



# City of Manitowoc

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

## Meeting Minutes

### Common Council

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Monday, March 18, 2019

6:30 PM

Council Chambers/1st Floor Hearing Room - East

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#### A. CALL TO ORDER

#### B. ROLL CALL

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

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

#### C. PLEDGE OF ALLEGIANCE & INVOCATION

#### D. PRESENTATIONS

[19-0267](#) City Clerk administers oath of office to Police Officer Jacob Gardner, followed by badge pinning.

[19-0265](#) Presentation of the 2017 Volunteer of the Year Award to Randy Heinzen

[19-0266](#) Presentation of the 2018 Volunteer of the Year Award to Laura Ziemer

[19-0268](#) City of Manitowoc 150th Anniversary Logo Contest

#### E. PUBLIC HEARINGS

[19-0269](#) 6:35 p.m. - Public hearing for the purpose of hearing any and all interested parties in the matter of a proposed change to the Official Map and Street Vacation to remove a portion of unimproved Archer Street.

Mayor Nickels declared the meeting open for a public hearing. Notice of the hearing was published in the Herald Times Reporter on February 25, March 4 & 11, 2019. (Proof of publication is on file in the Clerk's office). 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).

[19-0270](#)

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 "B-1" Office - Residential to "B-3" General Business for property located in the 4600 Block of Calumet Ave.

Mayor Nickels declared the meeting open for a public hearing. Notice of the hearing was published in the Herald Times Reporter on March 4 & 11, 2019. (Proof of publication is on file in the Clerk's office). 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).

## 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:** 9 - Brey, Howe, McMeans, Sitkiewitz, Czekala, Novak, Lotz, Gabriel and Williams

### 2. Miscellaneous

[19-0271](#)

Minutes of February 18, 2019 Common Council meeting, recommending approval and place on file.

**Attachments:** [CC Minutes 2-18-19](#)

[19-0289](#)

Communication from the Public Service Commission of Wisconsin, recommending acceptance and place on file.

**Attachments:** [19-0289](#)

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

[19-0297](#) Report of Special Events Committee relative to approval of the following events: Kenny's Slow Pitch Softball Tournament on 7/19-26/19; War on the Shore Girls Fastpitch Softball on 8/1-4/19; Faith Church Easter Sunrise Service on 4/21/19; recommending acceptance of report and place on file.

**Attachments:** [19-0297](#)  
[Kenny's Tournament](#)  
[War on the Shore](#)  
[Faith Church Easter Sunrise Service](#)

#### 4. Finance Committee (Consent)

[19-0224](#) 2019 Borrowing Timeline, recommend to approve the timeline.

**Attachments:** [TL Manitowoc Cy 2019.xlsm](#)

[19-0229](#) Minutes of February 13, 2019 Finance Committee meeting, recommending approval and place on file.

**Attachments:** [MeetingMinutes2-13-19](#)

[19-0230](#) Minutes of the MPU Commission meetings of 1/14/19, 1/22/19 and 2/5/19, recommending acceptance and place on file.

**Attachments:** [19-0230](#)

[19-0236](#) Request to rescind 2018 real estate taxes in the amount of \$3,547.57 due to palpable error and adjusting the assessment for real estate parcel 000-117-080, Michael & Mariluxi Merrill, to zero (exempt property), recommend to approve.

**Attachments:** [19-0236](#)

[19-0237](#) Request to rescind 2018 real estate taxes in the amount of \$4,736.13 due to palpable error and correct assessment of improvements to \$0 for 2018 for real estate parcel 833-304-111, Jason J. and Jennie Naidl, recommend to approve.

**Attachments:** [19-0237](#)

[19-0238](#) Kerry Inc. v. Wisconsin Department of Revenue petition for review of determination by State Board of Assessors for manufacturing property: 633 S. 20th St., Manitowoc, WI., recommend to accept and place on file.

**Attachments:** [Kerry](#)

[19-0264](#) General City Claims in the amount of \$5,411,932.64 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.

**Attachments:** [19-0264](#)  
[3-1-2019](#)  
[3-8-2019](#)  
[3-15-2019](#)  
[3-22-2019](#)

[19-0288](#) 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.

**Attachments:** [March Licenses](#)

## 5. Personnel Committee (Consent)

[19-0120](#) Out of State Travel Request-Community Development-San Diego for a National GIS Conference, recommending to approve the request.

