

City of Manitowoc

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

Meeting Minutes Common Council

Monday, August 18, 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

Alderpersons Present: 8 - Jim Brey, Keith W. Shaw, Eric Sitkiewitz, Jason Sladky, Jill Hennessey,

Christopher Able, Dave Soeldner and Scott McMeans

Alderpersons Absent: 2 - Mike Howe and Allan Schema

C. PLEDGE OF ALLEGIANCE

D. INVOCATION

City Clerk announced that the various documents have been referred to the appropriate committees as shown on the August 18, 2014 Common Council agenda.

E. PRESENTATIONS

2013 Comprehensive Annual Financial Report & Management Letter by Tom

Karman, CPA and Shareholder Schenk, SC

F. PUBLIC HEARING

14-1602 Public Hearing to be held at 7:10 p.m. for the purpose of hearing any and all

interested parties in the matter of a proposed amendment to the Official Map to remove a dedicated right-of-way being an extension to the west of

Ravenswood Lane at future Ebony Avenue, and secondly to add a right triangle-shaped area on the east side of Ravenswood Lane at future Ebony

Avenue to complete an interior radius curve.

<u>Attachments:</u> 20140804154217747.pdf

Mayor declared the meeting open for the public hearing.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on July 28, August 4 and August 11, 2014.

City Planner Paul Braun gave an overview of the proposed amendment to the Official Map. No interested parties appeared.

Mayor declared the public hearing closed. (A recording of the entire hearing is on file in the City Clerk's Office).

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. 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, Parks & Recreation and Licensing, Permits & Inspections Committees held a joint discussion relative to 14-1598 a request from The Haven to do fundraising events on City property. The Committees felt that it was not their place to allow vendors into other organized events. Moved by Sladky, second by Soeldner, to place the request on file. Ayes, 6. Nays, none. Call back to order.

J. APPOINTMENTS AND BUSINESS PRESENTED BY THE MAYOR

14-1601 Re-Appointments to Library Board: Patrick Brandel for 3 year term expiring

7/1/17 and Linda Hunter for 3 year term expiring 7/1/17.

Attachments: 14-1601.pdf

Moved by McMeans, seconded by Hennessey, that these Re-Appointments be approved. The motion carried by the following vote:

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

Removal of Consent Agenda Items: None

K. CONSENT AGENDA

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: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

Miscellaneous

<u>14-1574</u> Minutes of Common Council of Monday, July 21, 2014, recommending

approval and place on file.

Attachments: 14-1574.pdf

14-1676 Minutes of Crime Prevention Committee of 5/1/14; Great Lakes Utilities

Lakeswind Project Committee of 6/24/14; Great Lakes Utilities Power

Supply Project Committee of 5/20/14; Manitowoc Public Utilities

Commission of 6/23/14 & 7/14/14; Municipal Tree Commission of 11/12/13; Sustainability Committee of 7/24/14; Wastewater Treatment Facility Board

of 6/10/14, recommending placing on file.

Attachments: 14-1676.pdf

14-1697 Communication to citizens of Manitowoc relative to Carmeuse Lime plans

in Oxford County and expressing concerns for the community's safety and

wellbeing, recommending placing on file.

Attachments: 14-1697.pdf

Committee of the Whole

14-1715 General City Claims in the amount of \$7,972,986.93 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: 14-1715.pdf

Finance Committee

14-1413 Communication from Cheryl Duchow, Manitowoc County Treasurer, with public

notice of tax foreclosure action In Rem 2014, recommending placing on file.

Attachments: 14-1413.pdf

pc21-2014 tax deeded properties

14-1573 Comprehensive Annual Financial Report for fiscal year ended December 31,

2013, recommending acceptance of report and place on file.

Attachments: 18145.pdf

Licensing, Permits and Inspections Committee

14-1393 Friends of the Farmer's Market Proposal for the 2015-2016 Operation &

Management of the Farmers Market, recommending placing on file.

Attachments: friends1393.pdf

14-1394 Mainly Manitowoc Proposal for 2015 Farmers' Market, recommending placing

on file.

Attachments: mainlyfarm.pdf

14-1403 Quit Claim Deed from Manitowoc Lake Breeze Apartments, LLC to the City of

Manitowoc for 1.36 acres for Johnston Drive purposes, recommending

acceptance of deed and place on file.

Attachments: 14-1403.pdf

pc1-2014 lake breeze quit claim

14-1420 Request from George Adelman of 2208 South 18th Street to remove existing

curb head to access the west side of South 18th Street, recommending placing

on file.

