

16-0443



## City of Manitowoc

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

### Meeting Minutes

### Common Council

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Monday, April 18, 2016

6:30 PM

Council Chambers

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#### A. CALL TO ORDER

Mayor Justin M. Nickels called the meeting to order at 6:30 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

Boy Scout Troop 939 lead the Pledge of Allegiance

#### D. PRESENTATIONS

16-0309 Proclamation designating May 9th to May 15th, 2016 as National Salvation Army Week.

16-0327 Presentation by Brad Snider, Sr. Account Executive of OpenGov to demonstrate OpenGov Intelligence + Transparency Software.

16-0331 Recognition of Alderman Pat Brandel (District 5)

16-0332 Recognition of Alderman Al Schema (District 9)

#### 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

16-0328 Appointment of Michael J. Etheridge to Transit Commission in place of Janet Paskiewitz for an indefinite term.

**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

Aldersperson Able requested removal of File 16-226 from the Consent Agenda.

### 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

- 16-0330 Minutes of Great Lakes Utilities Board of 10/29/15 & 12/1/15; Great Lakes Utilities Lakeswind Project of 12/1/15; Maritime Metro Transit Development Program Review of 2/11/16 & 3/3/16; Municipal Tree Commission of 2/10/15, 8/11/15 & 10-13-15; recommending placing on file.
- 16-0312 Communication from Paul Blashka resigning his position on the Police and Fire Commission, recommending acceptance and place on file.
- 16-0323 Public Notice of an air pollution permit application review of Federal Mogul Piston Ring, 2318 Waldo Blvd., recommending acceptance and place on file.

### 3. Committee of the Whole (Consent)

- 16-0333 Report of Special Events Committee relative to approval of the following events: Children's Safety Network Family Fun Night on 4/29/16; Safety Patrol Picnic on 5/18/16; Silver Cup Disc Golf on 7/23/16; HFM Maritime Marathon on 6/12/16, recommending acceptance of report and place on file.
- 16-0334 Report of Special Events Committee recommending approval of the following events subject to Council action: Ryan's on York Street Party on 5/14/16 (street closure of York between 7th and 8th and extension of licensed premise); Salvation Army Anniversary on 5/15/16 (closure of Chicago St. between 5th and 6th); St. Francis of Assisi Picnic on 8/10/16 (closure of N. 14th St. between Waldo and Menasha & beer tent); Acoustic Fest on 7/16/16 (waiver for alcohol in Park), recommending acceptance of Committee's report and approval of requests.

### 4. Finance Committee (Consent)

- 16-0256 Summons and Complaint from Karl Koch vs City of Manitowoc, Case No. 15 CV 524, recommending referral to City Attorney.
- 16-0257 JACKLYNN R. GIENCKE CLAIM, recommending placing on file.
- 16-0260 Recommendation from CAWG for funding up to \$26,011 for Website redesign, CivicSend and Custom Mobile App with cost sharing from Friends groups for Aquatic Center, Zoo and Rahr West Museum funding to come from Unbudgeted Category, recommending approval.
- 16-0308 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)**

- 16-0295 Request from Manitowoc County Expo/Fair entertainment pavilion purveyors to extend live band music performances on Friday, August 26th and Saturday, August 27, 2016 to 11:30 p.m. with beer sales ending at Midnight with music stopping at 11:00 p.m. on Wednesday, Thursday, and Sunday and beer sales discontinuing at 11:30 p.m., recommending approval of the request.
- 16-0311 Quit Claim Deed from Christopher A. and Mary E. Schmidt for a parcel of land containing .75 acres for Mirro Drive purposes, recommending acceptance of Deed for dedication of the Mirro Dr. right of way with Clerk to record the same.

#### **6. Parks and Recreation Committee (Consent)**

- 16-0154 Request from Anna Beatty, Mrs. Jacobson, Mr. Holschbach, and Stangel School's Sixth Graders for \$3,000 from the Parkland Dedication Fund for the construction of a dog agility course at Indian Creek Park, recommending approval of the request not to exceed \$3,032 and not to be paid until fundraising is complete.
- 16-232 Request by Manitowoc Heat Baseball to pay a flat fee of \$400 for use of Municipal Field for the 2016 baseball season, recommending approval.
- 16-0235 Park and Recreation Ticket & Pass Donation Policy, recommending approval of the policy.
- 16-0250 Request from Amy Fricke Weigel with Friends of the Manitowoc Aquatic Center, Inc. to install a gate between the family restroom and the aquatic center in order to allow use of the restroom by mini-golf players, recommending approval of the request.

