

14-1967



City of Manitowoc

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

Meeting Minutes Common Council

CONSENT

Monday, September 15, 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: 9 - Mike Howe, Keith W. Shaw, Allan Schema, Eric Sitkiewitz, Jason Sladky, Jill Hennessey, Christopher Able, Dave Soeldner and Scott McMeans

Alders Absent: 1 - Jim Brey

C. PLEDGE OF ALLEGIANCE

D. INVOCATION

City Clerk announced that the various documents have been referred to the appropriate committees as shown on the September 15, 2014 Common Council agenda.

E. 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.

F. STANDING COMMITTEE REPORTS

G. APPOINTMENTS AND BUSINESS PRESENTED BY THE MAYOR

14-1844 Reappointments to Board of Electrical Examiners: James Check 2 yr term ending 6/30/15; Leroy Zill, 2 yr term ending 6/30/15; Al Backhaus 2 yr term ending 6/30/15; Steve Bacalzo 2 yr term ending 6/30/16; Gregg Kadow 2 yr term ending 6/30/16

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

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1852 Reappointments to Code Review Committee: Jeffrey Check 3 yr term ending 1/1/17; Gene Maloney 3 yr term ending 1/1/17

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

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1901 Reappointment to Harbor Commission: Fred Radandt 3 yr term ending 6/1/17

Moved by McMeans, seconded by Hennessey, that this Re-Appointment be confirmed. The motion carried by the following vote:

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1919 Reappointment to Committee on Aging: Beatrice Lau, 3 yr. term ending 6/1/17

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Moved by McMeans, seconded by Hennessey, that this Re-Appointment be confirmed. The motion carried by the following vote:

Aye: 9 - Howe, 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 14-1853 for waiver of fees from Lincoln Football Booster Club. Motion by Sladky, second by Schema, and carried to approve the waiver of fees. Ayes, 5. Nays, none. Call back to order.

14-1768 Bradley D. Viegut, Managing Director, Baird
Utility Refinancing and Bond Call Plan

I. Removal of Consent Agenda Items: None

J. 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: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

1. Miscellaneous

14-1812 Minutes of Common Council of August 18, 2014, recommending approval and placing on file.

14-1876 Minutes of Plan Commission of 8/6/14; Manitowoc Public Utilities Commission of 8/11/14 & 8/25/14; Rahr-West Art Museum Board of 6/18/14; Sustainability Committee of 8/28/14, recommending acceptance and place on file.

- 14-1810 Communication from Gerald Waak resigning as member of Cemetery Commission effective immediately, recommending placing on file.
- 14-1821 Communication from Public Service Commission of Wisconsin advising of their application for authority to adjust electric and natural gas rates, recommending placing on file.
- 14-1822 Public Notice of Air Pollution Permit Revision Review of Manitowoc Public Utilities, 701 Columbus Street, recommending placing on file.
- 14-1867 Public Notice of air pollution permit application review of Broadwind Towers, 101 S 16th St., recommending placing on file.

2. Committee of the Whole

- 14-1944 General City Claims in the amount of \$1,512,162.93 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.

3. Finance Committee

- 13-601 Summons and Complaint Wisconsin Housing and Economic Development Authority vs. Kim Rasmussen and John Doe, City of Manitowoc and Community First Credit Union, Case No. 13 CV 528, recommending placing on file.
- 14-1475 Authorize Submission of a BCLP State Trust Fund Loan application in the amount of \$409,000, recommending approval.
- 14-1865 Communication from City Attorney Kathleen McDaniel advising of Notice of Entry of Order Confirming Sheriff's sale ending case no. 13-CV-528, WHEDA v. Rasmussen et al, recommending placing on file.

4. Licensing, Permits and Inspections Committee

- 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, recommending placing on file.
- 14-1824 Communication from Stacey VanderBloomen, Owner/Manager Van's Bar, requesting extension of their liquor license premise on September 6, 2014, to fenced-in outside area, recommending approval.

5. Parks and Recreation Committee

6. Personnel Committee

- 14-1835 Communication from Manitowoc Professional Firefighters Local 0368 notifying of their intent to bargain, recommending acceptance and placing on file.

7. Public Infrastructure Committee

- 14-1786** Contract with Schaus Roofing & Mechanical Contractors for miscellaneous HVAC repairs caused by hail damage, recommending acceptance and place on file.
- 14-1809** Contract with Garage Door Specialty, Inc. for replacement of overhead doors at Fire Department, Municipal Field and Department of Public Works due to hail damage, recommending acceptance and place on file.
- 14-1861** Contract with Lee's Color Studio LLC for hail damage painting repairs to various City buildings, recommending acceptance and place on file.
- 14-1862** Contract with Crafts Inc. for hail damage membrane repairs at various City buildings, recommending acceptance and place on file.
- 14-1877** Report of Board of Public Works of September 10, 2014, of 1st and final payment to Michels Corporation in the amount of \$280,744.75 for 2014 Re-Lining Sanitary Sewers, Project WU-14-7, recommending payment.

