

CONSENT 16-0634



City of Manitowoc

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

Meeting Minutes

Common Council

Monday, June 20, 2016

6:30 PM

Council Chambers

A. CALL TO ORDER

B. ROLL CALL

Alders Present: 9 - Jim Brey, Jill Hennessey, Mike Howe, Jason Sladky, Scott McMeans, Christopher Able, Eric Sitkiewitz, Lee H. Kummer and Steven Czekala

Alders Absent: 1 - Dave Soeldner

C. PLEDGE OF ALLEGIANCE & INVOCATION

D. PRESENTATIONS

16-0504 Presentation by Library Director Cherilyn Stewart on Library activities.

E. PUBLIC HEARINGS

16-0510 Public Hearing to be held at 6:35 p.m. for the purpose of hearing any and all interested parties in the matter of a proposed change in zone from "R-1" Residential - Agricultural District, and "B-1" Office - Residential District to "C-1" Commercial District, for 27.5 acres located on the Manitowoc County Expo Grounds west of S. Rapids Rd. to facilitate the development of a department store within the proposed rezoning area

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 in zone.  
City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on June 6 & 13, 2016. (Proof of publication is on file in the City Clerk's office).  
No interested parties appeared. Community Development Director Nic Sparacio gave an overview and answered questions.  
Mayor declared the public hearing closed. (A recording of the entire hearing is on file in the City Clerk's office).

16-0511 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 to the Official Map west of Mirro Drive and south of E. Albert Drive.

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.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on June 6 and 13, 2016. (Proof of publication is on file in the City Clerk's office).

No interested parties appeared.

Community Development Director Nic Sparacio gave an overview and answered questions. 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

16-0557 Appointment to Police and Fire Commission: Jill Hennessey in place of P. Blashka for unexpired term ending 4/30/18 (effective July 1, 2016).

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

Aye: 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-0558 Appointment to Committee on Aging: June Kraemer in place of B. Dornaus-Lau for unexpired term ending 6/1/17.

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

Aye: 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-0560 Reappointment to Rahr-West Art Museum Board: Michael E. Halla for 3 year term ending June 1, 2019.

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

Aye: 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

## H. CONSENT AGENDA

1. Removal of Consent Agenda Items: Alderperson McMeans requested item 16-0564 be removed from the Consent Agenda.

## Approval of the Consent Agenda

Moved by Brey, seconded by Sitkiewitz, to accept the Consent Agenda Items and recommendations of the various committees. The motion carried by the following vote:

Aye: 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

### 2. Miscellaneous

16-0509 Minutes of May 16, 2016 Common Council meeting, recommending approval and place on file.

### 3. Committee of the Whole (Consent)

16-0555 Communication from Alderperson Jill Hennessey resigning as District 7 Alderperson effective June 30, 2016, recommending acceptance and place on file.

16-0565 Report of Special Events Committee recommending approval of the following events subject to Council action: MPPA Police Chase on 10/8/16 (waiver of rules prohibiting dogs in park); Wisconsin Maritime Museum Subfest 2016 on July 8-10, 2016 (street closures: Maritime from N. 6th to N. 8th and Quay from S. 6th to S. 8th & extension of premise for alcohol sales); Jazz at the Aquatic Center on 8/20/16 (waiver of rules prohibiting alcohol); recommending approvals.

16-0566 Report of Special Events Committee relative to approval of the following events: Lao New Year change of date to August 6, 2016; Waiver of Fees request for Lincoln High School staff event on 8/29/16; WIXX Wisconsin Dells Cards "Dells Drop" on 6/1/16; Gospel Singing and Preaching change of date to 6/24/16; Cool City Classic Car Cruise on 6/24/16; YMCA Family Fitness Event on 8/6/16; Residential Block Party at Indian Bluff Drive on 8/13/16; Waiver of Fees for Evening of Remembrance on 6/29/16; Treehouse Theater Brat Fry on 6/25 and 7/23, recommending acceptance of report and place on file.

### 4. Finance Committee (Consent)

16-0487 Wells Fargo Bank, N.A. vs. Patricia Nelson & John Doe Nelson, & City of Manitowoc, Foreclosure Case # 16 CV 0195, recommending to accept and refer to City Attorney.

