



# City of Manitowoc

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

## Meeting Minutes Common Council

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Monday, April 21, 2014

7:00 PM

Council Chambers

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### A. CALL TO ORDER

Mayor Justin M. Nickels called the meeting to order at 7:00 p.m.

### B. ROLL CALL

**Alderspersons Present:** 8 - Dave Soeldner, Jim Brey, Allan Schema, Mike Howe, Christopher Able, Jason Sladky, Eric Sitkiewitz and Jill Hennessey

**Alderspersons Absent:** 1 - Scott McMeans

### C. PLEDGE OF ALLEGIANCE

### D. INVOCATION

City Clerk announced that the various documents have been referred to the appropriate committees as shown on the April 21, 2014 Common Council agenda.

### E. PRESENTATIONS

[14-671](#)

City Clerk administers oath of office to Firefighter/Paramedics Travis Gunderson, Chad Haucke, Mark Kuchenbecker, Brent MacDonald and Jordan Olson followed by a badge ceremony.

### 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

### H. 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.

Call back to order.

## I. CONSENT AGENDA

1. Removal of Consent Agenda Items: Alderperson Sladky called for the removal of item 14-873 from the Consent Agenda.

### Approval of the Consent Agenda

**Moved by Hennessey, seconded by Sladky, to accept the Consent Agenda Items and recommendations of the various committees The motion carried by the following vote:**

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

### 2. Miscellaneous

[14-679](#) Common Council Minutes of 4/7/14 recommending approval and place on file.

**Attachments:** [14-679.pdf](#)

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

[14-701](#) Communication from Burger Boat notifying of Notice of Pending Application for Proposed Pier from the Wis. Dept. of Natural Resources, recommending placing on file.

**Attachments:** [14-701.pdf](#)

### 3. Committee of the Whole

[14-808](#) 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.**

**Attachments:** [14-808.pdf](#)

### 4. Finance Committee

### 5. Licensing, Permits and Inspections Committee

[14-317](#) Home Occupation Accessory Building Application of Michael Miller, Manitowoc Small Engine, 954 S. 29th Street for a detached garage, recommending placing on file.

**Attachments:** [14-317.pdf](#)

[14-323](#) Quit Claim Deed from Daniel E. and Dorothy Holsen, for .49 acres of land for Goodwin Road purposes, recommending acceptance and place on file.

**Attachments:** [14-323.pdf](#)

[14-465](#) Communication from Tim Frey, owner of TLC Homes, Inc. requesting an exception to the 2500' rule for CBRF's for property on Paul Rd., recommending placing on file.

**Attachments:** [14-465.pdf](#)

[PC 13-2014 JHA Properties CBRF Exception](#)

[14-483](#) Communication from SMI as representatives of the Manitowoc Lakebreeze Apartments, LLC and WLC, LLC requesting a change to the Official Map eliminating two streets that run to the east off of Johnston Drive to accommodate an apartment project, recommending placing on file.

**Attachments:** [14-483.pdf](#)

[PC 14-2014 & PC 3-2014 Lake Breeze Apts](#)

[14-484](#) Communication from SMI as representatives of the Manitowoc Lakebreeze Apartments LLC and WLC, LLC requesting a vacation of a portion of two Official Map streets that run to the east off of Johnston Drive, recommending placing on file.

**Attachments:** [14-484.pdf](#)

[PC 14-2014 & PC 3-2014 Lake Breeze Apts](#)

[14-564](#) Petition of the Manitowoc Lakebreeze Apartments LLC and WLC, LLC requesting a vacation of a portion of two Official Map streets that run to the east off of Johnston Drive, recommending placing on file.

**Attachments:** [14-564.pdf](#)

[PC 14-2014 & PC 3-2014 Lake Breeze Apts](#)

[14-698](#) Communication from City of Two Rivers with copies of Amendments 5 and 6 to the Two Rivers Comprehensive Plan, recommending placing on file.

**Attachments:** [14-698.pdf](#)

[14-700](#) Statement of Board of Canvassers of the City of Manitowoc for the April 1, 2014 Spring Election, recommending acceptance and place on file.

