



City of Manitowoc

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

Meeting Minutes

Common Council

CONSENT

Monday, November 16, 2020

6:30 PM

Council Chambers

Note-Meeting will also be available via Remote Conferencing

A. CALL TO ORDER

B. ROLL CALL

Alders 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

20-1120 Commendation to Manitowoc County Chapter of Barbershoppers/Clipper City Chordsmen on their Seventy-Fifth Anniversary

Plan Commission

20-1053 Resolution Approving an Amendment to the Project Plan of Tax Incremental District No. 17, City of Manitowoc, Wisconsin.

Phil Cossen from Ehlers was present via Zoom to explain the amendment and answer questions.

Moved by Brey, seconded by McMeans, that this Resolution be adopted and to authorize staff to proceed with the TID 17 project plan amendment and instruct staff to sign any and all documents needed for the TID 17 amendment. The motion carried by the following vote:

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

E. PUBLIC HEARINGS

20-1115

6:30 PM - Public Hearing for the purpose of hearing any citizen or taxpayer on the proposed budget for the upcoming year.

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 Manitowoc Herald Times Reporter on November 1, 2020. (Proof of publication is on file in the City Clerk's office).

Paul Klunker spoke on this matter.

Mayor declared the public hearing closed. (A recording of the entire hearing is on file in the City Clerk's office).

20-1116

6:31 p.m. - Public hearing for the purpose of hearing any and all interested parties in the matter of a proposed change to the Official Map and Street Vacation of a proposed city initiated street vacation of a portion of Johnston Drive

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 Manitowoc Herald Times Reporter on October 29, 2020, November 2 & 9, 2020. (Proof of publication is on file in the City Clerk's office).

Community Development Director Adam Tegen provided an explanation of the street vacation.

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).

20-1117

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 Adaptive Reuse located at 1127 & 1133 S. 16th St. pursuant to 15.370(29)

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 Manitowoc Herald Times Reporter on November 2 & 9, 2020. (Proof of publication is on file in the City Clerk's office).

Community Development Director Adam Tegen provided an explanation of this Conditional Use Permit. David Block and Javoni Butler from from Evergreen Real Estate spoke on their enthusiasm for this new project.

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).

20-1118

6:33 PM - Public Hearing for the purpose of hearing any and all interested parties in the matter of a proposed Conditional Use Permit for Adaptive Reuse located at 1034 S. 18th St. pursuant to 15.370(29)

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 Manitowoc Herald Times Reporter on November 2 & 9, 2020. (Proof of publication is on file in the City Clerk's office).

Community Development Director Adam Tegen provided an explanation on this Conditional Use Permit.

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).

20-1119 6:34 p.m. - 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: amendment to the Comprehensive Zoning Ordinance Section 15.370(27) regarding Conditional Use Permits.

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 Manitowoc Herald Times Reporter on October 29, 2020, November 2 & 9, 2020. (Proof of publication is on file in the City Clerk's office).

Community Development Director Adam Tegen provided an explanation that this change is consistent with state law.

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).

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

20-1121 Mayor appoints Horst Abel in place of G. Pheffer and Timothy Randerson in place of N. Levendusky to the Municipal Tree Commission for unexpired terms ending 6/1/2022

20-1139 Mayor appoints Katherine Halla and RJ Skrepenski to Rahr-West Art Museum Board

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

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

Plan Commission

20-1051 PC 33-2020: Canam Trust / Glastonbury Holdings LLC / Evergreen Real Estate Group: Request for a Conditional Use Permit for an Adaptive Reuse pursuant to 15.370(29) located at 1127 & 1133 S. 16th Street

Moved by Brey, seconded by Sitkiewitz, that this Conditional Use Permit be approved. The motion carried by the following vote:

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

H. CONSENT AGENDA

1. Removal of Consent Agenda Items

None

Approval of the Consent Agenda

Moved by Sitkiewitz, seconded by McMeans, to accept the Consent Agenda Items and recommendations of the various committees. The motion carried by the following vote:

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

2. Miscellaneous

20-1122 Minutes of October 19, 2020 Common Council meeting, recommending approval and place on file.

20-1123 Minutes of October 27, 2020 Common Council Special Meeting, recommending approval and place on file.

20-1124 Public Notice of an Air Pollution Control Permit Application Review of Wisconsin Aluminum Foundry, located at 838 S. 16th St. Manitowoc, WI, recommending acceptance and place on file

3. Committee of the Whole (Consent)

4. Finance Committee (Consent)

20-1002 3rd Quarter 2020 Internal Controls to Prevent and Detect Fraud Report, recommend to accept and place on file.

20-1096 Report of anonymous donation to the Parks and Recreation department being transferred from the Library Playground project per request of donor, recommend to approve the transfer.