16-0505 Report of General City Claims in the amount of \$5,334,410.19 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.

- 16-0561 Report of City Plan Commission relative to proposed change to Section 15.370(19)(a) of the Municipal Code regarding Community Living Arrangements, recommending acceptance of report with Clerk to call for public hearing.
- 16-0563 Report of City Plan Commission relative to request for release of easement BOC Partnership LLC (Badger Office City) on property located at 4716 Expo Drive, recommending approval of the request.
- 16-0582 Partial Release of Easement of a 14 foot wide utility and sewer and water main lateral easement to Jeffery B. Vogel, Owner, for an area south of Packer Lane, recommending executing the partial release with Mr. Vogel to pay for recording fees.

#### 5. Personnel Committee (Consent)

#### 6. Public Infrastructure Committee (Consent)

- 16-0448 Summer hours and staffing requirements at the Manitowoc Family Aquatic Center, recommending placing on file.
- 16-0503 Report of Board of Public Works of May 25, 2016, of bids received for 2016 Seal Coating Program, Project WS-16-6, recommending awarding to low bidder, Scott Construction, Inc. in the amount of \$139,711.61.
- 16-0506 Animal Loan Agreement between the City of Manitowoc and the Manitowoc County Farm Bureau for the animals loaned to the Lincoln Park Zoo, recommending approving the agreement.
- 16-0507 Report of Board of Public Works relative to request for No Access Agreements for 714 Pine St., 710 Pine St., 708 Pine St., 1004 Lincoln Blvd. and 711 Waldo Blvd. for alley resurfacing, recommending entering into the No Access Agreements.
- 16-0508 Report of Board of Public Works of May 25, 2016, relative to request from Manitowoc Housing Authority for exemption from special assessment for concrete paving assessment, recommending denial of the request.
- 16-0527 Request for RFP for Lawn Cutting Options, recommending placing on file.
- 16-0533 Senior Center \$24,000 Donation, recommending authorizing staff to make recommendations concerning disbursement of funds.
- 16-0535 Wastewater Treatment Facility Compliance Maintenance Annual Report, recommending acceptance and place on file.

**This Report was approved**

- 16-0537 Notification of Residual Contamination and Continuing Obligations Flambeau Street Right-of-Way (AECOM Project #80134830(113845), recommending placing on file.
- 16-0554 Report of Board of Public Works of June 1, 2016 for Playground Equipment at Silver Ridge Park for 2nd and Final Payment to Miller & Associates Sauk Prairie Inc. in the amount of \$11,700.00, recommending payment.

## 7. Public Safety Committee (Consent)

- 16-0255 Wisconsin Dept. of Corrections requesting approval for a temporary placement at the Dept. of Correction's Transitional Living facility at 1118 South 19th Street, recommending approval of request.
- 16-0345 Department of Corrections Transitional Housing letter dated March 29th requesting resident placement at 1118A South 19th Street, recommending approval of request.
- 16-0346 Department of Corrections Transitional Housing letter dated April 7th requesting resident placement at 1118A South 19th Street, recommending approval of request.
- 16-0491 April update from Fire Chief Todd Blaser on the Life Safety & Neighborhood Services, recommending acceptance and place on file.

## I. STANDING COMMITTEE REPORTS

### 1. Committee of the Whole

- 16-0556 Resolution authorizing Community Development staff to proceed with drafting the Project Plan and Boundary for Tax Incremental Financing District #19 in the vicinity of the Manitowoc County Expo grounds.

**Moved by Brey, seconded by Sitkiewitz, that this Resolution be placed on file.  
The motion carried by the following vote:**

**Aye: 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala**

### 2. Finance Committee

- 16-0451 Professional Services Agreement to Administer the City of Manitowoc Housing Community Development Block Grant (CDBG)/Revolving Loan Programs with MSA Professional Services

