



City of Manitowoc

16-0464
CONSENT
900 Quay Street
Manitowoc, WI 54220
www.manitowoc.org

Meeting Minutes

Common Council

Monday, March 21, 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

E. PUBLIC HEARINGS

16-205

Public Hearing to be held at 6:35 p.m. for the purpose of hearing any and all interested parties in the matter of proposed changes to Chapter 15.270(2) of the Municipal Code adding "Laboratories, except a physical testing laboratory" to the "B-3" General Business District's permitted uses.

Community Development Director Nic Sparacio gave an overview of the proposed changes.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of proposed changes to Chapter 15.270(2).

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on March 7 & 14, 2016. (Proof of publication is on file in the City Clerk's office).

No interested parties appeared to address the Council.

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

16-206

Public Hearing to be held at 6:40 p.m. for the purpose of hearing any and all interested parties in the matter of a proposed change in zone from "R-6" Multiple Family District to "I-1" Light Industrial District in an area north of Dewey St. and between So. 30th and So. 35th Streets.

Community Development Director Nic Sparacio gave an overview of the proposed changes.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of proposed changes to Chapter 15.270(2).
City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on March 7 & 14, 2016. (Proof of publication is on file in the City Clerk's office).
No interested parties appeared to address the Council.
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

16-210 Communication from Mayor Justin M. Nickels submitting his veto of Resolution 16-0141 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.

Moved by Sitkiewitz, seconded by Sladky, that this Action Item be placed on file. (Veto sustained). The motion carried by the following vote:

Aye: 7 - Schema, Soeldner, Brey, Howe, Sladky, Able and Sitkiewitz

Nay: 3 - Brandel, Hennessey and McMeans

16-211 Communication from Mayor Justin M. Nickels submitting his veto of Resolution 16-0142 to move the Police Department Office Manager from Step 2 to Step 4, Grade K under the Compensation Pay Plan effective July 1, 2016.

Moved by Sitkiewitz, seconded by Sladky, that this Action Item be placed on file. (Veto sustained). The motion carried by the following vote:

Aye: 7 - Schema, Soeldner, Brey, Howe, Sladky, Able and Sitkiewitz

Nay: 3 - Brandel, Hennessey and McMeans

H. CONSENT AGENDA

1. Removal of Consent Agenda Items

Aldersperson Brey asked for the removal of item 16-183 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

- 16-201 Minutes of Common Council meeting of February 15, 2016, recommending approval and place on file.
- 16-204 Report of Manitowoc Public Library for the year 2015, recommending acceptance and place on file.
- 16-214 Public Notice of Air Pollution Permit Application Review of Tramontina US Cookware, 2005 Mirro Drive, recommending acceptance and place on file.
- 16-0249 Report of 2015 activities of Great Lakes Utilities (GLU) as required by Resolution.

3. Committee of the Whole (Consent)

- 16-0237 Report of Special Events Committee relative to approval of the following events: Pig to Pig Walk; Lincoln Park Zoological Society (Tuesdays at 10); State of Grace (Yoga at Washington Park); Kenny's Athletic Klub (Annual Softball Tournament); Amvets Post 99 (Memorial Day Picnic); Faith Church (National Day of Prayer) Lakeshore Community Action Program (Polar Express by Trolley); Breakfast on the Farm (waiver of fees); Discover Eastern WI Disc Golf (Silver Cup Pro Disc Golf Tournament), recommending acceptance of report and place on file.

4. Finance Committee (Consent)

- 16-0203 Report of Finance Committee of General City Claims in the amount of \$1,579,352.53 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.

5. Licensing, Permits and Inspections Committee (Consent)

- 16-0182 Downtown Manitowoc Farmers Market 2016 Participation and License Agreement, recommending entering into agreement.

6. Parks and Recreation Committee (Consent)

- 16-0062 Special Events Request from Peggy Kadow, Sunrise Rotary, to hold a Mini-Golf Fundraiser at the Manitowoc Mini-Golf Course at Citizen Park on Thursday, May 19, 2016 including use of lighting, trash cans, and restrooms at the Manitowoc Family Aquatic Center, as well as waiver of fees request, recommending placing on file for Consent Agenda.

- 16-0155 Canadian National and American Transmission Corporation Tree Planting Grant Plan for Emma Radandt Park recommending accepting the tree planting plan for Consent agenda.
- 16-0156 2016 ball diamond use agreement with Manitowoc Public School District, recommending approval of the agreement with changes made on 2/23/16 for Consent Agenda.
- 16-0157 Agreement with Grow It Forward, Inc. for the operation of the S 14th Street Community Garden from April 1, 2016 to March 31, 2019, recommending entering into the agreement for Consent Agenda.
- 16-0158 Request from Rick Goertz for permission to serve alcohol at an anniversary party at the Manitowoc Senior Center on September 10, 2016, recommending approval for Consent Agenda.
- 16-0166 Fee structure for rental of the Manitowoc Mini-Golf Course, recommending approval for Consent Agenda.
- 16-199 Report of Board of Public Works of March 2, 2016 for Water from Pond to Pond at Lincoln Park Zoo for 1st and Final Payment to Luisier Plumbing Inc. in the amount of \$13,980.86, recommending payment.
- 16-217 Report of Board of Public Works of March 2, 2016, of bids received for Dewey Street Park Pour-in-Place Playground Safety Surfacing, Project WS-16-2, recommending not to award.

