



# City of Manitowoc

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

## Meeting Minutes

### Common Council

18-0433

# CONSENT

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Monday, April 16, 2018

6:30 PM

Council Chambers

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#### A. CALL TO ORDER

#### B. ROLL CALL

**Alderspersons Present:** 8 - Dave Soeldner, Jim Brey, Mike Howe, Scott McMeans, Steven Czekala, Jeremiah Novak, Todd Lotz and Rhienna Gabriel

**Alderspersons Absent:** 2 - Eric Sitkiewitz and Lee H. Kummer

#### C. PLEDGE OF ALLEGIANCE & INVOCATION

#### D. PRESENTATIONS

18-0353 City Clerk administers Oath of Office for Police Officer Cooper Schmidt followed by badge pinning.

18-0393 Presentation to outgoing Council member David Soeldner

#### E. PUBLIC HEARINGS

18-0380 Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of a proposed Conditional Use Permit for a Tattoo/Micro-Blading establishment in a B-3 General Business District located at 2510 Washington Street. Community Development Director Nic Sparacio spoke to this issue. The following persons appeared to address the Council regarding the proposed item: 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)

18-0381 Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of a proposed Conditional Use Permit to allow for the outside storage or sales of merchandise in a B-3 General Business District for property located at 2020 Dufek Drive. Community Development Director Nic Sparacio spoke to this issue. The following persons appeared to address the Council regarding the proposed item: 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**

## **H. CONSENT AGENDA**

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

Alderperson Novak requested that document 18-0246 be removed from Consent Agenda.

### **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: 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

### **2. Miscellaneous**

- 18-0314 Minutes of March 19, 2018 Council meeting, recommending approval and place on file.
- 18-0313 Thank you from Ralph Sczygelski for allowing him to speak at the March 19, 2018 Council meeting, recommending placing on file.
- 18-0350 Public Notice of an Air Pollution Control Permit Application Review for Tramontina US Cookware Inc., 2005 Mirro Dr., recommending placing on file.
- 18-0354 Communication from Wisconsin DNR relative to Manitowoc Waterworks Project Number W-2018-0311, recommending placing on file.
- 18-0362 Resignation from Mary Schilder and Ralph Kramer from the Crime Prevention Committee, recommending acceptance and place on file.
- 18-0363 Resignation from Anthony Mack from the Citizens Advisory Committee effective June 1, 2018, recommending acceptance and place on file.

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

- 18-0376 Report of Special Events Committee relative to approval of the following events: Holiday House 5K Run/Walk/Roll on 8/18/2018; Next Gen Disc Golf Tournaments on 6/30/2018; Trilogy Challenge by Dynamic Discs on 8/11/2018; recommending acceptance of report and place on file.

### **4. Finance Committee (Consent)**

- 18-0332 Minutes of various MPU Commission and Great Lakes Utilities meetings, recommending acceptance and place on file.
- 18-0339 Minutes of the March 6, 2018 Finance Committee meeting. Recommending acceptance and place on file.
- 18-0343 Request from Moore's Irish Pub to extend liquor license premise to the courtyard on the east side of the building at 811 Jay St. Recommending to approve the request for the 2017-18 license term.
- 18-0344 Request from Manitowoc County Expo/Fair entertainment pavilion purveyors to extend live band music performances on Friday, August 24th and Saturday, August 25, 2018 to 11:30 p.m. with beer sales ending at Midnight with music stopping at 11:00 p.m. on Tuesday, Wednesday, Thursday, and Sunday and beer sales discontinuing at 11:30 p.m., recommending approval.
- 18-0348 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.
- 18-0349 General City Claims in the amount of \$4,610,892.79 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)**

- 18-0291 Manitowoc Professional Firefighters International Association of Firefighters Local 368 contract negotiations, recommending placing on file.