**Attachments:** [14-700.pdf](#)

[14-874](#) Report of City Plan Commission recommending Council approve and accept Quit Claim Deed of Holsen for .49 acres for Goodwin Road purposes.

**Attachments:** [14-874.pdf](#)

## 6. Parks and Recreation Committee

[14-838](#) Report of the Board of Public Works of April 16, 2014 recommending 1st and final payment to Franz Electric in the amount of \$5,240.00 for Lincoln Park Zoo electrical service.

**Attachments:** [14-838.pdf](#)

## 7. Personnel Committee

## 8. Public Infrastructure Committee

## 9. Public Safety Committee

[14-810](#) Contract with Bartolotta Fireworks Company for fireworks display on July 4, 2014.

**Attachments:** [14-810.pdf](#)

## 10. Approval of the following licenses.(Subject to department endorsements and payment of license fees).

[14-710](#) Operator's License Applications. See attached list of operators.

**Attachments:** [14-710.pdf](#)

[14-713](#) #31 Temporary Class "B" Beer license of Eastern Wisconsin Stock Cars, 4921 Expo Drive for August 19-24, 2014.

[14-714](#) #4 Mobile Home Park license of Lakeland Manor Mobile Home Park, 3910 Waldo Blvd.

## J. 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

### 2. Finance Committee

### 3. Licensing, Permits and Inspections Committee

[14-696](#) Sidewalk Encroachment Permit for temporary sidewalk sales during the Farmers' Market.

**Attachments:** [14-696.pdf](#)

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

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-707](#) Request from Manitowoc County Expo/Fair entertainment pavilion purveyors to extend live band music performance until 11:30 p.m. with beer sales ending at midnight on Friday and Saturday of the County Fair and to have music performances until 11:00 p.m. with beer sales ending at 11:30 p.m. for the remaining nights of the County Fair. (Copy to Public Safety Committee).

**Attachments:** [14-707.pdf](#)

**Moved by Brey, seconded by Hennessey, that this Request be jointly approved according to City policy. The motion carried by the following vote:**

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-709](#) Request from Manitowoc Lutheran High School Federation, Inc. and A T & T for change in zone from R-2 to I-1 for property at 4045 Lancer Circle.

**Attachments:** [14-709.pdf](#)

**Moved by Brey, seconded by Hennessey, that this Request be referred to the Plan Commission. The motion carried by the following vote:**

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-875](#) Report of City Plan Commission relative to request from Michael Miller for conditional use permit for home occupation accessory building at 954 S. 29th Street, recommending that Council grant the CUP subject to conditions outlined in Plan Commission report.

**Attachments:** [14-875.pdf](#)

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

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-876](#) Report of City Plan Commission relative to request from WLC, LLC and Manitowoc Lake Breeze Apartments, LLC for street vacations and Official Map changes for property east of Johnston Drive, west of Zimmer Drive, and to the north of E. Charles Lane for proposed development.

**Attachments:** [14-876.pdf](#)

**Moved by Brey, seconded by Hennessey, that this Report be accepted and placed on file with Clerk to publish notices and call for public hearing. The motion carried by the following vote:**

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-877](#) Report of City Plan Commission relative to request from Tim Frey, TLC Homes, Inc., for exception to 2,500' separation requirement for establishment of an 8-person Community Based Residential Facility at 2213 Paul Rd., recommending that Council grant the exception, as detailed in their report.

**Attachments:** [14-877.pdf](#)

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

**Aye:** 7 - Soeldner, Brey, Schema, Howe, Sitkiewitz, Martell and Hennessey

**Nay:** 2 - Able and Sladky

#### 4. Parks and Recreation Committee

[14-176](#) Proposal from the Manitowoc Public School District for 2014 ball diamond maintenance

**Attachments:** [03-03-14 Baseball Softball Rec Proposal 2014](#)

**Moved by Sladky, seconded by Schema, that this Action Item be approved with one line struck pertaining to practice (as overstricken on page 2). The motion carried by the following vote:**

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-463](#) Special Events Request from Kiwanis Club of Manitowoc to hold Kiwanis Car Show on August 10, 2014 in Washington Park, closing So. 11th and So. 12th Streets, serving alcohol in the park, as detailed therein, with waiver of fees request attached.