- 20-1097 Application for "Class B" Intoxicating Liquor & Fermented Malt Beverage License, TAV-2007, 1228 Memorial Dr. LLC, d/b/a Wisco-tech, 1228 Memorial Dr., recommend to approve the license.
- 20-1098 Policy for use of City Parklet, recommend to approve the policy.
- 20-1099 Hecker/Viebahn Agricultural Land Lease with Charmwood Farms, recommend to enter into the agreement.
- 20-1100 Tax Levy Certification from Lakeshore Technical College for Fiscal Year 2020-2021, recommend to accept and place on file.
- 20-1102 3rd Quarter Claims Report from City Attorney, recommend to accept and place on file.
- 20-1103 3rd Quarter 2020 Budget Exception Report, recommend to accept and place on file.
- 20-1104 3rd Quarter 2020 Investment Reconciliation Report, recommend to accept and place on file.
- 20-1106 2020 Poor Fund Report and Recommended Distribution, recommend to distribute \$100 each to the 5 groups.
- 20-1107 Tax Levy Certification from Wisconsin Department of Public Instruction for Fiscal Year 2020-2021, recommend to accept and place on file.
- 20-1108 Copier Maintenance Agreement with Wisconsin Document Imaging for 2021-2023, recommend to approve the agreement.
- 20-1125 General City Claims in the amount of \$2,916,080.80 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.
- 20-1126 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)

- 20-1130 Report of Board of Public Works of 10/21/20 of approval to enter into AGMT-20-14 with Schaus Mechanical for Sheetmetal Work at Lincoln Park Zoo for a contract price of \$6,661.00, recommending acceptance of report and place on file.

- 20-1131 Report of Board of Public Works of 10/21/20 of approval to enter into AGMT-20-15 with Hutchinson Property Services for Maintenance of Ball Diamonds and Fields at Municipal Field for a contract price of \$6,900.00, recommending acceptance of report and place on file.
- 20-1132 Report of Board of Public Works of 11/11/2020 for 1st and Final payment of \$50,000.00 to Vinton Construction Co. for Crushed Concrete, QM-20-6, recommending payment.
- 20-1133 Report of Board of Public Works of 11/11/2020 for 1st and Final payment of \$6,693.00 to Lakeland Landscape Services for 2020 Tree Planting for Concrete and Asphalt Streets Reconstruction, AGMT-20-05, recommending payment.
- 20-1134 Progress Invoice from WI DOT for Waldo Blvd. project #39515003776 in the amount of \$6,724.56, recommending payment.
- 20-1135 Report of Board of Public Works of 11/11/2020 of approval to reduce snow removal assessment from \$600 to \$300 for property located at 904 N. 9th St., recommending acceptance of report and place on file.

7. Public Safety Committee (Consent)

8. Plan Commission (Consent)

- 20-1056 PC 31-2020: Manitowoc County: Review of County-Owned Tax Foreclosure Properties, recommend to place on file with no further action taken
- 20-1057 PC 1-2020: BayPointe Developers, LLC: Quit Claim Deed for Bay Pointe Road, recommending acceptance of the Quite Claim Deed

I. COMMITTEE REPORTS

1. Committee of the Whole

- 20-1048 Status of Alderperson as Qualified Elector
- Moved by Sitkiewitz, seconded by McMeans, that this Report be approved and placed on file. The motion carried by the following vote:**
- Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

- 20-1087** Process for handling complaint alleging Alderperson Aaron Bailey does not reside in District 7
- Committee discussed available options. After some discussion, Alderperson Brey called the question.
- Moved by Sitkiewitz, seconded by McMeans, to refer this to the State Attorney General's Office. The motion carried by the following vote:**
- Aye:** 7 - Brey, Sitkiewitz, Czekala, McMeans, Schlei, Vanderkin and Brunner
- Nay:** 3 - Novak, Hansen and Bailey
- 20-1127** 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
- 20-1128** Resolution Extending the Mask Requirement in City Buildings
- Moved by Sitkiewitz, seconded by Hansen, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 8 - Brey, Sitkiewitz, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey
- Nay:** 2 - Czekala and McMeans
- 20-1049** Amendment to Council Rules for 2020-2021
- City Attorney Kathleen McDaniel provided an overview of the proposed changes to the Council rules in light of virtual meetings that are held during the COVID-19 pandemic.
- Moved by Novak, seconded by Schlei, to suspend the Council rules. The motion carried by the following vote:**
- Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey
- Moved by Brey, seconded by McMeans, to amend the Council rules such that the oath for those participating in closed session remotely be administered upon election to the Common Council. The motion carried by the following vote:**
- Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey
- Moved by Novak, seconded by Schlei, that the Council rules be adopted as amended. The motion carried by the following vote:**
- Aye:** 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey

2. Finance Committee

20-1069

General City budget of proposed 2020 levy for 2021, in the amount of \$16,802,886 with \$617,061 in proposed tax incremental financing.

