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MANITOWOC

City of Manitowoc

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

Meeting Minutes Common Council

14-1574
CONSENT

Monday, July 21, 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: 10 - Mike Howe, Jim Brey, Keith W. Shaw, Allan Schema, Eric Sitkiewitz, Jason Sladky, Jill Hennessey, Christopher Able, Dave Soeldner and 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 July 21, 2014 Common Council agenda.

E. PRESENTATIONS

- 14-1399 Presentation by Rolf Johnson, CEO of the Wisconsin Maritime Museum on the Marine Sanctuary.
- 14-1400 Presentation by Mayor Nickels to City Planner David Less on his retirement from the City of Manitowoc.
- 14-1401 Presentation by David Yeghiaian, Corporate Development Director regarding HFM Community Benefit update.
- 14-1404 Presentation by Jamie Zastrow on annual update from Mainly Manitowoc.

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

- 14-1444 Appointments to Sustainable Manitowoc Committee of Judi Northen, in place of E. Hoyer, for a 3 year term expiring 2/15/17 and Christine Mittnacht, in place of A. Evenson, for a unexpired term ending 2/15/15. Reappointment of Gregg Wolf to Wastewater Treatment Facility Board for 3 year term ending 6/1/17.

Moved by McMeans, seconded by Hennessey, that these Appointments be confirmed. The motion carried by the following vote:

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

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.

During Recess, Parks & Recreation Committee held a discussion relative to Request (14-1426) to waive fees for use of Information Center at Lincoln Park Zoo by Mishicot Marvels 4-H Club. Motion by Sladky, second by Schema, and unanimously carried to waive 50% of fee. Ayes, 5. Nays, none.

Parks & Recreation Committee also discussed Special Events Request (14-1382) of Mainly Manitowoc for Balloon Glow and their request to waive fees. Motion by Schema, second by Soeldner, and unanimously carried to waive all fees. Ayes, 5. Nays, none.

Parks & Recreation Committee also discussed Ordinance (14-1355) to allow camping/campfires in Lincoln Park. Alderperson Soeldner gave a presentation and after a brief discussion, moved by Sladky, second by Soeldner to adopt the Ordinance. Ayes, 3. Nays, 2.

Call back to order.

I. CONSENT AGENDA

1. Removal of Consent Agenda Items: None.

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

2. Miscellaneous

- | | |
|----------------|--|
| 14-1423 | Minutes of Common Council of Monday, June 16, 2014, recommending approval and place on file. |
| 14-1472 | Minutes of Brownfields Advisory Committee of 5/22/14; Great Lakes Utilities/Lakeswind Project Committee of 5/20/14; Maritime Metro Transit Commission of 4/9/14; Plan Commission of 5/14/14; Manitowoc Public Utilities Commission of 4/28/14 & 5/27/14; Wastewater Treatment Facility Board of 5/13/14, recommending placing on file. |
| 14-1414 | Communication from Wisconsin Dept. of Natural Resources notifying of pending application for proposed dredging by City Centre, LLC, 100 Maritime Drive, recommending placing on file. |

- 14-1415** Tramontina US Cookware Inc. submitted a public notice of an Air Pollution Permit Application Review to the Department of Natural Resources, recommending approval and place on file.
- 14-1470** Public Notice of Air Pollution Permit Application Review of Briess Industries, 605 Washington St., recommending placing on file.

3. Committee of the Whole

- 14-1421** Communication from Paul Tiftl, State Representative 25th Assembly District, supporting the resolution nomination to NOAA of a national marine sanctuary in the Manitowoc region.
- 14-1427** Communication from City Attorney Kathleen McDaniel to authorize Director of Public Infrastructure Dan Koski and Finance Director Steve Corbeille to enter into any contracts necessary between 6/30/14 and 7/21/14 to expedite hail damage repairs to damaged City buildings, recommending authorizing the drafting of the resolution and entering into contracts to repair City buildings and property as requested.
- 14-1543** General City Claims in the amount of \$2,208,854.06 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.

4. Finance Committee

- 14-1408** Report of City Planner David Less relative to TIF #15-Tax Incremental Financing Revenue Note related to Developer-Funded TIF at Dewey and CR, recommending acceptance of report and place on file.
- 14-1467** Communication from City Assessor Sarah Hoppe notifying of personal property palpable error related to parcel 000-050-955 (Englewood Electrical Supply), recommending to rescind the 2012 and 2013 taxes for personal property.

