



City of Manitowoc

Meeting Minutes

Common Council

17-0280
CONSENT
900 Quay Street
Manitowoc, WI 54220
www.manitowoc.org

Monday, February 20, 2017

6:30 PM

Council Chambers

A. CALL TO ORDER

B. ROLL CALL

Alders Present: 8 - Dave Soeldner, Jim Brey, Jason Sladky, Scott McMeans, Christopher Able, Eric Sitkiewitz, Lee H. Kummer and Steven Czekala

Alders Absent: 1 - Mike Howe

C. PLEDGE OF ALLEGIANCE & INVOCATION

D. PRESENTATIONS

E. PUBLIC HEARINGS

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

17-0161 Appointment of Dr. Danielle McKeithen, Silver Lake College, to the Brownfields Advisory Committee in place of Dr. Erik Hoyer for an indefinite term.

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

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

H. CONSENT AGENDA

1. Removal of Consent Agenda Items: None.

Approval of the Consent Agenda

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

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

2. Miscellaneous

- 17-0177 Minutes of Common Council meeting of 1/23/17, recommending approval and place on file.
- 17-0178 Minutes of February 13, 2017 Common Council meeting, recommending acceptance and place on file.
- 17-0179 Public Notice of an Air Pollution Control Permit Application Review for R2H Flavor Technology, 6260 Vits Drive, recommending placing on file.
- 17-0180 Public Notice of an Air Pollution Control Permit Application Review of Natural Ovens Bakery, 4300 County Rd. CR, recommending placing on file.
- 17-0181 Congratulations from Congressman Glenn Grothman on receiving the Governor's 2016 Exemplary Award from the state Division of Vocational Rehabilitation for the City's commitment to hiring individuals with disabilities, recommending placing on file.

3. Committee of the Whole (Consent)

- 17-0184 Report of Special Event Committee relative to approval of the following events: Ice on 8th on 2/11/17; Manitowoc County Fair Bandwagon Rental on 8/23-27/2017; Nothing wedding & reception on 6/23/17; 3 on 3 Basketball Tournament on 7/28-30/2017; recommending acceptance of report and place on file.
- 17-0185 Report of Special Events Committee recommending approval of the following event subject to Council action: St. Patrick's Day Parade (street closure for parade on S. 8th St. from Washington to Chicago Sts., no parking on parade route during parade, recommending approval.

4. Finance Committee (Consent)

- 17-0100 Adjust Tax Amounts for 2016 Personal Property Tax due to palpable error on the following parcels; recommend approval.

Parcel No.	Tax Amt.	Assessed Value)
000-315-705	\$52.50	(\$2,500)
000-918-635	\$20.96	(\$1,000)
000-918-180	\$224.28	(\$10,700)
000-120-048	\$329.08	(\$15,700)

- 17-0101 Notice of Closure Approval with Continuing Obligations for Rights-of-Way for Franklin St and South 24th Street, Manitowoc, WI
Final Case Closure for Former Mirro #3, 2402 Franklin St,
DNR BRRS Activity #: 02-36-563442, recommend to place on file.

- 17-0104 City Attorney Claims Report, recommend to accept and place on file
- 17-0114 Notice of Intent to Retire - Hudon, recommend to accept the notice and place on file.
- 17-0160 General City Claims in the amount of \$9,135,307.86 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.
- 17-0182 Report from Wisconsin DNR relative to 2016 sanitary survey report for the water supply serving the City of Manitowoc, recommending acceptance and place on file.

