

## **City of Manitowoc**

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

# Meeting Minutes Common Council

Monday, June 15, 2015 6:30 PM Council Chambers

## A. CALL TO ORDER

Mayor Nickels called the meeting to order at 6:35 p.m.

#### **B. ROLL CALL**

**Alderpersons Present:** 10 - Allan Schema, Patrick Brandel, Dave Soeldner, Jim Brey, Jill Hennessey, Mike Howe, Jason Sladky, Scott McMeans, Christopher Able and Eric Sitkiewitz

#### C. PLEDGE OF ALLEGIANCE & INVOCATION

#### D. PRESENTATIONS

<u>15-637</u> Manitowoc Area Visitor and Convention Bureau Annual Update

15-656 Presentation by Wastewater Treatment Facility Superintendent Brian Helminger and Jane Carlson of Strand relative to improvements at the facility.

#### E. PUBLIC HEARINGS

Public Hearing to be held at 6:35 p.m. for the purpose of hearing any and all interested parties in the matter of proposed amendment to Chapter 15 of the City's Comprehensive Zoning code regarding home occupations.

Mayor declared the meeting open for the public hearing. Community Development Director Nic Sparacio gave an overview of the proposed amendment. City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on June 1 and June 8, 2015. (Proof of Publication is on file in the City Clerk's office). No interested parties appeared. Mayor declared the public hearing closed. (A recording of the hearing is available 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

<u>15-641</u> Appointment of Mark C. Maurer, Citizen Member, to TIF Joint Review Board in place of Mark Ring.

Moved by Sitkiewitz, seconded by McMeans, that this Appointment be confirmed. The motion carried by the following vote:

15-642 Re-Appointments to Cemetery Commission: John Bilka for 4 year term ending

4/30/19; Ted Dirkman for 4 year term ending 4/30/18; Eric Zabel for 4 year term

ending 4/30/18.

Moved by Sitkiewitz, seconded by McMeans, that this Appointment be confirmed. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

<u>15-651</u> Appointment to Wastewater Treatment Facility Board: Brian Rasmussen, Residential Representative, in place of Dale Zahn, for 3 year term ending 6/1/18.

Moved by Sitkiewitz, seconded by McMeans, that this Appointment be confirmed. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

#### H. CONSENT AGENDA

## 1. Removal of Consent Agenda Items

## **Approval of the Consent Agenda**

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

#### 2. Miscellaneous

<u>15-643</u> Minutes of Common Council of Monday, May 18, 2015, recommending approval

and place on file.

Attachments: 15-643.pdf

15-644 Minutes of Community Development Authority of 4/22/15; Plan Commission of

5/6/15; Police & Fire Commission of 5/12/15; Manitowoc Public Utilities

Commission of 5/11/15; Wastewater Treatment Facility Board of 3/24/15; and

Zoning Board of Appeals of 5/19/15, recommending placing on file.

Attachments: 15-644.pdf

15-650 Notice from Public Service Commission of Wisconsin relative to application of

Manitowoc Public Utilities for tariff changes related to deferred payment

agreements, recommending placing on file.

Attachments: 15-650.pdf

## 3. Committee of the Whole (Consent)

15-666 Report of Special Events Committee relative to approval of the following events:

Krazy Daze on 7/10 - 7/12, 2015; Community Fitness Event on 8/8/15; St. Francis of Assisi Parish Picnic on 8/14 - 8/15, 2015; Walk for ALS on 8/29/15; Flag Day Event on 6/11/15; Cool City Classic Car Cruise on 6/26/15; Silver Creek Bicycle Race on 9/12/15; recommending acceptance of report and place

on file.

Attachments: flag day.pdf

walk for als.pdf

st francis of assisi.pdf

community fitness event.pdf

krazy daze.pdf SEC Report.pdf silver creek.pdf cool city.pdf

15-667 Report of Special Events Committee recommending approval of the following

events subject to Council action: Northeastern Wisconsin Salmon Festival on 7/3 - 7/5, 2015 (extension of noise ordinance); Pedals for Petals Bike Rodeo on 7/11/15 (waiver for alcohol in Washington Park); Kiwanis Car Club Show on

8/9/15 (street closures and waiver for alcohol in Washington Park),

recommending approvals.