**Attachments:** [Out of state request Du Chateau.pdf](#)

[19-0228](#) Request for PTO Increase for New Hire in the Associate Planner-Business and Housing Position, recommending to approve the request.

[19-0253](#) Unpaid Leave Request Extension-Transit, recommending to approve the request.

## 6. Public Infrastructure Committee (Consent)

[19-0240](#) Zoo Kayak Launch Grant Funding, recommending placing on file

**Attachments:** [19-0240\\_201903011025](#)

[19-0241](#) Agreement for Professional Services with McMahon Associates, Inc. for Sanitary Sewer & Lateral Reconstruction on Waldo Blvd from N. 14th Street to Maritime Drive, recommending approval.

**Attachments:** [19-0241\\_201903011026](#)

[19-0242](#) Agreement for Professional Services with McMahon Associates, Inc. for Mini-Storm Sewer Construction on Waldo Blvd from N. 14th Street to Maritime Drive, recommending approval.

**Attachments:** [19-0242\\_201903011027](#)

[19-0244](#) Request from David Naidl for Permission to Erect Crosses on Hillside at Evergreen Cemetery facing North 18th Street April 13th through April 22, 2019, recommending approval.

**Attachments:** [19-0244](#) [201903011024](#)

[19-0246](#) Ordinance to Prohibit Snowplowing City Streets, recommending placing on file

**Attachments:** [19-0246](#) [201903011024](#)

[19-0247](#) Request for Access Over Unimproved Right-of-Way of Dewey Street West of S. Rapids Road, recommending approval

**Attachments:** [19-0247](#) [201903011030](#)

[19-0248](#) DNR MS4 Annual Permit - 2018 Accomplishments, recommending approving the report and placing on file.

**Attachments:** [2019 Annual MS4 Permit](#)

[19-0250](#) Request from Zoo Society to build a garage near Cabin 2 for Light Show Storage, recommending approving the request subject to Zoo Society covering the cost and City Staff approving the site and appearance.

**Attachments:** [19-0250](#) [201903011022](#)

[19-0251](#) Request from War on the Shore Special Event for Reduced Price Entry to the Aquatic Center during their Tournament, recommending approving request.

[19-0254](#) Land Use Agreement between City of Manitowoc and Corevac, LLC, for Equipment Storage at 1105 Fleetwood Drive, recommending approval of the agreement

**Attachments:** [19-0254](#)

[19-0272](#) Report of Board of Public Works of 3/8/19, of bids received for 2019 Concrete Paving, Project WS-19-1, recommending awarding to low bidder, Vinton Construction Company in the amount of \$418,068.96.

**Attachments:** [WS-19-1](#)

[Bid Tab WS-19-1](#)

[19-0273](#) Report of Board of Public Works of 3/8/19, of bids received for 2019 Epoxy Painting - Pavement Marking Program, Project WS-19-9, recommending awarding to low bidder, Brickline Inc Madison in the amount of \$104,417.40.

**Attachments:** [WS-19-9](#)  
[Bid Tab WS-19-9](#)

[19-0274](#) Report of Board of Public Works of 2/20/19, of bids received for 2019 Remove & Replace Existing Sidewalk, Project WS-19-3, recommending awarding to low bidder, Seiler Bros. Construction Inc. in the amount of \$126,682.00.

**Attachments:** [WS-19-3](#)  
[Bid Tab WS-19-3](#)

[19-0275](#) Report of Board of Public Works of 2/20/19, of bids received for 2019 Seal Coating Program, Project WS-19-6, recommending awarding to low bidder, Scott Construction, Inc. in the amount of \$163,289.48.

**Attachments:** [WS-19-6](#)  
[Bid Tab WS-19-6](#)

[19-0276](#) Report of Board of Public Works of 2/20/19, of bids received for 2019 Sewer Re-Lining, Project WU-19-7, recommending awarding to low bidder, Visu-Sewer in the amount of \$166,770.75.

**Attachments:** [WU-19-7](#)  
[Bid Tab WU-19-7](#)

[19-0277](#) Report of Board of Public Works of 2/20/19, of bids received for 2019 Concrete Slab Replacement, Project WS-19-10, recommending awarding to low bidder, Forward Contractors in the amount of \$118,815.25.