5. Personnel Committee (Consent)

6. Public Infrastructure Committee (Consent)

- 17-0009 Request from SMI and Representatives of VanHorn for a Letter of Understanding from the City that the private sewer exists in the easement and is allowed at 4611 Expo Drive, recommending approval of request.
- 17-0031 Report of Board of Public Works of January 11, 2017, of bids received for Wastewater Treatment Facility Improvements, Project WB-17-2, recommending awarding to low bidder, CD Smith Construction, in the amount of \$8,966,000.00.
- 17-0116 Agreement between the United Methodist Church and the Aging & Disability Resource Center of the Lakeshore Senior Nutrition Program regarding the dining site, recommending entering into the agreement.
- 17-0117 Request for phase 2 of the renovation plan for the downstairs of the Education Center at the Zoo, with funding to be from the zoo donation tube, recommending approval of the request.
- 17-0132 Proposed Intersection changes at Calumet Avenue and South 41st Street, recommending approval of the request.
- 17-0135 2017 AECOM Services Supplemental Task Order - Town of Newton Gravel Pit, recommending enter into agreement for the Task Order
- 17-0150 Capital Works 5 Year Plan 2016-2021, recommending approval and posting to City Website.
- 17-0163 Report of Board of Public Works of 2/8/17 for 1st and Final payment of \$10,500.00 to Ayres Associates, Inc. for 8th and 10th Street Bridge Inspections, Invoice 167266, recommending payment.

- 17-0164 Report of Board of Public Works of 2/8/17 for 2nd and Final payment of \$4,395.31 to Northern Pipe Equipment, Inc. for 2016 Televising Miscellaneous Sewers II, WU-16-14, recommending payment.
- 17-0169 Report of Board of Public Works of 1/25/17 for 3rd and Final payment of \$29,074.10 to De Groot, Inc. for 2015 Horseshoe Drive Lift Station Construction, WU-15-2, recommending payment.
- 17-0176 Report of Board of Public Works of January 25, 2017, of bids received for 2017 Sewer Re-Lining, Project WU-17-7, recommending awarding to low bidder, Michels Corporation in the amount of \$403,998.25.

7. Public Safety Committee (Consent)

- 17-0060 Fire/Rescue Division of Life Safety Report November 2016, recommending approval.
- 17-0061 Fire/Rescue Monthly Report December 2016, recommending approval.
- 17-0062 Police Department Monthly Report, December 2016, recommending approval.
- 17-0071 Fire/Rescue Life Safety December 2016 Report, recommending approval.
- 17-0083 Fire/Rescue Key Performance 4th Quarter Report, recommending approval.
- 17-0086 Village of Cleveland agreement for ambulance services, recommending approval as consistent with policy for service agreements with no additional costs to Fire and Safety.

I. STANDING COMMITTEE REPORTS

1. Committee of the Whole

- 17-0143 Ordinance to amend Section 11.010(10)(d) of the Municipal Code regulating "Class A" license regulations relative to intoxicating liquor sales only.

Moved by Brey, second by Sitkiewitz to adopt the ordinance. After a short discussion, Alderperson Brey withdrew his motion and advised the matter would be discussed further at the Committee level.

- 17-0147 Request for Proposal for parking consultants downtown.

Moved by Brey, seconded by Sitkiewitz, that this Action Item be approved for requests for proposals for parking consultants downtown to include removing the language about parking structures, including the Rahr-West Museum, the Manitowoc Marina and 1512 Washington Street. The motion carried by the following vote:

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekała

17-0165 Resolution in support of the proposed Wisconsin-Lake Michigan National Marine Sanctuary.

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

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

2. Finance Committee

17-0099 2017 Weights and Measures Assessments

Mayor asked if anyone objected to these assessments. No interested parties appeared.

Moved by McMeans, seconded by Sitkiewitz, that this Action Item be approved. The motion carried by the following vote:

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

17-0102 Two Year Operator's license #160303 of Tara Michelle Swetlik, 901 Huron St. with recommendation from Assistant Chief Scott Luchterhand to deny the license.

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

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

17-0103 Revocation Hearing for 2016-17 "Class B" Intoxicating Liquor and Fermented Malt Beverage license No. TAV-1665 of Scorpion Bar and Grill LLC, Jorge Ibarra, Agent, 214 N. 8th Street.

