

15-273



City of Manitowoc

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

Meeting Minutes Common Council

Monday, February 16, 2015

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

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

C. PLEDGE OF ALLEGIANCE & INVOCATION

D. PRESENTATIONS

15-221 Swearing In of Deputy Police Chief Nick Reimer.

15-193 Update by Community Development Director on Compliance Issues Action Plan

E. PUBLIC HEARINGS: None

F. PUBLIC INPUT: None

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

15-201 Appointment of Rich Larsen to Harbor Commission in place of T. Flentje for a 3 year term ending 6/1/16.

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

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

H. CONSENT AGENDA

1. Removal of Consent Agenda Items

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, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

2. Miscellaneous

- 15-202** Minutes of January 19, 2015 Common Council meeting, recommending acceptance and place on file.
- 15-212** Public Notice of air pollution permit application review of Wisconsin Aluminum Foundry, 838 S. 16th St., recommending placing on file.

3. Committee of the Whole (Consent)

4. Finance Committee (Consent)

- 15-200** General City Claims enumerated on attached list, recommending that the claims be allowed and ordered paid and Mayor, Clerk and Finance Director/Treasurer are instructed to issue the necessary order.

5. Licensing, Permits and Inspections Committee (Consent)

- 15-154** PC 2-2015: Annual Review of Community Living Arrangements, recommending Council approve the associated licenses for these facilities for 2015.
- 15-204** Agreement for Management Services 2015 Manitowoc Farmers' Market, recommending adoption of the agreement.
- 15-206** Downtown Manitowoc Farmers' Market 2015 Participation & License Agreement, recommending adoption of the agreement.

6. Parks and Recreation Committee (Consent)

- 14-2326** Communication from Salutz & Salutz on behalf of Manitowoc American Legion Baseball requesting the City to provide coupons for free or reduced admission to participants for the Aquatic Center and/or Mini Golf for their tournament in July of 2015, recommending to provide one buy one, get one free coupon for each player to be used the weekend of the tournament.
- 14-2365** Special Events Requests from Debbie Seehafer for multiple tennis tournaments to be held at Lincoln Park courts along with waiver of fee requests for each. Dates of tournaments are June 27-29, July 4-8, August 7-9 and August 22-24, 2015, recommending granting request with waiver of fees.

- 14-2475** 2015 Proposal for Aquatic Center/Mini Golf pricing, recommending to adopt the hour and pricing in plan #1 and include extended golf hours with Friends Group.
- 15-035** Request from Manitowoc Public Library for waiver of fees for rental of Lincoln Park Cabin on 8/8/15 for One-to-One Adult Literacy Partners, recommending granting request.
- 15-045** Request from Manitowoc County Fair for waiver of fees for use of Wenger Bandwagon for County Fair, August 24-31, 2015, recommending granting request.
- 15-061** Communication from St. Mary/St. Michael School Home School Association requesting donation for their Winterfest event on February 28, 2015, recommending donation of 10 buy one, get one coupons for aquatic/mini golf center.
- 15-125** Special Events Request from Liz O'Brien, Co-organizer of Carol Rose Wester Memorial Walk/Run to be held on August 15, 2015, beginning and ending at Red Arrow Park, with map attached (copy to Public Infrastructure), recommending granting request.
- 15-186** Zoo Long Range Plan, recommending to adopt the Long Range Plan.
- 15-187** Facility request for 2015 Lights in Lincoln Park event by Lincoln Park Zoological Society, recommending granting request to use Cabin 1 for Santa events and extension of the light show to complete the circle as well as City not renting either of Cabins 1 or 2 during the Lights in Lincoln Park event.
- 15-188** Special Event Request from Kenny's Athletic Softball Club to hold the annual Kenny's Athletic Softball Tournament at Citizen Park on various dates between July 24, 2015 and August 1, 2015, recommending granting request and waive fees.
- 15-189** Special Event Request from Holy Family Memorial to hold their annual summer picnic for 1,000 staff and volunteers at Silver Creek Park on August 22, 2015, recommending granting request.
- 15-190** Request from Silver Lake College for donation of an item or service for their silent auction at their April 11, 2015 9th Annual Gala "Jazz After Dark", recommending donation of 10 buy one, get one free coupons for aquatic, mini golf center.
- 15-203** Report of Board of Public Works of January 28, 2015 for 2nd and Final Payment to ACE Building Services for Repair Roof at Wolf Exhibit at Manitowoc Zoo in the amount of \$4,710.00, recommending payment.