8. Public Safety Committee

- 14-1534** Request by Mayor Nickels for Flashing Speed Signs, recommending placing on file.
- 14-1820** Police Department Monthly Report for July, 2014, recommending placing on file.

K. 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

- 14-1760** Scope of Engagement Letter with Quarles and Brady to perform services for the Municipalities Continuing Disclosure Cooperative Initiative
- Moved by Sitkiewitz, seconded by McMeans, that this Action Item be entered into. The motion carried by the following vote:**
- Aye:** 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-1790** Resolution authorizing the redemption of a portion of Electric Power System Revenue Bonds, Series 2004A, and Electric Power System Revenue Bonds, Series 2005.
- Moved by Sitkiewitz, seconded by McMeans, that this Resolution be adopted. The motion carried by the following vote:**

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1798 Resolution providing for the sale of approximately \$5,890,000 Electric Power System Revenue Refunding Bonds, Series 2014.

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

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1860 Memorandum from Chad Scheinoha requesting use of funds from Community Built Playground Maintenance Fund for maintenance performed on the playground during 2014.

Moved by Sitkiewitz, seconded by McMeans, that this Memorandum be accepted and placed on file. The motion carried by the following vote:

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1870 Report of City Planner Paul Braun regarding TID 15 Performance Agreement between the City and Dewey Properties LLC and Dewey Too, LLC terminating TID 15 Developer's Agreement.

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

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1910 Memorandum from Chad Scheinoha requesting to use funds from Silver Creek Park donation tube for new concrete tee pads for disc golf course at Indian Creek Park.

Moved by Sitkiewitz, seconded by McMeans, that this Memorandum be accepted and placed on file. The motion carried by the following vote:

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

3. Licensing, Permits and Inspections Committee

14-1332 Resolution to vacate a portion of Ravenswood Lane.

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

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1334 Ordinance to amend Section 22.010 of the Municipal Code relative to change to the Official Map removing a portion of Ravenswood Lane.

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

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1777 Resolution to install, operate and maintain four non-ornamental, 100 watt, street lights in the 2400 and 2500 blocks of Johnston Drive.

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

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1817 Communication from Americollect relative to the purchase of 3 acres of land to the east of their current facility, recommending placing on file.

Moved by Howe, seconded by Hennessey, that this Communication be referred to the Industrial Development Corp. The motion carried by the following vote:

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1818 Request from Ted Frisch, Agent of Three T's, Inc., for extension of alcohol premise on September 20, 2014 into their fenced-in parking lot (map attached).

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

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1823 Findings of Fact, Conclusions of Law and Recommendation in the matter of operator's license application of Jessica L. Ludwig recommending denial.

No interested parties appeared.

Moved by Howe, seconded by Hennessey, that this Action Item be granted. (Recommendation of Committee is rescinded and license is granted due to the fact that a payment plan is in place and is current). The motion carried by the following vote:

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1863 Request from Kent and Sara Keil to change the Official Map in the area of S. 35th and S 36th Streets, being parcels 836-201-010 and 381-007-200.

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

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1892 Report of the Board of Public Works of September 10, 2014 relative to request for sidewalk privilege agreement from SMI/The Cawley Company for a new front entrance to accommodate handicapped access.

Moved by Howe, seconded by Hennessey, that this Report be approved and City Attorney to draft the Sidewalk Privilege Agreement. The motion carried by the following vote:

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

- 14-1869** Report of City Plan Commission relative to request from TLC Homes for an exception to the 2,500' spacing requirement for the establishment of an 8-person community based residential facility at 2233 Cappaert Rd.

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

Aye: 8 - Howe, Shaw, Schema, Sitkiewitz, Hennessey, Able, Soeldner and McMeans

Nay: 1 - Sladky

- 14-1911** Communication from Erin LaBonte, Asst. Art Professor, Silver Lake College, relative to chosen design for Fatzo's mural.

Moved by Howe, seconded by Soeldner, that this Communication be approved per Building Inspection approval. The motion carried by the following vote:

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

4. Parks and Recreation Committee

- 14-1758** Contract with A.C.E. Building service to repair damage and a new MR24 roof at the Wolf Exhibit building at the Zoo.

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

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

- 14-1853** Request for waiver of fees from Lincoln Football Booster Club for picnic tables and grills delivered to Municipal Field on 10/4/14.

Moved by Sladky, seconded by Schema, that this Action Item be approved for waiver of fees. The motion carried by the following vote:

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

- 14-1868** Contract with Luisier Plumbing for water service alterations and the installation of waterers in several exhibits in the Lincoln Park Zoo.