Moved by McMeans, seconded by Sitkiewitz, that this Action Item be accepted to revoke the license. The motion carried by the following vote:

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

17-0105 Mark W. Jens, Claim for Excessive Assessment Under Wis. Stat. 74.37

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

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

17-0107 Request for authorization to Sole Source purchase of Power Cots for the Manitowoc Fire Dept EMS with Stryker Medical

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

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

17-0108

Discussion and possible action on request from Manitowoc Youth Baseball Association to discuss funding options to complete project at Citizen Park

Moved by McMeans, seconded by Sitkiewitz, that this Action Item be approved to transfer \$150,000 of room tax reserves for use toward the MYBA Project and the Room Tax Commission develops a repayment plan for a percent of the dollars to return back to the reserves. The motion carried by the following vote:

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

17-0109

Request for authorization to execute updated development agreement related to Community Development Investment grant for renovation of 804 Jay Street and 914 S 8th Street (The Schuette Building).

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

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

17-0110

Request for authorization to contract with the Farmers Market Manager for additional services including marketing and planning for the 2017 season.

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

Aye: 7 - Soeldner, Brey, Sladky, McMeans, Sitkiewitz, Kummer and Czekala

Nay: 1 - Able

17-0115

Ordinance amending section 11.060 Regarding Taxicab Vehicle License and Taxicab Driver's Licenses.

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

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

17-0148

Write off of Personal Property Tax in the amount of \$4,053.83 due to palpable error on parcel #000-307-596

Moved by McMeans, seconded by Sitkiewitz, that this Action Item be approved. The motion carried by the following vote:

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

- 17-0168** Report of City Plan Commission relative to annual review of Community Living Arrangements in the City of Manitowoc recommending Council approve the licenses for these facilities for 2017.
- Moved by McMeans, seconded by Sitkiewitz, that this Report be accepted and approve licenses for these facilities for 2017. The motion carried by the following vote:**
- Aye:** 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala
- 17-0162** Findings of Fact Conclusions of Law and Recommendation relative to Scorpion Bar and Grill LLC, Jorge A. Ibarra, Agent, 214 N. 8th Street, with recommendation to revoke their alcohol license.
- Moved by McMeans, seconded by Sitkiewitz, that these Findings be accepted and to revoke the license. The motion carried by the following vote:**
- Aye:** 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala
- 17-0167** Quit Claim Deed from Woodland Shadows LLC for Virginia Drive purposes with Plan Commission Report attached recommending acceptance of deed with Clerk, after confirmation from Community Development Department, to record the deed.
- Moved by McMeans, seconded by Sitkiewitz, that this Deed be accepted. The motion carried by the following vote:**
- Aye:** 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala
- 17-0171** Annual Report of Great Lakes Utilities for the year ending 12/31/15 along with highlights for 2016.
- Moved by McMeans, seconded by Sitkiewitz, that this Report be accepted and placed on file. The motion carried by the following vote:**
- Aye:** 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala
- 17-0172** Report of City Plan Commission relative to request to amend a Conditional Use Permit for trans-loading product over property located at 1615 - 1311 Spring Street to Trans-Link Services.
- Moved by McMeans, seconded by Soeldner, that this Report be approved to amend the CUP. The motion carried by the following vote:**
- Aye:** 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala
- 17-0173** Report of City Plan Commission relative to request from KCG Development for an adaptive reuse conditional use permit for Clarkbridge Apartments, 1402 Clark St, with Plan Commission recommending approval subject to the attached conditions.
- Moved by McMeans, seconded by Sitkiewitz, that this Report be approved subject to the attached conditions. The motion carried by the following vote:**

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

17-0174

Report of City Plan Commission relative to Fieldcrest Manor request for a conditional use permit at 1510 S. 30th St. for the continuation of a community based residential facility for up to 20 beds.

Moved by McMeans, seconded by Sitkiewitz, that this Report be accepted to approve the CUP to allow for up to 20 individuals pursuant to the attached conditions. The motion carried by the following vote:

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

17-0183

Report of City Plan Commission relative to request for conditional use permit for an open sales lot at 2020 Dufek Drive, recommending approval subject to the attached conditions.

Council allowed owners of the property to speak along with neighboring property owner.

Moved by McMeans, seconded by Sitkiewitz, that this Report be approved subject to attached conditions. The motion carried by the following vote:

Aye: 7 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz and Czekala

Nay: 1 - Kummer

17-0197

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.

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

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

3. Personnel Committee

17-0191

Resolution to adopt a Hearing Conservation Program Policy.