Attachments: 14-1420.pdf

pc20-2014 adelman access over unimp street

14-1552 Payment Agreement with BWWI Associates, LLC relative to "Class B" Retail

Intoxicating and Fermented Malt Beverage license and arrearages,

recommending acceptance of letter agreement.

Attachments: 14-1552.pdf

14-1581 Communication from Mainly Manitowoc withdrawing their proposal to manage

operations of the Farmers'Market, recommending acceptance and place on

file.

Attachments: 14-1581.pdf

14-1634 Report of City Plan Commission recommending approval of quit claim deed

from Manitowoc Lake Breeze Apartments for a portion of Johnston Drive, recommending acceptance of report and adoption of recommendations.

Attachments: 14-1634.pdf

14-1635 Report of City Plan Commission of their annual compliance review of Elks

Lodge 687 conditional use permit for operation of clubhouse at 1807 N. Rapids

Road, recommending acceptance of report and place on file.

Attachments: 14-1635.pdf

14-1636 Report of City Plan Commission of annual compliance review of conditional

use permit of The Haven for transitional housing facility at 1003 Marshall

Street, recommending acceptance of report and place on file.

Attachments: 14-1636.pdf

Parks and Recreation Committee

14-1549 Report of Board of Public Works of bids received for Hail Damaged Ball

Field/Tennis Court Light Replacements, Project WO-14-20, recommending accepting award of Director of Public Infrastructure and Finance Director to Bodart Electric Service, Inc. in the amount of \$123,496.00 and place on file.

Attachments: 14-1549.pdf

BidTab14-20.pdf

14-1587 Request from John Mahnke for Mariner's Trail Permit on June 15, 2015 for 5k

run/walk (Treatment Trail), recommending granting request.

Attachments: 14-1587.pdf

Personnel Committee

Public Infrastructure Committee

14-493 Report of Board of Public Works of March 26, 2014, regarding bids received

for 2014 Epoxy Painting - Pavement Marking Program, Project WS-14-9,

recommending not to award and place on file.

Attachments: 14-493.pdf

14-1546 Report of Board of Public Works of July 17, 2014 of bids received for Hail

Damaged Architectural Metal Roof Replacement, Project WB-14-17,

recommending acceptance of award by Director of Public Infrastructure and Finance Director to Walsdorf Roofing Co, Inc. in the amount of \$185,100.00

and place on file.

Attachments: 14-1546.pdf

BidTab14-17.pdf

14-1547 Report of Board of Public Works of July 17, 2014 of bids received for Hail

Damaged Screw-Down Metal Roof Replacement, Project No. WB-14-18,

recommending placing on file.

Attachments: 14-1547.pdf

14-1548 Report of Board of Public Works of bids received for Hail Damaged

Trapezoidal Metal Roof Replacement, Project No. WB-14-19, recommending

placing on file.

Attachments: 14-1548.pdf

14-1551 Report of Board of Public Works of July 17, 2014 of bids received for

Rahr-West Mansion Roof Replacement, Project WB-14-22, recommending

placing on file (project to be re-bid).

Attachments: 14-1551.pdf

BidTab14-22.pdf

Public Safety Committee

14-1575 Ambulance Service Agreement with Manitowoc County Expo for ambulance

coverage from August 20 - 24, 2014, recommending entering into agreement.

Attachments: 14-1575.pdf

14-1637 Ambulance Service Agreement with Roncalli High School for the period August

18, 2014 through December 31, 2014, recommending entering into agreement.

Attachments: 14-1637.pdf

14-1714 Ambulance Service Agreement with Lincoln High School for ambulance

coverage, recommending entering into agreement.

Attachments: 14-1714.pdf

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

14-1597 Request from Mayor Justin Nickels to expend up to \$15,000 as needed for

consultants, legal or other assistance for the Planning Department until the end

of the year.

Attachments: 14-1590.pdf

Moved by McMeans, seconded by Hennessey, that this Request be approved with the requirement of all expenditures to be brought to Council's attention. The

motion carried by the following vote:

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

2. Finance Committee

14-1623 Report of City Planner Paul Braun advising that City has been awarded a Site

Assessment Grant for eligible environmental site work for property at 1512

Washington Street (Mirro Plant 9).

Attachments: 14-1623.pdf

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

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

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1633 Report of City Plan Commission relative to notice from Manitowoc County of

properties in tax foreclosure and stating Commission has no interest in

pursuing acquisition of any of the properties.