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

Aye: 7 - Howe, Shaw, Schema, Sitkiewitz, Hennessey, Able and McMeans

Nay: 2 - Sladky and Soeldner

- 14-1855** Health and dental insurance participation agreement with M3 for 2015.

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

Aye: 8 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able and Soeldner

Abstain: 1 - McMeans

14-1856 Business Associate Agreement with BMO Benefit Services for employee flex benefits' administration for 2015.

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

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1857 Resolution to approve the reorganization plan for the Finance/Treasury Department.

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

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1858 Resolution to approve the Compensation Plan implementation and administration guidelines with revised Pay Plan.

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

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1866 Resolution to reorganize Attorney, Human Resources and Mayor's departments and hire a Human Resources Generalist.

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

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1900 Resolution to create and fill four full-time positions in the Department of Public Infrastructure: Streets Team Leader, Parks Team Leader, Cemetery Team Leader and Fleet Team Leader.

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

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

6. Public Infrastructure Committee

14-1819 Stormwater Management Facility Maintenance Agreement with Jagemann Stamping Company for parcel located at 5757 West Custer Street.

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

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

- 14-1799** Special Events Request from Lincoln High School Homecoming Coordinator to utilize Red Arrow Park for homecoming festivities on October 3, 2014 along with fireworks display, closure of Green Street from S. 9th Street to the east and request for waiver of fees, if any, by the Fire Department AND Homecoming Parade on October 4, 2014 along route detailed therein. (Copies to Public Infrastructure and Public Safety Committees).

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

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

- 14-1831** Report of Board of Public Works of August 27, 2014 for quotes received for ferric chloride for Wastewater Treatment Facility, Project QM-14-3.

Moved by Soeldner, seconded by Hennessey, that this Report be accepted and awarding project to low bidder, Kemira Water Solutions with alternative quote of \$412 per dry ton. The motion carried by the following vote:

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

- 14-1836** Special Events Request from David Mueller, Roncalli High School, to hold 47th Annual Cross Country Invite at and around Lincoln Park on September 13, 2014, with waiver of fee request attached.

Moved by Sladky, seconded by Schema, that this Special Events Request be granted with 2012 fees. The motion carried by the following vote:

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

- 14-1854** Communication from the VACA Family suggesting a pedestrian countdown signal be placed at Franklin and 21st Street.

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

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

- 14-1864** Contract for Professional Services between the Bay-Lake Regional Planning Commission and the City of Manitowoc for consultant services to prepare an update to the Manitowoc-Two Rivers-Mishicot Sewer Service Area plan, with Scope of Services and Cost Estimate attached.

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

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1882 Special Events Request from Linebacker Sports Bar to close Park Street between 9th and 10th Streets for car show on October 4, 2014.

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

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1890 Special Events Request from NOW Nutrition to hold Mldnight Run on October 3, 2014, along route designated on map with request to extend noise ordinance to allow for music for warmup at 808 Buffalo St. (copy to Public SAFety Committee)

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

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

7. Public Safety Committee

14-1891 Special Events Request from Mainly Manitowoc to hold HarvestFest and Manitowalker on October 4, 2014 utilizing Burger Boat Park and Lincoln Park, sidewalks along mapped route, closure of Franklin Street between 7th and 8th Streets and electrical outlets. (copy to Public Infrastructure Committee)

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

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

5. Personnel Committee

14-1667 Summary of EMS Billing Responses to RFP (copy to Finance Committee)

Moved by Able, seconded by McMeans, that this Action Item be approved and agreement be entered into with LifeQuest. The motion carried by the following vote:

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1811 Special Events Request from Stock's Harley-Davidson to hold Stocktober Fest on October 4, 2014 at their dealership and requesting fireworks permit for the event.

Moved by Able, seconded by Shaw, that this Special Events Request be granted. The motion carried by the following vote:

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-1837 Award EMS Billing Provider Contract and Procedures related to the billing process for Ambulance Services

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

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

8. Licenses

#67 for "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license; Change of Agent for #65 "Class B" Retail Intoxicating & Fermented Malt Beverage license; #56 (beer) and #8 (wine) for Temporary Class "B" Retailer's license; #18 for 2014-15 One Year Operator's license; #236 -251 & #253 - 262 for 2014-16 Two Year Operator's license; for granting. Moved by Howe, second by Hennessey and unanimously carried to grant the various licenses. Ayes, 9. Nays, none.

#252 for 2014-16 Two Year Operator's license recommending denial based upon the recommendations from the Police Chief or deisgnee. Moved by Howe, second by Hennessey, and unanimously carried to deny the license. Ayes, 9. Nays, none.

L. ADJOURN

Moved by McMeans, seconded by Hennessey, that this meeting be adjourned at 8:44 p.m. The motion carried by the following vote:

Aye: 9 - Howe, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

**Jennifer Hudon
City Clerk**