



# City of Manitowoc

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

## Meeting Minutes

### Common Council

**CONSENT**

Monday, June 17, 2019

6:30 PM

Council Chambers

#### A. CALL TO ORDER

#### B. ROLL CALL

Alders Present: 9 - Jim Brey, Eric Sitkiewitz, Lee H. Kummer, Steven Czekala, Scott McMeans, Mike Howe, Jeremiah Novak, Todd Lotz and Bruce Jacobs

Alders Absent: 1 - Mike Williams

#### C. PLEDGE OF ALLEGIANCE & INVOCATION

#### D. PRESENTATIONS

#### E. 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.

#### F. APPOINTMENTS AND BUSINESS PRESENTED BY THE MAYOR

19-0671 Appointment of Christopher Herzog to Industrial Development Corporation for indefinite term

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

Aye: 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs

#### G. CONSENT AGENDA

##### 1. Removal of Consent Agenda Items

None

##### Approval of the Consent Agenda

Moved by Sitkiewitz, 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, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs

**2. Miscellaneous**

- 19-0654 Minutes of May 20, 2019 Common Council meeting, recommending approval and place on file.
- 19-0655 Communication from Reinhart and Public Service Commission of Wisconsin relative to application for a Certificate of Public Convenience and Necessity of Point Beach Solar, LLC, recommending acceptance and place on file.
- 19-0665 Public Notice of Air Pollution Control Permit Application Review for Calumet Renewable Energy LLC - Grotegut/Maple Leaf Facility, recommending acceptance and place on file.

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

- 19-0673 Report of Special Events Committee relative to approval of the following events: WAIVER OF FEES: NAPWDA Police K-9 Conference on 5/19-5/23/19; WAIVER OF FEES: Group Connection on 5/30/19; St. Francis of Assisi Field Day on 5/28/19; Cool City Classic Car Cruise on 6/28/19; 3 on 3 Basketball Tournament on 7/19-7/20/19; Cemetery of the Innocents Display on 6/29/19; Kayak Rendezvous Rally Floatilla on 7/4/19; Manitowoc Cooperative Ministry Worship & Picnic on 6/30/19; Group Connection on 7/10/19; Krazy Daze on 7/12-7/14/19; Be the Change 5K on 8/6/19; Crawford Blvd Dedication on 6/29/19; recommending acceptance of report and place on file.

**4. Finance Committee (Consent)**

- 19-0660 General City Claims in the amount of \$5,093,467.55 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.
- 19-0666 Report of City Clerk of summary of fees collected for leased parking stalls for 2018-19, recommending acceptance and place on file.
- 19-0668 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)**

- 19-0610 Aldermanic Compensation, recommending to place on file.

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

- 19-0334 Special Events Guidelines and Policy Updates, recommending approval
- 19-0344 Condition of Washington Street (State Highway 151), recommending placing on file

- 19-0349 Blue Rail/CDF Lighthouse Walkway, recommending placing on file.
- 19-0480 Request from O'Connor's Concessions and Fund Raising to doing business in Manitowoc, recommending approval for the 2019 Calendar year.
- 19-0620 Request for wider driveway approach than the allowed width of 35 feet at 2003 Zimmer Drive, recommending approval
- 19-0622 Hedge in Alley at 856 North 13th Street, recommending working with City staff to trim back the hedge.
- 19-0623 Public Works Petition for permanent paving, sidewalks, storm and sanitary sewer and other public utilities for Homestead Road, Parcel # 617-008-100, recommending approval
- 19-0624 Changes to the Cemetery Rules and Regulations and the Fee Schedule, recommending approval
- 19-0626 Broadway Street Bridge Proposal to Test Deck Surface, recommending approval of AECOM performing the testing of the deck surface with funding to be sent to CAWG.
- 19-0627 Request from Ryans on York to install some custom art work at the Blue Rail Dog Park, recommending approval.
- 19-0629 Update on Electric Buses, recommending placing on file
- 19-0661 No Street Access Agreement with Darrell & Karen Schramm for property located at parcel 238-003-290, no access to Broadway Street, recommending entering into agreement.
- 19-0662 No Street Access Agreement with Samantha Grage for property located at parcel 238-003-270, no access to Broadway Street, recommending entering into agreement.
- 19-0675 No Street Access Agreement with John and Chevonne Tobin for property located pat parcel 238-003-280, no access to Broadway Street, recommending entering into agreement.
- 19-0677 Report of Board of Public Works of 6/12/19 for 2nd and Final payment of \$10,000.00 to K & L Enterprises for Bandshell Renovation, AGMT-19-8, recommending payment.
- 19-0678 Report of Board of Public Works of 6/12/19 for 1st and Final payment of \$10,260.00 to Seiler Bros Construction for Concrete Slab at Washington Park for Exercise Equipment, AGMT-19-9, recommending payment.

