

Filed  
9-15-14  
MANITOWOC

# City of Manitowoc

14-1812  
900 Quay Street  
Manitowoc, WI 54220  
www.manitowoc.org

## Meeting Minutes Common Council

---

Monday, August 18, 2014

7:00 PM

Council Chambers

---

### A. CALL TO ORDER

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

### B. ROLL CALL

Alders Present: 8 - Jim Brey, Keith W. Shaw, Eric Sitkiewitz, Jason Sladky, Jill Hennessey,  
Christopher Able, Dave Soeldner and Scott McMeans

Alders Absent: 2 - Mike Howe and Allan Schema

### C. PLEDGE OF ALLEGIANCE

### D. INVOCATION

City Clerk announced that the various documents have been referred to the appropriate committees as shown on the August 18, 2014 Common Council agenda.

### E. PRESENTATIONS

**14-1471** 2013 Comprehensive Annual Financial Report & Management Letter by Tom Karman, CPA and Shareholder Schenk, SC

### F. PUBLIC HEARING

**14-1602** Public Hearing to be held at 7:10 p.m. for the purpose of hearing any and all interested parties in the matter of a proposed amendment to the Official Map to remove a dedicated right-of-way being an extension to the west of Ravenswood Lane at future Ebony Avenue, and secondly to add a right triangle-shaped area on the east side of Ravenswood Lane at future Ebony Avenue to complete an interior radius curve.

Mayor declared the meeting open for the public hearing.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on July 28, August 4 and August 11, 2014.

City Planner Paul Braun gave an overview of the proposed amendment to the Official Map.

No interested parties appeared.

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

### G. 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.

## H. STANDING COMMITTEE REPORTS

### I. 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.

During recess, Parks & Recreation and Licensing, Permits & Inspections Committees held a joint discussion relative to 14-1598 a request from The Haven to do fundraising events on City property. The Committees felt that it was not their place to allow vendors into other organized events. Moved by Sladky, second by Soeldner, to place the request on file. Ayes, 6. Nays, none. Call back to order.

### J. APPOINTMENTS AND BUSINESS PRESENTED BY THE MAYOR

**14-1601** Re-Appointments to Library Board: Patrick Brandel for 3 year term expiring 7/1/17 and Linda Hunter for 3 year term expiring 7/1/17.

**Moved by McMeans, seconded by Hennessey, that these Re-Appointments be approved. The motion carried by the following vote:**

**Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

Removal of Consent Agenda Items: None

### K. CONSENT AGENDA

#### 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:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

Miscellaneous

**14-1574** Minutes of Common Council of Monday, July 21, 2014, recommending approval and place on file.

- 14-1676** Minutes of Crime Prevention Committee of 5/1/14; Great Lakes Utilities Lakeswind Project Committee of 6/24/14; Great Lakes Utilities Power Supply Project Committee of 5/20/14; Manitowoc Public Utilities Commission of 6/23/14 & 7/14/14; Municipal Tree Commission of 11/12/13; Sustainability Committee of 7/24/14; Wastewater Treatment Facility Board of 6/10/14, recommending placing on file.
- 14-1697** Communication to citizens of Manitowoc relative to Carmeuse Lime plans in Oxford County and expressing concerns for the community's safety and wellbeing, recommending placing on file.

### **Committee of the Whole**

- 14-1715** General City Claims in the amount of \$7,972,986.93 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.

### **Finance Committee**

- 14-1413** Communication from Cheryl Duchow, Manitowoc County Treasurer, with public notice of tax foreclosure action In Rem 2014, recommending placing on file.
- 14-1573** Comprehensive Annual Financial Report for fiscal year ended December 31, 2013, recommending acceptance of report and place on file.

### **Licensing, Permits and Inspections Committee**

- 14-1393** Friends of the Farmer's Market Proposal for the 2015-2016 Operation & Management of the Farmers Market, recommending placing on file.
- 14-1394** Mainly Manitowoc Proposal for 2015 Farmers' Market, recommending placing on file.
- 14-1403** Quit Claim Deed from Manitowoc Lake Breeze Apartments, LLC to the City of Manitowoc for 1.36 acres for Johnston Drive purposes, recommending acceptance of deed and place on file.
- 14-1420** Request from George Adelman of 2208 South 18th Street to remove existing curb head to access the west side of South 18th Street, recommending placing on file.
- 14-1552** Payment Agreement with BWVI Associates, LLC relative to "Class B" Retail Intoxicating and Fermented Malt Beverage license and arrearages, recommending acceptance of letter agreement.
- 14-1581** Communication from Mainly Manitowoc withdrawing their proposal to manage operations of the Farmers' Market, recommending acceptance and place on file.

