



# City of Manitowoc

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

## Meeting Minutes

### Common Council

# CONSENT

Monday, October 21, 2019

6:30 PM

Council Chambers

#### A. CALL TO ORDER

#### B. ROLL CALL

**Alders Present:** 9 - Jim Brey, Eric Sitkiewitz, Steven Czekala, Mike Williams, Scott McMeans, Mike Howe, Jeremiah Novak, Todd Lotz and Courtney Pelot

**Alders Absent:** 1 - Lee H. Kummer

#### C. PLEDGE OF ALLEGIANCE & INVOCATION

#### D. PRESENTATIONS

19-1107 City Clerk administers Oath of Office and badge pinning to Police Lieutenant Adam Sohlden

19-1151 Proclamation declaring October 24, 2019 as World Polio Day

19-1114 Presentation from Mayor Nickels on the 2020 Executive Budget

#### E. PUBLIC HEARINGS

19-1108

6:30 p.m. Public Hearing for the purpose of hearing objections to proposed assessments to property owners for abatement of nuisance Parks Forestry Assessments.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of proposed assessments to property owners for abatement of nuisance Parks Forestry Assessments.

City Clerk reported that the notice of the hearing was published in the Herald Times Reporter on 10/7/19 & 10/14/19. (Proof of publication is on file in the City Clerk's office).

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

No interested parties appeared. City Clerk Deborah Neuser read a letter from property owner Tim Schaus appealing his assessment.

Moved by Brey, seconded by Williams, that this appeal be referred to the Board of Public Works. The motion carried by the following vote:

Aye: 9 - Brey, Sitkiewitz, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

**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**19-1109

Mayor appoints Alderperson Pelot to Personnel Committee, Public Safety Committee, and Council Representative on Citizens Advisory Committee

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

Aye: 9 - Brey, Sitkiewitz, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

19-1110

Mayor makes the following appointments: Crime Prevention Committee: Amelie Doneff and Ryllie Kiss (Lutheran High representatives) and Grant Mihalakakos (Roncalli High representative)

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

Aye: 9 - Brey, Sitkiewitz, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

## 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, Williams, McMeans, Howe, Novak, Lotz and Pelot

### 2. Miscellaneous

- 19-1111 Minutes of September 16, 2019 Common Council meeting, recommending approval and place on file.
- 19-1112 Communication from WI DNR relative to 2020 Preliminary Monitoring Schedules - Drinking Water Monitoring Requirements, recommending acceptance and place on file.
- 19-1113 Communication form WI DNR of Public Notice of an Air Pollution Control Permit Application Review for Briess Industries Inc, located at 605 Washington St., recommending acceptance and place on file.

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

- 19-1139 Report of Special Events Committee relative to approval of the following events: Boeder/Tiegs Wedding Reception on 9/14/19; STAKE PERMIT: Conard Party on 9/14/19; Trunk or Treat on 10/29/19; Hornet Hustle on 4/18/20; Manitowoc County Miracles Special Olympics Practices & Tournament on 5/3-6/14/20; FEE WAIVER: Lakeshore Tae Kwon Do Fundraiser/Kickathon on 10/26/19; Roncalli Cross Country Invite on 9/12/20, recommending approval.

### 4. Finance Committee (Consent)

- 19-1078 Agreements with City Centre, LLC and the State of Wisconsin regarding the HAP Grant awarded to the City for the City Centre project on the Manitowoc River, recommend to enter into the agreement with the State.
- 19-1079 Claim from Ken Frank L19-00074, recommend to deny the claim.
- 19-1081 First Amendment to City of Manitowoc Development Agreement with Lakeside Foods, Inc., recommend to enter into the agreement with the State.
- 19-1088 Unbudgeted CAWG request for plows for two new Parks trucks, recommend to approve the request.

- 19-1089 Application for "Class B" Intoxicating Liquor & Fermented Malt Beverage License, TAV-1954A, for Renegades, 1421 S. 39th St., recommend to approve the application.
- 19-1105 General City Claims in the amount of \$2,600,145.76 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.
- 19-1115 Report of Industrial Development Corporation of September 24, 2019 of request from J-K Land Company LLC d/b/a Dramm Corporation for a request for an Option and Right of First Refusal for Lot 8, block 1, Manitowoc I-43 Industrial Park subdivision No. 2, recommending approval with the effective date being established when the City receives the option payment from the Dramm Corporation.
- 19-1153 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)

- 19-0998 Law Enforcement Employee Relations Division of the Wisconsin Professional Police Association Contract Memo of Understanding-Pregnancy MOU, recommending to authorize staff to enter into MOU upon ratification.