7. Personnel Committee (Consent)

8. Public Infrastructure Committee (Consent)

- 15-085** Communication from Tim Kaiser, 4251 Last Ct., relative to issues with storm water ditch located at the end of Last Court, recommending bringing to CAWG in 2015 to request Capital Allocation funding for \$30,000 to fix drainage issue on Last Court in 2015. If not approved through CAWG, the Committee recommends budgeting for 2016.
- 15-087** Communication from John Thompson, 4455 Deerfield Lane, relative to maintenance concerns of storm sewer easement across his property, recommending bringing to CAWG in 2015 to request Capital Allocation funding for \$30,000 to fix drainage issue on Last Court in 2015. If not approved through CAWG, the Committee recommends budgeting for 2016.
- 15-149** Request to place a "Deaf Child" sign in the 1100 Block of South 25th Street, recommending approval of request to place "Deaf Child" sign in the 1100 block of S. 25th St.
- 15-205** Report of Director of Public Infrastructure Dan Koski of Port of Manitowoc Tonnage Report for year ending December 31, 2014, recommending acceptance and place on file, recommending acceptance and place on file.
- 15-210** Report of Board of Public Works of January 28, 2015 regarding bids received for 2015 Sewer Re-Lining Project WU-15-7, recommending awarding to low bidder, Insituform Technologies USA in the amount of \$257,504.75.
- 15-211** Report of Board of Public Works of January 28, 2015 regarding bids received for 2015 Televising Miscellaneous Sewers I, Project WU-15-5, recommending awarding to low bidder, Northern Pipe Equipment, Inc. in the amount of \$41,932.96.

9. Public Safety Committee (Consent)

- 15-017** Communication from Attorney Joseph Pozorski III in behalf of Heather Freiwald, 1413 N. 6th Street, requesting an appeal relative to property being deemed a nuisance property, recommending place on file.
- 15-019** Joint Powers Agreement between Manitowoc County Joint Dispatch Center and City of Manitowoc effective March 1, 2015, recommending approve (enter into agreement).
- 15-128** Advanced Life Support Intercept Agreement between City of Manitowoc and City of Kiel, recommending approval.
- 15-168** Communication from Heidi Herrmann concerning her dog being attacked for second time by neighbors dog living at 1105 Dewey St, recommending place on file.

- 15-170** Communication from Joyce Robbins requesting to change wording on parking signs on S. 9th St in block of Lincoln High School, recommending place on file.
- 15-173** Fire Department Monthly Report - NOVEMBER 2014, recommending place on file.
- 15-174** Fire Department Monthly Report - DECEMBER 2014, recommending place on file.
- 15-175** Police Department Monthly Report - NOVEMBER 2014, recommending place on file.
- 15-176** Police Department Monthly Report - DECEMBER 2014, recommending place on file.
- 15-177** Agreement between Holy Family Memorial Medical Center and City of Manitowoc Fire Department for Ambulance Service, recommending approval and amending date to 2015.
- 15-178** Communication from Police Chief Dick requesting to hire police officers up to the budgeted amount in 2015, recommending approval provided no city-wide hiring freeze is inacted and place related documents on file.

I. STANDING COMMITTEE REPORTS

1. Committee of the Whole

- 15-039** Resolution urging the Legislature and the Governor to enact the League of Wisconsin Municipalities Partnership for Prosperity agenda to accomplish the critical goals of job creation and economic growth.