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

- 18-0111 Request for a Weed Assessment Reduction for 1230 South 10th Street (Parcel #000-316-160), recommending granting request for reduction of \$376.48.
- 18-0223 Funding for River Sheet Wall from Former Consumer Steel Property, recommending placing on file as funding cannot be transferred over.
- 18-0305 Request to use Funds Generated from sale of Cemetery Topsoil Shredder to purchase New Air Compressor, recommending granting the request
- 18-0315 Report of Board of Public Works of 3/21/2018, of bids received for 2018 Seal coating Program Re-Bid, Project WS-18-6R, recommending awarding to low bidder, Scott Construction, Inc. in the amount of \$96,758.88.
- 18-0321 Request to Approve the Token Transit Agreement, recommending approval of request for a 6 month trial period and to bring back results to Public Infrastructure Committee.

- 18-0322** Possible Assessment for City Owned Property at corner of Viebahn and S. 19th Street for a County Paving Project, recommending approving the paving at the City's expense with appropriate assessment and procedure.
- 18-0324** Agreement with Manitowoc Rapids to provide the Town with Compensation for the use of its roads by vehicles which transport biosolids, recommending approval
- 18-0325** Public Works Petition by Maritime Ag, LLC, Tim Petersen to cause permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed for property abutting Knuell Street, recommending approval and placing on file.
- 18-0329** Petition from Property Owners on East Crescent Drive, West Crescent Drive and Pheasant Lane regarding the reconstruction of Street, recommending placing on file
- 18-0330** Request from The Hearty Olive for placement of a grill outside their store at 921 S. 8th Street (Corner of 8th and Jay Street) for "Sizzlin' Summer: Recipes for Grilling & Tailgating", approval to grant request subject to approval by Fire Department.
- 18-0356** Report of Board of Public Works of 4/4/2018, of bids received for 2018 Epoxy Painting, Project WS-18-9, recommending awarding to low bidder, Brickline Inc Madison in the amount of \$104,680.95.
- 18-0357** Report of Board of Public Works of 4/4/2018, of bids received for 2018 Concrete Slab Replacement Program, Project WS-18-10, recommending awarding to low bidder, Vinton Construction Company in the amount of \$355,307.73.
- 18-0359** Report of Board of Public Works of April 4, 2018 of approval to enter into a contract with A.C.E. Building Services for the office remodel of portions of Engineering Department/Department of Public Infrastructure, Life Safety Division, Community Development and Assessor Department within City Hall, AGMT-18-03, for a contract sum of \$24,412.00. Recommending acceptance and place on file.
- 18-0360** Report of Board of Public Works of April 4, 2018 of approval to enter into a contract with Mulch Express of Wisconsin for furnishing and installing woodchips for 15 City Parks and 2 island areas at the intersection of S. 26th and Calumet Ave., AGMT-18-02, for a contract sum of \$10,000.00. Recommending acceptance and place on file.
- 18-0361** Amendment #1 to agreement with McMahon Associates for Survey & Design Engineering for Calumet Ave. Reconstruction, recommending acceptance and place on file.

**7. Public Safety Committee (Consent)****8. Plan Commission (Consent)**

- 18-0197** PC 10-2017 Kwik Trip / LaCrosse Sign Company: Compliance Review of an Animated Sign located at 2102 Washington Street. Recommending approval of the annual review of an animated sign located in a B-3 Business District. Staff also recommends a review of the landscaping plan at the September 2018 Plan Commission Meeting.
- 18-0199** PC 5-2018: Sonnenburg Builders; Request for a Special Permit for an Animated Sign in a C-1 Commercial Zoning District at 2125 N. Rapids Road, recommending to issue the the Special Permit.
- 18-0200** PC 2-2018: Annual Review of Community Living Arrangements pursuant to MMC 15.370(19). Recommending approval of the associated licenses for the community Living Arrangements for 2018 pursuant to section 15.370(19).
- 18-0201** Annual Statement of Intentions to the WisDOT Bureau of Railroad and Harbors. Recommending approval and support of the Annual Statement if Intentions.
- 18-0203** Quit Claim Deed - Maritime Ag, LLC (Tim Petersen): Knuell Street. PC 1-2018. Recommending approval of the Quit Claim Deed for the dedication of the Knuell Street right of way.