**Attachments:** [14-463.pdf](#)

**Moved by Sladky, seconded by Schema, that this Special Events Request be jointly granted per City policy with same terms as 2013 event. The motion carried by the following vote:**

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-812](#) Labor Agreement with City of Manitowoc Transit Employees, Teamsters Local No. 662 for 2013-2016.

**Attachments:** [14-812.pdf](#)

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

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-703](#) Special Events Request from Rhienna Gabriel relative to Camp Vits Tree Project on April 25, 2014, for planting of trees along the southern border of the park entrance.

**Attachments:** [14-703.pdf](#)

**Moved by Sladky, seconded by Schema, that this Special Events Request be granted. The motion carried by the following vote:**

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-693](#) Request from The Crossing to use Mariner's Trail on Saturday, August 16, 2014, for their fifth annual Walk for Life fundraiser.

**Attachments:** [14-693.pdf](#)

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

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-572](#) Request from Heart of the Lakeshore/NewLife Ministries to waive fees for rental of Washington Park MetroStage on May 1, 2014 for National Day of Prayer.

**Attachments:** [14-572.pdf](#)

**Moved by Sladky, seconded by Schema, that this Request be granted with waiver of fees. The motion carried by the following vote:**

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-580](#) Special Events Request from Worldwide Missionary Outreach to hold Missionary Rummage Sale in Cabin 1 at Lincoln Park and waiver of fee request for same.

**Attachments:** [14-580-1.pdf](#)

**Moved by Sladky, seconded by Schema, that this Special Events Request be granted with same conditions as 2013 event. The motion carried by the following vote:**

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-704](#) Special Events Request from Lincoln Park Zoological Society to hold Lights in Lincoln Park from December 5 through December 31, 2014, with waiver of fee request attached.

**Attachments:** [14-704.pdf](#)

**Moved by Sladky, seconded by Schema, that this Special Events Request be granted. The motion carried by the following vote:**

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-705](#) Special Events Request from Lincoln Park Zoological Society to hold Movie Nights at Lincoln Park on July 17 and August 14, 2014.

**Attachments:** [14-705.pdf](#)

**Moved by Sladky, seconded by Schema, that this Special Events Request be granted. The motion carried by the following vote:**

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-706](#) Special Events Request from Lincoln Park Zoological Society to hold Summer Kick-Off/Grand Reopening at Lincoln Park Zoo on June 14, 2014.

**Attachments:** [14-706.pdf](#)

**Moved by Sladky, seconded by Schema, that this Special Events Request be granted. The motion carried by the following vote:**

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-809](#) Resolution proclaiming May 10, 2014 as International Migratory Bird Day in the City of Manitowoc supporting efforts to protect and conserve migratory birds and their habitats in our community.

**Attachments:** [14-809.pdf](#)

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

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-822](#) Fundraising for Senior Center pull tabs

**Attachments:** [Pull-tab Sales](#)

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

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

## 5. Personnel Committee

[14-811](#) Resolution to approve the revised job description and set wage classification for City Attorney.

**Attachments:** [14-811.pdf](#)

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

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey



[14-813](#) Resolution to approve revised job descriptions within the Department of Public Infrastructure - Operations Division (Cemetery Worker I, Cemetery Worker II, Administrative Assistant, Operations Assistant, Skilled Laborer, Fleet Mechanic, Operations Team Leader, Forester/Arborist, Parks Worker II, Zoo Curator of Animals and Zoo Curator of Education - Special Events.

**Attachments:** [14-813.pdf](#)

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

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-814](#) Resolution to approve revised job description for Patrol Lieutenant within the Police Department.

**Attachments:** [14-814.pdf](#)

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

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-815](#) Participation Agreement and Application Form with The Hartford Employer Group Insurance Trust health plan for retirees 65+ for the City of Manitowoc.

**Attachments:** [14-815.pdf](#)

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

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-816](#) City of Manitowoc Wellness Steering Team Exercise Facility Rules and Release of Liability.

**Attachments:** [14-816.pdf](#)

**Moved by Able, seconded by Hennessey, that this Action Item be approved. The motion carried by the following vote:**

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-817](#) Revised Seasonal Employment Policy.