5. Licensing, Permits and Inspections Committee

- 14-1112** Report of City Plan Commission relative to Manitowoc Lutheran High School request for a conditional use permit for a future telecommunications tower, recommending Council issue the CUP subject to the conditons outlined herein, recommending restating the Council's motion of May 19, 2014, to accept the report and place on file.
- 14-1337** Request from Dana Estrada requesting reconsideration of denial of Operator's License #318, recommending granting license.
- 14-1397** Request from Meadow Links to extend their premise for an event on July 13, 2014, recommending approval of request to extend license.

- 14-1416** Surrender of License #62 for "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage of Jessie Snyder, 713 N. Water Street recommending acceptance of the license and place on file.
- 14-1417** Report from IDC unanimously approving an industrial revolving loan as part of the Jagemann Plating expansion project, recommending acceptance of report and place on file.
- 14-1425** Public Works Petition from Lakebreeze Apartments to cause permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on Johnston Dr. as described therein and shown on the attached map (parcel #809-302-012), recommending acceptance of petition with copy to be sent to Director of Public Infrastructure.

6. Parks and Recreation Committee

- 14-1180** Request by Manitowoc Bandits for reduced park rental fees, recommending setting rent at \$1,500 per year pending signing of Maintenance Agreement prepared by City Attorney.
- 14-1418** Report of Board of Public Works on July 24, 2014, recommending 2nd and final payment to Klein Asphalt Maintenance, Inc. in the amount of \$1,075.00 for Lincoln Park Parking Lot, recommending payment.
- 14-1428** Report of Board of Public Works of June 25, 2014 of bids received for Lincoln Park Zoo, Chainlink fence for deer pen, Project, WO-14-11, recommending awarding to low bidder, Patriot Fence, in the amount of \$37,938.00.
- 14-1466** Thank you from LSS-RAYS for the City waiving fees for their event, recommending placing on file.

7. Personnel Committee

- 14-1410** Communication from Wisconsin Professional Police Association advising of commencement of bargaining for successor agreement, recommending acceptance and place on file.

8. Public Infrastructure Committee

- 14-1419** Report of Board of Public Works on July 24, 2014, recommending 4th and final payment to Peters Concrete Co. in the amount of \$44,805.63 for WU-13-10 Dewey Street Stormwater Retrofit, recommending payment.
- 14-1429** Report of Board of Public Works of June 25, 2014 of bids received for 2014 Sanitary Sewer Construction, Project WU-14-8, recommending awarding to low bidder, Kip Gulseth Construction, in the amount of \$192,031.54.

- 14-1431** Report of the Board of Public Works of June 25, 2014 of bids received for the construction of a new Bus Wash, Project WB-14-10, recommending awarding to low bidder Ross & White Company in the amount of \$120,303.00.
- 14-1530** Report of Board of Public Works of July 17, 2014 for 1st and final payment to Lakeland Landscape Service in the amount of \$7,656.00 for Restoring and reseeded banks of Dewey Street Stormwater Pond, recommending payment.
- 14-1531** Report of Board of Public Works of July 17, 2014, of 2nd and final revised payment to J.F. Ahern Co. for Wastewater Treatment Waste Gas Burner, Project WB-14-2, in the amount of \$270.00, recommending payment.

9. Public Safety Committee

- 14-1141** Fire Dept request from Lifequest Billing Office recommending adjustment to account 182-14-0428 in the amount of \$1078.50, recommending denial of the request.
- 14-1383** Fire Department Monthly Report - May 2014, recommending acceptance and place on file.
- 14-1384** Request by Tyler Kiel and Brian Lodel, MFD Local, for approval of "Fill the Boot" on August 14, 15 & 16, 2014, recommending approval.
- 14-1385** Draft of RFP for EMS billing services, recommending approval.
- 14-1386** Draft of RFP for collection service, recommending approval.
- 14-1387** Police Department Monthly Report - May 2014, recommending acceptance and place on file.
- 14-1390** Request from Dennis Riemer for speed limit change from 35 to 25 on Broadway St., recommending denial of the request.

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

- 14-1413** Communication from Cheryl Duchow, Manitowoc County Treasurer, with public notice of tax foreclosure action In Rem 2014.