**I. COMMITTEE REPORTS****1. Committee of the Whole**

- 18-0374** Report of Special Events Committee recommending approval for the following event subject to Council action: Dia de Los Niños "Day of the Children" on 4/29/2018 (waiver of ordinance prohibiting various animals in the park).  
**Moved by McMeans, seconded by Brey, that this Report be approved. The motion carried by the following vote:**  
**Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel
- 18-0364** Resolution Re-Affirming Support for the Lake Michigan-Wisconsin National Marine Sanctuary and Urging Governor Scott Walker to Reconsider his Recent Decision to Rescind His Sanctuary Nomination  
**Moved by McMeans, seconded by Brey, that this Resolution be adopted. The motion carried by the following vote:**  
**Aye:** 5 - Brey, McMeans, Czekala, Novak and Lotz  
**Nay:** 3 - Soeldner, Howe and Gabriel

- 18-0365**      Agreement with Amanda Brusky for Vendor Management Services for 2018 Fourth on the Shore Event
- Moved by McMeans, seconded by Brey, that this Agreement be entered into. The motion carried by the following vote:**
- Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

## **2. Finance Committee**

- 18-0158**      Summer Crossing Guard Support at Jackson Elementary School.
- Moved by Brey, seconded by McMeans, that this Request be approved up to \$728.85 and request Finance Director to recommend where the money will come from. The motion carried by the following vote:**
- Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel
- 18-0246**      Request to increase 2018 Budgeted amount by up to \$11,000 for replacement of Washington Park Electronic Sign (2018 budget \$20,000, current estimate \$31,000) funding to come from Room Tax Reserves, recommending referral to CAWG for discussion and to request a second proposal for consideration.
- Moved by Brey, seconded by McMeans, that this Action Item be referred to CAWG for discussion and to request a second proposal for construction. The motion carried by the following vote:**
- Aye:** 6 - Brey, Howe, McMeans, Czekala, Lotz and Gabriel
- Nay:** 2 - Soeldner and Novak
- 18-0257**      RESOLUTION TERMINATING TIF DISTRICT NO. 11 AND AUTHORIZING TREASURER TO DISTRIBUTE EXCESS INCREMENT TO OVERLYING TAXING DISTRICTS
- Moved by Brey, seconded by McMeans, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel
- 18-0258**      RESOLUTION TERMINATING TIF DISTRICT NO. 13 AND AUTHORIZING TREASURER TO DISTRIBUTE EXCESS INCREMENT TO OVERLYING TAXING DISTRICTS
- Moved by Brey, seconded by McMeans, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

**18-0300** Resolution 2017 to 2018 Carryforward Requests by Departments

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

**Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

**18-0301** Redistribute funding from East/West Crescent and Pheasant Lane to other road projects including Calumet Ave.

**Moved by Brey, seconded by McMeans, to defer construction on East and West Crescent to 2019, and reallocate the \$584,500 allocated for that project in the 2018 budget to emergency repairs of the Car Ferry Dock. The motion carried by the following vote:**

**Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

*(Clerk's note: the decision to use concrete or asphalt will be revisited with 2019 budget, the intention is to look at the project in its entirety)*

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

**Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

**18-0307** Resolution Creating Tax Increment Financing District No. 20 (Lakeside Foods)

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

**Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

**18-0311** Proposed donation of Blighted Property for Public Parking - 1015 Washington Street

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

**Aye:** 7 - Soeldner, Brey, McMeans, Czekala, Novak, Lotz and Gabriel

**Nay:** 1 - Howe

**18-0346** Statement of the Board of Canvassers relative to the April 3, 2018 Spring Election for Alderpersons in Districts 4, 5, 6, 8 and 9.

**Moved by Brey, seconded by McMeans, that this Report be approved and placed on file. The motion carried by the following vote:**

**Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

**18-0368** Resolution to approve the hiring of a replacement Rahr-West Art Museum Assistant Director due to a resignation

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

**Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

**18-0369** Resolution to approve the backfilling of a Rahr-West Art Museum Security Guard due to a resignation

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

**Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

### **3. Personnel Committee**

**17-0559** City/Library Employee Policy Manual Merger July, 2018.

**Moved by Czekala, seconded by Novak, that this Report be approved. The motion carried by the following vote:**

**Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

**18-0377** Resolution Approving Merged Employee Policy Manual for City and Library Employees

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

**Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

**18-0379** Resolution to approve Central States tiered insurance rates and the Participation Agreement

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

**Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

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

**18-0306** 2018 Seal Coating Resolution

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

**Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel



**18-0351** Contract with Kaysun Corporation relative to outdoor exercise equipment being donated to the City of Manitowoc to be installed between the Shelter Picnic Area and hiking trail at Lower Henry Schuette Park.

