



City of Manitowoc

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

Meeting Minutes

Common Council

Monday, June 19, 2017

6:30 PM

Council Chambers

A. CALL TO ORDER

B. ROLL CALL

Alderspersons Present: 8 - Jim Brey, Mike Howe, Scott McMeans, Lee H. Kummer, Steven Czekala, Jeremiah Novak, Todd Lotz and Rhienna Gabriel

Alderspersons Absent: 2 - Dave Soeldner and Eric Sitkiewicz

C. PLEDGE OF ALLEGIANCE & INVOCATION

D. PRESENTATIONS

[17-0615](#) Proclamation declaring month of May, 2017 as Neurofibromatosis (NF) Awareness Month.

Attachments: [17-0615.pdf](#)

[17-0642](#) City Clerk administers oath of office to Firefighter/Paramedics Kyle Christiansen and Cody Sieracki followed by a badge ceremony.

E. PUBLIC HEARINGS

[17-0624](#) Public Hearing to be held at 6:35 p.m. for the purpose of hearing any and all interested parties in the matter of a proposed change to the Official Map south of Reed Avenue, north of Buffalo Street, west of N. 5th Street and east of N. 13th Street.

Attachments: [17-0624.pdf](#)

[17-0628](#) Public Hearing to be held at 6:37 p.m. , for the purpose of hearing any and all interested parties in the matter of a proposed amendment to Zoning Ordinance 15.390(14) Code regarding Setbacks from Major Streets, removing the 25' parking setback provision along N. 8th Street from Park Street to Reed Avenue.

Attachments: [17-0628.pdf](#)

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

[17-0623](#) Mayor makes appointments to various committees.

Attachments: [appointments06-19-17.pdf](#)

**Moved by McMeans, seconded by Brey, that these Appointments be confirmed.
The motion carried by the following vote:**

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

[17-0645](#) Communication from Dayna Goetz resigning from the Rahr-West Art Museum Board effective 6/1/17, recommending placing on file.

Attachments: [17-0645.pdf](#)

**Moved by McMeans, seconded by Brey, that Mayor's Appointments be confirmed.
The motion carried**

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

H. CONSENT AGENDA

1. Removal of Consent Agenda Items

Aldersperson Kummer requested that document 17-0631 be removed from the 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 - Brey, Howe, McMeans, Kummer, Czekala, Novak, Lotz and Gabriel

2. Miscellaneous

[17-0616](#) Minutes of Common Council of Tuesday, April 18, 2017, recommending approval and place on file.

Attachments: [17-0616.pdf](#)

[17-0644](#) Minutes of May 15, 2017 Common Council meeting, recommending approval and place on file.

Attachments: [17-0644.pdf](#)

3. Committee of the Whole (Consent)

[17-0634](#)

Report of Special Events Committee recommending approval of the following events subject to Council action: Re-dedication of Red Arrow Park on 7/15/2017 (Closure of roadway & restricted parking in Red Arrow Park); 300th Anniversary of Freemasonry on 8/19/2017 (Closure of Chicago St. between N 8th and N 9th Streets); Manitowoc Praisefest on 7/11/2017 (Closure of S 12th St. from Marshall St. to Washington St.); HFM Company Picnic on 8/19/2017 (Waiver of rules prohibiting animals in the park); Fourth on the Shore on 7/04/2017 (Lane closures from S 7th to Huron, right lanes of northbound & southbound lanes of Maritime Dr., intersection of Waldo/Maritime/Memorial, & south pier); Subfest on 07/07 - 07/09/2017 (Street closure for Maritime Dr. with no parking & no parking in south lot by library; Waiver of noise ordinance until 11 pm on Saturday); Heitpas Engagement - Wedding Celebration on 7/14/2017 (Street closure of Lindbergh Dr. from S 30th to S 32nd & S 31st Street from Lindbergh Dr. to Coolidge).

Attachments: [report \(2\)](#)
[red arrow](#)
[300 yr. Anniversary](#)
[Praisefest](#)
[HFM picnic](#)
[Fourth on the Shore](#)
[Subfest](#)
[Hietpas Engagement](#)

[17-0635](#) Report of Special Events Committee relative to approval of the following events: Mtwc. Co. Miracles Special Olympics Tournament on 6/17/2017; Residential Block Party - 4300/4400 blk on 7/22/2017; WAIVER OF FEES - Chamber of Mtwc. Co. Annual Picnic on 6/21/2017; AMENDED - Farmer's Market - Tuesdays at Washington Park 6/6 - 10/31/2017; Silver Cup Amateurs Disc Golf Tournament on 7/1 - 7/2/2017; Silver Cup Pro Disc Golf Tournament on 7/14 - 7/16/2017; School Picnic on 5/30/2017; WAIVER OF FEES - Breakfast on the Farm on 6/11/2017; Mirro Demolition Ceremony on 6/9/2017; DATE CHANGE - MYBA Grand Opening on 6/12/2017; Fall into the Zoo on 9/16/2017; Silver Creek Bike Race on 9/30/2017; recommending acceptance of report and place on file.

