



City of Manitowoc

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

Meeting Minutes

Committee of the Whole

Tuesday, October 27, 2020

5:45 PM

Council Chambers

Note-Meeting will also be available via Remote Conferencing

1. Call to Order

2. Roll Call

Present: 11 - McMeans, Sitkiewitz, Nickels, Czekala, Novak, Brey, Hansen, Schlei, Vanderkin, Brunner and Bailey

3. Public Comment

Council President Sitkiewitz 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.

4. Discussion and Action Items

Council President Sitkiewitz read the notice to convene in closed session: Notice is hereby given that the above governmental body may adjourn into a closed session during the meeting as authorized by Section 19.85(1)(f) of the Wisconsin Statutes, which authorizes the governmental body to convene in closed session for the purpose of considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.

The specific subject matter that may be considered in closed session is:

20-1048 Status of Alderperson as Qualified Elector

Committee discussed convening in closed session versus staying in open. There being no motion to convene in closed session, the meeting remained in open session.

[20-1048](#)

Status of Alderperson as Qualified Elector

Council President Sitkiewitz initiated this discussion by first giving the floor to Alderperson Bailey. Alderperson Bailey indicated he would like to provide documentation to the Committee prior to inviting his representation speak on his behalf. Theresa Collins and Attorney Ben Cross were named as Alderperson Bailey's representatives.

Attorney Cross indicated their position is that the report that has been conducted does not include evidence indicating that Alderperson Bailey doesn't live where he says he lives. After some discussion, the Committee took a brief break for City Attorney Kathleen McDaniel to disseminate the report provided by Alderperson Bailey. Theresa Collins and Ronald Kossik then provided an overview of the documentation submitted on behalf of Alderperson Bailey supporting his residency claim.

Council President Sitkiewitz then invited Charles Hess, City contracted investigator to provide the conclusion of his report. Mr. Hess introduced himself and his investigative process, including that he believes the investigation is not necessarily complete. Mr. Hess made a point to reiterate that he's reporting what he finds, has not drawn any conclusions and could continue on with the investigation if directed to do so by the Committee.

After some Committee discussion, Alderperson Jim Brey asked City Attorney Kathleen McDaniel what the process would be for removal. City Attorney Kathleen McDaniel then went on to explain the statutory process for removal.

Council President Sitkiewitz explained how the Committee got to where they are. A private citizen approached Mayor Justin Nickels with concerns regarding Alderperson Bailey's residency; Mayor Justin Nickels then forwarded the report onto Council President Sitkiewitz who provided the information to City Attorney Kathleen McDaniel. At that point, a decision was made on what to do with the information outlined in the complaint. The Committee opted to proceed with their own, independent investigative report to either validate or discredit the report provided by the private citizen.

Council President Sitkiewitz went on to clarify that the Committee is not at the point of removal, and does not see the need for the Charles Hess investigation to continue and would be looking to accept the report and place on file.

Moved by Novak, seconded by Sitkiewitz, that this Report be accepted and

placed on file. The motion carried by the following vote:

Aye: 11 - McMeans, Sitkiewitz, Nickels, Czekala, Novak, Brey, Hansen, Schlei,
Vanderkin, Brunner and Bailey

7. Adjournment

**Moved by Brey, seconded by Novak, that this meeting be adjourned at 8:09 p.m.
The motion carried by the following vote:**

Aye: 11 - McMeans, Sitkiewitz, Nickels, Czekala, Novak, Brey, Hansen, Schlei, Vanderkin,
Brunner and Bailey