



City of Manitowoc

15-737
900 Quay Street
Manitowoc, WI 54220
www.manitowoc.org

Meeting Minutes Common Council

Monday, June 15, 2015

6:30 PM

Council Chambers

A. CALL TO ORDER

Mayor Nickels called the meeting to order at 6:35 p.m.

B. ROLL CALL

Alders 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

15-637

Manitowoc Area Visitor and Convention Bureau Annual Update

15-656

Presentation by Wastewater Treatment Facility Superintendent Brian Helminger and Jane Carlson of Strand relative to improvements at the facility.

E. PUBLIC HEARINGS

15-639

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 amendment to Chapter 15 of the City's Comprehensive Zoning code regarding home occupations.

Mayor declared the meeting open for the public hearing. Community Development Director Nic Sparacio gave an overview of the proposed amendment. City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on June 1 and June 8, 2015. (Proof of Publication is on file in the City Clerk's office). No interested parties appeared. Mayor declared the public hearing closed. (A recording of the hearing is available 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

15-641

Appointment of Mark C. Maurer, Citizen Member, to TIF Joint Review Board in place of Mark Ring.

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

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

15-642

Re-Appointments to Cemetery Commission: John Bilka for 4 year term ending 4/30/19; Ted Dirkman for 4 year term ending 4/30/18; Eric Zabel for 4 year term ending 4/30/18.

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

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

15-651

Appointment to Wastewater Treatment Facility Board: Brian Rasmussen, Residential Representative, in place of Dale Zahn, for 3 year term ending 6/1/18.

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

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

H. CONSENT AGENDA

1. Removal of Consent Agenda Items

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

15-643

Minutes of Common Council of Monday, May 18, 2015, recommending approval and place on file.

15-644

Minutes of Community Development Authority of 4/22/15; Plan Commission of 5/6/15; Police & Fire Commission of 5/12/15; Manitowoc Public Utilities Commission of 5/11/15; Wastewater Treatment Facility Board of 3/24/15; and Zoning Board of Appeals of 5/19/15, recommending placing on file.

15-650

Notice from Public Service Commission of Wisconsin relative to application of Manitowoc Public Utilities for tariff changes related to deferred payment agreements, recommending placing on file.

3. Committee of the Whole (Consent)

15-666 Report of Special Events Committee relative to approval of the following events: Crazy Daze on 7/10 - 7/12, 2015; Community Fitness Event on 8/8/15; St. Francis of Assisi Parish Picnic on 8/14 - 8/15, 2015; Walk for ALS on 8/29/15; Flag Day Event on 6/11/15; Cool City Classic Car Cruise on 6/26/15; Silver Creek Bicycle Race on 9/12/15; recommending acceptance of report and place on file.

15-667 Report of Special Events Committee recommending approval of the following events subject to Council action: Northeastern Wisconsin Salmon Festival on 7/3 - 7/5, 2015 (extension of noise ordinance); Pedals for Petals Bike Rodeo on 7/11/15 (waiver for alcohol in Washington Park); Kiwanis Car Club Show on 8/9/15 (street closures and waiver for alcohol in Washington Park), recommending approvals.

4. Finance Committee (Consent)

15-573 Recommend proposed settlement regarding CVS Pharmacy, Inc. vs. City of Manitowoc, Case 14CV247, and CVS Pharmacy Claim for Excessive Assessment.

15-623 General City Claims 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)

15-575 City of Manitowoc Housing Rehabilitation Loan Program Plan, recommending to approve the Plan with the exception of not including recommendation #8.

Not including recommendation #8

15-576 Vans Bar and Grill request to extend premise on June 20, 2015, recommending approval of request.

15-605 Performance of the City's Inspection Division, recommending placing on file.

15-606 Wisconsin Maritime Museum request to extend alcohol premise on July 10 - 12, 2015 for Subfest and July 3 - 6, 2015 for Fourth on the Shore, recommending approval of requests.

15-607 Update, discussion, and possible action on Building Inspection Department, recommending placing on file.

15-608 Meadow Sports Complex request for extension of premise on July 12, 2015 for Gumby's Club Fore A Cure golf fundraiser, recommending approval of the request.

15-609 Tower Tavern request for extension of premise to parking lot on July 11, 2015 4 p.m. - 9 p.m., recommending approval of the request.

- 15-649 Quit Claim Deed from Kent and Sara Keil for .15 acres for South 35th Street Purposes, recommending acceptance and place on file.
- 15-652 Surrender of "Class B" Retail Intoxicating and Fermented Malt Beverage License #43 from Skinny Dipp Inn, Michael Groelle, Agent, 1107 S. 10th St. in favor of Cynthia Nessman effective July 1, 2015, recommending accept and place on file.

6. Parks and Recreation Committee (Consent)

- 15-517 Request from O'Connor's Concessions to do concession business in the City of Manitowoc for 2015 season recommending granting request.
- 15-565 Request to use donation tube monies for minor remodeling of the Lincoln Park Zoo Education Building kitchen area, recommending granting the request to spend up to \$9,159.00 for kitchen and related improvements.
- 15-572 Animal Loan Agreement with Manitowoc County Farm Bureau for the loan of farm animals from its member farmers for the Big Red Barn exhibit at the Lincoln Park Zoo for the period May 23, 2015 through September 7, 2015, recommending entering into the agreement.