Attachments: [report 3](#)
[miracles](#)
[block party](#)
[chamber picnic](#)
[Farmers Mkt.](#)
[Amateurs Disc Golf](#)
[silver cup](#)
[school picnic](#)
[breakfast on farm](#)
[mirro](#)
[MYBA](#)
[zoo](#)
[bike race](#)

4. Finance Committee (Consent)

[17-0563](#) Request from Manitowoc County Expo/Fair entertainment pavilion purveyors to extend live band music performances on Friday, August 25th and Saturday, August 26, 2016 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.; recommend to accept.

Attachments: [Fair Operation Request Extended Hours](#)

[17-0564](#) City Clerk Hudon intent to Retire June 7, 2017; recommend to accept.

Attachments: [Hudon Notice of Retirement](#)

[17-0622](#) General City Claims 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: [report 17-0622.pdf](#)
[6-16-17.pdf](#)
[6-9-17a.pdf](#)
[6-9-17b.pdf](#)
[6-2-17.pdf](#)
[6-2-17b.pdf](#)
[5-26-17a.pdf](#)
[5-19-17.pdf](#)

5. Personnel Committee (Consent)

6. Public Infrastructure Committee (Consent)

[17-0464](#) Approval of funds from Cemetery Perpetual Care Fund and Zoo Donation Tube for new gator, Public Infrastructure recommended approval of funds from Cemetery Perpetual Care Fund and Zoo Donation Tube for purchase or lease of new gator.

Attachments: [17-0464_201706011059](#)
[2017_06_15_12_22_33.pdf](#)

[17-0470](#) Subdivision Pond Maintenance, Public Infrastructure Committee referred to City Attorney to contact affected/adjoining property owners and explain the legal status of the Subdivision Pond.

Attachments: [17-0470](#)

[17-0570](#) Silver Creek Fieldhouse Rental Fees, Public Infrastructure Committee recommended approving the rental fee schedule.

Attachments: [17-0570_201706011100](#)
[Memo to PI 6-7-17](#)

[17-0571](#) Bus Stop serving ADRC, recommending approval.

Attachments: [17-0571_201706011059](#)

[17-0576](#) Temporary Exemption to Section 10.1015 Street Sweeping Parking Ban for Lakeside Foods and the Carferry, recommending approval.

Attachments: [17-0576_201706011105](#)

- [17-0579](#) Request to refinish the gymnasium floor at the Armory, Public Infrastructure Committee approved the request.
Attachments: [17-0579_201706011045](#)
- [17-0580](#) Request from Manitowoc Heat for a flat fee of \$400 to use Municipal Field, recommending approval.
Attachments: [17-0580_201706011044](#)
- [17-0581](#) Zoo Camera upgrades to come from zoo donations, Public Infrastructure Committee recommended approving upgrades to Zoo cameras with funding to come from Zoo donations.
Attachments: [17-0581_201706011042](#)
- [17-0596](#) Request from Kerry Group for a driveway curb-cut width variance for the new truck dock/warehouse area, Public Infrastructure Committee approved the request for driveway variance.
Attachments: [17-0596_201706021113](#)
[kerry-mani_5-24-17_A1](#)
- [17-0602](#) Request from the Manitowoc County Human Services Board for passes from the Aquatic Center and Mini Golf Course to be used as prizes for the Foster Care Picnic, Public Infrastructure Committee approved request for passes for 5 adult and 5 child passes for Aquatic Center and 5 passes for Mini Golf.
- [17-0617](#) Report of Board of Public Works of May 17, 2017 for 1st and Final payment of \$12,098.00 to Asplundh Tree Expert Co. for Tree and Stump Removal for Sidewalk Program, recommending payment.
Attachments: [17-0617.pdf](#)
- [17-0620](#) Report of Board of Public Works of 06/07/17 for 1st and Final payment of \$18,796.00 to Asplundh Tree Expert Co. for Tree & Stump Removal for Parks Dept., recommending payment.
Attachments: [17-0620.pdf](#)
- [17-0621](#) Report of Board of Public Works of 06/07/17 for 3rd and Final payment of \$2,645.93 to Green Bay Pipe & TV, LLC for 2017 Televising Miscellaneous Sewers I, recommending payment.
Attachments: [17-0621.pdf](#)

7. Public Safety Committee (Consent)

8. Plan Commission (Consent)

I. COMMITTEE REPORTS

1. Committee of the Whole

2. Finance Committee

[17-0638](#) Ordinance to amend Section 22.010 of the Municipal Code regulating Official Map - Master Subdivision Plans in an area south of Reed Avenue, north of Buffalo St., west of N. 5th St. and east of N. 13th St.