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

Aye: 8 - Howe, Brey, Brandel, Schema, Sitkiewitz, Hennessey, Able and McMeans

Nay: 2 - Sladky and Soeldner

2. Finance Committee

- 15-146** Claim for Excessive Assessment CVS Pharmacy parcel 520-035-020

A motion was made by Alderperson Eric Sitkiewitz, seconded by Council President Scott McMeans, that this Claim was denied. The motion carried by the following vote:

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

- 15-147** Room Tax Allocation Policy including the Discover Manitowoc Grant Policy and 2015 Room Tax Budget
- Moved by Sitkiewitz, seconded by McMeans, that this Policy be adopted, as amended. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

3. Licensing, Permits and Inspections Committee

- 15-065** Resolution setting forth Advisory Commission for oversight of Farmers' Market.
- Moved by Brey, seconded by Howe, that this Resolution be adopted, as amended by the Committee. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 15-194** Ordinance repealing and recreating section 16.070 of the Manitowoc Municipal Code regulating the demolition of buildings and creating section 16.080 of the Manitowoc Municipal Code regulating non-structural demolition.
- Moved by Brey, seconded by Howe, that the Council Rules be suspended. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- Moved by Brey, seconded by Howe, that this Ordinance be adopted. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 15-196** 2015 Weights & Measures Assessments
- Moved by Brey, seconded by Howe, that this Report be accepted and placed on file. Mayor asked if anyone objected to the assessments. No one objected. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 15-207** Ordinance Amending section 15.450 Regulating Signs Overhanging City Right-of-Way
- Moved by Brey, seconded by Howe, that the Council Rules be suspended. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- Moved by Brey, seconded by Howe, that this Ordinance be adopted. The motion carried by the following vote:**
- Aye:** 9 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Soeldner and McMeans

Nay: 1 - Able

15-219 Resolution to approve the hiring of a replacement Administrative Support Specialist in the City Clerk's Office at Grade F.

Moved by Sitkiewitz, seconded by McMeans, that this Resolution be amended to adopt the resolution to fill the position and forward the job description to Finance Committee. The vote on the motion to amend was tied by the following vote:

Aye: 5 - Schema, Sitkiewitz, Hennessey, Able and McMeans

Nay: 5 - Howe, Brey, Brandel, Sladky and Soeldner

The tie vote was broken by Mayor Nickels who voted Nay. Amendment failed 5-6.

15-219 Resolution to approve the hiring of a replacement Administrative Support Specialist in the City Clerk's Office at Grade F.

Moved by McMeans, seconded by Hennessey, that this Resolution be amended to adopt the resolution to fill the position and forward the job description to LPI. The motion carried by the following vote:

Aye: 7 - Howe, Brey, Schema, Sitkiewitz, Hennessey, Able and McMeans

Nay: 3 - Brandel, Sladky and Soeldner

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

Aye: 8 - Howe, Brey, Brandel, Schema, Sitkiewitz, Hennessey, Able and McMeans

Nay: 2 - Sladky and Soeldner

15-223 Report of Licensing, Permits and Inspections Committee for granting of the various licenses (see attached).

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

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

4. Parks and Recreation Committee

15-171 Resolution to proclaim May 9, 2015 as International Migratory Bird Day in the City of Manitowoc

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

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

5. Personnel Committee

- 15-220** Resolution to appoint Battalion Chief Karl Koch as Deputy Fire Chief at Grade P of the Compensation Plan.
- Moved by Hennessey, seconded by Able, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 15-224** Resolution to approve salary for new Police Lieutenant at Grade M of the Compensation Pay Plan and fill additional vacancies that result from filling this Lieutenant position.
- Moved by Hennessey, seconded by Able, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