- 14-1634** Report of City Plan Commission recommending approval of quit claim deed from Manitowoc Lake Breeze Apartments for a portion of Johnston Drive, recommending acceptance of report and adoption of recommendations.
- 14-1635** Report of City Plan Commission of their annual compliance review of Elks Lodge 687 conditional use permit for operation of clubhouse at 1807 N. Rapids Road, recommending acceptance of report and place on file.
- 14-1636** Report of City Plan Commission of annual compliance review of conditional use permit of The Haven for transitional housing facility at 1003 Marshall Street, recommending acceptance of report and place on file.

### **Parks and Recreation Committee**

- 14-1549** Report of Board of Public Works of bids received for Hail Damaged Ball Field/Tennis Court Light Replacements, Project WO-14-20, recommending accepting award of Director of Public Infrastructure and Finance Director to Bodart Electric Service, Inc. in the amount of \$123,496.00 and place on file.
- 14-1587** Request from John Mahnke for Mariner's Trail Permit on June 15, 2015 for 5k run/walk (Treatment Trail), recommending granting request.

### **Personnel Committee**

### **Public Infrastructure Committee**

- 14-493** Report of Board of Public Works of March 26, 2014, regarding bids received for 2014 Epoxy Painting - Pavement Marking Program, Project WS-14-9, recommending not to award and place on file.
- 14-1546** Report of Board of Public Works of July 17, 2014 of bids received for Hail Damaged Architectural Metal Roof Replacement, Project WB-14-17, recommending acceptance of award by Director of Public Infrastructure and Finance Director to Walsdorf Roofing Co, Inc. in the amount of \$185,100.00 and place on file.
- 14-1547** Report of Board of Public Works of July 17, 2014 of bids received for Hail Damaged Screw-Down Metal Roof Replacement, Project No. WB-14-18, recommending placing on file.
- 14-1548** Report of Board of Public Works of bids received for Hail Damaged Trapezoidal Metal Roof Replacement, Project No. WB-14-19, recommending placing on file.
- 14-1551** Report of Board of Public Works of July 17, 2014 of bids received for Rahr-West Mansion Roof Replacement, Project WB-14-22, recommending placing on file (project to be re-bid).

### **Public Safety Committee**

- 14-1575** Ambulance Service Agreement with Manitowoc County Expo for ambulance coverage from August 20 - 24, 2014, recommending entering into agreement.
- 14-1637** Ambulance Service Agreement with Roncalli High School for the period August 18, 2014 through December 31, 2014, recommending entering into agreement.
- 14-1714** Ambulance Service Agreement with Lincoln High School for ambulance coverage, recommending entering into agreement.

**L. 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**

- 14-1597** Request from Mayor Justin Nickels to expend up to \$15,000 as needed for consultants, legal or other assistance for the Planning Department until the end of the year.
- Moved by McMeans, seconded by Hennessey, that this Request be approved with the requirement of all expenditures to be brought to Council's attention. The motion carried by the following vote:**

**Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

**2. Finance Committee**

- 14-1623** Report of City Planner Paul Braun advising that City has been awarded a Site Assessment Grant for eligible environmental site work for property at 1512 Washington Street (Mirro Plant 9).
- Moved by Sitkiewitz, seconded by McMeans, that this Report be accepted and placed on file. The motion carried by the following vote:**

**Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

- 14-1633** Report of City Plan Commission relative to notice from Manitowoc County of properties in tax foreclosure and stating Commission has no interest in pursuing acquisition of any of the properties.
- Moved by Sitkiewitz, seconded by McMeans, that this Report be accepted and placed on file. The motion carried by the following vote:**

**Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

- 14-1659** Approve utilizing Wisconsin Department of Revenue as a collection option for uncollectable accounts
- Moved by Sitkiewitz, seconded by McMeans, that this Agreement be entered into. The motion carried by the following vote:**

**Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

### 3. Licensing, Permits and Inspections Committee

**14-1600** Findings of Fact Conclusions of Law and Recommendation in the matter of Operator's License application of Tiffany A. Grosshuesch, recommending granting.

