

14-2269



# City of Manitowoc

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

## Meeting Minutes Common Council

# CONSENT

Monday, October 20, 2014

7:00 PM

Council Chambers

### A. CALL TO ORDER

Mayor Justin M. Nickels called the meeting to order at 7:00 p.m.

### B. ROLL CALL

**Alders Present:** 10 - Mike Howe, Jim Brey, Keith W. Shaw, Allan Schema, Eric Sitkiewitz, Jason Sladky, Jill Hennessey, Christopher Able, Dave Soeldner and Scott McMeans

### C. PLEDGE OF ALLEGIANCE

### D. INVOCATION

City Clerk announced that the various documents have been referred to the appropriate committees as shown on the October 20, 2014 Common Council agenda.

### E. PRESENTATIONS

### F. PUBLIC HEARINGS

### G. 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.

### H. STANDING COMMITTEE REPORTS

### I. APPOINTMENTS AND BUSINESS PRESENTED BY THE MAYOR

**14-2153** Reappointments to Plan Commission: Dave Diedrich for a 3 year term expiring 5/1/17; Dan Hornung for a 3 year term expiring 5/1/17.

### J. RECESS

Prior to going into recess, Mayor publicly announced that during the recess the standing committees of the Common Council, as well as the Committee of the Whole, will meet in the Common Council Chambers to discuss and act upon some of the matters which have been discussed or referred at this Common Council meeting.

Recess.

During Recess, Brad Viegut of Baird spoke to the Council regarding the final pricing summary.

**14-2207** Partial Release of Mortgage for commercial units at 2 North 8th Street.

During recess, Finance Committee discussed #14-2207 partial release of mortgage for commercial units at 2 North 8th Street. Moved by Able, seconded by McMeans, that these documents may be executed upon approval of City Planner and City Attorney. The motion carried by the following vote:

Aye: 5 - Brey, Shaw, Sitkiewitz, Able and McMeans

**14-2197** Special Events Request from G. Herrera to hold Halloween Party at Lincoln Park Fieldhouse on November 2, 2014 with said party being open to the public and also charging for admission.

During recess, Parks and Recreation Committee discussed #14-2197 special events request from G. Herrera. Moved by Soeldner, seconded by Shaw, that this Special Events Request be approved. The motion carried by the following vote:

Aye: 5 - Howe, Shaw, Schema, Sladky and Soeldner

Call back to order.

## K. CONSENT AGENDA

1. Removal of Consent Agenda Items: None

### Approval of the Consent Agenda

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

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

2. Miscellaneous

**14-2132** Minutes of Common Council of October 6, 2014, recommending acceptance and place on file.

**14-2166** Minutes of Crime Prevention of 9/4/14; Industrial Development Corporation of 9/18/14; International Relations Association of 1/23/14; Plan Commission of 9/3/14; Public Utilities Commission of 9/8/14; Transit Commission of 7/2/14; Wastewater Treatment Facility Board of 8/12/14, recommending placing on file.

- 14-2117      Communication from Collin Braunel resigning as a member of the Community Development Authority, recommending acceptance and placing on file.
- 14-2145      Communication from City of Two Rivers of Amendment No. 7 to Two Rivers Comprehensive Plan passed on 10/5/14, recommending placing on file.
- 14-2157      Police Department Monthly Report for September 2014, recommending acceptance and placing on file.

### 3. Committee of the Whole

- 14-2105      General City Claims in the amount of \$705,204.65 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.

### 4. Finance Committee

### 5. Licensing, Permits and Inspections Committee

- 14-1253      Communication from iMG Development, representing Sprint, to modify equipment at 736 Revere Dr. per antenna lease agreement, recommending authorizing the Mayor and Clerk to sign the agreement.

### 6. Parks and Recreation Committee

- 14-2163      Report of Board of Public Works of October 15, 2014 of Patriot Fence & Construction for Furnish & Install Fence and Gates at Lincoln Park Zoo, recommending payment.

### 7. Personnel Committee

### 8. Public Infrastructure Committee

- 14-2160      Contract with Certified Builders to replace cedar shingles and fascia at Rahr-West Art Museum and Municipal Field Storage Building (hail damage), recommending acceptance and placing on file.
- 14-2161      Report of Board of Public Works of October 15, 2014 of Powell Roofing Services, Inc. for Hail Damaged Roof Replacements Standard, WB-14-16 in the amount of \$3,700.00, recommending payment.
- 14-2162      Report of Board of Public Works of October 15, 2014 of Ayres Associates, Inc. for 8th and 10th Street Bridge Inspections in the amount of \$4,400.00, recommending payment.

- 14-2164 Report of Board of Public Works of October 15, 2014 of Powell Roofing Services, Inc. for Hail Damaged Roof Replacements Complex, WB-14-15 in the amount of \$9,446.93, recommending payment.

