

20-1029



# City of Manitowoc

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

## Meeting Minutes

### Common Council

CONSENT

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Monday, September 21, 2020

6:30 PM

Council Chambers

Note-Meeting will also be available via Remote Conferencing

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#### A. CALL TO ORDER

#### B. ROLL CALL

Alderspersons Present: 10 - Jim Brey, Eric Sitkiewitz, Steven Czekala, Scott McMeans, Jeremiah Novak, Courtney Hansen, Bill Schlei, Brett Vanderkin, John Brunner and Aaron Bailey

#### C. PLEDGE OF ALLEGIANCE & INVOCATION

#### D. PRESENTATIONS

- 20-0923 Presentation of Eagles Club Police Officer and Firefighter of the Year
- 20-0925 City Clerk administers Oath of Office followed by badge pinning for Police Officer Tyler Hill, Firefighter/Paramedic Christian Rodriguez, and Firefighter/Paramedic Mark Lyman
- 20-0926 Proclamation declaring September 2020 as Suicide Prevention Month
- 20-0927 Proclamation declaring September 2020 Alcohol and Drug Addiction Recovery Month
- 20-0928 Proclamation declaring October 2020 as Crime Prevention Month
- 20-0929 Proclamation declaring the week of October 4th - 10th, 2020 as Fire Prevention Week

#### E. PUBLIC HEARINGS

20-0930

6:31 PM - Public Hearing for the purpose of hearing any and all interested parties in the matter of a proposed change in zone of residential properties from I-1 Light Industrial to R-4 Single and Two-Family Residential for properties located in the 3000-3400 block of Menasha Ave.

Mayor declared the meeting open for a public hearing on this matter.

City Clerk reported that the notice of the public hearing was published in the Herald Times Reporter on September 7 & 14, 2020. (Proof of publication is on file in the City Clerk's Office)

Community Development Director Adam Tegen gave an overview of the proposed changes.

The following persons appeared to address the Council regarding the proposed change:

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)

20-0931

6:32 PM - 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 a concrete batch plant, stone crushing and bulk storage of product operation for property located off of Albert Drive in an I-2 Heavy Industrial Zoning District pursuant to Manitowoc Municipal Code 15.350(3)z.

Mayor declared the meeting open for a public hearing on this matter.

City Clerk reported that the notice of the public hearing was published in the Herald Times Reporter on September 7 & 14, 2020. (Proof of publication is on file in the City Clerk's Office)

Community Development Director Adam Tegen gave an overview of the proposed changes.

The following persons appeared to address the Council regarding the proposed change:

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)

20-0932

6:33 PM - Public Hearing for the purpose of hearing any and all interested parties in the matter of a proposed change in zone from I-2 Heavy Industrial to B-4 Central Business District for the property located at 606 Quay Street.

Mayor declared the meeting open for a public hearing on this matter.

City Clerk reported that the notice of the public hearing was published in the Herald Times Reporter on September 7 & 14, 2020. (Proof of publication is on file in the City Clerk's Office)

Community Development Director Adam Tegen gave an overview of the proposed changes.

The following persons appeared to address the Council regarding the proposed change:

Brennen Seehafer  
Thomas Gartner  
Doug Schwalbe  
Terry Fox  
Craig Briess

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**

Alderman Novak removed item 20-0894

**2. Miscellaneous**

20-0920

Communication from Dave Paulus relative to the Roneta Lane project, recommending acceptance and place on file

20-0921

Minutes of August 17, 2020 Common Council meeting, recommending approval and place on file

20-0970 Minutes of September 14, 2020 Special Common Council meeting, recommending approval and place on file.

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

20-0972 Report of Special Events Committee relative to approval of the following events: Waiver of Fees: Faith Church Family Picnic on 9/27/20; Shaggy Shuffle on 10/17/20; Manitowoc County Job Fair on 9/30/20; Waiver of Fees: Road Rally on 10/11/20; Food Truck Fiesta on 10/8/20; recommending acceptance of report and place on file.

### 4. Finance Committee (Consent)

20-0881 Application for "Class B" Intoxicating Liquor & Fermented Malt Beverage License, TAV-2011A, Da' Brick House LLC, d/b/a The Fat Seagull, 807 Quay Street, recommend to approve the application.

20-0884 Second Amendment to the Granicus Service Agreement for period 12/1/2020 - 11/30/2021, recommend to approve the request.