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

- 19-1055 Gator purchase at Evergreen Cemetery, recommending approval
- 19-1058 Request for City to assist with Drainage Issues on Menasha Avenue, recommending placing on file
- 19-1062 Broadway and Rapids Road Intersection, recommending adding blinking lights to left turn only sign from Rapids Road eastbound onto Broadway Street not to exceed \$1800.
- 19-1063 Request for Temporary Access Easement over an Unimproved Right-of-Way on Homestead Road, recommending approval
- 19-1064 Request for "Children Present" signs to be put up by InCourage Domestic Violence and Sexual Assault Center on Reed Avenue, recommending granting the request.
- 19-1067 Grass Cutting in Right of Way on Rapids Road, Committee recommended having the property owners affected to sign "No Access Agreements" with the City.

- 19-1068 2020-2021 Local Roads Improvement Program (LRIP) - Recommend submitting Reed Ave - N. 2nd to N. 8th Street for funding, recommending approval
- 19-1093 Request from Lighthouse Recovery Community Center for a waiver for the cost of the Snow Removal Invoice and future Snow Removal Annual Assessments, recommending placing on file.
- 19-1095 Approval to use up to \$10,000 from the recent bequest for Security Cameras at the Senior Center, recommending approval
- 19-1096 Recommendation to Approve the Bike and Pedestrian Plan to Bay Lakes Regional Planning Commission, recommending approval
- 19-1117 Report of Board of Public Works of 9/30/19 of approval to inter into AGMT-19-19 with Seiler Bros Construction, Inc. for the installation of concrete bases and underground conduit on Quay Street from the Wharf to the Carferry for a contract price of \$23,275.00, recommending acceptance and place on file.
- 19-1118 Report of Board of Public Works of 9/30/19 to void 1st & final payment to SC Concrete for walkway at red arrow park and replace with pay estimate #1 in the amount of \$20,000 and 2nd & final payment of \$4,347.11, recommending acceptance and place on file.
- 19-1119 Report of Board of Public Works of 9/18/19 of denial of request for appeal of noxious weed assessment for the property at parcel 692-005-170, recommending acceptance and place on file.
- 19-1120 Report of Board of Public Works of 9/18/19 of approval to enter into AGMT-19-18 with Lunda Construction Construction Company for maintenance work on the Broadway Street bridge for a contract price of \$24,300.00, recommending acceptance and place on file.
- 19-1121 Report of Board of Public Works of 9/18/19 of approval to enter into AGMT-19-16 with Maritime Plumbing & Mechanical LLC for a pedestal drinking fountain with bottle filler and pet fountain for the Dog Park at Halvorsen Park for a contract price of \$8,895.00, recommending acceptance and place on file.
- 19-1122 Report of Board of Public Works of 9/4/19 of approval to enter into AGMT-19-17 with SC Concrete for walkway at Miracles Park for a contract price of \$5,630.00, recommending acceptance and place on file.
- 19-1123 Report of Board of Public Works of 9/18/19 for 1st and Final payment of \$8,480.00 to AECOM for IR Scan/3 Bridges, recommending payment.

- 19-1124 Report of the Municipal Tree Commission of 2019 assessments for abatement of nuisances per Municipal Code Section 8.190(6), recommending acceptance and place on file.
- 19-1140 Report of Board of Public Works of 10/9/19, of bids received for Sanitary Sewer Construction - Bayshore Drive, Project WU-19-17, recommending awarding to low bidder, Dornier Inc. in the amount of \$743,555.05.
- 19-1141 Report of Board of Public Works of 10/9/19 of approval to enter into AGMT-19-20 with SC Concrete for installation of monument base at the south side of river at carferry dock for a contract price of \$16,847.25, recommending acceptance and place on file.
- 19-1142 Report of Board of Public Works of 10/9/19 for 2nd and Final payment of \$4,347.11 to SC Concrete for Red Arrow Park Concrete Walkway, AGMT-19-13, recommending payment.
- 19-1143 Report of Board of Public Works of 10/9/19 for 6th and Final payment of \$4,552.50 to Seiler Bros for 2019 Remove & Replace Existing Sidewalks, WS-19-3, recommending payment.
- 19-1144 Report of Board of Public Works of 10/9/19 for 3rd and Final payment of \$2,610.43 to Brickline, Inc. for 2019 Epoxy Pavement Marking Program, WS-19-9, recommending payment.
- 19-1146 Progress Invoice from WI DOT in the amount of \$565,604.09 for Waldo Blvd., Project 39515003775, recommending payment.
- 19-1147 Progress Invoice from WI DOT in the amount of \$23,422.11 for Waldo Blvd., Project 39545701271, recommending payment.
- 19-1148 Progress Invoice from WI DOT in the amount of \$1,062.58 for Waldo Blvd., Project 39515003700, recommending payment.
- 19-1149 Progress Invoice from WI DOT in the amount of \$50,525.34 for Waldo Blvd., Project 39545701272, recommending payment.

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

- 19-1134 Lifequest billing dispute 182A-18-3308, recommending to deny request.

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

- 19-1152 Quit Claim Deed from Bay Pointe Developers II, LLC for Bayshore Drive for street purposes, recommending approval.