Moved by Brey, seconded by Brunner, to amend the 2021 budget by reducing the Street Contingency Fund by \$350,000.00; redirect the \$350,000.00 to the Washington Street Project as proposed by the Mayor in his budget; increase General Fund applied to Washington Street Project by \$40,000.00; adjust expenditures to the Expenditure Restraint program by removing \$40,000.00 from account number 1100-19100-515800; and adjusting revenues from the Expenditure Restraint Program by removing \$40,000.00 from account number 1100-19100-493100; Washington Street Project to be at \$390,000.00 as the Mayor requested in his budget. The motion carried by the following vote:

Aye: 6 - Brey, Novak, Hansen, Schlei, Brunner and Bailey

Nay: 4 - Sitkiewitz, Czekala, McMeans and Vanderkin

Moved by Novak, seconded by Hansen, to allocate \$15,000.00 from the \$295,000.00 for 8th St. Downtown Streetscaping Plan to Community Art Program. The motion resulted in a 5-5 tie vote. Mayor Justin Nickels broke the tie, the motion fails 5-6.

Aye: 5 - Novak, Hansen, Schlei, Brunner and Bailey

Nay: 5 - Brey, Sitkiewitz, Czekala, McMeans and Vanderkin

Moved by Brey, seconded by McMeans, that the budget be adopted as amended. The motion carried by the following vote:

Aye: 7 - Brey, McMeans, Novak, Hansen, Schlei, Brunner and Bailey

Nay: 3 - Sitkiewitz, Czekala and Vanderkin

20-1101

Resolution to Approve Authorized Representative to File Applications for Financial Assistance from State of Wisconsin Safe Drinking Water Loan Program

Moved by Brey, 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

20-1109

Downtown discussion including possible acceptance of Donation for a Community Tribute to Jean and Sandy Wolfmeyer

Moved by Brey, seconded by McMeans, to accept the donation and to work with City officials on the final plans. The motion carried by the following vote:

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

20-1095

Resolution to hold Primary Election on February 16, 2021 if there are three or more candidates who file nomination papers for a City office at the April 6, 2021 Spring Election.

Moved by Brey, 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

20-1137 Resolution authorizing extra pay for Municipal Board of Absentee Canvassers (Central Count) for November 3, 2020 Presidential Election

Moved by Brey, 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

20-1138 Resolution to hire seasonal intern at Rahr-West Art Museum

Moved by Brey, 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

3. Personnel Committee

20-1073 Resolution to Backfill Vacant Positions up to the Budgeted Amount Through 2021 for Transit Drivers, Police Officers, Firefighters, WWTF Operators, Seasonals, and DPI Laborers.

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

20-1074 Resolution to Approve Offering a \$500 Sign-On Bonus to Newly Hired Part-Time Transit Drivers for 2021 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 Hire

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

20-1075 Resolution to Hire B&G Maintenance Mechanic 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

20-1076 Resolution Approving Revised Pandemic Response Protocols 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

20-1114 Resolution to Create and Fill a Transit Driver Team Leader Position

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

4. Public Infrastructure Committee

20-1078 Maritime Metro Transit Routes 3 and 5 Updates and Monthly Fare Increase

Moved by Novak, seconded by Hansen, to approve and update. The motion carried by the following vote:

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

20-1079 Underground Facilities Locating and Marking Service Agreement with EXCEL Underground, LLC

Moved by Novak, seconded by Hansen, 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

20-1080 Request for Additional Funding for North 5th and Pine Street Flooding Issues

Moved by Novak, seconded by Hansen, that this Request be approved up to a \$40,000.00 increase. The motion carried by the following vote:

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

20-1081 Bicycle and Pedestrian Master Plan with Bay Lakes Regional Planning Commission Amendment 01

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

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

20-1083 Snowmobile Club Trail Agreement - Hecker / Viebahn City Property

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

- 20-1084** Approval to Accept Safe Drinking Water Loan from the Wisconsin Department of Natural Resources
- Moved by Novak, seconded by Hansen, to approve and accept the loan. The motion carried by the following vote:
- Aye: 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey
- 20-1086** Request for Off Season Family Combo Membership Promotion Rate of \$299
- 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
- 20-1129** Supplemental Task Order from AECOM for \$662,900.00 for 2020 and 2021 Balance of Services for project at former Newton Gravel Pit.
- 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

6. Plan Commission

- 20-0956** Resolution Approving the Discontinuance of a Portion of Johnston Drive
- Moved by Brey, seconded by Sitkiewitz, 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
- 20-1052** PC 35-2020: Manitowoc Property Management, LLC; Request for a Conditional Use Permit for an Adaptive Reuse pursuant to 15.370(29) located at 1034 S. 18th Street
- Moved by Brey, seconded by Sitkiewitz, that this Conditional Use Permit be approved. The motion carried by the following vote:
- Aye: 10 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Hansen, Schlei, Vanderkin, Brunner and Bailey
- 20-1055** PC 32-2020: Amendment to the Comprehensive Zoning Ordinance Section 15.370(27) - regarding Conditional Use Permits.
- 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

20-1113

Ordinance amending Section 22.010 of the Municipal Code entitled: "Official Map - Master Subdivision Plans" for portion of Johnston Drive Street Vacation

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

J. OTHER BUSINESS

K. ADJOURN

Moved by Sitkiewitz, seconded by McMeans, that this meeting be adjourned at 9:43 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**