Moved by Sitkiewitz, seconded by McMeans, that this Communication be referred to the Plan Commission. The motion carried by the following vote:

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

- 14-1430** Lottery Retailer Contract for sale of Wisconsin Lottery pull tabs.
- Moved by Sitkiewitz, seconded by McMeans, that this Contract be entered into. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1544** Report of Brownfields Advisory Committee with recommended policies and procedures manual for implementation of the current BRLF program as well as application for funding.
- Moved by Sitkiewitz, seconded by McMeans, that this Report be accepted and placed on file. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

3. Licensing, Permits and Inspections Committee

- 14-1403** Quit Claim Deed from Manitowoc Lake Breeze Apartments, LLC to the City of Manitowoc for 1.36 acres for Johnston Drive purposes.
- Moved by Brey, seconded by Howe, that this Communication be referred to the Plan Commission. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 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.
- Moved by Brey, seconded by Howe, that this Request be referred to the Plan Commission. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1501** Report of Community Development Authority advising Council of approval for funding commitment of various housing revolving loan funds to the proposed Wis. Redevelopment project of the former Mirro Plant #3.
- Moved by Brey, seconded by Howe, that this Report be accepted and placed on file. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1507** Easement for Federal Mogul Fiber Optic Cables.
- Moved by Brey, seconded by Howe, that this Easement be approved. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

- 14-1382** Special Events Request from Mainly Manitowoc for Balloon Glow event on August 15, 2014 for use of property on southside of river, City equipment, electrical outlets and waiver of fees request, as detailed therein. (Copy to Public Infrastructure Committee).
- Moved by Sladky, seconded by Schema, that this Special Events Request be granted and all fees waived. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1545** Report of Board of Public Works of July 17, 2014 of bids received for Replace Existing Large "V" LED Animated Sign, Project WO-14-14.
- Moved by Brey, seconded by Howe, to accept the bid from Sign Me Up of Wisconsin LLC in the amount of \$49,780.00. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1550** Report of Board of Public Works of July 17, 2014, of bids received for Replace Existing Small "V" LED Animated Sign, Project No. WO-14-21.
- Moved by Brey, seconded by Howe, to accept the bid from Sign Me Up of Wisconsin LLC in the amount of \$13,900.00. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

4. Parks and Recreation Committee

- 14-1355** Ordinance to amend Section 8.230 of the Municipal Code to allow camping in Lincoln Park and campfires in Lincoln Park.
- Moved by Sladky, seconded by Howe, that this Ordinance be adopted. The motion failed by the following vote:**
- Aye:** 3 - Howe, Sladky and Soeldner
- Nay:** 7 - Brey, Shaw, Schema, Sitkiewitz, Hennessey, Able and McMeans
- 14-1358** Ordinance to amend Section 14.020(5)(b) of the Municipal Code to allow dogs in the disc golf course at Indian Creek Park.
- Moved by Sladky, seconded by Schema, that this Ordinance be adopted. The motion carried by the following vote:**
- Aye:** 9 - Howe, Brey, Shaw, Schema, Sladky, Hennessey, Able, Soeldner and McMeans
- Nay:** 1 - Sitkiewitz

- 14-1409** Special Events Request from First Reformed United Church of Christ for CROP Walk on October 11, 2014, with routes attached along with Mariners Trail Permit. (Copy to Public Infrastructure Committee).
- Moved by Sladky, seconded by Schema, that this Special Events Request be granted with same arrangement as 2013. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1422** Special Event Request from Got Heart?!, Alek's Adventure, to hold event in Lincoln Park Fieldhouse on July 12, 2014.
- Moved by Sladky, seconded by Schema, that this Special Events Request be granted. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1424** Request from Porfirio Arredondo to sell popsicles and permission to vend lights, hats, bracelets and other toys and snacks at the Fourth on the Shore. (Copy to Licensing, Permits & Inspections Committee)
- Moved by Sladky, seconded by Schema, that this Request be granted. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1426** Request to waive fees for use of Information Center at Lincoln Park Zoo on July 10, 2014 by Mishicot Marvels 4-H Club.
- Moved by Sladky, seconded by Schema, that this Action Item be granted with 50% waiver of fees. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1474** Special Events Request from Faith Evangelical Free Church to hold Movie in the Park on September 5, 2014, in Washington Park.
- Moved by Sladky, seconded by Schema, that this Special Events Request be granted with same arrangement as 2013 event. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1485** Contract with Ryan's Painting Co. to perform painting and staining of wooden playground structures and railings at Henry Schuette Park.
- Moved by Sladky, seconded by Schema, that this Contract be entered into. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

