

20-0702



City of Manitowoc

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

Meeting Minutes

Common Council

CONSENT

Monday, June 15, 2020

6:30 PM

Council Chambers

A. CALL TO ORDER

B. ROLL CALL

Alders Present: 9 - Jim Brey, Eric Sitkewitz, Steven Czekala, Scott McMeans, Jeremiah Novak, Todd Lotz, Courtney Hansen, Bill Schlei and John Brunner

Alders Absent: 1 - Brett Vanderkin

C. PLEDGE OF ALLEGIANCE & INVOCATION

D. PRESENTATIONS

20-0588 Proclamation declaring June 21, 2020 as the 150 Year Building Anniversary on behalf of First Presbyterian Church

20-0612 Presentation to outgoing Alderperson Todd Lotz

E. PUBLIC HEARINGS

20-0586

6:31 PM - 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 regarding the Downtown Design Review Area and Historic Preservation.

Mayor declared the meeting open of 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 regarding the Downtown Design Review Area and Historic Preservation.

City Clerk reported that the notice of the hearing was published in the Manitowoc Herald Times Reporter on 6/1/2020 & 6/8/2020. (Proof of publication is on file in the City Clerk's office).

Community Development Director Adam Tegen provided 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).

20-0587

6:32 PM - Public Hearing for the purpose of hearing any and all interested parties in the matter of the establishment of a Community Living Arrangement in a R-4 Single and Two Family Zoning District pursuant to Manitowoc Municipal Code 15.150(3)f located in the 1700 Block of Mirro Drive.

Mayor declared the meeting open of a public hearing for the purpose of hearing any and all interested parties in the matter of the establishment of a Community Living Arrangement in an R-4 Single and Two Family Zoning District pursuant to Manitowoc Municipal Code 15.150(3)f located in the 1700 Block of Mirro Drive.

City Clerk reported that the notice of the hearing was published in the Manitowoc Herald Times Reporter on 6/1/2020 & 6/8/2020. (Proof of publication is on file in the City Clerk's office).

Community Development Director Adam Tegen provided an overview of the proposed Conditional Use Permit.

The following persons appeared to address the Council regarding the proposed Conditional Use Permit:

Deanna Harp, Jeff Burish, Leroy Beilke, Heidi Herman, Tony Wilhelm, Paul Steinbrecher, Dave Last, Amber Daug

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

20-0605

Appointments by Mayor to various Committees, Boards, and Commissions.

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

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

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: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

2. Miscellaneous

- 20-0589 Minutes of May 18, 2020 Common Council meeting, recommending approval and place on file.
- 20-0590 Communication from Wisconsin DNR announcing award of 2020 Recycling Grant to Responsible Units to the City of Manitowoc, recommending acceptance and place on file.

3. Committee of the Whole (Consent)

- 20-0604 Report of temporary premises extensions for the sale of liquor and/or beer due to following social distancing best practices in compliance with City Resolution 20-0518 adopted by the Common Council on May 18, 2020, recommending acceptance of report and place on file.
- 20-0610 Report of Special Events Committee relative to approval of the following events: Wilson Student Farewell Parade on 6/11/2020; Waiver of Fee Date Change: YP Connect-Decades Dual Kickball Game on 8/11/2020; recommending acceptance of report and place on file.

4. Finance Committee (Consent)

- 20-0415 Possible change to alcohol licensing fees, recommend to place on file.
- 20-0553 Capital Allocation Working Group (CAWG) recommendation to fund up to \$9,866.94 as an unbudgeted request for Finance/Clerk Division to purchase additional Badger Books (E-Poll Books), recommend to approve request.
- 20-0554 Request from Ante LLC, d/b/a Digger Dave's for permanent extension of premise to license TAV-2008 to include tables and chairs on sidewalk in front of Digger Dave's property, recommend to approve the request.
- 20-0555 Application for "Class B" Intoxicating Liquor & Fermented Malt Beverage License, TAV-1965A, for Kathie's Act II, LLC, 701 Franklin St., recommend to approve the request.

- 20-0557 Request from Sun Development & Management Corporation (Manitowoc Lodging Associates LLP) for a waiver of Failure to File Penalties in the amount of \$1,158.40 for Baymont Inn Room Tax, recommend to deny the request.
- 20-0559 2020 Budget Amendment due to Transit CARES Act Funding, recommend to accept the CARES Act Funding for 100% of the estimated net deficit from January 20 thru December 31, 2020 and save the unused local share in Transit to assist in future years.
- 20-0562 Kerry Inc. V Wisconsin Department of Revenue Petitions for Review of Determination by State Board of Assessors for Manufacturing Properties: 633 S. 20th St., 1226 S. Water St., 4343 Expo Dr., & 4502 Expo Dr., recommend to accept and place on file.
- 20-0595 General City Claims in the amount of \$5,368,330.31 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.
- 20-0603 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)

