

15-376



City of Manitowoc

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

Meeting Minutes Common Council

Monday, March 16, 2015

6:30 PM

Council Chambers

A. CALL TO ORDER

Mayor Justin M. Nickels called the meeting to order at 6:41 p.m.

B. ROLL CALL

Alderspersons Present: 10 - Mike Howe, Jim Brey, Patrick Brandel, Allan Schema, Eric Sitkiewitz, Jason Sladky, Jill Hennessey, Christopher Able, Dave Soeldner and Scott McMeans

C. PLEDGE OF ALLEGIANCE & INVOCATION

D. PRESENTATIONS

- 15-322 Badge Pinning Ceremony and Oath of Office of Deputy Fire Chief Karl Koch.
- 15-323 Presentation to Ben Kraynek in recognition as runner-up for the Wisconsin State Fire Instructor of the Year Award.
- 15-275 Presentation by Connie Loden, Will Casey and Peter Wills, Progress Lakeshore 2014 Annual Report.
- 15-276 Update and Open Discussion with State Senator Devin LeMahieu and Assemblyman Paul Tittl.

E. PUBLIC HEARINGS: None

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

- 15-281 Appointment of Charles E. Clark, to Library Board in place of Patrick Brandel, for unexpired term ending 7/1/17.
Moved by McMeans, seconded by Hennessey, that this Appointment be confirmed. The motion carried by the following vote:
Aye: 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

H. CONSENT AGENDA

1. Removal of Consent Agenda Items

Aldersperson Brey moved to remove item 15-319 from the 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: 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

2. Miscellaneous

- 15-273** Minutes of Common Council of Monday, February 16, 2015, recommending approval and place on file.
- 15-284** Public Notice of Air Pollution Permit Application Review of Manitowoc Public Utilities, 701 Columbus Street, recommending placing on file.
- 15-285** Public Notice of Air Pollution Permit Application Review of Tramontina US Cookware, 2005 Mirro Drive, recommending placing on file.
- 15-287** Annual Report of Great Lakes Utilities for the year ending 12/31/13, recommending placing on file.
- 15-301** Thank you from Governor Scott Walker for sharing resolution relative to Partnership for Prosperity Agenda, recommending placing on file.

3. Committee of the Whole (Consent)

4. Finance Committee (Consent)

- 15-274** General City Claims in the amount of \$1,460,024.17 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)

- 15-268** Capitol Civic Centre, Inc. Request to amend premise description, recommending granting request.

- 15-316** Report of City Plan Commission relative to communication from James Hansen; City's interest in purchasing property at 811 Franklin Street, recommending that Council place communication on file and instruct the Clerk to respond back to Mr. Hansen with a statement of no interest due to the lots narrow width, existing building and limited site development options for the City, recommending acceptance of report and place on file.
- 15-317** Report of City Plan Commission relative to request from Jeff Vogel for partial release of easement, recommending that Council (i) authorize the partial release of the easement area and (ii) authorize the City Attorney to draft partial release document with Mayor and Clerk to sign the document at the call of the City Planner with Clerk to record the document and Mr. Vogel to pay for recording fees, recommending acceptance of report and adoption of recommendations.

6. Parks and Recreation Committee (Consent)

7. Personnel Committee (Consent)

8. Public Infrastructure Committee (Consent)

- 15-250** Right-of-Way Encroachments on Dufek & Vits Drive (Kaysun), recommending placing on file.
- 15-251** 2015 Annual Report - DNR MS4 General Permit, recommending approval
- 15-253** Public Works Petition from Oak Park Developers, LLC to cause permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on Roneta Ln. as described therein and shown on the attached map (parcel #814-201-090), recommending acceptance of petition with copy to be sent to Director of Public Infrastructure.
- 15-254** Erect Three Crosses on hillside at Evergreen Cemetery facing North 18th Street March 28th to April 6, 2015, recommending approval to erect three crosses on hillside at Evergreen Cemetery facing No. 18th St. March 28 to April 6, 2015.
- 15-256** Sidewalk Privilege Agreement with Kaysun Corporation, recommending approving the SPA and checking with City Attorney for approval of the agreement.
- 15-279** Report of the Board of Public Works of February 11, 2015 for bids received for 2015 Epoxy Painting - Pavement Marking Program, Project WS-15-9, recommending awarding to low bidder, Guide Lines Pavement Marking LLC, in the amount of \$64,941.72.