Attachments: SEC Report (2).pdf

Salmon.pdf
Pedals.pdf
kiwanis.pdf

## 4. Finance Committee (Consent)

15-573 Recommend proposed settlement regarding CVS Pharmacy, Inc. vs. City of

Manitowoc, Case 14CV247, and CVS Pharmacy Claim for Excessive

Assessment.

15-623 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: 15-623.pdf

## 5. Licensing, Permits and Inspections Committee (Consent)

15-575 City of Manitowoc Housing Rehabilitation Loan Program Plan, recommending to

approve the Plan with the exception of not including recommendation #8.

Attachments: 15-575 Revised.pdf

Not including recommendation #8

15-576 Vans Bar and Grill request to extend premise on June 20, 2015, recommending

approval of request.

Attachments: 15-576.pdf

<u>15-605</u> Performance of the City's Inspection Division, recommending placing on file.

Attachments: bldginspmemo.pdf

15-606 Wisconsin Maritime Museum request to extend alcohol premise on July 10 - 12,

2015 for Subfest and July 3 - 6, 2015 for Fourth on the Shore, recommending

approval of requests.

Attachments: wismaritime.pdf

15-607 Update, discussion, and possible action on Building Inspection Department,

recommending placing on file.

Attachments: bldginspmemo.pdf

15-608 Meadow Sports Complex request for extension of premise on July 12, 2015 for

Gumby's Club Fore A Cure golf fundraiser, recommending approval of the

request.

Attachments: meadow.pdf

15-609 Tower Tavern request for extension of premise to parking lot on July 11, 2015 4

p.m. - 9 p.m., recommending approval of the request.

Attachments: tower.pdf

15-649 Quit Claim Deed from Kent and Sara Keil for .15 acres for South 35th Street

Purposes, recommending acceptance and place on file.

Attachments: 15-649.pdf

15-652 Surrender of "Class B" Retail Intoxicating and Fermented Malt Beverage

License #43 from Skinny Dipp Inn, Michael Groelle, Agent, 1107 S. 10th St. in favor of Cynthia Nessman effective July 1, 2015, recommending accept and

place on file.

Attachments: 15-652.pdf

## 6. Parks and Recreation Committee (Consent)

15-517 Request from O'Connor's Concessions to do concession business in the City

of Manitowoc for 2015 season recommending granting request.

Attachments: 15-517 O'Connor's Concessions

15-565 Request to use donation tube monies for minor remodeling of the Lincoln Park

Zoo Education Building kitchen area, recommending granting the request to

spend up to \$9,159.00 for kitchen and related improvements.

Attachments: 15-565 Zoo Kitchen Request

15-572 Animal Loan Agreement with Manitowoc County Farm Bureau for the loan of

farm animals from its member farmers for the Big Red Barn exhibit at the Lincoln Park Zoo for the period May 23, 2015 through September 7, 2015,

recommending entering into the agreement.

<u>Attachments:</u> 15-572 Animal Loan Agreement - Farm Bureau

## 7. Personnel Committee (Consent)

## 8. Public Infrastructure Committee (Consent)

15-531 Report of Board of Public Works of May 6, 2015 for bids received for Seal

Coating & Prep. Work on Various Streets, Project WS-15-6, recommending not

to award and place on file.

Attachments: 15-531.pdf

15-625 Agreement with Lakeshore Cleaners, Inc. for prairie seeding and herbiciding 5

acres outside of the prairie area at Dewey Street Stormwater Detention Pond at a cost of \$8,412.77, recommending approval and entering into the agreement.