**Moved by Brey that this License (Findings of Fact Conclusions of Law) be accepted and placed on file. The motion carried by the following vote:**

**Aye:** 5 - Brey, Sitkiewitz, Able, Soeldner and McMeans

**Nay:** 3 - Shaw, Sladky and Hennessey

**14-1630** Communication from J&T REI, LLC requesting a variance to the 2500' rule for a planned CBRF on Cappaert Road to be developed into an 8 bed CBRF.

**A motion was made by Alderperson Jim Brey, seconded by Alderperson Jill Hennessey, that this Communication was referred. to the Plan Commission. The motion carried by the following vote:**

**Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

**14-1631** Report of City Plan Commission recommending that Council approve the Temporary Access Easement Agreement requested by George Adelman over an un-improved Summit Street, as outlined in the report.

**A motion was made by Alderperson Jim Brey, seconded by Alderperson Jill Hennessey, that this Report was approved and to enter into the agreement according to the requirements outlined in the Report. The motion carried by the following vote:**

**Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

### 4. Parks and Recreation Committee

**14-873** Report of City Plan Commission relative to their review of the location and architectural design for proposed miniature golf course at Citizen Park, recommending Council approve the project.

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

**Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

**14-1598** Request from The Haven of Manitowoc County for permission to do occasional fundraising events on City property during some planned events.

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

**Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

- 14-1632** Request from Friends of the Manitowoc River Watershed for waiver of fees for shelter and equipment for their picnic on September 20, 2014.
- Moved by Sladky, seconded by Soeldner, that this Request be granted. The motion carried by the following vote:**
- Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1645** Request from Karen Rotter to allow collection of money per item #10 of the Facility Rental Contract by Anshe Poale Zedek Synagogue Sisterhood at their picnic on August 2, 2015 which will be held at Lincoln Park.
- Moved by Sladky, seconded by Soeldner, that this Request be granted. The motion carried by the following vote:**
- Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1651** Special Events Request from Manitowoc Police Department to hold Annual MPPA Police Chase 4 mile run/walk on October 11, 2014, on route detailed herein and allowing participants to walk with their dogs and request for waiver of fees. (copy to Public Infrastructure Committee).
- Moved by Sladky that this Special Events Request be granted with waiver of fees. The motion carried by the following vote:**
- Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1654** Request from Payton Hynek for money or silent auction/basket raffle items for the second annual Suck on the Bone for Charity event on September 20th, 2014 at the Hideout Bar in Clover to raise money for the American Diabetes Association
- Moved by Sladky, seconded by Soeldner, that this Action Item be placed on file. The motion carried by the following vote:**
- Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1589** Request from Faith Evangelical Free Church for waiver of fees for use of Metro Stage at Washington Park on 9/5/14 for Movie in the Park. Event was previously approved on 7/21/14.
- Moved by Sladky, seconded by Soeldner, that this Request be granted and stage fees be waived. The motion carried by the following vote:**
- Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1661** Request to use donation tube monies to fund the construction of the deer pen at the Lincoln Park Zoo
- Moved by Sladky, seconded by Soeldner, that this Action Item be granted. The motion carried by the following vote:**
- Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

- 14-1665** Request from Clarence Yelvington for permission to do fundraising for The Haven in Washington Park.
- Moved by Sladky, seconded by Soeldner, that this Request be placed on file. The motion carried by the following vote:**
- Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

## 5. Personnel Committee

- 14-1588** Resolution relative to revised job descriptions for Crime Prevention Sergeant and Court/Evidence Clerk within the Police Department.
- Moved by Hennessey, seconded by Able, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1663** Resolution to approve the filling of vacant part-time Security Guard position at the Rahr-West Art Museum.
- Moved by Hennessey, seconded by Able, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1664** Resolution to approve the filling of budgeted Police Officer positions as they become vacant through the remainder of 2014.
- Moved by Hennessey, seconded by Able, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

## 6. Public Infrastructure Committee

- 14-931** Communication from Ralph and Karen Kriescher, 603 Meadow Court, relative to various issues with their property.
- Moved by Soeldner, seconded by Brey, that this Communication be placed on file. The motion carried by the following vote:**
- Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1061** Communication from manager of Manitou Manor Apartments relative to condition of Sixth Street from Reed Avenue to Magnolia Drive.
- Moved by Soeldner, seconded by Brey, that this Communication be placed on file. The motion carried by the following vote:**
- Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans



- 14-1083** Amendment No. 1 to agreement for Wastewater Treatment Facilities Safe Routes to School Assistance with Strand Associates, Inc.
- Moved by Soeldner, seconded by Brey, that this Amendment be placed on file. The motion carried by the following vote:**
- Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1452** Senior Center Boiler from 2840 Fund Balance
- Moved by McMeans, seconded by Hennessey, that this Request be approved. The motion carried by the following vote:**
- Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1561** Contract with Martin Systems, Inc. for installation of a live streaming web camera at the Manitowoc Marina at a cost of \$5,803.34.
- Moved by Soeldner, seconded by Brey, that this Contract be entered into. The motion carried by the following vote:**
- Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1585** Ordinance amending Section 10.490 of the Municipal Code amending parking on the west side of North 8th Street from the south curblineline of Maritime Drive and south a distance of 115 feet.
- A motion was made by Alderperson Dave Soeldner, seconded by Alderperson Jim Brey, to suspend the rules. The motion carried by the following vote:**
- Aye:** 8 - Brey, Shaw, 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:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1599** Special Event Request from John Jagemann, Courthouse Pub, to hold block party on September 6 & 7, 2014, in conjunction with Rock-N-Blues Haus, requesting Washington Street closure between 7th and 8th, live band performances and extension of liquor license premise. (copy to Licensing, Permits & Inspections)
- Moved by Soeldner, seconded by Brey, that this Special Events Request be approved subject to City policy. The motion carried by the following vote:**
- Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1666** Request from Director of Public Infrastructure Dan Koski and City Planner Paul Braun to jointly purchase a replacement plotter for both Engineering and Planning Departments, as outlined therein.
- Moved by Soeldner, seconded by Brey, that this Request be approved. The motion carried by the following vote:**
- Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

**14-1677** Request from Engineering Team Leader Greg Minikel on behalf of Chief's to approve proposed parking area abutting Clay Pit Road per 2008 plan attached.

**Moved by Soeldner, seconded by Brey, that this Request be approved subject to the following conditions: Applicant obtains Erosion Control permit from City of Manitowoc; Applicant obtains driveway permit from City of Manitowoc; Applicant obtains any other permits deemed necessary by Public Infrastructure Dept. The motion carried by the following vote:**

**Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

**14-1688** Report of Board of Public Works on quotes received for 2015 4 x 4 Pickup Truck with plow for Cemetery, Project QE-14-4.

**Moved by Soeldner, seconded by Brey, that this Report be approved and recommends awarding to lowest responsive bidder, Ewald Hartford Ford in the amount of \$29,185.00. The motion carried by the following vote:**

**Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

**14-1746** Ordinance to create Section 10.440, setting out regulations for brush pickup.

**Moved by Soeldner, seconded by Brey, to suspend the rules. The motion carried by the following vote:**

**Aye:** 8 - Brey, Shaw, 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:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

## 7. Public Safety Committee

**14-1469** Communication from Sharon Strouf relative to speeding and safety concerns.

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

**Aye:** 7 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able and Soeldner

**Nay:** 1 - McMeans

**14-1508** Ordinance establishing forfeiture amounts for violating the worthless check ordinance.

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

**Aye:** 8 - Brey, Shaw, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

## 8. Licenses

#44, 48, 49, 51 & 53 for Temporary Class "B" Beer license; #55 (Beer) and #9 (Wine) for Temporary Class "B" licenses for granting effective 8/22/14; #18-41 Temporary Operator's license; #13 - 17 & 19 for One Year Operator's license; #215-235 for Two Year Operator's license. Moved by Brey, second by Hennessey, and unanimously carried to grant the various licenses. Ayes, 8. Nays, none.

**M. ADJOURN**

*Moved by McMeans, second by Hennessey and unanimously carried, Council adjourned at 8:07 p.m. Ayes, 8. Nays, none.*

*The September 2, 2014 Council meeting has been cancelled and the next Common Council Meeting will be held on Monday, September 15, 2014 at 7:00pm in the Common Council Chambers at City Hall.*

**Jennifer Hudon**  
City Clerk