7. Personnel Committee (Consent)

8. Public Infrastructure Committee (Consent)

- 16-0167 Stormwater Management Facility Maintenance Agreement with Lakeshore Mini Storage LLC for parcel at 2424 Johnston Dr., recommending approval for Consent Agenda.
- 16-0168 Strand Associates Task Order No. 16-02 - 14th Street Pumping Station Replacement. The Committee recommended approval of the Task Order and referred to Consent Agenda.
- 16-0169 Proposal for 8th Street and 10th Street Routine, Fracture Critical and Movable Inspections. The Committee recommended approval for Consent Agenda to enter into agreement with Ayres Associates for 8th and 10th Street Routine, fracture critical and movable inspections
- 16-0173 Memorandum of Agreement - Waldo Blvd. The Committee recommended approval of the Memorandum of Agreement for Consent Agenda.
- 16-0176 DNR MS4 Annual Report - 2015 Accomplishments, recommending acceptance of report and place on file.

- 16-0178 Request from David Naidl for permission to erect three crosses on the hillside located at Evergreen Cemetery from March 19th to March 28, 2016. The Committee recommended approval of the Request for Consent Agenda.
- 16-197 Report of Board of Public Works of March 2, 2016 for Barrel Roof Replacements Hail Damage, WB-15-16 for 6th and Final Payment to Crafts Inc. in the amount of \$12,210.00, recommending payment.
- 16-198 Report of Board of Public Works of March 2, 2016 for Oversee Repairs from 2013 Hail Storm for 5th and Final Payment to ACE Building Services in the amount of \$6,285.00, recommending payment.

9. Public Safety Committee (Consent)

- 16-202 Report of 2015 Municipal Court Revenues and Caseload Statistics, recommending acceptance and place on file.

I. STANDING COMMITTEE REPORTS

1. Committee of the Whole

- 16-0126 Communication from Community Development Director Nic Sparacio relative to Assessor Transition Plan.

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

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

- 16-209 Ordinance to create Section 3.150 of the Manitowoc Municipal Code establishing a room tax commission.

Moved by Sitkiewitz, seconded by McMeans, 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

16-0236 Report of the Special Events Committee recommending approval of the following events subject to Council action: Lights in Lincoln Park (advertising signs in City ROWs, exclusive use of Cabin 1 for 59 days and cabin 2 for 21 days, non-consent item due to amount of expenses by Parks & Streets); Memorial Day Parade (street closures); Gravity Hill Derby (Conroe Street closure); Sputnikfest (street closures and waiver of noise ordinance); Lobsterfest (waiver of ordinance prohibiting alcohol in Washington Park); Walk for Kindness (waiver of rules prohibiting dogs in Lincoln Park); Kiwanis Car Show (waiver of rules prohibiting alcohol in park, street closures); Overnight Cub Scout meeting (waiver of park rules regarding admittance hours); Overnight Eagle Scout Service Project (waiver of park rules regarding admittance hours); Run for Shelter 5k (no parking along Magnolia Ave., temporary street closures, waiver of rules prohibiting dogs in Lincoln Park).

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

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

2. Finance Committee

16-215 Resolution providing for the sale of approximately \$7,600,000 General Obligation Promissory Notes.

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

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

Nay: 1 - Hennessey

Brad Viegut, Managing Director of Baird gave a brief overview.

3. Licensing, Permits and Inspections Committee

16-0183 Agreement for Management Services 2016 Manitowoc Farmers Market, recommending entering into agreement.

Moved by Brey, seconded by Howe, that this Agreement be amended to remove all references to Sherry Richards and amend salary on page 2 for all five payments dates to the amount of \$1,136. The motion carried by the following vote:

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

Moved by Brey, seconded by Howe, that this Agreement be approved as to form, as amended. The motion carried by the following vote:

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

16-207 Ordinance amending Section 15.050 of the amended zone map for property north of Dewey St. and east of S. 35th Street to be changed from "R-6" Multiple Family District to "I-1" Light Industrial District.

Moved by Brey, seconded by Howe, 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

16-208 Ordinance to amend Section 15.270(2) of Chapter 15 of the Municipal Code regarding laboratories in a "B-3" General Business District.