- 20-0127 Briess Lot Electrical Usage, recommending placing on file with no electrical usage fees to be charged.
- 20-0353 Request to approve Part-time Zoo job description and to conduct recruitment process to fill position, recommending approval
- 20-0591 Report of Board of Public Works of 5/20/20 for 4th and Final payment of \$18,194.83 to Vinton Construction for 2019 Concrete Paving, WS-19-1, recommending payment.
- 20-0592 Report of Board of Public Works of 5/20/20 for 3rd and Final payment of \$29,906.12 to Vinton Construction for 2019 Sanitary Sewer Construction, WS-19-8, recommending payment.
- 20-0593 Report of Board of Public Works of 5/27/20 for 4th and Final payment of \$18,588.88 to Dornier Inc. for 2019 Bayshore Drive Sanitary Sewer Construction, WU-19-17, recommending payment.

20-0594 Report of Board of Public Works of 5/27/20 of approval to enter into AGMT-20-06 with Hubbart Electric, Inc. for installation of new light pole bases and power located on the Riverwalk by City Hall, for a contract price of \$5,266.00, recommend acceptance and place on file.

20-0601 Report of Board of Public Works of 6/3/20 of approval to enter into AGMT-20-07 with Hutchinson Property Services for the maintenance of the ball diamonds and fields at Lincoln Park and West Field Park for a contract price of \$15,500.00, recommending acceptance and place on file.

7. Public Safety Committee (Consent)

20-0563 Capital Allocation Working Group (CAWG) recommendation to fund up to \$5,995.00 as an unbudgeted request for the Police Department to trade-in 2012 CVSA Dell Model to Current Model CVSA III - Dell Rugged 14 Model Series and Dell 4-year PRO-Support Onsite Hardware Service Warranty with Accident Protection, recommend to approve the request.

20-0583 Request to remove pedestrian stop at the intersection of Crawford Boulevard and South Rapids Road, recommending to approve the request.

8. Plan Commission (Consent)

20-0527 PC 14-2020/14-2019: Assignment of a Conditional Use Permit from J&K School Hill LLC to Excel Auto LLC located at 1118 S. 10th Street for the Continued Operation of a Wrecker Service and Used Car Sale business, recommend to transfer the 2019 Conditional Use Permit from J & K School Hill, LLC to Excel Auto LLC.

20-0534 PC 1-2020: Quit Claim Deeds from the City of Manitowoc for Viebahn Street, West Viebahn Street and Hecker Road, recommend to approve and accept the quit claim deeds and instruct the City Clerk to record the deeds at the Manitowoc County Register of Deeds office after Council approval.

I. COMMITTEE REPORTS

1. Plan Commission

- 20-0526 PC 5-2020: Vichil Properties LLC, d.b.a. Samaritan Group Homes: 1700 Block Mirro Drive, Request for a Conditional Use Permit for the establishment of a Community Living Arrangement in a R-4 Single and Two Family Residential Zoning District pursuant to 15.150(3)f.

Council and City staff discussed the issues with the water table in this area and addressed many of the resident's concerns about the new facility. Community Development Director Adam Tegen outlined the conditions set forth in the Conditional Use Permit.

Moved by Brey, seconded by Sitkiewitz, to approve the Conditional Use Permit for the establishment of a Community Living Arrangement for up to 60 residents pursuant to the submittal packet and following conditions. The motion carried by the following vote:

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

2. Committee of the Whole

- 20-0584 Procedure to fill District 7 Aldermanic Vacancy due to resignation of Alderman Todd Lotz

Moved by Sitkiewitz, seconded by McMeans, to fill this vacancy for the unexpired term ending 4-19-2021 by Council appointment with the application process to close July 15, 2020. The motion carried by the following vote:

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

- 20-0585 Communication from Alderman Todd Lotz resigning as Alderperson for District 7 effective June 16, 2020

Moved by Sitkiewitz, seconded by McMeans, that this Communication be accepted and placed on file. The motion carried by the following vote:

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

- 20-0611 Report of Special Events Committee recommending approval for the following events subject to Council action: 4th of July Parade on 7/4/20 (Closure of S. 8th St. from Madison to Maritime Dr. & Maritime Dr. from N. 8th St. to Waldo with closure of parking lanes); Night Market 920 on various nights from 7/8/20-9/16/20 (original request was not approved in March. Special Event Committee is recommending approval provided the organizer submits a plan on how they will maintain social distancing guidelines and how they will clean and sanitize; fees waived for supplies and equipment, event organizer to pay the assessed delivery fees)