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

**Aye: 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala**

- 16-0452** Resolution Declaring the Complex located at 1512 Washington St. Blighted.
- Moved by McMeans, seconded by Sitkiewitz, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala
- 16-0478** Ordinance to amend Section 22.010 of the Municipal Code entitled Official Map - Master Subdivision Plans in an area located west of Mirro Drive and south of E. Albert Drive.
- Moved by McMeans, seconded by Sitkiewitz, that this Ordinance be adopted. The motion carried by the following vote:**
- Aye:** 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala
- 16-0480** Ordinance amending Section 15.050 of the Municipal Code to rezone a portion of land located on the Manitowoc County Expo grounds west of S. Rapids Road from R-1 Residential - Agricultural and B-1 Office - Residential to C-1 Commercial.
- Moved by McMeans, seconded by Sitkiewitz, that this Ordinance be adopted. The motion carried by the following vote:**
- Aye:** 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala
- 16-0564** Report of City Plan Commission relative to request from Shady Lane for a conditional use permit for a campus wide master plan for up to a mix of 309 beds for a blend of either Skilled Nursing Facility, Community Based Residential Facility or Resident Care Apartment Complex type beds, recommending approval of the CUP as well as granting the exceptions to the 2500 foot spacing rule and density requirements.
- Moved by Sitkiewitz, seconded by Sladky, that this Report be accepted and recommendations adopted. The motion carried by the following vote:**
- Aye:** 8 - Brey, Hennessey, Howe, Sladky, Able, Sitkiewitz, Kummer and Czekala
- Abstain:** 1 - McMeans
- 16-0568** Report of Finance Committee to grant the various licenses subject to approvals, inspections, insurance, payment of license fees and meeting State Statute requirements, as detailed therein.
- Moved by McMeans, seconded by Sitkiewitz, that the various licenses be granted subject to approvals, inspections, insurance, payment of license fees and meeting State Statute requirements. The motion carried by the following vote:**
- Aye:** 8 - Brey, Hennessey, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala
- Abstain:** 1 - Howe

- 16-0570** Resolution authorizing Director of Public Infrastructure Dan Koski and Rob Michaelson of MPU to apply for DNR loan funding for the Newton Gravel Pit remediation project.

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

**Aye:** 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

- 16-0575** Request from Meadow Sports Complex to extend their liquor license on July 17, 2016, to a portion their parking lot for the Gumby's Club Fore a Cure golf fundraiser.

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

**Aye:** 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

### **3. Personnel Committee**

- 16-0521** Full Time City Electrician Justification Report

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

**Aye:** 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

- 16-0573** Resolution to approve a temporary increase in compensation for Staff Attorney in the amount not to exceed \$2,200.00 throughout the City Attorney's FMLA.

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

**Aye:** 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

- 16-0574** Resolution that the Electrical Inspector and Electrician positions be split into two separate full time positions, the current employee be placed in the full time Electrician position, and to hire another full time employee to perform the duties of Electrical Inspector along with approval of the job descriptions.

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

**Aye:** 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

Common Council meeting went into Recess. During recess, Personnel Committee held a discussion relative to hiring of a part-time Commercial Building Plan Review/Inspector. Moved by Brey, second by Hennessey to adopt the resolution. Ayes, 5. Nays, none. Council meeting was called back to order.

16-0589 Resolution to hire a Commercial Building Plan Review/Inspector who shall be part time working no more than 10 hours per week at \$50 per hour and approve the newly created job description for same.

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

Aye: 8 - Brey, Hennessey, Howe, Sladky, McMeans, Sitkiewitz, Kummer and Czekala

Nay: 1 - Able

#### 4. Public Infrastructure Committee

16-0405 Michigan Avenue Snow Dump Recommendations.

Moved by Howe, seconded by Brey, that this Report be approved as to concept and obtain bids, not to exceed \$4,000. The motion carried by the following vote:

Aye: 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-0526 Complaint regarding Northwest corner of N. 14th and Michigan Avenue curb.

Moved by Howe, seconded by Brey, that this Action Item be approved with staff to add to sidewalk program. The motion carried by the following vote:

Aye: 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-0528 Citizen request regarding disc golfers in Silver Creek Park.