Attachments: 14-1633.pdf

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

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1659 Approve utilizing Wisconsin Department of Revenue as a collection option for

uncollectable accounts

Attachments: 20140813205835981.pdf

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

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

3. Licensing, Permits and Inspections Committee

14-1600 Findings of Fact Conclusions of Law and Recommendation in the matter of

Operator's License application of Tiffany A. Grosshuesch, recommending

granting.

Attachments: 14-600 (2).pdf

Moved by Brey that this License (Findings of Fact Conclusions of Law) be accepted and placed on file. The motion carried by the following vote:

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

Nay: 3 - Shaw, Sladky and Hennessey

14-1630 Communication from J&T REI, LLC requesting a variance to the 2500' rule for

a planned CBRF on Cappaert Road to be developed into an 8 bed CBRF.

Attachments: 14-1630.pdf

A motion was made by Alderperson Jim Brey, seconded by Alderperson Jill Hennessey, that this Communication was referred. to the Plan Commission. The motion carried by the following vote:

14-1631 Report of City Plan Commission recommending that Council approve the

Temporary Access Easement Agreement requested by George Adelman over

an un-improved Summit Street, as outlined in the report.

Attachments: 14-1631.pdf

A motion was made by Alderperson Jim Brey, seconded by Alderperson Jill Hennessey, that this Report was approved and to enter into the agreement according to the requirements outlined in the Report. The motion carried by the following vote:

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

4. Parks and Recreation Committee

14-873 Report of City Plan Commission relative to their review of the location and

architectural design for proposed miniature golf course at Citizen Park,

recommending Council approve the project.

Attachments: 14-873.pdf

Moved by Sladky, seconded by Soeldner, that this Report be accepted and

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

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1598 Request from The Haven of Manitowoc County for permission to do occasional

fundraising events on City property during some planned events.

Attachments: 14-1598.pdf

Moved by Sladky, seconded by Soeldner, that this Request be placed on file. The motion carried by the following vote:

motion carried by the following vote.

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1632 Request from Friends of the Manitowoc River Watershed for waiver of fees for

shelter and equipment for their picnic on September 20, 2014.

Attachments: 14-1632.pdf

Moved by Sladky, seconded by Soeldner, that this Request be granted. The

motion carried by the following vote:

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1645 Request from Karen Rotter to allow collection of money per item #10 of the

Facility Rental Contract by Anshe Poale Zedek Synagogue Sisterhood at their

picnic on August 2, 2015 which will be held at Lincoln Park.

Attachments: 14-1645-1.pdf

Moved by Sladky, seconded by Soeldner, that this Request be granted. The

motion carried by the following vote:

<u>14-1651</u> Special Events Request from Manitowoc Police Department to hold Annual

MPPA Police Chase 4 mile run/walk on October 11, 2014, on route detailed herein and allowing participants to walk with their dogs and request for waiver

of fees. (copy to Public Infrastructure Committee).

Attachments: 14-1651.pdf

Moved by Sladky that this Special Events Request be granted with waiver of fees. The motion carried by the following vote:

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1654 Request from Payton Hynek for money or silent auction/basket raffle items for

the second annual Suck on the Bone for Charity event on September 20th, 2014 at the Hideout Bar in Clover to raise money for the American Diabetes

Association

Attachments: 08-18-14 Suck on the Bone Request

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

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1589 Request from Faith Evangelical Free Church for waiver of fees for use of Metro

Stage at Washington Park on 9/5/14 for Movie in the Park. Event was

previously approved on 7/21/14.

Attachments: 14-1589.pdf

Moved by Sladky, seconded by Soeldner, that this Request be granted and stage fees be waived. The motion carried by the following vote:

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1661 Request to use donation tube monies to fund the construction of the deer pen

at the Lincoln Park Zoo

Attachments: 14-1661 Zoological Board Minutes 09-11-2013

14-1661.pdf

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

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1665 Request from Clarence Yelvington for permission to do fundraising for The

Haven in Washington Park.

Attachments: 14-1665.pdf

Moved by Sladky, seconded by Soeldner, that this Request be placed on file. The motion carried by the following vote:

5. Personnel Committee

14-1588 Resolution relative to revised job descriptions for Crime Prevention Sergeant

and Court/Evidence Clerk within the Police Department.

Attachments: 14-1588.pdf

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

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1663 Resolution to approve the filling of vacant part-time Security Guard position at

the Rahr-West Art Museum.