- 14-1503** Mini Golf Course Rules, Expenses and Suggested Prices.
- Moved by Sladky, seconded by Schema, that this Action Item be adopted. The motion carried by the following vote:
- Aye: 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1504** Special Events Request from Randy Heinzen, Chr., Lakeshore Weekend, requesting a variance of the sound and beverage ordinance for the annual Lakeshore Weekend event to be held August 1, 2 & 3, 2014, until 12:00 midnight on Friday and Saturday, and permission to block off the access street to the boat launch north of the YMCA, and the use of various equipment, copy to Licensing, Permits & Inspections and Public Safety Committees.
- Moved by Sladky, seconded by Schema, that this Special Events Request be granted with same arrangements as 2013 and grant requested lane closure on Maritime Drive for Sunday morning only. The motion carried by the following vote:
- Aye: 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1506** Resolution for a Lower Schuette Park kayak launch.
- Moved by Sladky, seconded by Schema, that this Resolution be adopted. The motion carried by the following vote:
- Aye: 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

5. Personnel Committee

- 14-1505** Resolution to appoint Paul Braun as City Planner consistent with the restructuring of the Planning/Community Development Department.
- Moved by Hennessey, seconded by Able, that this Resolution be adopted. The motion carried by the following vote:
- Aye: 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

6. Public Infrastructure Committee

- 14-1440** Special Event Request from Manitowoc County Special Olympics to hold its 15th annual 5K run/walk at the Manitowoc County Fair on August 19, 2014, with route detailed therein.
- Moved by Soeldner, seconded by Brey, that this Special Events Request be accepted. The motion carried by the following vote:
- Aye: 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

- 14-1442** Special Events Request from STIHL Tour des Trees with a large group of bikes coming through to have a police escort to hold a tree planting ceremony and put on a special program for children in Silver Creek Park on August 1, 2014. (Copy to Parks Department)

Moved by Soeldner, seconded by Brey, that this Special Events Request be approved with 50% reduction of fees. The motion carried by the following vote:

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

- 14-1468** Communication from Robert Schroder, 2123 Lexington Drive, to keep the 1000 block of Menasha Avenue two one-way lanes headed south and opposing any cul-de-sac at Menasha and N. 11th.

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

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

- 14-1500** Special Event Request from Jim Behnke, Rock-N-Blues Haus to hold block party on September 6 & 7, 2014, in conjunction with Court House Pub, 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: 10 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

- 14-1502** Special Events Request for ALS Walk to be held on August 30, 2014, beginning and ending at Time Out, with map attached.

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

- 14-1509** Resolution authorizing Director of Public Infrastructure Dan Koski and Finance Director Steve Corbeille to enter into hail damage contracts.

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

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

7. Public Safety Committee

- 14-1389** Communication from Police Chief Tony Dick regarding military gear for municipalities.

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

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

14-1443 Request from Jutta Furca, Towsley, Inc. to extend the noise ordinance to 11:00 pm on August 16, 2014 for a band at the Manitowoc County Airport hangar to raise money for the airshow.

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

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

14-1532 Memo from Mayor Justin M. Nickels requesting a parking spot be created on No. 8th Street north of the bridge and south of Maritime Drive (in front of River Loft Condos).

Moved by Soeldner, seconded by Brey, that this Memorandum and recommendation be approved. The motion carried by the following vote:

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

8. Licenses

#6 for "Class A" Retail Intoxicating Liquor & Fermented Malt Beverage license Change of Agent; #62A for "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license; #43 (beer) and #6 (wine) for Temporary Class B license; #1-17 for Temporary Operator's license; #6-12 for One Year Operator's license; #352 for 2013-15 Two Year Operator's license; #140, 150-152, 154-156, 158-214 for 2014-16 Two Year Operator's license; #7-8 Stock Car Races, Racing Exhibitions, Etc. permit, all for granting. Moved by Brey, second by Howe, and unanimously carried to grant the various licenses. Ayes, 10. Nays, none.

#146, 153 & 157 Two Year Operator's license recommending denial based upon the recommendations from the Police Chief or designee. Moved by Brey, second by Howe, and unanimously carried to deny the licenses. Ayes, 10. Nays, none.

#318 for 2013-15 Two Year Operator's license and #57 for 2014-16 Two Year Operator's license recommending reconsideration and granting. Moved by Brey, second by Howe, and unanimously carried to reconsider and grant the licenses. Ayes, 10. Nays, none.

K. ADJOURN

Moved by McMeans, seconded by Hennessey, that this meeting be adjourned at 9:16 p.m. The motion carried by the following vote:

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

**Jennifer Hudon
City Clerk**