**Attachments:** [WS-19-10](#)  
[Bid Tab WS-19-10](#)

[19-0278](#) Report of Board of Public Works of 2/20/19 of approval to enter into a contract with Luiser Plumbing for installation of washout waterline for Parks Maintenance Building, AGMT-19-06, for a contract price of \$2,9002.00. Recommending acceptance and place on file.

**Attachments:** [AGMT-19-06](#)

[19-0279](#) Report of Board of Public Works of 2/20/19 of approval to enter into a contract with R. Turner Construction for cemetery storage room remodeling at 2221 Michigan Ave., AGMT-19-07, for a contract price of \$23,505.00. Recommending acceptance and place on file.

**Attachments:** [AGMT-19-07](#)

[19-0280](#) Progress Invoice from Wisconsin Dept. of Transportation in the amount of \$1,074.36 for Waldo Blvd., Project No. 39515003700, recommending payment.

**Attachments:** [19-0280](#)

[19-0281](#) Report of Board of Public Works of 2/20/19 of denial of appeal for snow shoveling assessment for property at 719 York St., recommending acceptance and place on file.

**Attachments:** [19-0281](#)

[19-0282](#) Report of Board of Public Works of denial of request for appeal of noxious weed assessment for the property at parcel 785001170, recommending acceptance and place on file.

**Attachments:** [19-0282](#)

[19-0283](#) Report of Board of Public Works of 3/6/19 of approval to reduce snow shoveling assessment by \$150 for property located at 904 N. 9th St., recommending acceptance and place on file.

**Attachments:** [19-0283](#)

[19-0284](#) Report of Director of Public Infrastructure Dan Koski of Tonnage Report for the year ending 12/31/18. Recommending acceptance and place on file.

**Attachments:** [2018 Tonnage Report](#)

[19-0285](#) Report of Board of Public Works of March 6, 2019, of quotes received for Ready Mix Concrete for 2019 Construction Season, Project QM-19-1, recommending awarding to low quoter, Carew Concrete in the amount of \$88,875.00.

**Attachments:** [QM-19-1](#)

## 7. Public Safety Committee (Consent)

[19-0255](#) Discussion regarding Jackson Elementary School drop off and pick up locations, recommending to place on file.

**Attachments:** [Jackson Elementary School - North 17th Street](#)  
[North 17th Street - Jackson Elementary School - 2019](#)

[19-0262](#) York Street Parking Discussion, recommending to place on file.

**Attachments:** [IMG\\_1244](#)  
[IMG\\_1245](#)  
[IMG\\_1246](#)  
[IMG\\_1247](#)

[19-0263](#) Discussion on ambulance collection, recommending to place on file.

## 8. Plan Commission (Consent)

[19-0218](#) PC 35-2018: Keil; Archer Street - Proposed Street Vacation under §66.1003(4) and Official Map Amendment under §62.23(6), recommending approval of the Street Vacation and Amendment to the Official Map and instruct City Clerk to schedule the necessary public hearings for the March 18th Council meeting.

**Attachments:** [19-0218 Archer St](#)  
[19-0218 Report to Council Archer Street](#)

[19-0219](#) PC 10-2019: Calumet Ave Manitowoc, LLC: Request to Rezone Property from “B-1” Office - Residential to “B-3” General Business in the 4600 Block of Calumet Avenue, recommending approval of the rezoning request and instruct the City Clerk to call for a public hearing at the Common Council's March 18th meeting.

**Attachments:** [19-0219 PC packet Calumet Ave LLC rezone](#)  
[19-0219 Report to Council Calumet Ave LLC](#)

[19-0222](#) PC 2-2019: Annual Review of Community Living Arrangements under MMC 15.370(19)b. Recommending to approve the associated licenses for the Community Living Arrangements for 2019.

**Attachments:** [19-0222 Adult Family Homes](#)  
[19-0222 Report to Council 2019 CLA Review](#)

[19-0223](#) PC 13-2019: Harbor Assistance Program - Annual Statement of Intentions. Recommending to go on record indicating support of the Annual Statement of Intentions.

**Attachments:** [19-0223 HAP Intentions](#)  
[19-0223 Report to Council 2019 HAP Statement](#)

## I. COMMITTEE REPORTS



## 1. Committee of the Whole

[19-0187](#) Communication from Alder Gabriel.