#### **7. Personnel Committee (Consent)**

#### **8. Public Infrastructure Committee (Consent)**

- 16-0282 Request from CountyWide Remodeling LLC for an additional driveway to allow for off street parking at 1211 Hamilton Street. The Committee recommended that the Request for a second driveway at 1211 Hamilton Street be approved.
- 16-0283 Request from owner for a second driveway at 2407 Washington Street to allow for tenant parking. The Committee recommended that the request for second driveway at 2407 Washington Street be approved.
- 16-0285 Update on the progress of redesigning the Maritime Metro Transit Routes. The Committee recommended placing on file and to continue planning with cost estimates.
- 16-0288 Task Order #15-01 Amendment #1 to Strand Associates, Inc. Technical Services Agreement dated April 11, 2015. The Committee recommended approval of the Amendment to the Strand Associates Agreement dated April 11, 2015, Task Order #15-01 for Consent Agenda.
- 16-0289 Stormwater Management Facility Maintenance Agreement for Manitowoc Lake Breeze Apartments, LLC, recommending that the Agreement be entered into.
- 16-0314 Progress Invoice from Wisconsin Dept. of Transportation in the amount of \$8,624.41 for Waldo Blvd., 8th St - Maritime Dr., Project No. 4570-12-00, recommending payment.
- 16-0315 Progress Invoice from Wisconsin Dept. of Transportation in the amount of \$13,079.46 for Waldo Blvd., CTH R - 8th St., Project No. 1500-37-00, recommending payment.
- 16-0316 Resolution adopted by Wastewater Treatment Facility Board authorizing emergency replacement of WWTF influent screw pump gearbox, recommending acceptance and placing on file.

## 9. Public Safety Committee (Consent)

- 16-195 Request to change South 29th Street between Custer Street and Mero Street to parking on one side of the street during winter months, recommending placing on file.
- 16-230 Police February, 2016 Report, recommending placing on file.
- 16-231 Fire February, 2016 Report, recommending placing on file.
- 16-0251 Communication from Fire Chief Todd Blaser on the smoke detector program titled "WisSafe", recommending placing on file

## I. STANDING COMMITTEE REPORTS

### 1. Committee of the Whole

16-0304 Ordinance to amend Section 3.010 of the Municipal Code establishing structure of the Common Council and Standing Committees.

**Moved by Sitkiewitz, seconded by McMeans, 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

16-0306 Development Agreement between City of Manitowoc and 924 York, LLC and Forefront Management LLC for 924 York Street Parking Lot.

**Moved by Sitkiewitz, seconded by McMeans, that this Report be accepted and the Lease be drafted. The motion carried by the following vote:**

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

16-0348 Lease Agreement with 924 York LLC for parking lot located at 924 York Street.

**Moved by Sitkiewitz, seconded by McMeans, 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

16-0353 Ordinance amending Sections 3.050(2), 3.150(2) and 12.010(2) of the Municipal Code relative to memberships in Plan Commission, Room Tax Commission and Manitowoc Public Utilities Commission.

**Moved by Brey, seconded by McMeans, that this Ordinance be amended in Section 1 by substituting the words "nominated by the Common Council" in place of "appointed by a Chairperson of the Finance Committee". The motion carried by the following vote:**

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

## 2. Finance Committee

16-0319 Resolution awarding the sale of \$7,600,000 General Obligation Promissory Notes.

Bradley Viegut of Baird gave a brief overview of the financing.

**Moved by McMeans, seconded by Brandel, 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

16-0259 Interversion Upgrade 7.15 to 7.18 Accela Springbrook ERP Software including database conversion from Progress to Sequel not to exceed \$15,260

**Moved by McMeans, seconded by Brandel, 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

16-0277 Resolution relative to Annual Interest Allocation

**Moved by McMeans, seconded by Brandel, 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

16-0291 OpenGov Intelligence + Transparency Software purchase under GSA contract pricing

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

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

16-0320 Scope of Engagement relative to proposed issuance of \$7,600,000 General Obligation Promissory Notes.

**Moved by McMeans, seconded by Brandel, that this Communication be accepted with Mayor and Clerk to sign and return. The motion carried by the following vote:**

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

16-0341 Resolution listing appropriations which were budgeted in 2015 to be carried forward to the 2016 departmental budgets.

**Moved by McMeans, seconded by Brandel, 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

16-0342 Resolution being a re-statement of the original 2016 budget to decrease the general fund expenditures by \$2,200.