Attachments: [17-0658.pdf](#)

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

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

[17-0639](#) Ordinance to amend Section 15.390(14) of the Municipal Code regulating setbacks from major streets to remove the 25' parking setback provision along N. 8th St. from Park St. to Reed Ave.

Attachments: [17-0639.pdf](#)

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

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

[17-0640](#) Agreement for contribution of funds and maintenance, repairs and replacements at Citizen Park Tennis and Sport Courts between City of Manitowoc and Manitowoc Public Utilities.

Attachments: [17-0640.pdf](#)
[redline version.pdf](#)

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

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

[17-0641](#) Resolution to provide for fleet replacement process with Enterprise Fleet Management, Inc. Non-CDL Fleet Services Lease Agreements and authorize Finance Director and Director of Public Infrastructure to sign the agreements and related documents.

Attachments: [resolution.pdf](#)

[Master Lease & Maintenance Agreements 6.6.2017.pdf](#)

[GP2T - City of Manitowoc Addendum to Equity MLA.PDF](#)

[GP2T - City of Manitowoc Addendum to FM Agreement.pdf](#)

[GP2T - City of Manitowoc Addendum to Maintenance Management Agreement.pdf](#)

BREY/MCM HOWE ABST - 7/0/1

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

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

[17-0600](#) Resolution to adopt project plan amendment No. 4 to Tax Incremental Financing District No. 15 of the City of Manitowoc relative to the Dowco expansion.

Attachments: [Resolution-Council_06-19-17-DRAFT](#)

[Final 17-0600.pdf](#)

[Plan Commission Resolution.pdf](#)

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

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

[17-0646](#) 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 per Attorney's Opinion.

Attachments: [17-0646.pdf](#)

[atty opinion.pdf](#)

Moved by Brey, seconded by McMeans, that these Licenses be granted. The motion carried by the following vote:

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

Abstain: 1 - Howe

3. Personnel Committee

[17-0553](#) Resolution to approve revised job descriptions within the Department of Public Infrastructure, Wastewater Treatment Facility, Fire, and Rahr-West Art Museum departments.

Attachments: [Resolution 17-0553.pdf](#)
[Rahr West Director 5.2017 Redline](#)
[WWTF Superintendent JD 1-2017](#)
[Assistant WWTF Superintendent JD 2016](#)
[Bridgetender-Operations JD 6.2016](#)
[Deputy Fire Chief Operations & Professional Development JD 5.2017](#)
[Deputy Fire Chief Operations and Code Enforcement JD5.2017](#)
[Director of Public Infrastructure May 2017](#)

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

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

[17-0560](#) Resolution to approve revised Performance Evaluation Form and process and Department Head Peer Review form-June, 2017

Attachments: [res 17-0560.pdf](#)
[PROPOSED Perf Eval DRAFT 2017](#)
[Performance Management Training Procedure 5.2017](#)
[Dept Head Peer Review Questions DRAFT](#)
[Performance Evaluation Language EPM revision 6.2017](#)
[_Current Performance Review Form](#)

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

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

[17-0633](#) Resolution to approve hiring of an additional Operator at the Wastewater Treatment Facility. (7/17/17 Veto Sustained).

Attachments: [17-0633.pdf](#)

*(Clerk's Note: Mayor Nickels has submitted his Veto of this document.)
7/17/17 Veto Sustained.*

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

Aye: 7 - Brey, Howe, McMeans, Kummer, Novak, Lotz and Gabriel

Nay: 1 - Czekala

(Clerk's Note: Mayor submitted Veto 17-0708 which was sustained by Council on 7/17/17. the Resolution was NOT adopted).

[17-0637](#) Resolution to approve hiring of a replacement Bridgetender.

Attachments: [17-0637.pdf](#)

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

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

4. Public Infrastructure Committee

[17-0629](#) Agreement with Vinton Construction Company for the installation of storm sewer laterals on N. 12th Street, Ahrens Street and W. Marshall Street at a cost of \$23,984.40.