- 19-0679 Report of Board of Public Works of 6/12/19 for 1st and Final payment of \$5,570.00 to Seiler Bros Construction for Install Light Bases & Trenching Work at 700 Quay St., AGMT-19-11, recommending payment.
- 19-0680 Report of Board of Public Works of 6/12/19 for 1st and Final payment of \$35,060.00 to Vinton for Washington Park Playground Equipment, WB-18-19, recommending payment.
- 19-0681 Report of Board of Public Works of 6/12/19 for 2nd and Final payment of \$3,998.21 to Chris Lewis Tree Surgery for 2019 Remove 9 Trees R&R Programs 13 Stump Removals, AGMT-19-1, recommending payment.
- 19-0682 Report of Board of Public Works of 6/12/19 for 1st and Final payment of \$7,050.00 to Patriot Fence & Construction, LLC for Replace & Repair Fence and Gate at Municipal Field, AGMT-19-3, recommending payment.
- 19-0691 Report of Board of Public Works of 6/12/19 of quotes received for 2019 Western Star 2.5 Ton Upfit, QE-19-2, recommending awarding to Monroe Truck in the amount of \$108,351.00.
- 19-0692 Report of Board of Public Works of 6/12/19 of bids received for 2019 Audio Video Upgrade for Council Chambers, Project WO-19-13, recommending awarding to low bidder Camera Corner Connecting Point in the amount of \$48,915.89

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

- 19-0552 Manitowoc Sex Offender Residency Board Appeal for Michael Szente, recommending to deny the request.
- 19-0650 Request to rescind aged outstanding parking tickets fees, recommending approval.

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

- 19-0590 PC 19-2019: Discussion and Possible Action regarding city-owned parcels recommended for sale or donation, recommending to approve the list of City Owned properties to be either sold or given to another entity and to instruct the City Attorney's Department to finalize all aspects of the sale or transfer of the properties.

- 19-0591 PC 20-2019: SMI, Request for Release of an Easement, between Lots 5 & 6, Block 4, Manitowoc I-43 Industrial Park No. 3, recommending to approve the release of the easement and instruct city staff to sign and record the documents with the Register of Deeds office.
- 19-0592 PC 1-2019: Grove U.S. L.L.C. successor by merger with Manitowoc Cranes, LLC; Quit Claim Deed for Viebahn Street Right of Way, recommending to approve and accept the quit claim deed and instruct the City Clerk to record the deed with the Register of Deeds office.
- 19-0593 PC 1-2019: Strharsky Quit Claim Deed, Homestead Road, recommending to approve and accept the quit claim deed and instruct the City Clerk to have the deed recorded with the Register of Deeds office.
- 19-0594 PC 24-2019: Amendment to Chapter 15.510 Mobile Home Regulations, recommending to instruct City Clerk to schedule a public hearing at the June 17, 2019 Common Council meeting.

## H. COMMITTEE REPORTS

### 1. Committee of the Whole

- 19-0632 Bay Pointe Developers II, LLC Development Agreement
- Moved by Sitkiewitz, seconded by Howe, that this Agreement be approved and entered into. The motion carried by the following vote:**
- Aye:** 7 - Brey, Sitkiewitz, Czekala, Howe, Novak, Lotz and Jacobs
- Abstain:** 2 - Kummer and McMeans
- 19-0633 Lakeside Foods Development Agreement
- Moved by Sitkiewitz, seconded by McMeans, that this Agreement be approved and entered into. The motion carried by the following vote:**
- Aye:** 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs
- 19-0653 Proposal from Herald Times Reporter to publish Council proceedings, legal notices, display ads and ordinances, for the contract year beginning June 1, 2019.
- Moved by Sitkiewitz, seconded by McMeans, to approve and enter into contract. The motion carried by the following vote:**
- Aye:** 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs

**19-0674** Report of Special Events Committee recommending approval for the following events subject to Council action: Fourth of July Parade (Closure of Washington St. from Madison to S. 8th, S. 8th from Washington to Maritime Dr., & Maritime Dr. from S. 8th to the Yacht Club); Fourth on the Shore (Lane closures from S. 7th to Huron; right lanes of northbound & southbound of Maritime Dr., intersection of Waldo/Maritime/Memorial & south pier); Gumby's Glow Run on 7/12/19 (Closure of the far west lane of Johnston Dr. from Ash St. to E. Park Ln.)

