



# City of Manitowoc

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

## Meeting Minutes

## Common Council

17-0644  
**CONSENT**

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Monday, May 15, 2017

6:30 PM

Council Chambers

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### A. CALL TO ORDER

### B. ROLL CALL

Alderspersons Present: 10 - Dave Soeldner, Jim Brey, Mike Howe, Scott McMeans, Eric Sitkiewitz, Lee H. Kummer, Steven Czekala, Jeremiah Novak, Todd Lotz and Rhienna Gabriel

### C. PLEDGE OF ALLEGIANCE & INVOCATION

Prayer by Pastor Andy Shanholtz of Hope Church

### D. PRESENTATIONS

17-0485 Presentation by Rahr-West Art Museum Director Greg Vadney to Lee Kummer for his service on the Rahr-West Art Museum Board.

17-0487 Proclamation declaring May 15, 2017 as Peace Officers' Memorial Day.

### E. PUBLIC HEARINGS

### 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: None.

#### Approval of the Consent Agenda

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

**2. Miscellaneous**

- 17-0484 Notice of Dept. of Natural Resources of Manitowoc Public Utilities, 701 Columbus St. for renewal of operation of a municipal electric production facility, recommending placing on file.
- 17-0489 Minutes of April 17, 2017 Common Council, recommending approval and place on file.
- 17-0493 Notice of pending applications for proposed miscellaneous structure and dredging of Peter Allie, 100 Maritime Dr., recommending placing on file.
- 17-0494 Thank you from Governor Scott Walker for sharing our resolution, recommending placing on file.

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

- 17-0503 Report of Special Events Committee relative to approval of the following events: Be the Change 5K on 8/5/17; Silver Creek Disc Golf Ace Race on 8/26/17; WIXX "Dells Drop" Dells Cards Giveaway on 5/25/17; Summer Kick Off at the Zoo on 5/28/17; WAIVER OF FEES - Memorial Day Picnic on 5/29/17; Farmer's Market at Washington Park on Subfest Saturday 7/8/17; Tuesdays at 10! 7/13 - 8/8/17; Cool City Classic Car Show on 6/23/17; recommending acceptance of report and place on file.

**4. Finance Committee (Consent)**

- 17-0371 Restricted Cash and Investment Services Accounts (Move from JP Morgan to Bank First National), recommending approving the closing of JP Morgan money market accounts.
- 17-0490 General City Claims in the amount of \$1,944,360.09 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.

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

- 15-943 Special Assessment Policy compared to a Wheel Tax or other funding option, recommending placing on file.
- 16-0836 Sidewalk Privilege Agreement for 941 North 15th Street, recommending placing on file.

- 17-0140 Request from Clear Wireless, LLC to the City of Manitowoc for Acceptance of Removal and Restoration of Communication Tower Agreement, dated February 10, 2011, recommending execution of the agreement.
- 17-0265 Revised Street Tree Planting Policy and Tree Maintenance and Removal Policy, recommending approval of revised policies.
- 17-0378 Request for permission to distribute the Buddy Poppy to various businesses throughout the City May 19th - May 20th, 2017, recommending approval.
- 17-0379 Request to Rescind Special Assessment of \$300 for Parcel #412-004-080 (943 N. 8th Street), recommended rescinding assessment.
- 17-0389 Report of Board of Public Works of March 22, 2017, of bids received for 2017 Citizen Park - Sports Court Refurbishment, Project WS-17-21, recommending placing on file.
- 17-0471 Ayres Proposal for professional services to work with the City for the WisDOT Waldo Blvd Sanitary Sewer special provisions, time schedule, and fee for services, recommending entering into the contract.
- 17-0472 O'Connor's Concessions request to sell Concessions for 2017 Season, recommending approval.
- 17-0480 Stantec Proposal for Lawton Terrace Lift Station Replacement with a New Gravity Sanitary Sewer, recommending support for Stantec Proposal and recommend entering into contract.
- 17-0486 Report of Board of Public Works of 5/3/17 for 1st and Final payment of \$13,838.00 to ACE Building Services for Expand Existing Women's Locker Room at MPD, recommending payment.
- 17-0492 Report of Board of Public Works of 5/3/17 for 2nd and Final payment of \$2,150.00 to Kip Gulseth Construction Company for Installation of Trench Cut-off at Clay Pit Rd. Detention Pond, recommending payment.
- 17-0508 Report of Board of Public Works of May 3, 2017, of bids received for Citizen Park Sports Court Reburishment Rebid, Project WS-17-21R, recommending awarding to low bidder, Flex Court Athletics in the amount of \$97,780.00.
- 17-0509 Report of Board of Public Works of May 3, 2017, of bids received for Epoxy Painting - Pavement Marking, Project WS-17-9, recommending awarding to low bidder, Guide Lines Pavement Marking LLC in the amount of \$64,806.20.
- 17-0510 Report of Board of Public Works of May 3, 2017, of bids received for Asphaltic Concrete Paving, Project WS-17-4, recommending awarding to low bidder, Vinton Construction Company in the amount of \$236,760.10.