Moved by Brey, seconded by Howe, 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

16-212 Eastern Wisconsin Stock Cars request for racing permit and extension of noise ordinance for 2016 race season.

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

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

16-0238 Ordinance to amend Section 11.010(10(c) of the Municipal Code regulating Class A licensed premise.

Moved by Brey, seconded by Howe, 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

16-0244 Request from Manitowoc Public Library and Friends of Manitowoc Public Library to waive rules and allow alcohol to be served at the Library for a fundraising event to be held on April 14, 2016.

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

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

- 16-213** Eastern Wisconsin Stock Cars request for extension of beer sales to 12:00 midnight for the 2016 Friday night race season.

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

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

- 16-0242** Report of Licensing, Permits and Inspections Committee recommending granting of the following licenses: TMP-1621 Class "B" Temporary Beer of Pierside Auction Committee; TMPW-1604 Class "B" Temporary Wine of Pierside Auction Committee; BBR-1511 Class "B" Fermented Malt Beverage License of Brians Smoke House LLC, Brian Kooker, Agent; CWN-1506 Class "B" Wine License of Brians Smoke House LLC, Brian Kooker, Agent; ST-16001 Stock Car Races Permit of Eastern Wisconsin Stock Car Association.

Moved by Brey, seconded by Schema, that this Report be approved and various licenses granted. The motion carried by the following vote:

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

Abstain: 1 - Howe

4. Parks and Recreation Committee

- 16-200** Vendor Agreement with Tim F. Becker d/b/a HP Enterprises for May 14, 2016 at Waldo & Fleetwood Maintenance Facility.

Moved by Sladky, seconded by Schema, 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

- 16-0245** Ordinance to amend Section 8.190 of the Municipal Code regulating assessment of costs of abatement of trees and shrubs on private property.

Moved by Sladky, seconded by Schema, 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

5. Personnel Committee

16-0239 Resolution to approve filling vacant DPW Streets Laborer budgeted position due to retirement.

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

16-0240 Resolution to approve the hiring of up to 51 Firefighters up to the 2016 budgeted amount.

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

16-0243 Resolution to approve revisions to the Employee Policy Manual relative to implementation of a voluntary short term disability plan for employees.

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

16-0246 Resolution to amend the Seasonal Employment Policy to reflect the creation of a budgeted Human Resources Intern position and budgeted wage increase to \$10.00 per hour for a seasonal Administrative Assistant in the Department of Public Infrastructure Operations Division.

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, McMeans, Able and Sitkiewitz

Nay: 1 - Sladky

16-0248 Resolution to approve shift premiums for DPW Street Sweeper Operators effective the first pay period following adoption of this resolution.

Moved by Sitkiewitz, second by Hennessey to amend the Resolution to state that the shift premium only applies when street sweeping between the hours of 3:00 a.m. and 11:00 a.m.

After a short discussion, Alderperson Sitkiewitz withdrew his amendment as the matter of specifying the hours when the shift premium would apply would be handled via another document.

16-0248 Resolution to approve shift premiums for DPW Street Sweeper Operators effective the first pay period following adoption of this resolution.

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

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

Nay: 4 - Soeldner, Sladky, McMeans and Sitkiewitz

6. Public Infrastructure Committee

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, AGMT 16-01.

Moved by Soeldner, seconded by Brey, that this Agreement be taken off the table. The motion carried by the following vote:

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

Moved by Soeldner, seconded by Brey, 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

16-0175 Resolution for Dust Palliatives to be placed on streets in 2016 with City billing abutting property owners for the cost on a front foot basis.

Moved by Soeldner, seconded by Brey, 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

16-0186 Resolution for the Three Year Harbor Development Statement of Intentions for 2016-2018.

Moved by Soeldner, seconded by Brey, 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

16-223 Report of Board of Public Works of March 2, 2016, of quotes received for Ready Mix Concrete for 2016 Construction Season, Project QM-16-1, recommending awarding to low quoter, R & J Fricke in the amount of \$71,000.00.

Moved by Soeldner, seconded by Brey, that R & J Fricke be awarded the quote in the amount of \$71,000. The motion carried by the following vote:

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

16-0241 Resolution authorizing Director of Public Infrastructure to sign all real estate documents required for the Waldo Blvd. reconstruction project and forward them to Council to be placed on Consent Agenda.

Moved by Soeldner, seconded by Brey, 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

7. Public Safety Committee

16-0247 Ordinance to amend a portion of Section 10.390 of the Municipal Code prohibiting parking on a portion of North 9th Street.

Moved by Able, seconded by Sitkiewitz, 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

15-1274 Communication from Alderman Scott McMeans regarding the crosswalk at Waldo Blvd and North 9th Street.

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

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

J. ADJOURN

Moved by Sitkiewitz, seconded by McMeans, that this be adjourned at 7:37 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