Attachments: 15-625.pdf

<u>15-627</u> Progress Invoice from Wisconsin Dept. of Transportation in the amount of

-\$154.74 for Madison Street - 10th St. - 8th St., Project No. 4347-05-71,

recommending acceptance of refund.

Attachments: 15-627.pdf

15-628 Report of Board of Public Works of June 3, 2015 for Install High Definition IP

Surveillance System at City Hall and Final Payment to Martin Systems, Inc. in

the amount of \$5,499.69, recommending payment.

Attachments: 15-628.pdf

15-629 Report of Board of Public Works of June 3, 2015 for Horseshoe Drive Pumping

Station Rehabilitation and Final Payment to Strand Associates Inc. in the

amount of \$196.06, recommending payment.

Attachments: 15-629.pdf

15-631 Report of Board of Public Works of June 3, 2015 for 2014 Remove and Replace

Existing Sidewalks and New and Final Payment to Seiler Bros. in the amount of

\$1,521.91, recommending payment

Attachments: 15-631.pdf

15-634 Contract with Mike Check Builders Inc. to provide labor and material for

re-roofing and re-siding of garage at Gravel Pit along with 10' lean-to-roof on southside of garage at a cost of \$11,616.00, recommending approval and enter

into the agreement.

Attachments: 15-634.pdf

15-635 Report of Board of Public Works of June 3, 2015, of bids received for 2015

Televising Miscellaneous Sewers II, Project WU-15-14, recommending awarding to low bidder, Northern Pipe Equipment, Inc. in the amount of

\$26,932.40.

Attachments: 15-635.pdf

15-636 Agreement with Hi-Tech Painting and Decorating to paint the exterior of the

Rahr-West Art Museum at a cost of \$17,500.00, recommending approval and

enter into the agreement.

15-655 Contract with Corcoran Glass & Paint to replace hail damaged brakemetal trip

at Visitor Information Center at a cost of \$3,754.00 and to replace hail damaged

casement window on west elevation at DPW main building at a cost of \$2,954.00, recommending approval and entering into the agreement.

Attachments: 15-655.pdf

15-663 Report of Board of Public Works of June 10, 2015, of quotes received for 2015

DPW Articulated Tractor, Project QE-15-4, recommending awarding to low

bidder, Industrial Marketing in the amount of \$103,336.00.

Attachments: 15-663.pdf

15-664 Report of Board of Public Works of June 10, 2015, of bids received for Tuck

Pointing Department of Public Works Building, Project WB-15-19,

recommending awarding to low bidder, Quality Building Restoration, in the

amount of \$36,850.00.

Attachments: 15-664.pdf

## 9. Public Safety Committee (Consent)

15-521 Communication from Gerard Neuser, requesting two Handicapped parking

stalls on Jay Street (nearest to the southwest corner of S. 8th & Jay St),

recommending placing on file.

Attachments: PS 15-521 Handicap Prkng Jay St.PDF

15-522 Communication from Fred Schnell, requesting an extension of the noise

ordinance for Friday July 3 until 11:30pm for the Northeastern Wisconsin Salmon Festival at the Manitowoc Marina, recommending approval.

Attachments: PS 15-522 Franklin S 21.PDF

15-523 Request for Special Events Privilege from Fat Seagull's Debi Erickson relative

to noise and bands outdoors, recommending approval of request.

Attachments: PS 15-523 Fat Seagull noise.PDF

15-613 Fire Chief monthly update to include: MFRD monthly report, MFRD 2014 annual

report, and MFRD 1st QTR Key Performance report - recommending accept

and place on file.

Attachments: MFD 2014 Annual Report.pdf

MFD May 2015.PDF

MFD 1st QTR Performance.PDF

15-614 Police Chief update to include: MTPD monthly report and K-9 update -

recommending accept and place on file.

Attachments: MTPD May 2015.PDF

15-618 Resolution to keep open positions at the Fire Department vacant until an

arbitration award has been issued, recommending placing on file.