- 15-280** Report of Board of Public Works of February 11, 2015, of bids received for 2015 Concrete Paving Project WS-15-1, recommending awarding to low bidder, Vinton Construction Company, in the amount of \$217,137.76.
- 15-295** Contract with Martin Security Systems, Inc. for purchase and installation of high definition IP Surveillance System at City Hall for the sum of \$10,999.38, recommending entering into contract.
- 15-298** Report of Board of Public Works of March 4, 2015, for Bus Wash, Project WB-14-10 for 1st and Final Payment to Ross White Company in the amount of \$120,303.00, recommending payment.
- 15-299** Report of Board of Public Works of March 4, 2015, to Replace Overhead Garage Doors from 2013 Hail Storm for 1st and final payment to Garage Door Specialty, Inc. in the amount of \$8,095.00, recommending payment.
- 15-300** Progress Invoice from Wisconsin Dept. of Transportation in the amount of \$1,866.68 for Sidewalk Additions, Project No. 4991-03-00, recommending payment.
- 15-302** Report of the Board of Public Works of March 4, 2015, regarding quotes received for furnishing ready mixed concrete to be used by the Department of Public Works during the 2015 construction season, recommending awarding to low bidder, R & J Fricke, Inc., in the amount of \$51,480.00.
- 15-303** Report of Board of Public Works of March 4, 2015, of bids received for 2015 Concrete Curb and Gutter Construction, Project WS-15-10, recommending awarding to low bidder, Vinton Construction Company in the amount of \$44,478.20.
- 15-304** Report of Board of Public Works of March 4, 2015, of bids received for 2015 Asphaltic Concrete Paving, Project WS-15-4, recommending awarding to low bidder, Vinton Construction Company in the amount of \$154,463.78.
- 15-305** Report of Board of Public Works of March 4, 2015, of bids received for 2015 Remove and Replace Existing Sidewalks, Project WS-15-3, recommending awarding to lowest responsive bidder, Seiler Bros. Construction, Inc. in the amount of \$74,435.00.
- 15-314** Report of City Plan Commission relative to Temporary Turn Around Easement from Stanleas III, LLC for property west of Roneta Lane with easement attached, recommending approval and acceptance of the easement.

- 15-315** Report of City Plan Commission relative to Quit Claim Deed from Oak Park Developers LLC to City of Manitowoc for Roneta Lane purposes, with Quit Claim Deed attached, recommending that (i) the Council approve and accept the Quit Claim Deed and (ii) the Clerk subsequently record the document at the Register of Deeds, recommending acceptance of report and adoption of recommendations.
- 15-333** Communication from Amvets Post 99 relative to their annual Clover Drive throughout Manitowoc from March 27 - 29, 2015, recommending granting request.

9. Public Safety Committee (Consent)

I. 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

- 15-340** Report by Bradley D. Viegut, Managing Director, Robert W. Baird relative to \$2,500,000 General Obligation Promissory Notes.
- 15-282** Resolution awarding the sale of \$2,500,000 General Obligation Promissory Notes.
Moved by Sitkiewitz, seconded by McMeans, that this Resolution be adopted. The motion carried by the following vote:
Aye: 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 15-283** Scope of Engagement re proposed issuance of \$2,500,000 City of Manitowoc General Obligation Promissory Notes.
Moved by Sitkiewitz, seconded by McMeans, that this Communication be accepted and approved. The motion carried by the following vote:
Aye: 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 15-338** Note Purchase Agreement with Robert W. Baird & Co., Incorporated for the purchase of \$2,500,000 General Obligation Promissory Notes.
Moved by Sitkiewitz, seconded by McMeans, that this Agreement be entered into. The motion carried by the following vote:
Aye: 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

- 15-331** Resolution creating Room Tax Allocation Board.
- Moved by Sitkiewitz, seconded by McMeans, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 15-258** Claim from East Pointe Rentals L14-00110 for \$5,700 sewer located at 1010 South 21st Street
- Moved by Sitkiewitz, seconded by McMeans, that the Claim of East Pointe Rentals for property located at 1010 S. 21st St. in the amount of \$5,700 be denied. The motion carried by the following vote:**
- Aye:** 9 - Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- Abstain:** 1 - Howe
- 15-252** Claim for Excessive Assessment Menard, Inc. Parcel #835-203-011
- Moved by Sitkiewitz, seconded by McMeans, that the Claim from Menard, Inc. for excessive assessment on parcel #835-203-011 be denied. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