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

**8. Plan Commission (Consent)**

- 17-0433      PC11-2016: Conditional Use Permit Annual Review: TLC Homes, Inc Adult Day Services use located at 1004 N. 17th Street, recommending approval of the annual review of the CUP for the adult day services located at 1004 N. 17th St. and no longer a requirement for annual review.
- 17-0434      PC 25-2014: Ramirez Annual Review of a Conditional Use Permit for the Operation of a Towing Service at 1545 S. 41st Street., recommending approval of the review of the CUP to operate a wrecker service in a C-1 Zoning District and revisit the annual review for April, 2018; recommend fence structure to block line of site for dumpsters from the street.
- 17-0436      PC 11-2017: Manitowoc Public Utilities; Review of Placement of a Wind Screen Structure pursuant to § 62.23(5), recommending approval of the wind fence with MPU to cooperate with the City on plans for a future trail connection at such time that a feasibility study moves forward.
- 17-0437      PC 12-2017: Discussion on Proposed Project Plan Amendment #4 for Tax Incremental Financing District #15 related to the Dowco expansion, recommending to proceed with the related Project Plan amendment for TID 15.
- 17-0438      PC 1-2017: Doneff Holdings LLC, Quit Claim Deed for Mirro Drive Purposes, recommending acceptance of the Quit Claim Deed.

**I. COMMITTEE REPORTS**

During, recess, Committee of the Whole held discussion on several documents.

- 17-0515      Ordinance amending Manitowoc Municipal Code Chapter 17 on lead service replacements.

Manitowoc Public Utilities General Manager Nilaksh Kothari advised the Committee of an additional amendment to the ordinance and answered questions.

- 17-0512      Agreement with Rich and Associates, Inc. for a parking study.

Community Development Director Nic Sparacio addressed the Committee on this issue and answered questions.

- 17-0501** Report of Special Events Committee recommending approval of the following events subject to Council action: Vic Ferrari July 3rd Celebration Concert on 7/3/17 (noise ordinance); Fat Seagull Annual Street Party on 7/29/17 (closure of Quay St. from S 8th to S 9th & extension of alcohol premise); Lakeshore Independent Music Festival on 9/9/17 (closure of Quay St. from S 8th to S 9th & extension of alcohol premise); HFM Maritime Marathon on 6/11/17 (noise ordinance); Manitowoc Salmon Derby on 6/30 - 7/4/17 (waiving noise ordinance until 11:30 and extension of fermented beverage sales on City property until 11:30 p.m. Friday and Saturday); St. Francis of Assisi Community Picnic on 8/4 - 8/5/17 (closure of N 14th St. between Waldo Blvd. & Menasha Ave.); Farmer's Market - Tuesdays at Washington Park, 6/10 - 10/31/17 (waiver of rules prohibiting alcohol in the park).

After a short discussion, it was moved by Alderperson Brey, seconded by Alderperson Sitkiewitz, to waive the rules prohibiting alcohol in Washington Park for the Tuesday Farmers' Market followed by music in the park. Ayes, 11. Nays, none.

- 17-0498** Proposal from Herald Times Reporter to publish Council proceedings, legal notices, display ads and ordinances, for the contract year beginning June 1, 2017.

Moved by Mayor Nickels, second by Alderperson Sitkiewitz to accept the Proposal and enter into a contract. Ayes, 11. Nays, none.

## **1. Committee of the Whole**

- 17-0498** Proposal from Herald Times Reporter to publish Council proceedings, legal notices, display ads and ordinances, for the contract year beginning June 1, 2017.

Moved by McMeans, seconded by Brey, that this Proposal be accepted and enter into contract. The motion carried by the following vote:

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

- 17-0501** Report of Special Events Committee recommending approval of the following events subject to Council action: Vic Ferrari July 3rd Celebration Concert on 7/3/17 (noise ordinance); Fat Seagull Annual Street Party on 7/29/17 (closure of Quay St. from S 8th to S 9th & extension of alcohol premise); Lakeshore Independent Music Festival on 9/9/17 (closure of Quay St. from S 8th to S 9th & extension of alcohol premise); HFM Maritime Marathon on 6/11/17 (noise ordinance); Manitowoc Salmon Derby on 6/30 - 7/4/17 (waiving noise ordinance until 11:30 and extension of fermented beverage sales on City property until 11:30 p.m. Friday and Saturday); St. Francis of Assisi Community Picnic on 8/4 - 8/5/17 (closure of N 14th St. between Waldo Blvd. & Menasha Ave.); Farmer's Market - Tuesdays at Washington Park, 6/10 - 10/31/17 (waiver of rules prohibiting alcohol in the park).