Moved by Howe, seconded by Brey, to place warning signs along property lines and work with disc golfers and neighbors toward longer term solutions. The motion carried by the following vote:

Aye: 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-0532 Request to Raze Small restroom at Red Arrow Park

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

Aye: 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-0538 Reopening and Redevelopment Plan for Tennis Court area at Citizen Park

Moved by Howe, seconded by Brey, that this Request be approved as to concept and forward to CAWG and MPU Commission. The motion carried by the following vote:



**Aye:** 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

**16-0539** City Rental Policy for Barricades and other traffic control

**Moved by Howe, seconded by Brey, to waive fees for barricade rental for the requesting citizen, Glen Forth, and revisit rental policy for all City owned rental items. The motion carried by the following vote:**

**Aye:** 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

**16-0540** City Plowing and removal of snow on Private Properties

**Moved by Howe, seconded by Brey, to discontinue practice of removing snow of private properties and notify attached property owners of such. The motion carried by the following vote:**

**Aye:** 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

**16-0542** Watermain Petition (Plan E) for Fessler Drive

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

**Aye:** 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

**16-0549** Sale of Four (4) Remaining Police Vehicles

**Moved by Howe, seconded by Brey, to accept bid of \$4,250 as outlined in attached memo. The motion carried by the following vote:**

**Aye:** 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

**16-0545** Resolution approving the 2016 Sealcoating Program.

**Moved by Howe, seconded by Brey, that this Resolution be adopted. The motion failed by the following vote:**

**Aye:** 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

**16-0559** Report of Board of Public Works of June 1, 2016, relative to request from Jake Wenzel to remove 2001 Marshall St., parcel 000-297-010, from the private snow removal list as well as rescinding his \$850 assessment, recommending to remove his property from the snow removal list but denying his request to rescind the snow removal assessment.

**Moved by Howe, seconded by Kummer, that this Report be accepted and adoption of recommendations. The motion carried by the following vote:**

**Aye:** 8 - Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

**Nay:** 1 - Brey

16-0571 Contract (AGMT-1608) with Vinton Construction Company to install a new 6 inch sanitary building sewer (lateral) for 3617 Viebahn Street for \$9,902.00.

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

Aye: 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-0572 Contract (AGMT-1607) with Vinton Construction Company to install a new 6 inch sanitary building sewer (lateral) for 4025 Viebahn Street for \$18,703.00.

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

Aye: 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

## 5. Public Safety Committee

16-0352 Ordinance to amend portions of Section 10.490 of the Municipal Code regulating two-hour parking in the City of Manitowoc.

Moved by Able, second by Sladky, to adopt this Ordinance

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

Aye: 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-0356 Ordinance to amend Sections 10.390 and 10.510 of the Manitowoc Municipal Code regulating limited time and angled parking in City parking lots.

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

Aye: 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-0369 Request from Joshua Wendt to create crosswalks across North 17th Street.

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

Aye: 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

**16-0395**

Department of Corrections Transitional Housing letter dated April 20, 2016 requesting placement at 1118A South 19th Street

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

**Aye:** 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

**16-0421**

Via the Mayor's Office a request has been received from Aspire Real Estate and Brennan Seehafer to lease 5 parking spots in the City Hall parking lot. See highlighted parking area on the attached map.

**Moved by Able, seconded by Sladky, that this Request be approved and designate spots as leased. The motion carried by the following vote:**

**Aye:** 6 - Hennessey, Sladky, McMeans, Able, Sitkiewitz and Czekala

**Nay:** 3 - Brey, Howe and Kummer

**16-0422**

Request per Mayor Justin Nickels to add two on-street parking spots on Quay Street by eliminating a "no parking truck unloading zone" spot. See highlighted area on attached map.

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

**Aye:** 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

**16-0490**

Fire Chief Todd Blaser requesting approval to enter into a contract with the 2016 Leukemia & Lymphoma Society for an upcoming July 23rd event.

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

**Aye:** 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

**16-0492**

Request from Attorney Steven R. Alpert for a 50% reduction on an ambulance bill, call #182A-15-3811 date of service 12/16/2015.

**Moved by Able, seconded by Sladky, that this Request be denied. The motion carried by the following vote:**

**Aye:** 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-0567

Ordinance to amend Section 14.575 of the Municipal Code to allow temporary placement of offenders at the residence maintained by the Department of Corrections on S. 19th Street.

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

**Aye:** 9 - Brey, Hennessey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

**J. OTHER BUSINESS**

**K. ADJOURN**

Meeting adjourned at 7:50 p.m.

**Jennifer Hudon  
City Clerk**