Attachments: PS 15-618 Resolution MFRD.PDF

## I. STANDING COMMITTEE REPORTS

#### 1. Committee of the Whole

15-662 Supplemental Task Order from AECOM for \$218,240.00 for 2015 Balance of

Services for project at former Newton Gravel Pit.

Attachments: 15-662.pdf

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and

Sitkiewitz

#### 2. Finance Committee

## 3. Licensing, Permits and Inspections Committee

15-559 Ordinance to amend portions of Chapter 15 of the Municipal Code to revise

various definitions of home occupation.

Attachments: 15-559.pdf

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and

Sitkiewitz

<u>15-630</u> Silver Lake College Request to amend "Class B" premise description.

Attachments: 15-630.pdf

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and

Sitkiewitz

15-632 Asst Chief Nick Reimer request to refund operator license fee for Jeff Erickson

and apply to fines.

Attachments: 15-632.pdf

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

carried by the following vote.

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and

Sitkiewitz

15-646 Report of City Plan Commission relative to Wenzel Properties LLC request to

rezone property at 2003 Marshall and 1112 S. 20th Street with recommendation that Council instruct the Clerk to call for a public hearing on this matter for July

20, 2015.

Attachments: 15-646.pdf

Moved by Brey, seconded by Howe, that the Clerk call for a public hearing on this matter for July 20, 2015. The motion carried by the following vote:

15-647

Report of City Plan Commission relative to request of Amy and Martin Sheck for conditional use permit for home occupation - expanded use at 1718 S. 15th Street, with Commission recommending that Council grant a CUP subject to compliance conditions stated herein.

Attachments: 15-647.pdf

The tie vote was broken by Mayor Nickels who voted aye. Committee's report was accepted. Ayes, 6. Nays, 5.

Moved by Brey, seconded by Howe, that this Report be approved. The motion failed by the following vote:

Aye: 5 - Schema, Soeldner, Brey, Howe and McMeans

Nay: 5 - Brandel, Hennessey, Sladky, Able and Sitkiewitz

15-648

Report of City Plan Commission relative to request from Katelyn Sheck for conditional use permit for home occupation - expanded use at 2019 S. 9th Street, with Commission recommending Council grant a CUP subject to compliance conditions stated herein.

Attachments: 15-648.pdf

The tie vote was broken by Mayor Nickels who voted aye. Committee's report was accepted. Ayes, 6. Nays, 5.

Moved by Brey, seconded by Howe, that this Report be granted. The motion failed by the following vote:

Aye: 5 - Schema, Soeldner, Brey, Howe and McMeans

Nav: 5 - Brandel, Hennessey, Sladky, Able and Sitkiewitz

15-669 Report of Licensing, Permits and Inspections Committee approving various

licenses for granting (see attached).

Attachments: 15-669.pdf

Class "B" Fermented Malt Beverage license: #BBR-1508; "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license: TAV-1556 thru TAV-1567; "Class C" Wine license: CWN-1503; Mobile Home Park license: #5; Stock Car Races, Racing Exhibitions, Demolition Derby license: #2 thru 5.

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

## 4. Parks and Recreation Committee

15-624 Agreement with Port-a-Pier to furnish labor, equipment and material required to

build a new 6' x 10' port-a-pier shore mount with a 6' wide and 16" long

wheelchair access plate secured on the Schuette Park shoreline connected to a modified existing 6' x 30' gangway with hand railings at a cost of \$15,011.00.

Attachments: 15-624.pdf

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and

Sitkiewitz

15-626 Agreement with Jim Reif Builders, Inc. to furnish labor, equipment and material

required to complete roof replacement of the existing hexagon park shelter

building located at Lincoln Park at a cost of \$12,753.00.

Attachments: 15-626.pdf

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and

Sitkiewitz

#### 5. Personnel Committee

15-633 Resolution to promote Parks Caretaker to Parks laborer and to eliminate the

Parks Caretaker position.

