



City of Manitowoc

14-1055

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

Meeting Minutes Common Council

Monday, May 5, 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

Alderspersons Present: 9 - Mike Howe, Jim Brey, Keith W. Shaw, Allan Schema, Eric Sitkiewitz, Jason Sladky, Jill Hennessey, Christopher Able and Dave Soeldner

Alderspersons Absent: 1 - 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 May 5, 2014 Common Council agenda.

E. PRESENTATIONS

14-918 Rahr-West Art Museum Director Greg Vadney to give update on the Rahr-West and recognize Amy Fricke-Weigel and Dolly Stokes for their service on the Board of Directors.

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.

14-469 Proposal from Michael Pearson summarizing Union Park Community Garden project.
Moved by Soeldner, seconded by Brey, to allow the development of the lower portion (tennis courts) for gardening, with no City funds to be spent and future consideration of water need. The motion failed by the following vote:

Nay: 9 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able and Soeldner

G. STANDING COMMITTEE REPORTS

H. APPOINTMENTS AND BUSINESS PRESENTED BY THE MAYOR

14-929 Appointment of Tom Kocourek (Fish and Game Representative) to Zoological Board in place of Al Hrudka for a two year term expiring 6/1/16.

**Moved by Hennessey, seconded by Sladky, that this Appointment be confirmed.
The motion carried by the following vote:**

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

14-937 Appointments to Rahr-West Art Museum Board: Dayna Goetz in place of Maureen Stokes for a three-year term beginning 6/1/14 and expiring 6/1/17; Steve Proszenyak for a three-year term beginning 6/1/14 and expiring 6/1/17.

**Moved by Hennessey, seconded by Sladky, that this Appointment be confirmed.
The motion carried by the following vote:**

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

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, Committee of the Whole held a discussion relative to Resolution 14-996 implementing a hiring freeze. Motion by Hennessey, second by Soeldner, to adopt the resolution.

Motion by Able, second by Schema, to amend the resolution as follows: Change title from HIRING FREEZE to HIRING; remove the first WHEREAS; remove the second WHEREAS; change the third WHEREAS to read "WHEREAS, the Common Council desires to review each job vacancy to determine the necessity of the position, and all hiring shall need approval of 2/3 vote of the Common Council"; remove the NOW, THEREFORE, BE IT RESOLVED paragraph; change the BE IT FURTHER RESOLVED paragraph to read "BE IT RESOLVED, that this shall affect all positions under the authority of the Common Council with the exception of Police Officers, Firefighters, Paramedics, seasonal workers, contract workers or personnel not under Council's control."; change the last BE IT FURTHER RESOLVED paragraph to read "BE IT FURTHER RESOLVED, that all vacant positions shall only be filled with approval by 2/3 vote of the Common Council." The motion carried by the following vote:

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

Nay: 2 – Brey & Nickels

Upon a vote, the Resolution, as amended, was adopted. The motion carried by the following vote:

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

Nay: 2 – Brey & Nickels

Call back to order.

J. CONSENT AGENDA

1. Removal of Consent Agenda Items: None.

Approval of the Consent Agenda

Moved by Hennessey, seconded by Sladky, to accept the Consent Agenda Items and recommendations of the various committees The motion carried by the following vote:

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

2. Miscellaneous

- 14-936** Minutes of April 21, 2014 Common Council meeting, recommending approval and place on file.
- 14-945** Minutes of Community Development Authority of 3/12/14; Crime Prevention Committee of 4/3/14; MPU Commission of 3/17/14; MPU Commission of 4/14/14; Plan Commission of 3/12/14; Maritime Metro Transit Commission of 1/8/14, recommending placing on file.
- 14-948** Communication from Public Service Commission providing notice of investigation to consider application of the City of Manitowoc for authority to adjust electric rates, recommending placing on file.

3. Committee of the Whole

- 14-947** General City Claims in the amount of \$731,179.86 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. Public Safety Committee

- 14-090** Communication from Jodi Teesch relative to concerns at uncontrolled intersection of 19th and Columbus Streets, 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

- 14-996** Resolution implementing a hiring freeze which shall apply to all current or future vacant City employment positions through April 20, 2015.

Moved by Hennessey, seconded by Sladky, that this Resolution be approved as amended during recess. The motion carried by the following vote:

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

Nay: 1 - Brey

2. Finance Committee

14-559 MPU Fiber Optic Lease Agreement

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

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

3. Licensing, Permits and Inspections Committee

14-946 Request from Stacy and Craig Schweppe for a conditional use permit for a child care business located at 1501 N. Rapids Road.

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

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

14-956 Request from Manitowoc Public Utilities for utility easement vault elimination project with easement attached.

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

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

14-1002 Assignment of Ground Lease, Consent to Assignment of Easement, Waiver of Right of First Refusal and Estoppel between the City of Manitowoc and Riverland Ag Corp. and Briess Industries, Inc.

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

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

4. Parks and Recreation Committee

14-538 Animal Loan Agreement with Manitowoc County Farm Bureau for the loan of farm animals from its member farmers for the Big Red Barn exhibit for the period May 26, 2014 through September 1, 2014.