## 9. Public Safety Committee

### L. NON-CONSENT AGENDA ITEMS INCLUDING ITEMS REFERRED AT THIS MEETING AND ITEMS PREVIOUSLY REFERRED WHICH MAY BE CONSIDERED AT THIS COMMON COUNCIL MEETING

#### 1. Committee of the Whole

#### 2. Finance Committee

- 14-2119 Resolution authorizing reporting under the Securities and Exchange Commission's Municipalities Continuing Disclosure Cooperation Initiative.  
**Moved by Sitkiewitz, seconded by McMeans, that this Resolution be adopted. The motion carried by the following vote:**  
**Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-2120 Resolution authorizing the issuance and sale of \$5,890,000 City of Manitowoc Electric Power System Revenue Refunding Bonds, Series 2014.  
**Moved by Sitkiewitz, seconded by McMeans, that this Resolution be adopted. The motion carried by the following vote:**  
**Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-2152 Communication from Quarles & Brady LLP relative to Scope of Engagement re: proposed issuance of \$5,890,000 City of Manitowoc Electric Power System Revenue Refunding Bonds, Series 2014.  
**Moved by Sitkiewitz, seconded by McMeans, that this Communication be accepted. The motion carried by the following vote:**  
**Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

#### 3. Licensing, Permits and Inspections Committee

- 14-1859 Ordinance to amend Chapter 12 of the Municipal Code to increase the water main assessment.  
**Moved by Brey, seconded by Howe, that this Ordinance be adopted. The motion carried by the following vote:**  
**Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

- 14-2118** Report of City Plan Commission relative to proposed land sale in Manitowoc I-43 Industrial Park to Only C Good, LLC/Americollect.
- Moved by Brey, seconded by Howe, that this Report be accepted and placed on file. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-2140** Report of City Plan Commission of request from Ramirez Auto Repair and Towing to operate a wrecker service in a "C-1" Commercial Zoning District, recommending granting the CUP subject to compliance conditions attached.
- Moved by Brey, seconded by Howe, that this Report be accepted and placed on file. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-2142** Report of City Plan Commission relative to proposed Official Map Amendment request from Kent and Sara Keil at the southeast end of S. 36th Street adjacent to land owned by the Manitowoc Public School District.
- Moved by Brey, seconded by Howe, that this Report be accepted with Clerk to call for public hearing. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-2150** Request from Peninsula Logistics, LLC for a Conditional Use Permit to conduct transloading and storage activities of bulk, break-bulk and project cargo from and onto vessels entering the Manitowoc River.
- Moved by Brey, seconded by Howe, that this Request be referred to the Plan Commission. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

#### 4. Parks and Recreation Committee

- 14-1959** Special Events Request from Marion Parworth to hold Garden Fair in Washington Park on June 13, 2015.
- Moved by Sladky, seconded by Schema, that this Special Events Request be granted with same terms as 2014 event. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1961** Special Events Request from David Mueller, Roncalli High School, to hold 48th Annual Cross Country Invite at and around Lincoln Park on September 12, 2015, with waiver of fee request attached.
- Moved by Sladky, seconded by Schema, that this Special Events Request be granted with same terms as 2014 event. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

- 14-1998** Special Events Request from Manitowoc County Miracles Special Olympics to hold tournament at Citizen Park on June 13, 2015 (rain date June 14, 2015) and the use of Westfield Park and Halverson Park baseball diamonds for practice sessions and sports assessment testing on various dates during the summer of 2015.
- Moved by Sladky, seconded by Schema, that this Special Events Request be granted with same terms as 2014. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-2114** Special Events Request from Lakeshore Humane Society for use of sidewalks and streets in and near Lincoln Park for 29th Annual Walk for Kindness event on September 5, 2015 on the route detailed herein. Also referred to Public Infrastructure Committee.
- Moved by Sladky, seconded by Schema, that this Special Events Request be granted (and dogs allowed in park). The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-2115** Special Events Request from Autism Society of the Lakeshore to hold 1st Annual Ugly Sweater 5k Run on November 15, 2014 utilizing sidewalks and Mariner's Trail as outlined therein.
- Moved by Sladky, seconded by Schema, that this Special Events Request be granted. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-2125** Zoological Board By-Laws
- Moved by Sladky, seconded by Schema, that this Action Item be accepted and placed on file. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-2144** Request from Manitowoc Police Department for waiver of fees for rental of Lincoln Park Fieldhouse along with equipment on December 12, 2014 for Christmas Party for the children.
- Moved by Sladky, seconded by Schema, that this Request be approved with 2013 terms. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-2148** Request from Prevent Suicide WI - Manitowoc County for use of Mariner's Trail on September 20, 2015 for 4th Annual 5k walk/run.
- Moved by Sladky, seconded by Schema, that this Request be approved per City policy. The motion carried by the following vote:**

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

**14-2149** Request from The Salvation Army to utilize Mariner's Trail on September 5, 2015 for Ride for Hunger.

**Moved by Sladky, seconded by Schema, that this Request be approved per City policy. The motion carried by the following vote:**

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

**14-2159** Contract with Camera Corner, Inc. to install surveillance cameras and equipment at Silver Creek Park.

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

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

**14-2170** Bill of Sale from the Goodwill Industries of Wisconsin, Inc. NCW/Miracle League Field at Dewey Street Park transfer of ownership to City of Manitowoc.