Attachments: 15-633.pdf

Moved by Hennessey, seconded by Able, that this Resolution be adopted. The

motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and

Sitkiewitz

15-658 Resolution to approve hiring of a replacement Administrative Assistant at the

Wastewater Treatment Facility due to a retirement.

Attachments: 15-658.pdf

Moved by Hennessey, seconded by Able, that this Resolution be adopted. The

motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and

Sitkiewitz

15-659 Resolution to approve the backfilling of the Administrative Assistant position

within the Police Department along with amended job description.

Attachments: 15-659.pdf

Moved by Hennessey, seconded by Able, that this Resolution be adopted. The

motion carried by the following vote:

#### 6. Public Infrastructure Committee

15-561 Resolution designating Mayor Justin M. Nickels as the representative of the City

for the purpose of filing Clean Water Fund applications.

Attachments: 15-561.pdf

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and

Sitkiewitz

<u>15-653</u> Task Order No. 15-01 with Strand Associates pursuant to Technical Services

Agreement dated 4/11/13 for Wastewater Treatment Facilities Improvements.

Attachments: 15-653.pdf

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and

Sitkiewitz

15-654 Ordinance to establish Comptroller as member of the Board of Public Works in

the absence of the Finance Director/Treasurer.

Attachments: 15-654.pdf

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and

Sitkiewitz

15-657 Amendment No. 1 to Agreement with Strand Associates, Inc. dated April 11,

2013.

Attachments: 15-657.pdf

Moved by Soeldner, seconded by Brey, that this Agreement be approved. The

motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and

Sitkiewitz

15-665 Memorandum from Director of Public Infrastructure Dan Koski relative to 2015

Seal Coating Bids and Alternatives

Attachments: 15-665.pdf

Moved by Soeldner, seconded by Brey, that this Memorandum be accepted

relative to Option 2. The motion carried by the following vote:

## 7. Public Safety Committee

15-330 Ordinance to amend Section 10.630 of the Municipal Code revising the

regulation for towing vehicles.

Attachments: PS 15-330.pdf

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and

Sitkiewitz

<u>15-610</u> Brian Laurent communication requesting that the 2 hour parking in 800 block of

Chicago Street become 8 hour parking, recommending amending ordinance to

unlimited parking in the 800 block of Chicago Street.

Attachments: PS 15-610 - Chicago St Parking .PDF

Moved by Able, seconded by Sitkiewitz, that this Communication be approved for unlimited parking in the 800 block of Chicago St. The motion carried by the

following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and

Sitkiewitz

15-612 Communication requesting information on accessing a Hearing Impairment sign

for the residence of a hearing impaired child on S 26th St near Custer St.,

recommending approval and to have the sign posted.

<u>Attachments:</u> PS 15-612 -Hearing Impaired Sign.PDF

Moved by Able, seconded by Sitkiewitz, that this Communication be approved and signage posted. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and

Sitkiewitz

15-615 MFRD spill clean-up fee in the amount of \$73.50 disputed by Lori Koschnick,

recommending denial of the claim.

Moved by Able, seconded by Sitkiewitz, that this Communication be denied. The motion carried by the following vote:

Aye: 9 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, McMeans, Able and

Sitkiewitz

Nay: 1 - Sladky

<u>15-616</u> MFRD EMS charge for Lily Meyer DOS 3-11-15 disputed, recommending denial

of request and place on file.

Attachments: PS 15-616 MFD EMS Meyer.PDF

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and

Sitkiewitz

15-617 Ambulance Service agreement between Leukemia and Lymphoma Society and

the City of Manitowoc Fire Department for event on July 18, 2015,

recommending approval.

Attachments: PS 15-617 MFD - Leukemia Agree.PDF

PS 15-617 Ambulance - Luekemia0001.PDF

Moved by Able, seconded by Sitkiewitz, that this Agreement be approved and entered into. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and

Sitkiewitz

#### J. OTHER BUSINESS

#### K. ADJOURN

Meeting adjourned at 7:56 p.m.

Jennifer Hudon City Clerk