**Attachments:** [14-817-1.pdf](#)

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

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

## 6. Public Infrastructure Committee

[14-073](#) Request from Chuck and Kathy Behnke, 5126 Sunset Road, for a temporary access agreement for the purpose of planting a vegetable/herb garden in the un-improved right-of-way of Remiker Road.

**Attachments:** [14-073.pdf](#)

**Moved by Soeldner, seconded by Brey, that this Request be granted with City Attorney to draft agreement. The motion carried by the following vote:**

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-156](#) Recycling Agreement with Manitowoc County to develop, implement and operate a comprehensive recycling program and to operate a solid waste Materials Recycling Facility for the period May 1, 2014 through April 30, 2019.

**Attachments:** [14-156-1.pdf](#)

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

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-162](#) Solid Waste Disposal Agreement with Manitowoc County pertaining to waste disposal at the Ridgeview Landfill Site and other locations determined by the County for the period May 1, 2014 through April 30, 2019.

**Attachments:** [14-162-1.pdf](#)

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

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-692](#) Special Events Request from The Fat Seagull for closure of Quay Street on June 14 and July 26, 2014, along with bands in their parking lot on various dates during the summer and extension of their liquor license to accommodate those dates. (Also referred to Licensing, Permits & Inspections and Public Safety Committees).

**Attachments:** [14-692.pdf](#)

**Moved by Soeldner, seconded by Brey, that this Special Events Request be jointly approved subject to City policy. The motion carried by the following vote:**

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-695](#) Special Events Request from Northeastern Wisconsin Great Lakes Sport Fishermen to hold the annual Salmon Derby at the Manitowoc Marina from Friday, July 4 through Sunday, July 6, 2014, use of various City equipment, permission to sell fermented beverages until 11:30 p.m. and extension of the noise ordinance until 11:30 p.m. on Friday and Saturday nights, as detailed therein. (Also referred to Licensing, Permits & Inspections and Public Safety Committees.)

**Attachments:** [14-695.pdf](#)

**Moved by Soeldner, seconded by Brey, that this Special Events Request be granted subject to City policy. The motion carried by the following vote:**

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-697](#) Contract with Lakeshore Cleaners, Inc. for prairie seeding, tree planting and herbiciding 5 acres outside of prairie area at Dewey Street Stormwater Detention Pond at a cost of \$24,855.86.

**Attachments:** [14-697.pdf](#)

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

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-820](#) Memo from Director of Public Infrastructure Dan Koski requesting \$300.00 snow shoveling assessment be rescinded for parcel no. 320-001-030 because property owner did not have proper notification.

**Attachments:** [14-820.pdf](#)

**Moved by Soeldner, seconded by Brey, that this Memorandum be accepted and the assessment rescinded. The motion carried by the following vote:**

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-878](#) Resolution relative to Title VI Plan Agreement between the Federal Transit Administration (FTA) of the Wisconsin Dept. of Transportation and the City of Manitowoc Maritime Metro Transit.

**Attachments:** [14-878.pdf](#)

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

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

## 7. Public Safety Committee

[14-277](#) Communication from Kent Reeves requesting restricted Winter Parking on Windiate Street.

**Attachments:** [14-277.pdf](#)

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

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-468](#) Communication from Amanda Stewart to practice Falconry in the City of Manitowoc.

**Attachments:** [14-468.pdf](#)

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

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

[14-556](#) Ordinance to create Section 14.210 to the Municipal Code prohibiting individuals from passing worthless checks.

**Attachments:** [14-556.pdf](#)

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

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

## 8. Licenses

[14-819](#) #67 "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage license of Amanda Sue Freidenberger, 214 N. 8th Street, for period ending June 30, 2014.

**Moved by Brey, seconded by Hennessey, that this License be granted. The motion carried by the following vote:**

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

## K. ADJOURN

**Moved by Hennessey, seconded by Sladky, that this meeting be adjourned sine die at 8:08 p.m. The motion carried by the following vote:**

**Aye:** 9 - Soeldner, Brey, Schema, Howe, Able, Sladky, Sitkiewitz, Martell and Hennessey

**Jennifer Hudon  
City Clerk**