7. Personnel Committee (Consent)

8. Public Infrastructure Committee (Consent)

- 15-531 Report of Board of Public Works of May 6, 2015 for bids received for Seal Coating & Prep. Work on Various Streets, Project WS-15-6, recommending not to award and place on file.
- 15-625 Agreement with Lakeshore Cleaners, Inc. for prairie seeding and herbiciding 5 acres outside of the prairie area at Dewey Street Stormwater Detention Pond at a cost of \$8,412.77, recommending approval and entering into the agreement.
- 15-627 Progress Invoice from Wisconsin Dept. of Transportation in the amount of -\$154.74 for Madison Street - 10th St. - 8th St., Project No. 4347-05-71, recommending acceptance of refund.
- 15-628 Report of Board of Public Works of June 3, 2015 for Install High Definition IP Surveillance System at City Hall and Final Payment to Martin Systems, Inc. in the amount of \$5,499.69, recommending payment.
- 15-629 Report of Board of Public Works of June 3, 2015 for Horseshoe Drive Pumping Station Rehabilitation and Final Payment to Strand Associates Inc. in the amount of \$196.06, recommending payment.
- 15-631 Report of Board of Public Works of June 3, 2015 for 2014 Remove and Replace Existing Sidewalks and New and Final Payment to Seiler Bros. in the amount of \$1,521.91, recommending payment

- 15-634 Contract with Mike Check Builders Inc. to provide labor and material for re-roofing and re-siding of garage at Gravel Pit along with 10' lean-to-roof on southside of garage at a cost of \$11,616.00, recommending approval and enter into the agreement.
- 15-635 Report of Board of Public Works of June 3, 2015, of bids received for 2015 Televising Miscellaneous Sewers II, Project WU-15-14, recommending awarding to low bidder, Northern Pipe Equipment, Inc. in the amount of \$26,932.40.
- 15-636 Agreement with Hi-Tech Painting and Decorating to paint the exterior of the Rahr-West Art Museum at a cost of \$17,500.00, recommending approval and enter into the agreement.
- 15-655 Contract with Corcoran Glass & Paint to replace hail damaged brakemetal trip at Visitor Information Center at a cost of \$3,754.00 and to replace hail damaged casement window on west elevation at DPW main building at a cost of \$2,954.00, recommending approval and entering into the agreement.
- 15-663 Report of Board of Public Works of June 10, 2015, of quotes received for 2015 DPW Articulated Tractor, Project QE-15-4, recommending awarding to low bidder, Industrial Marketing in the amount of \$103,336.00.
- 15-664 Report of Board of Public Works of June 10, 2015, of bids received for Tuck Pointing Department of Public Works Building, Project WB-15-19, recommending awarding to low bidder, Quality Building Restoration, in the amount of \$36,850.00.

9. Public Safety Committee (Consent)

- 15-521 Communication from Gerard Neuser, requesting two Handicapped parking stalls on Jay Street (nearest to the southwest corner of S. 8th & Jay St), recommending placing on file.
- 15-522 Communication from Fred Schnell, requesting an extension of the noise ordinance for Friday July 3 until 11:30pm for the Northeastern Wisconsin Salmon Festival at the Manitowoc Marina, recommending approval.
- 15-523 Request for Special Events Privilege from Fat Seagull's Debi Erickson relative to noise and bands outdoors, recommending approval of request.
- 15-613 Fire Chief monthly update to include: MFRD monthly report, MFRD 2014 annual report, and MFRD 1st QTR Key Performance report - recommending accept and place on file.
- 15-614 Police Chief update to include: MTPD monthly report and K-9 update - recommending accept and place on file.

- 15-618 Resolution to keep open positions at the Fire Department vacant until an arbitration award has been issued, recommending placing on file.

I. STANDING COMMITTEE REPORTS

1. Committee of the Whole

- 15-662 Supplemental Task Order from AECOM for \$218,240.00 for 2015 Balance of Services for project at former Newton Gravel Pit.

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

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

2. Finance Committee

3. Licensing, Permits and Inspections Committee

- 15-559 Ordinance to amend portions of Chapter 15 of the Municipal Code to revise various definitions of home occupation.

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

- 15-630 Silver Lake College Request to amend "Class B" premise description.

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

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

- 15-632 Asst Chief Nick Reimer request to refund operator license fee for Jeff Erickson and apply to fines.

Moved by Brey, seconded by Howe, 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

- 15-646 Report of City Plan Commission relative to Wenzel Properties LLC request to rezone property at 2003 Marshall and 1112 S. 20th Street with recommendation that Council instruct the Clerk to call for a public hearing on this matter for July 20, 2015.