3. Licensing, Permits and Inspections Committee

- 15-103** Proposal of Symbiont for additional groundwater sampling at former Heresite Protective Coatings, 2803 Orchard Lane.
- Moved by Brey, seconded by Howe, that this Proposal be approved in the amount of \$7,200. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 15-259** Administrative Support Specialist - City Clerk Division Job Description
- Moved by Brey, seconded by Howe, that this Report be approved. The motion carried by the following vote:**
- Aye:** 9 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able and McMeans
- Nay:** 1 - Soeldner
- 15-306** Report of Licensing, Permits and Inspections Committee for granting of the various licenses.
- Moved by Brey, seconded by Howe, that this Report be granted. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

- 15-318** Report of City Plan Commission relative to certified survey map of City Owned Property - former Heresite property at 2803 Orchard Lane, recommending that Council (i) authorize the Community Development Department to proceed with all the steps necessary to create the certified survey which would create two lots and (ii) authorize the Mayor and Clerk to sign same.

Moved by Brey, seconded by Howe, that the Committee's Report be adopted. The motion carried by the following vote:

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

- 15-319** Report of City Plan Commission relative to request from Jeff Vogel to purchase City Owned Land at Fleetwood Drive and Pleasant Street, recommending that Council (i) authorize the City Assessor to provide an opinion regarding the value of the subject property; (ii) authorize the City Attorney to negotiate with Mr. Vogel to finalize a sale price and any other facets of the sale (iii) authorize the Community Development Dept. to sign the certified survey map for the two proposed lots, costs of said survey to be paid by Vogel (iv) upon successful negotiations authorize the City Attorney to prepare any and all necessary deeds and agreements for the sale and (v) authorize the Mayor and Clerk to sign the survey, deed and other related documents and have documents recorded with recording costs to be paid by Mr. Vogel, recommending acceptance of report and adoption of recommendations.

Moved by Brey, seconded by Soeldner, that this Report be amended placing document 15-319 on file and to instruct the City Attorney to send notifications to adjoining property owners, the Manitowoc Home Builders Association, and placing on the City website that this lot is for sale with the City Attorney to make recommendation to the Common Council at its May, 2015 Common Council meeting. The motion carried by the following vote:

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

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

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

- 15-335** Ordinance amending Section 16.070 of the Municipal Code regulating the demolition of buildings and amending Section 16.080 regulating non-structural demolition.

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

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

4. Parks and Recreation Committee

- 15-332** Maintenance Agreement between City and Grow It Forward, Inc. for use of City Parkland for development of a community garden.

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

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

- 15-336** Memorandum from Director of Public Infrastructure Dan Koski and City Attorney Kathleen McDaniel relative to Baseball Field Use Agreements.

Moved by Sladky, seconded by Schema, that this Memorandum be approved and place on file. The motion carried by the following vote:

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

5. Personnel Committee

- 15-324** Agreement between City of Manitowoc and City of Manitowoc Police Department Employees, Law Enforcement Employee Relations Division of the Wisconsin Professional Police Association for 2015-17.

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

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

- 15-325** Resolution to approve hiring of sworn Police Officers up to the 2015 budgeted amount due to vacancies and retirements.

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

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

- 15-326** Resolution to approve newly revised Seasonal Employment Policy.

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

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

- 15-327** Resolution approving interim pay for Detective Captain Scott Luchterhand in the absence of a Deputy Police Chief.

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

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

- 15-328** Resolution approving newly revised Employee Policy Manual.
- Moved by Brandel that this Resolution be amended in Article XXXIV, Compensation, Section 1, third paragraph, to change 4th quarter to 2nd quarter. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- Moved by Hennessey, seconded by Able, that this Resolution be adopted as amended. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

6. Public Infrastructure Committee

- 15-286** Resolution approving Harbor Development Statement of Intentions for 2015-17.
- Moved by Soeldner, seconded by Brey, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 15-329** Transit Advertising Contract between Maritime Metro and Houck Transit Advertising, Inc.
- Moved by Soeldner, seconded by Brey, that this Contract be entered into. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

7. Public Safety Committee

8. Licenses

J. OTHER BUSINESS

- 15-278** Proposed Council Rules, Common Council Calendar and Staff Calendar relative to proposed change in workflow from Committee's to Council. (Note: Council suspended the current Council Rules and adopt the proposed Council Rules for February & March, 2015).
- Moved by McMeans, seconded by Hennessey, that this Action Item be adopted for the month of April. The motion carried by the following vote:**
- Aye:** 10 - Howe, Brey, Brandel, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

K. ADJOURN

Meeting adjourned at 8:39 p.m.

Jennifer Hudon
City Clerk