**Moved by McMeans, seconded by Brandel, 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

### 3. Licensing, Permits and Inspections Committee

- 16-0293 Plan Commission Report 11-2016 Priority One Investments, LLC a.k.a TLC Homes, Inc. Request for Conditional Use Permit for an Adaptive Reuse Pursuant to 15.150(3)k and 15.370(29) at 1004 N. 17th Street for an Adult Day Services Facility.
- Moved by Brey, seconded by Howe, that the Conditional Use Permit be approved. The motion carried by the following vote:**
- Aye:** 9 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans and Sitkiewitz
- Nay:** 1 - Able
- 16-0294 Plan Commission Report PC-2016 The Lakeshore Interfaith Hospitality Network/The Hope House; Request for a Conditional Use Permit for a Transitional Housing use pursuant to 15.270(3)g for property located at 3501 Custer Street
- Moved by Brey, seconded by Howe, that the Conditional Use Permit be approved. The motion carried by the following vote:**
- Aye:** 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz
- 16-0318 Statement of the Board of Canvassers relative to the April 5, 2016 Spring Election for Municipal Judge and Alderpersons in Districts 4, 5, 6, 8 and 9.
- Moved by Brey, seconded by Howe, that this Report be accepted and placed on file. The motion carried by the following vote:**
- Aye:** 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz
- 16-0329 Report of City Plan Commission relative to zoning ordinance text amendment regarding microbreweries, distilleries, wineries and airport height limitations with Plan Commission recommending City Clerk to call for public hearing on the proposed ordinance.
- Moved by Brey, seconded by Howe, that this Report be accepted with Clerk to call for Public Hearing. The motion carried by the following vote:**
- Aye:** 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz
- 16-0347 Report of Licensing, Permits and Inspections Committee to grant the following licenses: TMP-1622 (beer) St. Francis of Assisi, 1408 Waldo Blvd.; TMPW-1605 (wine) St. Francis of Assisi, 1408 Waldo Blvd.; TAV-1541 Eastwynn Theatres, 2555 S. 44th St. Change of Agent to Karl Simpson.
- Moved by Brey, seconded by Howe, that this Report be accepted and grant the various licenses. 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

16-233 Request by Manitowoc Public School District to place a portable toilet at Citizen Park for the 2016 softball / baseball season.

**Moved by Sladky, seconded by Schema, that this Request be approved to place outside permanent building until restroom opens for the season. The motion carried by the following vote:**

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

16-0343 Resolution to proclaim May 14, 2016 as International Migratory Bird Day in the City of Manitowoc.

**Moved by Sladky, seconded by Schema, 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

#### 5. Personnel Committee

16-0344 Resolution to approve hiring of a replacement Rahr-West Art Museum Assistant Director with job description attached.

**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

16-0286 Resolution for 2016 Seal Coating Streets.

**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

16-0297 Request from the Progress Lakeshore Business Retention and Expansion Committee for possible action on a Manitowoc Beautification project from the Carferry Dock to South 8th Street, through the corridor between the Manitowoc Public Library and the Farmer's Market site.

**Moved by Soeldner, seconded by Brey, that this Request be approved with CAWG to discuss possible funding sources (\$1,700) and DPI to determine exact placement of planters. The motion carried by the following vote:**



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

16-0298 Request from a citizen to purchase an obsolete ambulance at salvage value.

**Moved by Soeldner, seconded by Brey, to direct Public Infrastructure Department to place bids online to close by end of business on April 25th. The motion carried by the following vote:**

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

16-0322 Report of Board of Public Works of April 6, 2016, of bids received for 2016 Dewey Street Park Pour-In-Place Playground Safety Surfacing - Rebid, Project WS-16-2R, recommending awarding to low bidder, Seiler Bros. Construction in the amount of \$42,393.50.

**Moved by Soeldner, seconded by Brey, that the bid be awarded to low bidder, Seiler Bros. Construction in the amount of \$42,393.50. The motion carried by the following vote:**

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

16-0324 2016 Urban Mass Transit Paratransit Assistance Contract between State of Wisconsin DOT and City of Manitowoc.

**Moved by Soeldner, seconded by Brey, 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

16-0325 Public Works Petition by Christopher and Mary Schmidt to cause permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed for property abutting Mirro Drive.

**Moved by Soeldner, seconded by Brey, that this Action Item be accepted with Clerk to record. The motion carried by the following vote:**

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

**Abstain:** 1 - Howe

16-0339 Agreement with Hamann Construction Company to furnish labor, equipment and material required to remove 9 windows and install glass block at Manitowoc Armory Building at a cost of \$20,702.00, AGMT 16-02.

**Moved by Soeldner, seconded by Brey, 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

16-0340 Agreement with Hamann Construction Company to furnish labor, equipment and material required to enlarge existing overhead door on main garage at Police Department at a cost of \$17,701.00, AGMT 16-03.

**Moved by Soeldner, seconded by Brey, 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

**7. Public Safety Committee**

16-0056 Citizen request for waiver of ambulance fees. Call# 182-14-3008 dated 10/19/2014.

**Moved by Able, seconded by Sitkiewitz, that this Action Item be denied. 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**

**Moved by Sitkiewitz, seconded by McMeans, that this meeting be adjourned sine die at 7:44 p.m. The motion carried by the following vote:**

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

**Jennifer Hudon  
City Clerk**