Moved by Brey, seconded by Howe, that the Clerk call for a public hearing on this matter for July 20, 2015. The motion carried by the following vote:

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

15-647

Report of City Plan Commission relative to request of Amy and Martin Sheck for conditional use permit for home occupation - expanded use at 1718 S. 15th Street, with Commission recommending that Council grant a CUP subject to compliance conditions stated herein.

The tie vote was broken by Mayor Nickels who voted aye. Committee's report was accepted. Ayes, 6. Nays, 5.

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

Aye: 5 - Schema, Soeldner, Brey, Howe and McMeans

Nay: 5 - Brandel, Hennessey, Sladky, Able and Sitkiewitz

15-648

Report of City Plan Commission relative to request from Katelyn Sheck for conditional use permit for home occupation - expanded use at 2019 S. 9th Street, with Commission recommending Council grant a CUP subject to compliance conditions stated herein.

The tie vote was broken by Mayor Nickels who voted aye. Committee's report was accepted. Ayes, 6. Nays, 5.

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

Aye: 5 - Schema, Soeldner, Brey, Howe and McMeans

Nay: 5 - Brandel, Hennessey, Sladky, Able and Sitkiewitz

15-669

Report of Licensing, Permits and Inspections Committee approving various licenses for granting (see attached).

Class "B" Fermented Malt Beverage license: #BBR-1508; "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license: TAV-1556 thru TAV-1567; "Class C" Wine license: CWN-1503; Mobile Home Park license: #5; Stock Car Races, Racing Exhibitions, Demolition Derby license: #2 thru 5.

Moved by Brey, seconded by Howe, that these Licenses be granted subject to approvals, insurance, payment of license fees and meeting State Statute requirements. The motion carried by the following vote:

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

4. Parks and Recreation Committee

15-624

Agreement with Port-a-Pier to furnish labor, equipment and material required to build a new 6' x 10' port-a-pier shore mount with a 6' wide and 16" long wheelchair access plate secured on the Schuette Park shoreline connected to a modified existing 6' x 30' gangway with hand railings at a cost of \$15,011.00.

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

15-626 Agreement with Jim Reif Builders, Inc. to furnish labor, equipment and material required to complete roof replacement of the existing hexagon park shelter building located at Lincoln Park at a cost of \$12,753.00.

**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

5. Personnel Committee

15-633 Resolution to promote Parks Caretaker to Parks laborer and to eliminate the Parks Caretaker position.

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

15-658 Resolution to approve hiring of a replacement Administrative Assistant at the Wastewater Treatment Facility due to a 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

15-659 Resolution to approve the backfilling of the Administrative Assistant position within the Police Department along with amended job description.

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

6. Public Infrastructure Committee

15-561 Resolution designating Mayor Justin M. Nickels as the representative of the City for the purpose of filing Clean Water Fund applications.

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

15-653 Task Order No. 15-01 with Strand Associates pursuant to Technical Services Agreement dated 4/11/13 for Wastewater Treatment Facilities Improvements.

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

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

- 15-654 Ordinance to establish Comptroller as member of the Board of Public Works in the absence of the Finance Director/Treasurer.
- Moved by Soeldner, seconded by Brey, 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
- 15-657 Amendment No. 1 to Agreement with Strand Associates, Inc. dated April 11, 2013.
- Moved by Soeldner, seconded by Brey, that this Agreement be approved. The motion carried by the following vote:**
- Aye:** 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz
- 15-665 Memorandum from Director of Public Infrastructure Dan Koski relative to 2015 Seal Coating Bids and Alternatives
- Moved by Soeldner, seconded by Brey, that this Memorandum be accepted relative to Option 2. The motion carried by the following vote:**
- Aye:** 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

7. Public Safety Committee

- 15-330 Ordinance to amend Section 10.630 of the Municipal Code revising the regulation for towing vehicles.
- 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
- 15-610 Brian Laurent communication requesting that the 2 hour parking in 800 block of Chicago Street become 8 hour parking, recommending amending ordinance to unlimited parking in the 800 block of Chicago Street.
- Moved by Able, seconded by Sitkiewitz, that this Communication be approved for unlimited parking in the 800 block of Chicago St. The motion carried by the following vote:**
- Aye:** 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz
- 15-612 Communication requesting information on accessing a Hearing Impairment sign for the residence of a hearing impaired child on S 26th St near Custer St., recommending approval and to have the sign posted.
- Moved by Able, seconded by Sitkiewitz, that this Communication be approved and signage posted. The motion carried by the following vote:**
- Aye:** 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-615 MFRD spill clean-up fee in the amount of \$73.50 disputed by Lori Koschnick, recommending denial of the claim.

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

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

Nay: 1 - Sladky

15-616 MFRD EMS charge for Lily Meyer DOS 3-11-15 disputed, recommending denial of request and place on file.

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

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

15-617 Ambulance Service agreement between Leukemia and Lymphoma Society and the City of Manitowoc Fire Department for event on July 18, 2015, recommending approval.

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

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

J. OTHER BUSINESS

K. ADJOURN

Meeting adjourned at 7:56 p.m.

Jennifer Hudon
City Clerk