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

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

14-824 Manitowoc Youth Baseball Association berm at Dewey Street Park

Moved by Sladky, seconded by Schema, that this Action Item be approved as to design and project within requirements of Engineering office. The motion carried by the following vote:

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

- 14-826** Parks and Recreation rental key policy
- Moved by Sladky, seconded by Schema, that this Policy be approved. The motion carried by the following vote:**
- Aye:** 9 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able and Soeldner
- 14-827** Revised plans for miniature golf course at Citizen Park
- Moved by Sladky, seconded by Schema, that this Action Item be approved as to design and project within the requirements of the Engineering office. The motion carried by the following vote:**
- Aye:** 9 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able and Soeldner
- 14-932** Special Events Request relative to Lakeshore Weekend 5k Run for the Kids to be held on August 3, 2014 utilizing Mariner's Trail and closing the east lanes of Maritime Drive/Memorial Drive along the route. (Copy to Public Infrastructure Committee)
- Moved by Sladky, seconded by Schema, that this Special Events Request be granted with same terms as 2013 event. The motion carried by the following vote:**
- Aye:** 9 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able and Soeldner
- 14-1001** Agreement with Master Builders Association for moving open air shelter from Lower Schuette Park to Lincoln Park.
- Moved by Sladky, seconded by Schema, that this Agreement be entered into. The motion carried by the following vote:**
- Aye:** 9 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able and Soeldner

5. Personnel Committee

- 14-1000** Resolution to approve the hiring of a replacement Wastewater Treatment Facility Operator.
- Moved by Hennessey, seconded by Able, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 9 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able and Soeldner

6. Public Infrastructure Committee

- 14-648** Agreement for Professional Services with McMahon Engineers to manage wetlands and prairies at So. 30th St. Stormwater Pond for 2014.
- Moved by Soeldner, seconded by Brey, that this Agreement be entered into. The motion carried by the following vote:**
- Aye:** 9 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able and Soeldner

- 14-649** Agreement for Professional Services with McMahon Engineers to design native landscape plan and manage wetlands and prairies for the Dewey St. Pond for 2014.
- Moved by Soeldner, seconded by Brey, that this Agreement be entered into. The motion carried by the following vote:**
- Aye:** 9 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able and Soeldner
- 14-702** Contract with Ayres Associates, Inc. for 8th Street and 10th Street routine, fracture critical and movable bridge inspections in the amount of \$11,000.00.
- Moved by Soeldner, seconded by Brey, that this Proposal be accepted and enter into agreement. The motion carried by the following vote:**
- Aye:** 9 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able and Soeldner
- 14-845** Report of Board of Public Works of April 16, 2014 regarding bids for 2014 Concrete Paving, Project WS-14-1.
- Moved by Soeldner, seconded by Brey, that this Report be accepted and bid awarded to low bidder, Vinton Construction Company, in the amount of \$717,137.51. The motion carried by the following vote:**
- Aye:** 9 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able and Soeldner
- 14-917** Task Order 14-05 from Strand Associates, Inc. for Wastewater Treatment Facility Influent Pumping Rehabilitation Technical Services for an estimated fee of \$10,800.00.
- Moved by Soeldner, seconded by Brey, that this Action Item be entered into. The motion carried by the following vote:**
- Aye:** 9 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able and Soeldner
- 14-919** Task Order No. 14-04 from Strand Associates, Inc. for Wastewater Treatment Facilities Digester Building Reroofng Technical Services in an estimated amount of \$5,900.00.
- Moved by Soeldner, seconded by Brey, that this Action Item be entered into. The motion carried by the following vote:**
- Aye:** 9 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able and Soeldner
- 14-928** Contract with Serenity Farm Landscaping, Inc. to perform tree cutting and removal at Lincoln Park Zoo.
- Moved by Soeldner, seconded by Brey, that this Contract be entered into. The motion carried by the following vote:**
- Aye:** 9 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able and Soeldner

14-933 Special Events Request from Cellcom for Cellcom Cellular Celebrations being held on June 16 and 17, 2014, and requesting temporary no parking in front of 4140 Harbor Towne Lane during their event.

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

14-935 Special Events Request from Mainly Manitowoc to hold Krazy Daze in the downtown district on July 11 & 12, 2014, including sidewalk sales, use of Burger Boat Park, closure of Quay St. between 8th and the Library parking lot, closure of Jay St. between 7th and 8th, use of various City equipment and a crossing guard at 8th and Quay, as detailed therein. (Copy to Parks & Recreation)

Moved by Sladky, seconded by Schema, that this Special Events Request be approved subject to City policy. The motion carried by the following vote:

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

7. Public Safety Committee

8. Licenses

14-712 #69 "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license of HSNBRGWW, LLC, Thomas Albright, Agent, 1228 Memorial Drive.

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

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

14-967 Operator's License Applications #354-364 for 2013-15 and #15-33 for 2014-16.

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

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

14-975 Bowling Alley License Applications #1-2 for 2014-15.

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

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

14-983 Class "A" Retail Fermented Malt Beverage License Applications #1-18 for 2014-15.

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

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

- 14-991** "Class A" Retail Intoxicating Liquor & Fermented Malt Beverage License Applications #1-7 for 2014-15.
Moved by Brey, seconded by Howe, that this License be granted. The motion carried by the following vote:
Aye: 9 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able and Soeldner
- 14-992** Class "B" Fermented Malt Beverage License Applications #2-4 for 2014-15.
Moved by Brey, seconded by Howe, that this License be granted. The motion carried by the following vote:
Aye: 9 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able and Soeldner
- 14-993** "Class B" Intoxicating Liquor & Fermented Malt Beverage License Applications #1-47 for 2014-15.
Moved by Brey, seconded by Howe, that this License be granted. The motion carried by the following vote:
Aye: 9 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able and Soeldner
- 14-994** "Class C" Wine License Applications #1-2 for 2014-15.
Moved by Brey, seconded by Howe, that this License be granted. The motion carried by the following vote:
Aye: 9 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able and Soeldner

L. ADJOURN

- Moved by Hennessey, seconded by Sladky, that this meeting be adjourned at 8:57 p.m. The motion carried by the following vote:**
Aye: 9 - Howe, Brey, Shaw, Schema, Sitkiewitz, Sladky, Hennessey, Able and Soeldner

Jennifer Hudon
City Clerk