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

**Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

**18-0352** Agreement with Friends of Red Arrow Park for Construction and Maintenance of Red Arrow Park Memorial Monument

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

**Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

**18-0355** Preliminary Resolution Declaring Intent to Levy Special Assessments under Municipal Police Power Pursuant to §66.0703, Wisconsin Statutes and §7.280 of the Municipal Code of the City of Manitowoc, Reconstruction of Dewey Street - South 10th to South 26th St.

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

**Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

**18-0358** Report of Board of Public Works of 4/4/2018, of bids received for 2018 Concrete Paving, Project WS-18-1

**Moved by Soeldner, seconded by Brey, that this Report be referred to Board of Public Works with Council recommendation to award to low bidder, Vinton Construction Company, in the amount of \$2,490,345.99, with Board of Public Works to issue final approval upon conclusion of the Public Hearing on this matter to be held on April 18, 2018. The motion carried by the following vote:**

**Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

**18-0367** Resolution to proclaim May 12, 2018 as World Migratory Bird Day in the City of Manitowoc

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

**Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

**18-0370** Emerald Ash Borer Forestry Grant Resolution

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

**Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

**18-0373** Ordinance to revise Section 25.060 of the Manitowoc Municipal Code regulating limits on molybdenum concentration in the City of Manitowoc

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

**Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

**18-0375** Resolution to approve the hiring of a replacement Bridgetender due to a retirement

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

**Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

## **5. Public Safety Committee**

**18-0335** Manitowoc Sex Offender Residency Board Appeal for Tou Keng Vang.

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

**Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

**18-0366** Ordinance to amend Section 10.390 of the Manitowoc Municipal Code regulating parking on North 8th Street at Chicago Street and on Yorkshire Lane.

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

**Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

**18-0337** An Ordinance to amend Section 11.220 of the Manitowoc Municipal Code regulating Animal Licenses, Section 11.220(5) Honeybees.

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

**Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

## **6. Plan Commission**

**18-0196** PC 6-2018: Schultz, Request for a Conditional Use Permit for the Establishment of a Micro-Blading Establishment at 2510 Washington Street

**Moved by Brey, seconded by McMeans, that this Conditional Use Permit be approved pursuant to conditions. The motion carried by the following vote:**

**Aye:** 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

18-0206 PC 3-2017: Knutson / Terp; Request for a Conditional Use Permit for an Open Sales Lot located at 2020 Dufek Drive

Moved by Brey, seconded by McMeans, that this Conditional Use Permit be approved pursuant to the map, conditions, and petitioner's submittal. The motion carried by the following vote:

Aye: 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

18-0294 PC 7-2018: Laugin Enterprises / Wergin, Request for a Conditional Use Permit for the Establishment of Mini-Warehouses in a C-1 Commercial District pursuant to 15.310(3)b located at 2625 Hamilton Street.

Moved by Brey, seconded by McMeans, that the City Clerk call for a Public Hearing on this item on May 21, 2018. The motion carried by the following vote:

Aye: 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

18-0296 PC 8-2018: Request from Ted Hacker for the Placement of a 1st Responder Memorial pursuant to WI Statute 62.23(5).

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

Aye: 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

18-0297 Tax Incremental District #20 (Lakeside Foods) Project Plan and Boundary Creation.

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

Aye: 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

## **J. OTHER BUSINESS**

## **K. ADJOURN**

Moved by McMeans, seconded by Brey, that this meeting be adjourned at 7:42 PM. The motion carried by the following vote:

Aye: 8 - Soeldner, Brey, Howe, McMeans, Czekala, Novak, Lotz and Gabriel

**Deborah Neuser**  
City Clerk