



City of Manitowoc

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

Meeting Minutes

Common Council

Monday, February 15, 2016

6:30 PM

Council Chambers

A. CALL TO ORDER

Mayor Justin M. Nickels called the meeting to order at 6:30 p.m.

B. ROLL CALL

Alderspersons 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

[16-0013](#) Clerk administers Oath of Office of Assistant Police Chief Scott Luchterhand.

E. PUBLIC HEARINGS

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of proposed change to the Official Map to: (1) remove a portion of Lone Oak Lane generally located between S. 15th and S. 19th Streets and north of Lissa Lane from the Official Map (2) add an Official Map cul-de-sac at the end of hte dedicated Loan Oak Lane to insure that vehicles can turn around without needing to enter on to private property. City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on February 1 & 8, 2016. (Proof of publication is on file in the City Clerk's office). No interested parties appeared. Community Development Director Nic Sparacio outlined the proposed changes to the Official Map. 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

[16-0113](#) Appointment of Christel Ericson to Manitowoc Crime Prevention Committee, Lincoln High School Student Representative.

Attachments: [16-0113.pdf](#)

**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

[16-0123](#) Appointment of Michelle Doneff to Library Board, in place of Charles Clark, for unexpired term ending 7/1/17.

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

Aldersperson McMeans requested 16-0115 be removed from the consent agenda and Aldersperson Sladky requested that 16-0100 be removed from the consent agenda.

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

[16-0111](#) Minutes of Common Council of Monday, January 18, 2016, recommending approval and place on file.

Attachments: [16-0111.pdf](#)

[16-0151](#) Minutes of Community Development Authority of 12/16/15; Industrial Development Corporation of 7/30/15; Plan Commission of 12/17/15; Manitowoc Public Utilities Commission of 10/12/15, 11/23/15 & 12/14/15; Wastewater Treatment Facility of 11-17-15; recommending acceptance and place on file.

Attachments: [cda 12-16-15.pdf](#)
[industrial dev.pdf](#)
[plan comm.pdf](#)
[mpu10-12-15.pdf](#)
[mpu11-23-15.pdf](#)
[mpu12-14-15.pdf](#)
[wwtf.pdf](#)

3. Committee of the Whole (Consent)

[16-0149](#) Report of Special Events Committee relative to approval of the following events: Library to Library Walk on 8/20/16; Ice on 8th on 2/6/16; recommending acceptance of report and place on file.

Attachments: [report 16-0149.pdf](#)
[ice.pdf](#)
[library walk.pdf](#)

[16-0150](#) Report of Special Events Committee recommending approval of the following events subject to Council action: Carol Rose Wester Memorial Race on 8/13/16 (waiver of noise ordinance and waiver of rule prohibiting dogs in parks); St. Patrick's Parade on 3/11/16 (street closure of Washington St. from S. 8th to 402 N. 8th); recommending approvals.

Attachments: [report 16-0150.pdf](#)
[carol rose wester.pdf](#)
[st pats.pdf](#)

4. Finance Committee (Consent)

[16-0080](#) Recommend adjusting Assessment on parcel 835-401-033 Manitowoc Cinema LLC, due to palpable error and rescind 2015 tax of \$5,134.44, recommending approval.

Attachments: [20160127022701841](#)

[16-0081](#) Write off 2013 Balance (\$88.77) on parcel 341-001-011 due to error with Lottery Credit, recommending approval.

Attachments: [20160127022727618](#)

[16-0082](#) Rescind 2015 taxes \$1,633.66 on parcel 565-000-030, due to palpable error, recommending approval.

Attachments: [20160127022756372](#)

[16-0102](#) Exercise 60 day termination clause under "Agreement For Lease of Telephone System and Maintenance" d. November 2, 2009, with Creative Solutions, Inc., recommending authorizing Finance Director to exercise 60 day notice to coincide with implementation of new phone system with actual date of notice to be determined administratively based upon deployment schedule for new phone system.

Attachments: [20160129010854904](#)

[16-0127](#) General City Claims in the amount of \$8,027,973.76 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: [16-0127.pdf](#)
[1-22-16.pdf](#)
[1-22-16 lottery.pdf](#)
[1-29-16.pdf](#)
[2-5-16.pdf](#)
[2-12-16.pdf](#)

5. Licensing, Permits and Inspections Committee (Consent)

[16-0117](#) Communication from Girl Scout Troop 8544 for permission to operate a mobile cookie booth to sell Girl Scout Cookies out of vehicles while parked on City property, recommending approval of the request.

Attachments: [girl scout request.pdf](#)
[Municipal Code Direct Seller.pdf](#)

[16-0118](#) Farmers' Market Ad Hoc Committee meeting summary of January 7, 2016 meeting, recommending placing on file.