20-0887 Contingent Agreement with SpyGlass for City Telecommunication Services, recommend to place on file.

20-0922 General City Claims in the amount of \$3,617,384.46 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.

20-0969 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.

### 5. Personnel Committee (Consent)

### 6. Public Infrastructure Committee (Consent)

20-0882 CAWG recommendation to fund up to \$3,591.21 for DPW Mechanic's Shop to replace existing hydraulic hose crimper and dies, recommend to approve the request.

20-0895 Request for 32 foot driveway at 4249 Springhill Drive, recommending approval of request

20-0916 Report of Board of Public Works of 8/19/2020 for 5th and Final payment of \$22,469.37 to SC Concrete for S. 8th St. - Washington St. to Manitowoc River - Installation of Trees, Grates & Planters, WS-20-17, recommending payment.

- 20-0917 Report of Board of Public Works of 8/19/2020 for 2nd and Final payment of \$9,797.50 to Scott Construction, Inc. for 2020 Seal Coating Program, WS-20-6, recommending payment.
- 20-0918 Report of Board of Public Works of 9/9/2020 for 4th and Final payment of \$5,044.87 to Seiler Bros for 2020 Remove & Replace Existing Sidewalks II, WS-20-8, recommending payment.
- 20-0919 Report of Board of Public Works of 9/9/2020 for 4th and Final payment of \$7,016.25 to Seiler Bros for 2020 Remove & Replace Existing Sidewalks, WS-20-3, recommending payment.
- 20-0944 Report of Board of Public Works of the 8/19/2020 meeting that final payments to contractors who signed an agreement under \$25,000.00 shall be approved by the Board of Public Works with a report given to the Common Council, recommending acceptance and place on file.
- 20-0945 Report of Board of Public Works of final payments to contractors for Agreements under \$25,000.00, recommending acceptance and place on file.
- 20-0946 Report of Board of Public Works of snow removal assessment appeal for property at 808 Memorial Drive; Board approved reduction of second invoice from \$600 to \$300. Recommending acceptance of report and place on file.
- 20-0947 Report of Board of Public Works of 8/19/2020, of bids received for 2020 Televising Miscellaneous Sewers II, Project WU-20-14, recommending awarding to low bidder, Northern Pipe, Inc. in the amount of \$19,773.72.
- 20-0949 Report of Board of Public Works of 9/9/2020, zero bids received for Maintenance of Parks Facilities & Structures; Board directed staff to break projects in increments not to exceed \$25,000.00 per contract. Recommending acceptance of report and place on file.
- 20-0950 Progress invoices from WI Department of Transportation in the amounts of \$285.06, \$167,315.37 and \$31,603.60, recommending payment.
- 20-0952 Report of Board of Public Works of 9/16/2020 for 2nd and Final payment of \$13,253.35 to Hamann Construction Co. for City Hall Lintel Replacement, WB-19-18, recommending payment.
- 20-0955 Report of Board of Public Works of 9/16/2020, of quotes received for 2020 Concrete Crushing, QM-20-6, recommending awarding Vinton Construction Co. at 14,837 Tons, \$3.37/Ton for \$50,000.69.

**7. Public Safety Committee (Consent)****8. Plan Commission (Consent)****I. COMMITTEE REPORTS****1. Committee of the Whole**

20-0961 Settlement agreement with Newell Rubbermaid for past costs at Newton Gravel Pit

Moved by Sitkiewitz, seconded by McMeans, that this Agreement be approved and entered into. The motion carried by the following vote:

Aye: 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

20-0967 Second Extension of Resolution Affirming Mayoral Declaration of Emergency

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

Aye: 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

20-0971 Report of Special Events Committee recommending approval of the following events subject to Council action: Labor Day End of Summer Sendoff! 9/4-9/6/20 (closure of Quay St. from east side of S. 9th to west side of S. 8th St.); Halfway to St. Patrick's Day on 9/19/2020 (Closure of Jay St. from S. 8th to parking lot near S. 9th); REVISED PLAN: Windigo Fest Fundraiser on 10/3/2020 (waiver of rules prohibiting alcohol at Washington Park, waiver of noise ordinance); Lakeshore Holiday Parade on 11/25/2020 (closure of Washington Street & 8th St. for parade)

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

Aye: 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

20-0939 Resolution extending the mask requirement in City buildings through November 16, 2020

Moved by Sitkiewitz, seconded by Czekala, to remove exception #4 "Facilities rented for private use". The motion carried by the following vote:

Aye: 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

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

Aye: 8 - Brey, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

Nay: 2 - Sitkiewitz and Czekala

## 2. Finance Committee

**20-0880** Ordinance to amend Section 11.010 of the Manitowoc Municipal Code regulating Alcohol Beverages eliminating one year Manitowoc County residency requirement

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

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

**20-0885** Consideration of regional collaboration with Progress Lakeshore and City of Two Rivers on a regional application for EPA Site Assessment Grant Opportunity

**Moved by Brey, seconded by McMeans, to approve authorization to apply for the grant. The motion carried by the following vote:**

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

**20-0886** Consideration of pursuing a Community Development Investment grant through the state WEDC

**Moved by Brey, seconded by McMeans, to approve authorization to apply for the grant. The motion carried by the following vote:**

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

**20-0935** One year operator license application #OP1-20014 for James Pickering, requesting Council approval and waiver of MMC 11.010(4) requiring applicants be Manitowoc County residents continuously for a period of not less than one year.

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

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

## 3. Personnel Committee

**20-0862** Resolution to Approve Updated GIS Coordinator Job Description

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

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

**20-0863** Resolution to Approve Telework Policy

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

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

**20-0872** Resolution to Hire Seasonal Employees Related to Elected Officials, Department Heads, or Supervisory Personnel

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

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

**20-0942** Resolution to approve USI (f/k/a ABRC) recommended Health Care Plan for 2021

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

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

**4. Public Infrastructure Committee**

**20-0888** Red Arrow Monument Design Plan Update

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

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

**20-0894** Vinton Construction Company Potential Acquisition of Albert Drive Property / Radandt Drive Access, recommending approval and drafting by City Attorney.

**Moved by Novak, seconded by Hansen, to approve the CUP and direct City staff to negotiate with Vinton on terms, and authorize Mayor and Clerk to sign. The motion carried by the following vote:**

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

**20-0896** Resolution for Stormwater Planning Grant

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

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

**20-0934** McMahon's Engineering Services and Design Contract for the reconstruction of Custer St. from S. 29th to S. 39th Sts. and S. 30th St. from Division to Dewey Sts. as part of the CDBG Close Program.

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

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey



**20-0957** Resolution to proclaim October 10, 2020 as World Migratory Bird Day in the City of Manitowoc

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

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

**20-0968** Exercise of Options for Rural Disabled, Elderly Program & ADA Paratransit Services

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

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

## **5. Public Safety Committee**

**20-0914** An Ordinance to amend Section 10.010 of the MMC regulating Provisions of State Law Adopted by Reference (Traffic Regulations).

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

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

**20-0915** An Ordinance to amend Section 10.390 of the MMC regulating Parking Prohibited.

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

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

**20-0953** Ordinance to amend section 10.390 of the Manitowoc Municipal Code regulating parking prohibited on S. 16th Street

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

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

**20-0954** Ordinance to amend Section 10.170 of the Manitowoc Municipal Code regulating the intersection of N. 23rd St. and La Follette Ave.

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

**Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

## 6. Plan Commission

20-0876 PC 26-2020: Vinton Construction Company; Request for a Conditional Use Permit in an I-2 Heavy Industrial Zoning District Pursuant to Section 15.350(3)z for Property off of Albert Drive for the establishment of a concrete batch plant, stone crushing and bulk storage of product operation.

Moved by Brey, seconded by Sitkiewitz, to approve the Conditional Use Permit.  
The motion carried by the following vote:

Aye: 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

20-0956 Resolution to vacate a portion of Johnston Drive

Moved by Brey, seconded by Sitkiewitz, that this Resolution be referred to the Plan Commission with Clerk to call for a public hearing on November 16, 2020.  
The motion carried by the following vote:

Aye: 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

20-0958 Ordinance to Rezone property located in the 3000 - 3400 block of Menasha Ave. from I-1 Light Industrial to R-4 Single and Two-Family Residential pursuant to MMC 15.530(2)c

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

Aye: 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

20-0959 Ordinance to rezone property located at 606 Quay St. from I-2 Heavy Industrial to B-4 Central Business District

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

Aye: 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

## J. OTHER BUSINESS

## K. ADJOURN

Moved by Sitkiewitz, seconded by McMeans, that this meeting be adjourned at 8:38 p.m. The motion carried by the following vote:

Aye: 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

Deborah Neuser  
City Clerk