 11.030, Adult Entertainment Taverns, and Chapter 14, Offenses Against Public Policy, Safety, Morals and Peace.

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

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

18-0638 Ordinance to amend Section 10.170 of the Manitowoc Municipal Code regulating the intersections of South 22nd, 23rd, 24th, 25th and Clark Streets.

Moved by Brey, seconded by Howe, that this Ordinance be amended to remove 22nd and 23rd Streets. The motion carried by the following vote:

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

Moved by Howe, seconded by McMeans, that this Ordinance be adopted as amended. The motion carried by the following vote:

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

18-0646 Ordinance to amend portions of Section 10.390 of the Manitowoc Municipal Code to revise no parking zones on Franklin Street between South 25th Street and South 24th Street.

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

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

6. Plan Commission

18-0517 PC 15-2018: Larson Plumbing, LLC. - Request for a Conditional Use Permit to Allow for the Outside Storage of Merchandise in a B-3 General Business District located at 1010 Hamilton Street.

Moved by Brey, seconded by McMeans, to approve the request pursuant to conditions. The motion carried by the following vote:

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

18-0524 PC 12-2018: Tax Incremental District #21 (I-43 Technology and Enterprise Campus) District Creation, Project Plan, Proposed Boundary, and Adopting Resolution.

Moved by Brey, seconded by McMeans, to approve the TID 21 Project Plan and district boundary. The motion carried by the following vote:

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

18-0630 Ordinance amending Section 15.050 of the amended zone map to provide that a tract of land located East of Memorial Drive, West of Lake Michigan, and North of E. Reed Avenue be changed from "R-2" Single Family District to "B-1" Office - Residential District.

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

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

18-0641 Ordinance to amend Sections 15.370 and 16.350 of the Manitowoc Municipal Code regulating Private Swimming Pools.

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

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

J. OTHER BUSINESS

K. ADJOURN

Moved by McMeans, seconded by Brey, that this meeting be adjourned at 7:36 PM. The motion carried by the following vote:

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

Deborah Neuser
City Clerk