Attachments: [16-0118.pdf](#)

[16-0134](#) Report of City Plan Commission relative to Partial Release of Easement rights to allow for a building expansion for the Kaysun Corporation with partial release attached.

Attachments: [16-0134.pdf](#)
[recorded 16-0134.pdf](#)

[16-0135](#) Three Partial Easement Assignments with Consent relative to easements with Central Brown County Water Authority assigning ownership of fiber optic portion to NSight, with Plan Commission Report attached recommending authorizing the assignment of easement rights.

Attachments: [PC report.pdf](#)
[manitowoc marina.pdf](#)
[manitowoc yacht club.pdf](#)
[remain parcels pt. 1.pdf](#)
[remain parcels pt. 2.pdf](#)

6. Parks and Recreation Committee (Consent)

[16-0121](#) Report of Board of Public Works of January 27, 2016 for Kayak Launcher at Schuette Park for 2nd and Final Payment to Port-A-Pier in the amount of \$7,505.50, recommending payment.

Attachments: [port-a-pier.pdf](#)

[16-0057](#) Request from James Kaufmann, Manitowoc Bandits, to reduce their fees to \$1,500.00 for the use of Municipal Field for the 2016 baseball season, recommending granting request.

Attachments: [16-0057 Bandits rent reduction](#)

[16-0058](#) Request from St. Mary/St. Michael School for a donation for their Winterfest auction or raffle to support the operation of their school, recommending place on file.

Attachments: [16-0058 St Mary St Michael donation](#)

[16-0059](#) Request from Candice Giesen for a donation for the 32nd Annual Roncalli Pierside Auction on April 30th which provides funding for tuition assistance and general expenses of the school, recommending place on file.

Attachments: [16-0059 Roncalli Auction](#)

7. Personnel Committee (Consent)

8. Public Infrastructure Committee (Consent)

[16-0096](#) Leaf Pickup RIE Results. The Committee recommended placing on file and referring to Consent agenda.

Attachments: [RIE comparison 2015.pdf](#)
[12-16-15 meeting memo.pdf](#)

[16-0101](#) Strand Associates Technical Services Agreement dated April 11, 2013 and Amendment No. 1 dated June 2015. The Committee recommended approving the Agreement and Amendment for Consent agenda.

Attachments: [20160129135202607.pdf](#)

[16-0120](#) Report of Board of Public Works of January 27, 2016 for Professional Services for Photogrammetric Survey Program for 2nd and Final Payment to Surdex Corporation in the amount of \$85,166.79, recommending payment.

Attachments: [surdex.pdf](#)

[16-0131](#) Report of Director of Public Infrastructure Dan Koski of Port of Manitowoc Tonnage Report for year ending December 31, 2015, recommending acceptance and place on file.

Attachments: [16-0131.pdf](#)

[16-0132](#) Report of Board of Public Works of February 3, 2016 for Dewey St. Stormwater Pond Herbiciding for 3rd and Final Payment to Lakeshore Cleaners, Inc. in the amount of \$6,378.48, recommending payment.

Attachments: [16-0132.pdf](#)

9. Public Safety Committee (Consent)

I. STANDING COMMITTEE REPORTS

1. Committee of the Whole

[16-0124](#) Additional Services Addendum with Tyler Technologies Inc. to provide additional services as stated therein for the sum of \$45,500.00.

Attachments: [tyler\\$45,500.pdf](#)

Moved by Sitkiewitz, seconded by McMeans, 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

[16-0125](#) Additional Services Addendum with Tyler Technologies Inc. to provide additional services as stated therein for the sum of \$56,500.00.

Attachments: [tyler\\$56,600.pdf](#)

Moved by Sitkiewitz, seconded by McMeans, that this Agreement be placed on file. 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

[16-0020](#) Ordinance amending Section 22.010 of the Municipal Code to remove a portion of Lone Oak Lane from the Official Map.

Attachments: [16-0020.pdf](#)

Moved by Brey, seconded by Howe, that the Council's previous action be rescinded and 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

[16-0115](#) Report of City Plan Commission relative to request from Shady Lane, Inc. for amendment to 2011 Conditional Use Permit to increase capacity from an 88 bed to a 151 bed CBRF, recommending adoption of the recommendations.

Attachments: [16-0115.pdf](#)

Moved by Brey, seconded by Howe, that this Report be accepted and recommendations adopted. The motion carried by the following vote:

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

Abstain: 1 - McMeans

[16-0116](#) Report of City Plan Commission relative to Priority One Investments LLC d/b/a TLC Homes, Inc. request for a conditional use permit for the establishment of an adult day services use located at 1004 N. 17th St.