6. Public Infrastructure Committee

- 13-658** Ordinance to amend Section 10.410 (1) to remove South 16th Street from Washington Street to 650 feet north of Wollmer Street from the winter parking ban.
- Moved by Soeldner, seconded by Brey, that this Ordinance be adopted. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1447** 5 Year Capital Improvement Plan (CIP) 2015-2019
- Moved by Soeldner, seconded by Brey, that this Plan be approved and place the 5 year Capital Improvement Plan on file. The Committee also recommended changing the name to Public Infrastructure 5 Year Capital Improvement Plan. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1745** Ordinance to amend Section 10.430, parking regulations for street sweeping.
- Moved by Soeldner, seconded by Brey, that the Council Rules be suspended. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, 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:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

- 14-2168** Ordinance to amend Section 10.440 of the Municipal Code relative to parking regulations for spring clean-up and fall brush pick-up.
- Moved by Soeldner, seconded by Brey, that the Council Rules be suspended. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, 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:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 15-073** Storm Lateral connection charge for 1211 Nagle Avenue.
- Moved by Soeldner, seconded by Brey, that this Action Item be approved, and to rescind the full fee for storm lateral connection charge for 1211 Nagle Avenue. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 15-150** Request from WPS to convert gas service for 10th Street Bridge House.
- Moved by Soeldner, seconded by Brey, that this Request be approved with City staff to work with WPS to accommodate WPS in the moving of the gas meter at 10th Street Bridge house. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 15-151** Policy Manual/Guidelines for the City's Sidewalk Program.
- Moved by Soeldner, seconded by Brey, that this Policy be accepted and placed on file. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 15-198** Special Events Request from Irish Fellowship Club to hold St. Patrick's Day Parade on March 13, 2015.
- Moved by Soeldner, seconded by Brey, that this Special Events Request be approved. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 15-199** Request from Midwest LLC to sell balloons and St. Patrick's Day novelties along the parade route on March 13, 2015.
- Moved by Soeldner, seconded by Brey, that this Request be approved. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

- 15-225** Report of Board of Public Works of February 11, 2015 on quotes received for Three New 2015 Ford Utility AWD Police Interceptors, QE-15-2, for Police Department.
- Moved by Soeldner, seconded by Brey, that this Report be accepted and bid awarded to Ewald Chevrolet in the amount of \$80,418.00. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

7. Public Safety Committee

- 14-2485** Agreement with Lifquest to provide EMS billing services (Life Line Billing Systems, LLC).
- Moved by Able, seconded by Sitkiewitz, that this Agreement be approved. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-2621** Resolution adopting Manitowoc County's hazard mitigation plan, recommending approve and place on file with the HMP attached.
- Moved by Able, seconded by Sitkiewitz, that this Resolution be approved with HMP attached. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 15-192** Contract with Bartolotta Fireworks Company, Inc. for St. Patrick's fireworks display on March 13, 2015.
- Moved by Able, seconded by Sitkiewitz, that this Contract be entered into. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 15-222** Program Addendum to the Affiliation Agreement for Public Safety Occupatons for Firemedic Program at Lakeshore Technical College.
- Moved by Able, seconded by Sitkiewitz, that this Addendum with LTC be entered into. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

J. OTHER BUSINESS

15-172

Proposed Council Rules, Common Council Calendar and Staff Calendar relative to proposed change in workflow from Committee's to Council. (Note: Council suspended the current Council Rules and adopt the proposed Council Rules for February, 2015).

Moved by McMeans, seconded by Hennessey, that the Council Rules be adopted as amended by the committee: 1) Change Rule #7 by deleting the last sentence beginning "Department Heads . . ." 2) Remove Rule #12; and 3) Change Rule #22 by deleting the last sentence beginning "Four (4) unexcused absences . . ." The motion carried by the following vote:

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

K. ADJOURN

Moved by McMeans, seconded by Hennessey, that Council be adjourned at 8:07 p.m. The motion carried by the following vote:

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

**Jennifer Hudon
City Clerk**