Attachments: [17-0629.pdf](#)

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

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

[17-0630](#) Request from Rick Couron, The Hearty Olive LLC, to place one grill on the sidewalk outside his store for his Sizzlin' Summer Food for Backyard Barbeques and Tailgating class from 5:30 p.m. to 7:00 p.m.

Attachments: [17-0630.pdf](#)

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

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

[17-0631](#) Report of Board of Public Works of June 8, 2017, regarding bids received for 2017 Former Town of Newton Gravel Pit Environmental Remediation Project WO-17-16, recommending awarding to low bidder, RLP Diversified, in the amount of \$847,607.00.

Attachments: [17-0631.pdf](#)
[17-0631 bid tab.pdf](#)

Moved by Kummer, seconded by Brey, that this Report be accepted and bid awarded to low bidder, RLP Diversified in the amount of \$847,607.00, subject to DNR approving remediation action report. The motion carried by the following vote:

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

[17-0636](#) Ordinance to amend Section 8.230 of the Municipal Code to allow metal detecting within parks and beach areas.

Attachments: [17-0636.pdf](#)

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

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

[17-0643](#) First Amendment to Antenna Collocation Lease Agreement, Memorandum of Agreement and Certificate of Authority, all related to AT&T lease amendment for cell tower located at 736 Revere Drive.

Attachments: [First Amendment.pdf](#)
[First Amend to Memo.pdf](#)
[cert of auth.pdf](#)

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

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

5. Public Safety Committee

[17-0505](#) Mtwc. Sex Offender Residence Board Appeal for Michael D. Dean with recommendation from Police Chief Nick Reimer to deny request and place on file.

Moved by Howe, seconded by Czekala, that this Appeal be denied. The motion carried by the following vote:

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

[17-0549](#) Mtwc. Sex Offender Residence Board Appeal for Jacob M. Atwell with recommendation from Police Chief Nick Reimer to approve this request and forward to Council.

Moved by Howe, seconded by Czekala, that this Appeal be approved. The motion carried by the following vote:

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

[17-0550](#) Mtwc. Sex Offender Residence Board Appeal for Michael C. Kurer with recommendation from Police Chief Nick Reimer to approve this request and forward to Council.

Moved by Howe, seconded by Czekala, that this Appeal be approved. The motion carried by the following vote:

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

[17-0551](#) Ordinance amending Chapter 11 and Chapter 14 of the Manitowoc Municipal Code regulating crimes of moral decency including gambling, vagrancy, prostitution, and escort services.

Attachments: [11.035 Ord regulating Escort Services](#)
[Memo re Escort, Human Trafficking, Prostitution, Gambling Ord Update](#)

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

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

6. Plan Commission

[17-0536](#) PC 7-2017: Trans-Link Services, LLC; Request for 2nd Amendment to a Conditional Use Permit for the Trans-Loading of Bulk Material

Attachments: [17-0536 Public Notice Trans Link Services amendment #2](#)
[17-0536 Trans Link Services amendment #2](#)
[17-0536 PC Report Trans Link Services amendment #2 revised](#)
[17-0536 Report to Council PC 7-2017 Trans Link CUP](#)

Moved by Brey, seconded by Howe, that this Action Item be approved as noted on the list of conditions. The motion carried by the following vote:

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

[17-0625](#) Report of Plan Commission relative to request from Kwik Trip for animated sign in a B-3 General Business District 15 2102 Washington St. with Commission recommending to approve a Special Use Permit subject to list of conditions.

Attachments: [17-0625.pdf](#)

Moved by Brey, seconded by Howe, that this Report be approved subject to list of conditions. The motion carried by the following vote:

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

[17-0626](#) Report of Plan Commission relative to request Amendment to Zoning Ordinance 15.390(14) Code Regarding Setbacks from Major Street, with Commission recommending to approve the change to Chapter 15.390(14) removing the 25' parking setback provision along N 8th Street from Park Street to Reed Avenue and instruct the City Clerk to call for a public hearing.

Attachments: [17-0626.pdf](#)

Moved by Brey, seconded by Howe, that this Report be approved with Clerk to call for public hearing. The motion carried by the following vote:

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

[17-0627](#)

Report of Plan Commission relative to request City Initiated Official Map Amendment; N 5th, N. 8th and Huron Streets pursuant to Section 62.23(6) to approved the Official Map Amendment and instruct the City Clerk to schedule a public hearing.

Attachments: [17-0627.pdf](#)

Moved by Brey, seconded by Howe, that this Report is approved with Clerk to call for public hearing. The motion carried by the following vote:

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

J. OTHER BUSINESS

K. ADJOURN

Meeting adjourned at 7:23 p.m.

**Deborah Neuser
City Clerk**