Moved by Brey, seconded by McMeans, that this Report be approved with committee recommendations and waiver of rules for #7. The motion carried by the following vote:

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

**17-0507** Resolution in support of Creative Economy Week and declaring the week of May 14-20, 2017 as Wisconsin Museums Week.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

**17-0512** Agreement with Rich and Associates, Inc. for a parking study.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

**17-0513** Resolution authorizing Principal Forgiven Financial Assistance Agreement with the Department of Natural Resources for MPU Safe Drinking Water Loan Program loan.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

**17-0514** Ordinance amending Manitowoc Municipal Code 12.110 to create a loan program through Manitowoc Public Utilities.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

**17-0515** Ordinance amending Manitowoc Municipal Code Chapter 17 on lead service replacements.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

**17-0516** Request for Consultant Proposals for the Downtown Master Plan Project.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

## 2. Finance Committee

17-0497 Agricultural Land Lease with Honey Comb Farms, LLC for lease of parcel 801-102-051 for the period March 1, 2017 through March 31, 2022.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

17-0499 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.

Moved by Brey, seconded by McMeans, that these Licenses be granted subject to approvals, inspections, insurance, payment of license fees and meeting State Statute requirements. The motion carried by the following vote:

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

17-0500 Scope of Engagement relative to proposed issuance of \$5,230,000 City of Manitowoc GO Promissory Notes.

Moved by Brey, seconded by McMeans, that this Communication be accepted and approve the Scope of Engagement. The motion carried by the following vote:

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

17-0502 Resolution Awarding the Sale of \$5,230,000 General Obligation Promissory Notes.

Brad Viegut of Baird spoke to the Council regarding the final pricing summary.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

## 3. Personnel Committee

17-0444 Resolution to hire spring 2017 seasonals related to elected officials, department heads, or supervisors.

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

**Aye:** 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

**17-0511** Resolution relative to Common Council's acceptance of the Wastewater Treatment Facility Board's recommendation to appoint Michael Jaeger as Superintendent of the Wastewater Treatment Facility, at Grade O, Step 5.

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

**Aye:** 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

**17-0517** Resolution to approve the reorganization of the Finance, Clerk and Treasury Departments.

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

**Aye:** 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

#### **4. Public Infrastructure Committee**

**17-0119** Request for Street Lights at 1840 Abbey Ridge Lane

**Moved by Kummer, seconded by Soeldner, that this Request be approved with funding in the 2018 Budget. The motion carried by the following vote:**

**Aye:** 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

**17-0381** Request for Downtown Street Plantings

**Moved by Kummer, seconded by Soeldner, that this Request be placed on file. The motion carried by the following vote:**

**Aye:** 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

**17-0387** Request to Rescind Snow Shoveling Assessment for Magic Carwash/Plenty O Suds, LLC at 3601 Calumet Ave

**Moved by Kummer, seconded by Soeldner, that this Request be denied. The motion carried by the following vote:**

**Aye:** 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel



**17-0382** Request for Porta Pottie at Lower Henry Schuette Park to be funded by Friends of Manitowoc River Watershed (FOMRW) and Lakeshore Natural Resources Partnership (LNRP)

**Moved by Kummer, seconded by Soeldner, that this Request be granted. The motion carried by the following vote:**

**Aye:** 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

**17-0483** Report of the Board of Public Works of May 3, 2017, relative to request to remove private snow removal assessment for parcel 000-197-010.

**Moved by Kummer, seconded by Soeldner, that this Report be accepted to deny request to remove assessment. The motion carried by the following vote:**

**Aye:** 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

**17-0455** Resolution to request the hiring one additional part-time Transit driver above and beyond approved number for 2017.

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

**Aye:** 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

**17-0491** Baseball & Softball Manitowoc Public School District Proposal, March through May, 2017.

**Moved by Kummer, seconded by Soeldner, that this Agreement be accepted. The motion carried by the following vote:**

**Aye:** 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

**17-0495** Agreement 17-05 with A.C.E. Building Service to furnish labor, equipment and material required for the repainting of the wood windows at the Rahr-West Art Museum for the sum of \$24,000.00

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

**Aye:** 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

- 17-0496** Agreement 17-06 with Asplundh to cut and remove approximately 6 trees and stumps at various locations for the 2017 Sidewalk Complaints.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

## **5. Public Safety Committee**

- 17-0316** Ordinance to amend Manitowoc Municipal Code 10.010(3)(b) establishing the speed limits on S. Rapids Road.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

## **6. Plan Commission**

- 17-0431** PC 13-2017: Rosethorn Community Church, Inc., Request for a Conditional Use Permit pursuant to Section 15.210(3) for the Operation of a Church located at 1015 S. 11th Street.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

- 17-0435** PC 10-2017: Kwik Trip / La Crosse Sign Company: Request for Animated Sign in a B-3 General Business District at 2102 Washington Street.

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

Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel

## **J. OTHER BUSINESS**

## **K. ADJOURN**

Moved by McMeans, seconded by Brey, that this meeting be adjourned at 8:15 p.m. The motion carried by the following vote:

**Aye: 10 - Soeldner, Brey, Howe, McMeans, Sitkiewitz, Kummer, Czekala, Novak, Lotz and Gabriel**

**Jennifer Hudon  
City Clerk**