**Attachments:** [19-0187](#)  
[19-0187 \(2\)](#)  
[Gabriel Excused](#)

**Moved by Sitkiewitz, seconded by Brey, that this Communication be taken off the table. The motion carried by the following vote:**

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

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

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

[19-0239](#) Report requesting authorization to acquire CN Peninsula

**Attachments:** [CN Acquisition Memo.pdf](#)  
[20190318\\_651\\_GLC\\_Ltr\\_LGU2](#)  
[20190318\\_651\\_GLC\\_Ltr\\_LGU](#)

**Moved by McMeans, seconded by Brey, to adopt the following recommendations in the report from City Attorney Kathleen McDaniel: 1.) Proceed with closing and acquiring the CN properties on or before March 27, 2019 2.) Transfer \$800,000 from general fund to CN 3.) After acquisition, file all appropriate paperwork with WI DNR and US EPA to allow City to utilize available grant funds for the environmental assessment work on the property and 4.) Continue work with Stantec, DNR, and EPA to evaluate the site for future development purposes under existing MSA. The motion carried by the following vote:**

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

**Nay:** 1 - Williams

[19-0298](#) Report of Special Events Committee recommending approval for the following events subject to Council action: Acoustic Fest on 7/20/19 (waiver of rules prohibiting alcohol in the park; no parking on a portion of the east side of S. 12th St.); Sputnikfest on 9/7/19 (waiver of noise ordinance until 10:30 pm.m; Street closures of Park St. from N. 7th to 9th & N 8th from State to St. Clair; no parking on one side of N. 9th from State to St. Clair).

**Attachments:** [19-0298](#)

[Acoustic Fest](#)

[Sputnikfest](#)

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

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

#### 4. Finance Committee

[19-0225](#) Resolution Terminating TID District 14 and Authorizing Treasurer to Distribute Excess Increment to Overlaying Districts

**Attachments:** [Res 19-0225](#)

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

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

[19-0226](#) Resolution Terminating TID District 15 and Authorizing Treasurer to Distribute Excess Increment to Overlaying Districts

**Attachments:** [Res 19-0226](#)

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

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

[19-0233](#) Request from Wal-Mart to extend alcohol premise to include specific parking stalls designated for online grocery pickup.

**Attachments:** [Request from Wal-Mart](#)  
[Walmart Online Grocery Pickup Procedure Guide](#)  
[Walmart #1449 - Site and Floor Plans](#)

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

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

**Nay:** 1 - Williams

[19-0234](#) Resolution Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing

**Attachments:** [Res 19-0234](#)

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

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

[19-0249](#) Agreement for Management Services 2019 Manitowoc Farmers Market

**Attachments:** [Finance Committee Revisions to Final Revised Market Management Services ..](#)

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

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

[19-0291](#) Ordinance to amend Section 11.010(4) of the Municipal Code to increase fees for Operator's Licenses and to require a license ID badge be carried on licensed bartenders.

**Attachments:** [Res 19-0291](#)  
[19-0231](#)  
[19-0231\(2\)](#)

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

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

[19-0292](#) Ordinance to amend 15.510(3) of the Municipal Code to change Mobile Home or Manufactured Home Parks license periods to the calendar year.

**Attachments:** [Res 19-0292](#)

[19-0232](#)

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

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

[19-0295](#) Ordinance amending the amended zone map of the City of Manitowoc rezoning property in the 4600 block of Calumet Ave. from "B-1" Office - Residential to "B-3" General Business.

**Attachments:** [Ord 19-0295](#)

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

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

### 3. Personnel Committee

[19-0299](#) Resolution to Change to Vendor for Short Term Disability and Addition of Long Term Disability Plan Option

**Attachments:** [Res 19-0299](#)

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

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

### 4. Public Infrastructure Committee

[19-0243](#) Ordinance to Ban the Sale and Use of High-PAH Coal Tar Sealants in the City.

**Attachments:** [Ord 19-0243](#)

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

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

[19-0245](#) Donation of Exercise Equipment Request for Washington Park.

**Attachments:** [19-0245 201903011025](#)

**Moved by Novak, seconded by Brey, that this Request be accepted subject to staff's approval of the site plan. The motion carried by the following vote:**

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

[19-0290](#) Resolution Approving the Three Year Harbor Development Statement of Intentions for 2019-2021

**Attachments:** [Res 19-0290](#)

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

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

**5. Public Safety Committee**

**6. Plan Commission**

**J. OTHER BUSINESS**

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

**Deborah Neuser  
City Clerk**