## I. COMMITTEE REPORTS

### 1. Committee of the Whole

- 19-1138 Report of Special Events Committee relative to approval of the following events subject to Council approval: Turkey Trot on 11/28/19 (Waiver of noise ordinance from 7 AM to 8 AM; various road closures as outlined on attached form); Lights in Lincoln Park & Run/Walk on 11/29-12/29/19 (Approval of advertising signs in City right-of-way); Lakeshore Holiday Parade on 11/27/19 (Closure of Washington St. & N. 8th St); Metro Jam on 6/19-6/20/20 (Closure of S. 12th St. between Washington & Marshall; waiver of rules prohibiting alcohol in the park).

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

Aye: 9 - Brey, Sitkiewitz, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

- 19-1168 Extension to Development Agreement with Doneff's Schuette Building

Moved by Sitkiewitz, seconded by McMeans, to approve an extension to December 31, 2019 with a \$1,000 per day penalty starting January 1, 2020 if not complete, and contingent on walk-through by City staff. The motion carried by the following vote:

Aye: 9 - Brey, Sitkiewitz, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

- 19-1169 Authorization to enter into litigation related to groundwater contamination

Moved by Sitkiewitz, seconded by McMeans, to enter into litigation. The motion carried by the following vote:

Aye: 9 - Brey, Sitkiewitz, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

### 2. Finance Committee

- 19-1048 Agreement for Assessment Services for the years 2020-2023, with an option for two additional years with Accurate Appraisal, LLC.

Moved by Brey, seconded by McMeans, to enter into this agreement. The motion carried by the following vote:

Aye: 9 - Brey, Sitkiewitz, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

- 19-1091 Progress Lakeshore Municipal Services Agreement Extension for January 1, 2020 to December 31, 2023

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

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

Nay: 1 - Williams

**19-1092** City of Manitowoc and Progress Lakeshore RLF Management Agreement for 2020-2023

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

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

Nay: 1 - Williams

**19-1102** Scope of Engagement relative to Proposed Issuance of \$2,385,000 City of Manitowoc General Obligation Refunding Bonds

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

Aye: 9 - Brey, Sitkiewitz, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

**19-1103** Resolution Awarding the Sale of \$2,385,000 General Obligation Refunding Bonds

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

Aye: 9 - Brey, Sitkiewitz, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

**19-1104** Application for "Class B" Intoxicating Liquor & Fermented Malt Beverage License, TAV-1952A, for Wisconsin Apple LLC, Applebee's Neighborhood Grill & Bar, 4435 Calumet Ave

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

Aye: 9 - Brey, Sitkiewitz, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

**19-1145** Ordinance to amend Section 11.010 of the Municipal Code regulating "Class B" License regulations allowing for the sale of intoxicating liquor in the original package or container

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

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

Nay: 1 - Williams

**19-1165** Ordinance to repeal Section 11.160 of the Municipal Code regulating the sale and licensing of Christmas trees.

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

Aye: 9 - Brey, Sitkiewitz, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot



**3. Personnel Committee**

**19-1166 Resolution to Increase Municipal Court Judge Salary**

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

**Aye: 5 - Brey, Czekala, Williams, Novak and Pelot**

**Nay: 4 - Sitkiewitz, McMeans, Howe and Lotz**

**4. Public Infrastructure Committee**

**19-1065 Ordinance to amend Section 7.125 of the Manitowoc Municipal Code regulating Location of Mailboxes.**

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

**Aye: 9 - Brey, Sitkiewitz, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot**

**19-1116 Stormwater Management Facility Maintenance Agreement with Briess Industries Inc.**

**Moved by Novak, seconded by Brey, that this Agreement be entered into. The motion carried by the following vote:**

**Aye: 9 - Brey, Sitkiewitz, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot**

**19-1164 Ordinance to amend Section 10.410 of the Municipal Code regulating parking from December 1st to March 31st**

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

**Aye: 9 - Brey, Sitkiewitz, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot**

**5. Public Safety Committee**

**19-1133 An Ordinance to amend section 10.390 of the Manitowoc Municipal Code regulating parking.**

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

**Aye: 9 - Brey, Sitkiewitz, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot**

**19-1167 Ordinance to amend Section 10.390 of the Municipal Code regulating parking on Marshall Street**

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

**Aye: 9 - Brey, Sitkiewitz, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot**

**6. Plan Commission**

**J. OTHER BUSINESS**

19-1106

Call for Public Hearing on General City budget to be held at 6:30 p.m. on Monday, November 18, 2019.

Moved by Sitkiewitz, seconded by McMeans, to instruct the City Clerk to call for a public hearing. The motion carried by the following vote:

Aye: 9 - Brey, Sitkiewitz, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

**K. ADJOURN**

Moved by Sitkiewitz, seconded by McMeans, that this meeting be adjourned at 7:46 p.m. The motion carried by the following vote:

Aye: 9 - Brey, Sitkiewitz, Czekala, Williams, McMeans, Howe, Novak, Lotz and Pelot

**Deborah Neuser  
City Clerk**