Attachments: [16-0116.pdf](#)

Moved by Howe, seconded by Soeldner, that this Report be accepted and the recommendations adopted. The motion failed by the following vote:

Aye: 4 - Schema, Soeldner, Hennessey and Howe

Nay: 6 - Brandel, Brey, Sladky, McMeans, Able and Sitkiewitz

[16-0119](#) Resolution to install, operate and maintain four non-ornamental, 250 watt, Cobra style, high pressure sodium street lights in the 7100 and 7200 blocks of Calumet Ave.

Attachments: [16-0119.pdf](#)

Moved by Brey, seconded by Howe, 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

[16-0122](#) 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 2016.

Attachments: [16-0122.pdf](#)

Moved by Brey, seconded by Howe, that this Report be approved and associated licenses granted along with exception to density requirements per Report. The motion carried by the following vote:

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

[16-0136](#) Report of City Plan Commission relative to amending Section 15.270(2) of Chapter 15 of the Municipal Code regarding laboratories in a "B-3" General Business District, recommending calling for public hearing.

Attachments: [report 16-0136.pdf](#)
[ord 16-0136.pdf](#)

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

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

[16-0139](#) Report of City Plan Commission relative to amending Section 15.050 of the amended zone map to rezone property north of Dewey St. and between S. 30th and S. 35th St. from "R-6" Multiple Family District to "I-1" Light Industrial District, recommending Clerk to call for public hearing.

Attachments: [16-0139 report.pdf](#)
[16-0139 ord.pdf](#)

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

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

[16-0152](#) Report of Licensing, Permits and Inspections Committee recommending granting of the following licenses: PS-16006 Secondhand Article Dealer, Modern Mantras, 1416 Washington St.; PS-16007 Secondhand Article Dealer, ECO ATM, Inc., 4115 Calumet Ave.; TMP-1602 Class "B" Temporary Beer, Manitowoc Co. Domestic Violence Center, 2000 Mirro Dr.; TMPW-1603 Class "B" Temporary Wine, Manitowoc Co. Domestic Violence Center, 2000 Mirro Dr.

Attachments: [16-0152.pdf](#)

Moved by Brey, seconded by Howe, that this Report be accepted and the various licenses be granted. 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

[16-0061](#) Manitowoc Confined Disposal Facility (CDF) Enhancement Project headed up and funded by the U.S. Fish & Wildlife Service, whose purpose is to establish a habitat to encourage migrating birds and discourage gulls (located adjacent to the Manitowoc Marina in an area under the jurisdiction of the U.S. Army Corps of Engineers), recommending that P. Braun draft a letter of City support for the project.

Attachments: [16-0061 Manitowoc CDF Enhancement Area](#)
[16-0061 CDF Letter of Support 020316](#)

Moved by Sladky, seconded by Schema, that this Action Item be placed on file. The motion carried by the following vote:

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

[16-0146](#) Agreement with Manitowoc Youth Baseball Association (MYBA) for the City to release \$50,000 of parkland dedication funds to MYBA for the new baseball complex at Citizen's Park, with funds to be returned to the City if the project does not begin in 2016.

Attachments: [16-0146.pdf](#)

Moved by Sladky, seconded by Schema, that this Agreement be entered into with funds to be returned to City if the project does not begin in 2016. The motion carried by the following vote:

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

5. Personnel Committee

[16-0141](#) Resolution to approve revisions to the Employee Policy Manual to include wage exceptions for moving employees two steps during the annual review process with justification and Mayor and Common Council approval.

Attachments: [16-0141.pdf](#)
[comp guidelines.pdf](#)

Moved by Able, seconded by Sladky, that this Resolution be amended to add the words "up to" before two steps in the last paragraph. The motion carried by the following vote:

Aye: 6 - Brandel, Brey, Hennessey, Howe, McMeans and Able

Nay: 4 - Schema, Soeldner, Sladky and Sitkiewitz

CLERK'S NOTE: Resolution 16-0141 was vetoed by the Mayor via communication 16-210 dated 2/19/16 and veto was sustained by Council on 3/21/16, therefore, this resolution was NOT adopted.

Moved by Hennessey, seconded by Able, that this Resolution be adopted as amended. The motion carried by the following vote:

Aye: 6 - Brandel, Brey, Hennessey, Howe, McMeans and Able

Nay: 4 - Schema, Soeldner, Sladky and Sitkiewitz

[16-0142](#) Resolution to move the Police Department Office Manager from Step 2 to Step 4, Grade K under the Compensation Pay Plan effective July 1, 2016.