Attachments: 14-1663.pdf

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

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1664 Resolution to approve the filling of budgeted Police Officer positions as they

become vacant through the remainder of 2014.

Attachments: 14-1664.pdf

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

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

6. Public Infrastructure Committee

14-931 Communication from Ralph and Karen Kriescher, 603 Meadow Court, relative

to various issues with their property.

Attachments: 14-931.pdf

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

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1061 Communication from manager of Manitou Manor Apartments relative to

condition of Sixth Street from Reed Avenue to Magnolia Drive.

Attachments: 14-1061.pdf

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

14-1083 Amendment No. 1 to agreement for Wastewater Treatment Facilities Safe

Routes to School Assistance with Strand Associates, Inc.

Attachments: 14-1083.pdf

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

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1452 Senior Center Boiler from 2840 Fund Balance

<u>Attachments:</u> Senior Center Boiler Memo 071114.docx

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

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1561 Contract with Martin Systems, Inc. for installation of a live streaming web

camera at the Manitowoc Marina at a cost of \$5,803.34.

Attachments: 14-1561-1.pdf

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

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1585 Ordinance amending Section 10.490 of the Municipal Code amending parking

on the west side of North 8th Street from the south curbline of Maritime Drive

and south a distance of 115 feet.

Attachments: 14-1585.pdf

A motion was made by Alderperson Dave Soeldner, seconded by Alderperson Jim Brey, to suspend the rules. The motion carried by the following vote:

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

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

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1599 Special Event Request from John Jagemann, Courthouse Pub, to hold block

party on September 6 & 7, 2014, in conjunction with Rock-N-Blues Haus, requesting Washington Street closure between 7th and 8th, live band performances and extension of liquor license premise. (copy to Licensing,

Permits & Inspections)

Attachments: 14-1599.pdf

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: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1666 Request from Director of Public Infrastructure Dan Koski and City Planner Paul

Braun to jointly purchase a replacement plotter for both Engineering and

Planning Departments, as outlined therein.

Attachments: 14-1666.pdf

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

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1677 Request from Engineering Team Leader Greg Minikel on behalf of Chief's to

approve proposed parking area abutting Clay Pit Road per 2008 plan attached.

Attachments: 14-1677.pdf

20140818131436508.pdf

Moved by Soeldner, seconded by Brey, that this Request be approved subject to the following conditions: Applicant obtains Erosion Control permit from City of Manitowoc; Applicant obtains driveway permit from City of Manitowoc; Applicant obtains any other permits deemed necessary by Public Infrastructure Dept. The motion carried by the following vote:

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1688 Report of Board of Public Works on quotes received for 2015 4 x 4 Pickup

Truck with plow for Cemetery, Project QE-14-4.

Attachments: 14-1688.pdf

Moved by Soeldner, seconded by Brey, that this Report be approved and recommends awarding to lowest responsive bidder, Ewald Hartford Ford in the amount of \$29,185.00. The motion carried by the following vote:

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1746 Ordinance to create Section 10.440, setting out regulations for brush pickup.

Attachments: 14-1746-1.pdf

Moved by Soeldner, seconded by Brey, to suspend the rules. The motion carried by the following vote:

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

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

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

7. Public Safety Committee

14-1469 Communication from Sharon Strouf relative to speeding and safety concerns.

Attachments: 14-1469.pdf

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

Aye: 7 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able and Soeldner

Nay: 1 - McMeans

14-1508 Ordinance establishing forfeiture amounts for violating the worthless check

ordinance.

Attachments: 14-1508.pdf

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

Aye: 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

8. Licenses

#44, 48, 49, 51 & 53 for Temporary Class "B" Beer license; #55 (Beer) and #9 (Wine) for Temporary Class "B" licenses for granting effective 8/22/14; #18-41 Temporary Operator's license; #13 - 17 & 19 for One Year Operator's license; #215-235 for Two Year Operator's license. Moved by Brey, second by Hennessey, and unanimously carried to grant the various licenses. Ayes, 8. Nays, none.

M. ADJOURN

Moved by McMeans, second by Hennessey and unanimously carried, Council adjourned at 8:07 p.m. Ayes, 8. Nays, none.

The September 2, 2014 Council meeting has been cancelled and the next Common Council Meeting will be held on Monday, September 15, 2014 at 7:00pm in the Common Council Chambers at City Hall.

Jennifer Hudon City Clerk