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

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

**14-2197** Special Events Request from G. Herrera to hold Halloween Party at Lincoln Park Fieldhouse on November 2, 2014 with said party being open to the public and also charging for admission.

**Moved by Sladky, seconded by Schema, that this Special Events Request be approved. The motion carried by the following vote:**

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

## 5. Personnel Committee

**14-2122** Resolution to approve interim pay for City Planner Paul Braun for the period 8/1/14 through 10/20/14.

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

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

- 14-2158** Special Pay 401a and Medical Documents and FICA Alternative Plan Documents: 1) FICA Alternative Retirement Plan; 2) Governmental 401(a) Special Pay Plan Volume Submitter Basic Plan Document; 3) 401a Administrative Service Agreement; 4) Trust Agreement for Post Retirement Incurred Medical Expense Plan and Trust (Prime Plan); 5) Adoption Agreement for Post Retirement Incurred Medical Expense Plan and Trust (Prime Plan); 6) FICA Alternative Retirement Plan Adoption Agreement; 7) Volume Submitter Basic Trust Document for Gov. 401(a) Special Pay Plan; 8) Volume Submitter Adoption Agreement for Governmental 401(a) Special Pay Plan; 9) Communication from Dept. of Treasury accepting form of plan (Volume Submitter Profit Sharing Plan).

**Moved by Hennessey, seconded by Able, that this Agreement be accepted and placed on file. The motion carried by the following vote:**

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

## 6. Public Infrastructure Committee

- 14-2113** Special Events Request from Lakeshore Humane Society for 2nd Annual Run for Shelter 5k on May 2, 2015, utilizing streets, sidewalks and Lincoln Park, with route attached. (Copy to Parks and Recreation Committee).

**Moved by Soeldner, seconded by Brey, that this Special Events Request be approved subject to City policy. The motion carried by the following vote:**

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

- 14-2116** Stormwater Management Facility Maintenance Agreement with Manitowoc Cinema LLC for pond constructed as part of Cinema Square at 2555 S. 44th Street.

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

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

- 14-2146** Request from Midwest LLC to sell balloons and Christmas novelties along the Christmas Parade route on November 26, 2014.

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

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

- 14-2147** Request from Ron Kehl Suburban Sports to sell family oriented novelties along the parade route for Christmas Parade and St. Patrick's Day Parade.

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

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



- 14-2151** Request from Operations Division Manager Chad Scheinoha to place propeller donated by McMullen and Pitz Construction Company on Marina/City property.  
**Moved by Soeldner, seconded by Brey, that this Communication be approved with zero budgeted City funds. The motion carried by the following vote:**  
**Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-2155** Ordinance to amend Section 7.285 of the Municipal Code, Installment Payment of Special Assessments.  
**Moved by Soeldner, seconded by Brey, that this Ordinance be adopted. The motion carried by the following vote:**  
**Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-2187** Resolution to allow five-year installment plans for 2014 seal coating assessments.  
**Moved by Soeldner, seconded by Brey, that this Resolution be adopted. The motion carried by the following vote:**  
**Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

## 7. Public Safety Committee

- 14-1981** Ordinance to amend Section 14.270(3) of the Municipal Code to prohibit the use of electronic cigarettes on school property.  
**Moved by Able, seconded by Shaw, that this Ordinance be adopted. The motion carried by the following vote:**  
**Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-2167** Agreement for Ambulance Services with Town of Newton.  
**Moved by Able, seconded by Shaw, that this Agreement be entered into (approved). The motion carried by the following vote:**  
**Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

## 8. Licenses

#7 Class "B" Retail Fermented Malt Beverage license; #4 "Class C" Retail Wine license; #61 (beer) and #11 (wine) Temporary Class "B" license; #21 One-Year Operator's license; #130, 142, 274-282 Two-Year Operator's license for granting. Moved by Brey, second by Howe and unanimously carried to grant the various licenses. Ayes, 10. Nays, none.

## N. ADJOURN

**Moved by McMeans, seconded by Hennessey, that this meeting be adjourned at 8:05 p.m. The motion carried by the following vote:**

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

Jennifer Hudon  
City Clerk