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

Aye: 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs

**19-0676** Strand Adventures Development Agreement

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

Aye: 7 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz and Jacobs

Nay: 1 - Kummer

Abstain: 1 - Howe

**19-0596** Resolution Supporting Proposed Manitowoc County Sales Tax

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

Aye: 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs

## I. PUBLIC HEARINGS

**19-0636** 6:35 p.m. Public Hearing regarding the following proposed amendment to the City of Manitowoc Comprehensive Plan (PC 23-2018): to revise the Map of Future Land Use for property located at 314 & 316 Riverview Dr. The proposed revision is to change the future land use classification from "Multi-Family Residential" to "Single and Two-Family Residential - Urban".

Mayor Nickels declared the meeting open for a public hearing. City Clerk Deborah Neuser reported that the notice of the hearing was published in the Herald Times Reporter on May 14, 2019. (Proof of publication is on file in the Clerk's office). Community Development Director April Kroner provided an overview on the proposed change. Greg Jagemann, member of Plan Commission, addressed the Council as an interested party, no other interested parties appeared. Mayor declared the public hearing closed. (A recording of the entire hearing is on file in the City Clerk's office).

19-0637

6:38 p.m. Public Hearing for the purpose of hearing any and all interested parties in the matter of a proposed change in zone from "R-6" Multiple Family to "R-3" Single Family Residential for property located at 314 & 316 Riverview Drive

Mayor Nickels declared the meeting open for a public hearing. City Clerk Deborah Neuser reported that notice of the hearing was published in the Herald Times Reporter on June 3 & 10, 2019. (Proof of publication is on file in the Clerk's office). Community Development Director April Kroner provided an overview of the rezoning request discussed at Plan Commission indicating that that Plan Commission's recommendation has changed and instead of rezoning to "R-3" Single Family Residential, they are recommending the property be rezoned to "R-4" Single and Two Family Residential. To proceed with the new recommendation, the proposed ordinance would need to be amended. No interested parties addressed the Council. Mayor declared the public hearing closed. (A recording of the entire hearing is on file in the City Clerk's office).

19-0651

6:41 p.m. Public Hearing for the purpose of hearing any and all interested parties in the matter of a proposed change in zone from "R-1" Residential - Agricultural to "R-4" Single and Two Family Residential for property located east of 2715 Knuell Street.

Mayor Nickels declared the meeting open for a public hearing. City Clerk Deborah Neuser reported that the notice of the hearing was published in the Manitowoc Herald Times Reporter on June 3 & 10, 2019. (Proof of publication is on file in the Clerk's office). Community Development Director April Kroner provided an overview on the proposed rezoning. No interested parties addressed the Council. Mayor declared the public hearing closed. (A recording of the entire hearing is on file in the City Clerk's office).

19-0652

6:44 p.m. Public Hearing for the purpose of hearing any and all interested parties in the matter of proposed changes to Chapter 15.510 Mobile Home Regulations.

Mayor Nickels declared the meeting open for a public hearing. City Clerk Deborah Neuser reported that the notice of the hearing was published in the Manitowoc Herald Times Reporter on June 3 & 10, 2019. (Proof of publication is on file in the Clerk's office). Community Development Director April Kroner provided an overview on the proposed change to Chapter 15 of the Municipal Code. No interested parties addressed the Council. Mayor declared the public hearing closed. (A recording of the entire hearing is on file in the City Clerk's office).

## 2. Finance Committee

19-0541

Summer school crossing guard support at Jackson Elementary School.

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

**Aye:** 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs

19-0656

Request from Shoot the Bull, TAV-1927, for extension of licensed premise to include outdoor beer garden.

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

**Aye:** 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs

**19-0657** Request to rescind Personal Property taxes in the amount of \$18.60 for PP Account #002-018-014 due to palpable error as account is actually located in Town of Newton.

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

**Aye:** 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs

**19-0670** Application for "Class B" Intoxicating Liquor & Fermented Malt Beverage License, TAV-1970, for Riverwalk Pub, 50 Maritime Dr.  
Finance Committee members discussed this request. A motion was made by McMeans, seconded by Novak, and unanimously carried to deny the application. Ayes, 5. Nays, none.

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

**Aye:** 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs

**19-0683** Bay Pointe Developers II, LLC: Review and approval of a Certified Survey Map including the acceptance of the dedication of Bayshore Drive and an un-named street

**Moved by Brey, seconded by McMeans, that this be approved subject to Plan Commission approval. The motion carried by the following vote:**

**Aye:** 8 - Brey, Sitkiewitz, Czekala, McMeans, Howe, Novak, Lotz and Jacobs

**Abstain:** 1 - Kummer

**19-0685** Ordinance to amend Section 15.510 of the Municipal Code regulating Mobile Home Parks, Mobile Homes, Manufactured Homes and Recreational Vehicles.