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

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

17-0192

Resolution to approve backfilling of a Rahr-West Art Museum Security Guard.

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

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

17-0193 Resolution revising the Seasonal Employment Policy.

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

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkewitz, Kummer and Czekala

17-0194 Resolution to approve the hiring of budgeted vacant part-time and full-time Transit Driver positions through the end of 2017.

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

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkewitz, Kummer and Czekala

17-0196 Resolution adding the Wisconsin Bone Marrow and Organ Donation Leave Act Policy to the Employee Policy Manual.

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

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkewitz, Kummer and Czekala

17-0198 Resolution revising job descriptions of Operations Division Manager (Parks-Cemetery-Bridges-Electrician), Operations Division Manager (Streets and Sanitation) and Parks Laborer, shifting all grass and weed cutting duties, including the Weed Commissioner title, from Public Works Division to Parks Division.

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

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkewitz, Kummer and Czekala

4. Public Infrastructure Committee

15-954 Railroad Crossings throughout the City of Manitowoc.

Moved by Soeldner, seconded by Brey, that this Report be approved to spend end of life funds in rank order for active crossings only. The motion carried by the following vote:

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkewitz, Kummer and Czekala

16-0958 Outdoor Exercise Equipment

Moved by Soeldner, seconded by Brey, that this donation be accepted and direct City Attorney to draft agreement and City Engineering/Public Works staff to assist Aurora in siting of equipment . The motion carried by the following vote:

- Aye: 7 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz and Czekala
Nay: 1 - Kummer

17-0067 Request to revise job descriptions-Weed Commissioner

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

- Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

17-0123 Water Issue on Dale Street - 815 Forest Circle.

Moved by Soeldner, seconded by Brey, that this Request be accepted to allow drainage trench from 815 Forest Circle to discharge into Dale Street Park subject to coordination with Department of Public Works and City Attorney. The motion carried by the following vote:

- Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

17-0149 Manitowoc Bandit's Request for Rent Reduction

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

- Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

17-0158 Request from Zoo Society for a major upgrade to the Zoo Education Center to be done by Spring.

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

- Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

17-0166 Report of Plan Commission relative to Harbor Assistance Program - Annual 3 Year Statement of Intentions, with Plan Commission recommending to support the 2017-19 Wisconsin DOT Harbor Assistance Program's Annual 3 Year Statement of Intentions.

Moved by Soeldner, seconded by Brey, that this Report be accepted to support the 2017-19 Wisconsin DOT Harbor Assistance Program's Annual 3 year Statement of Intentions. The motion carried by the following vote:

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

17-0175 Contract with Friends of the Manitowoc River Watershed to construct an approach to the kayak launch, benches and a kayak storage rack to donate to the City of Manitowoc.

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

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

17-0195 Contract (AGMT-17-03) with A.C.E. Building Service to furnish labor, equipment and material required to replace existing storefront at "Old County Shops", 1105 Fleetwood Drive with insulated 3070 steel door and steel siding.

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

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

5. Public Safety Committee

17-0040 Citizen request for pedestrian signs at the intersection of S 23rd St and Western Ave.

Moved by Able, seconded by Sladky, that this Request be approved and to place the signs. The motion carried by the following vote:

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

17-0043 Ordinance to amend Section 14.600 and 14.640 of the Manitowoc Municipal Code regulating Retail Theft and Retail Fraud.

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

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

17-0063 An Ordinance to amend Section 14.560 of the Manitowoc Municipal Code regulating Public Nuisance Properties.

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

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

17-0064 An Ordinance to amend Section 14.040 of the Manitowoc Municipal Code regulating Social Host.

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

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

17-0072 Request to backfill vacant Clerk Typist position at the Police Department.

Moved by Able, seconded by Sladky, that this Action Item be approved. The motion carried by the following vote:

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

17-0159 Agreement for Ambulance Services with Town of Kossuth thru December 31, 2021.

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

Aye: 8 - Soeldner, Brey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

J. OTHER BUSINESS

K. ADJOURN

Meeting adjourned at 7:30 p.m.

Jennifer Hudon
City Clerk