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

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

3. Finance Committee

- 20-0558 TIF Project Report and Term Sheet for 939 South 8th St.
- Moved by Brey, seconded by McMeans, to adopt the recommendations. The motion carried by the following vote:
- Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner
- 20-0564 Ordinance to amend various sections of Chapters 2 and 3 of the Municipal Code in order to update references
- Moved by Brey, seconded by McMeans, that this Ordinance be adopted. The motion carried by the following vote:
- Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner
- 20-0596 Request from Bridgeview Bar for extension of premises into their parking lot for an event on June 27, 2020.
- Moved by Brey, seconded by McMeans, that this Request be approved. The motion carried by the following vote:
- Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner
- 20-0597 Contract with AT&T to move from Copper PRI circuits to Fiber circuits
- Moved by Brey, seconded by McMeans, that this Agreement be entered into. The motion carried by the following vote:
- Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner
- 20-0598 2020 HAVA Coronavirus Air, Relief and Economic (CARES) Subgrant Program Agreement for costs incurred due to the pandemic affecting the 2020 federal elections
- Moved by Brey, seconded by McMeans, to authorize Mayor and City Clerk to sign upon City Attorney's approval. The motion carried by the following vote:
- Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner
- 20-0602 Report of Industrial Development Corporation of 6/10/20 recommending the sale of Lots 1, 2, 3, & 4 in Block 3, Manitowoc I-43 Industrial Park No. 1 to Bank First, N.A.
- Moved by Brey, seconded by McMeans, to i) approve the sale of the lots subject to conditions in offer to purchase, ii) authorize City staff to negotiate and finalize the offer to purchase, iii) and authorize City staff to proceed with closing the land sale and sign any documents related to said sale. The motion carried by the following vote:
- Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

4. Personnel Committee

- 20-0549** Resolution to Revise Employee Policy Manual Language Update-June, 2020
- Moved by Czekala, seconded by Hansen, that this Request be adopted. The motion carried by the following vote:**
- Aye:** 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner
- 20-0571** Resolution to revise the Employee Policy Manual to include revisions to the Extended Leave Policy post COVID-19 Pandemic
- Moved by McMeans, seconded by Novak, to approve the resolution with a sunset date of December 1, 2020. The motion failed by the following vote:**
- Aye:** 4 - McMeans, Novak, Lotz and Schlei
- Nay:** 5 - Brey, Sitkiewitz, Czekala, Hansen and Brunner
- Moved by Czekala, seconded by Hansen, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 7 - Brey, Czekala, McMeans, Novak, Lotz, Hansen and Schlei
- Nay:** 2 - Sitkiewitz and Brunner
- 20-0607** Resolution to backfill and overlap the Finance Director/Treasurer position due to retirement
- Moved by Czekala, seconded by Lotz, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

5. Public Infrastructure Committee

- 20-0566** Reimbursement Resolution for the Safe Drinking Water Loan Program
- Moved by Novak, seconded by Hansen, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner
- 20-0573** Preliminary Resolution Declaring Intent to Levy Special Assessment for Roneta Lane
- Moved by Novak, seconded by Hansen, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner
- 20-0606** Resolution to create and fill a Part-time Zoo Maintenance Education and Animal Care position
- Moved by Novak, seconded by Hansen, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

6. Public Safety Committee

20-0463 Ordinance to amend Section 10.570; 15.030; and 15.430 of the Manitowoc Municipal Code regulating Off-Street Parking and Loading.

Moved by Lotz, seconded by McMeans, that the adoption of this Ordinance be rescinded and then referred to the Plan Commission. The motion carried by the following vote:

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

20-0581 An Ordinance to amend Section 10.170; 10.230; and 10.390 of the Manitowoc Municipal Code regulating parking and traffic on Bayshore Drive and Bay Pointe Road.

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

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

7. Plan Commission

20-0530 PC 17-2020: Review of Location and Architectural Design of the Blue Rail Restroom Building Pursuant to §62.23(5) "Matters Referred to City Plan Commission".

Moved by Brey, seconded by Sitkiewitz, that the location and architectural design be approved. The motion carried by the following vote:

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

20-0599 Ordinance to repeal section 15.290, amend section 15.650, and create section 15.790 of the Municipal Code regulating the Downtown Design Review Area and Historic Preservation

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

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

20-0600 Ordinance to rename a portion of Johnston Drive to Bayshore Drive

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

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

20-0608 Ordinance to annex certain territory from the Town of Newton to the City of Manitowoc as part of the 9th Aldermanic District and the 17th, 18th, 21st, 23rd, 24th, 25th, 26th and 28th Wards of the City

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

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

20-0609

Resolution to create Ward Number 32, population zero (0), for the Hecker #3 Annexation Area to be combined with the 17th, 18th, 21st, 23rd, 24th, 25th, 26th and 28th Wards for voting purposes and use a common polling place as established for the 9th Aldermanic District

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

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

J. OTHER BUSINESS

K. ADJOURN

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

Aye: 9 - Brey, Sitkiewitz, Czekala, McMeans, Novak, Lotz, Hansen, Schlei and Brunner

**Deborah Neuser
City Clerk**