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

**Aye:** 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs

**19-0686** Ordinance amending the amended zone map of the City of Manitowoc from R-1 Residential - Agricultural to R-4 Single and Two Family Residential located south of Homestead Rd and east of Knuell St.

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

**Aye:** 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs



- 19-0687** Resolution Amending Boundary and the Project Plan for Tax Increment District No. 20
- Moved by Brey, seconded by McMeans, that this Resolution be adopted. The motion carried by the following vote:
- Aye: 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs
- 19-0688** Ordinance to amend the City of Manitowoc Comprehensive Plan's Future Land Use Map
- Moved by Brey, seconded by McMeans, that this Ordinance be adopted. The motion carried by the following vote:
- Aye: 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs
- 19-0689** Ordinance amending the amended zone map to rezone the property at 314 & 316 Riverview Dr. from "R-6" Multiple Family to "R-3" Single Family Residential.
- Moved by McMeans, seconded by Howe, that this Ordinance be amended changing the rezone from "R-3" Single Family to "R-4" Single and Two Family. The motion failed by the following vote:
- Aye: 2 - McMeans and Howe
- Nay: 7 - Brey, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Jacobs
- Moved by Brey, seconded by McMeans, that this Ordinance be adopted. The motion carried by the following vote:
- Aye: 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs

### 3. Personnel Committee

- 19-0608** Resolution for Sign-On Bonus for Part-Time Transit Drivers
- Moved by Czekala, seconded by Sitkiewitz, that this Resolution be adopted. The motion carried by the following vote:
- Aye: 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs
- 19-0609** Request for Resolution to Hire Seasonal Employees Related to Elected Officials, Department Heads, or Supervisory Personnel.
- Moved by Czekala, seconded by Sitkiewitz, that this Resolution be adopted. The motion carried by the following vote:
- Aye: 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs
- 19-0667** Resolution to backfill Part-Time Administrative Support Specialist in the Senior Center/Recreation Division
- Moved by Czekala, seconded by Sitkiewitz, that this Resolution be adopted. The motion carried by the following vote:
- Aye: 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs

**4. Public Infrastructure Committee**

- 19-0483      External Key Control Policy
- Moved by Novak, seconded by Kummer, that this Policy be approved. The motion carried by the following vote:**
- Aye:** 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs
- 19-0630      Resolution for Ornamental Lighting - Rapids Road Pedestrian Walkway - Custer to Broadway
- Moved by Novak, seconded by Kummer, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs
- 19-0631      Community Coalition Seeking Donation (Strive for 25)
- Moved by Novak, seconded by Kummer, to approve 25 day passes for Aquatic Center and 25 mini golf passes. The motion carried by the following vote:**
- Aye:** 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs
- 19-0664      Resolution to install and maintain 23 ornamental, 131 Watt, LED DOMUS/Harbortown light style, street lights along Meijer Lane and Dewey Street extension.
- Moved by Novak, seconded by Kummer, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs
- 19-0672      Resolution Authorizing Public Improvement and Levying Special Assessments Against Benefitted Property
- Moved by Novak, seconded by Kummer, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs
- 19-0693      Temporary Access Easement Agreement over Unimproved Right-of-Way of Dewey Street west of S. Rapids Road
- Moved by Novak, seconded by Kummer, that this Agreement be approved and entered into. The motion carried by the following vote:**
- Aye:** 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs
- 19-0694      Land & Electric Use Agreement Between City of Manitowoc and Vinton Construction Company, for Equipment & Vehicle Storage & Electrical Usage at 1105 Fleetwood Drive
- Moved by Novak, seconded by Kummer, that this Agreement be entered into. The motion carried by the following vote:**

Aye: 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs

19-0690 Ordinance to amend section 7.276 of the Municipal Code regulating Sewer Assessment Policy

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

Aye: 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs

## 5. Public Safety Committee

19-0645 An Ordinance to amend section 10.330(1) of the Manitowoc Municipal Code regulating U-Turns, Left-Hand Turns Prohibited - Penalty.

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

Aye: 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs

19-0684 Ordinance to create/amend/repeal Section 10.390 of the Municipal Code regulating Parking Prohibited on Green Street

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

Aye: 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs

## 6. Plan Commission

## J. OTHER BUSINESS

## K. ADJOURN

Moved by Sitkiewitz, seconded by McMeans, that this meeting be adjourned at 7:41 p.m. The motion carried by the following vote:

Aye: 9 - Brey, Sitkiewitz, Kummer, Czekala, McMeans, Howe, Novak, Lotz and Jacobs

Deborah Neuser  
City Clerk