Attachments: [16-0142.pdf](#)

CLERK'S NOTE: Resolution 16-0142 was vetoed by the Mayor via communication 16-211 dated 2/19/16 and veto was sustained by Council on 3/21/16, therefore, this Resolution was NOT adopted.

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

Aye: 6 - Brandel, Brey, Hennessey, Howe, McMeans and Able

Nay: 4 - Schema, Soeldner, Sladky and Sitkiewitz

[16-0145](#) Resolution to approve the hiring of sworn Police Officers up to the 2016 budgeted amount.

Attachments: [16-0145.pdf](#)
[request.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

[16-0147](#) Resolution to approve offering \$500 sign-on bonus to newly hired part-time Transit drivers effective 2/15/16 through 12/31/16, with pro-rated payback clause.

Attachments: [transit driver.pdf](#)

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

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

Nay: 1 - Sitkiewitz

[16-0148](#) Resolution to approve implementing a voluntary short term disability plan for employees effective March 1, 2016.

Attachments: [16-0148.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

6. Public Infrastructure Committee

[16-0094](#) Request for Mini Sewer at 1035 North 16th Street.

Attachments: [20160127162304991.pdf](#)

Moved by Soeldner, seconded by Brey, that this Request be approved with funding coming from leftover 2015 storm sewer budget. The motion carried by the following vote:

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

[16-0098](#) Request from Developer for Utility and Street Improvements for Homestead Road.

Attachments: [20160127163248300.pdf](#)

Moved by Soeldner, seconded by Brey, that this Request be approved and include in 2017 budget. The motion carried by the following vote:

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

[16-0099](#) Donation of Ambulance to the race track.

Moved by Soeldner, seconded by Brey, that this Action Item be denied. The motion carried by the following vote:

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

[16-0100](#) Policy for dumpsters in street during winter months (Right-of-Way Use Permits). The Committee recommended reviewing and tightening up the policy for parking dumpsters in the Right of Way during winter months and placed on consent agenda.

Attachments: [20160128093104088.pdf](#)

Moved by Soeldner, seconded by Brey, 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

[16-0112](#) Agreement with Dave's Tree Service, Inc. to remove trees and stumps at various locations for the 2016 Sidewalk Program at a cost of \$18,472.50.

Attachments: [16-0112.pdf](#)

A motion was made by Alderperson Dave Soeldner, seconded by Alderperson Jim Brey, to enter into the Agreement. Moved by Alderperson Soeldner, seconded by Alderperson Brey, to table this matter. The motion carried by the following vote:

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

[16-0128](#) Report of Board of Public Works on quotes received for Underwater Bridge Inspection, QO-16-2.

Attachments: [16-0128.pdf](#)
[qo-16-2bidtab.pdf](#)

Moved by Soeldner, seconded by Brey, that this Report be accepted and award quote to Westbrook Associated Engineers in the amount of \$6,750.00. The motion carried by the following vote:

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

[16-0129](#) Report of Board of Public Works of January 27, 2016 of bids received for 2016 Televising Miscellaneous Sewers I, WU-16-5.

Attachments: [16-0129.pdf](#)
[bid tab wu16-5.pdf](#)

Moved by Soeldner, seconded by Brey, that this Report be accepted and award bid to Green Bay Pipe & TV in the amount of \$43,340.37. The motion carried by the following vote:

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

[16-0130](#) Report of the Board of Public Works of bids received for 2016 Sewer Re-Lining Project, WU-16-7.

Attachments: [16-0130.pdf](#)
[bid tab wu16-7.pdf](#)

Moved by Soeldner, seconded by Brey, that this Report be accepted and award to low bidder Terra Eng'r & Construction in the amount of \$319,017.00. The motion carried by the following vote:

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

[16-0144](#) Ordinance to amend the general chapter penalty for violations of Chapter 7 of the Municipal Code to a forfeiture not to exceed \$1,000.00 plus court costs.

Attachments: [16-0144.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

[16-0143](#) Ordinance to amend Deposit Schedule for violations of Section 7.210(3) of the Municipal Code regulating snow removal and deposits.

Attachments: [16-0143.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

7. Public Safety Committee

[16-0140](#) Contract with Bartolotta Fireworks for fireworks display for St. Patrick's Day on March 11, 2016.

Attachments: [16-0140.pdf](#)

Moved by Able, seconded by Sitkiewitz, 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

J. OTHER BUSINESS

K. ADJOURN

Moved by Sitkiewitz, seconded by McMeans, that this meeting be adjourned at 7:33 p.m. The motion carried by the following vote:

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

**Jennifer Hudon
City Clerk**