

15-016



City of Manitowoc

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

Meeting Minutes Common Council

Monday, December 1, 2014

7:00 PM

Council Chambers - City Hall

A. CALL TO ORDER

Mayor Justin M. Nickels called the meeting to order at 7:00 p.m.

B. ROLL CALL

Rollcall

Alders Present: 7 - Jim Brey, Eric Sitkiewitz, Jason Sladky, Jill Hennessey, Christopher Able, Dave Soeldner and Scott McMeans

Alders Absent: 2 - Mike Howe and Allan Schema

C. PLEDGE OF ALLEGIANCE

D. INVOCATION

City Clerk announced that the various documents have been referred to the appropriate committees as shown on the December 1, 2014 Common Council agenda.

E. PRESENTATIONS

F. PUBLIC HEARINGS

G. 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.

H. STANDING COMMITTEE REPORTS

I. APPOINTMENTS AND BUSINESS PRESENTED BY THE MAYOR

14-2628 Appointment of Chelle Blaszyk to Community Development Authority in place of Collin Braunel for unexpired term ending 6/1/16.

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

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-2629 Communication from Collin Braunel resigning his seat on the Community Development Authority Board effective immediately.

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

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-2634 Appointment by Mayor Nickels to appoint Alderperson Eric Sitkiewitz as Vice Chair of Public Safety Committee in place of Alderperson Keith Shaw.

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

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

J. 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, Public Safety Committee held a discussion relative to Ordinance 14-2623 regulating snow removal and deposits. Motion by Sladky, second by Sitkiewitz, and unanimously carried, to amend the Deposit Amounts as follows: First Offense, \$150; Second Offense, \$300; Third Offense, \$500; Fourth Offense, \$700, with City Attorney to calculate Total Amount with Court Costs. Ayes, 3. Nays, none. Call back to order.

K. 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: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

2. Miscellaneous

- 14-2610** Minutes of Community Development Authority of 10/15/14; Great Lakes Utilities Board of 6/24/14 & 10/15/14; Great Lakes Utilities Lakeswind Project of 8/12/14; Great Lakes Utilities Power Supply Project of 8/12/14; Great Lakes Utilities West Power Supply Project of 1/22/14; Manitowoc Public Utilities Commission of 10/27/14; Plan Commission of 10/8/14; Wastewater Treatment Facility of 9/19/14, recommending acceptance and place on file.

3. Committee of the Whole

- 14-2601** 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.

4. Finance Committee

- 14-2605** Communication from Manitowoc County of State and County 2014 tax levy amounts, recommending acceptance and place on file.

5. Licensing, Permits and Inspections Committee

6. Parks and Recreation Committee

7. Personnel Committee

8. Public Infrastructure Committee

9. Public Safety Committee

L. 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

- 14-2603** Resolution authorizing and designating public depositories.

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

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

- 14-2617** Communication from City Clerk Jennifer Hudon to rescind an additional \$18.99 of tax to Great Lakes Energy Technologies due to Wisconsin Tax Appeals settlement.

Moved by Sitkiewitz, seconded by McMeans, that this Communication be accepted and rescind tax of \$18.99 and issue refund. The motion carried by the following vote:

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

3. Licensing, Permits and Inspections Committee

14-2249 Communication from Phoolfoz Properties LLC, Allan Erickson, Agent, to amend their licensed alcohol premise for license number 24 for "Class B" Retail intoxicating liquor and fermented malt beverage license.

**Moved by Brey, seconded by Hennessey, that this Communication be granted.
The motion carried by the following vote:**

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-2599 Communication from City Clerk Jennifer Hudon relative to distribution to charities from the Schuette, Wernecke, Wilda, Rank Poor Fund.

**Moved by Brey, seconded by Hennessey, that this Communication be approved.
The motion carried by the following vote:**

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-2604 Sidewalk Privilege Agreement with Contemporary, Inc. d/b/a The Cawley Company for an improved handicapped access front entrance at 1544 North 8th Street.

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

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-2606 Communication from iMG Development, representing Sprint, to revise consent letter previously executed to modify equipment at 736 Revere Dr. per antenna lease agreement.

**Moved by Brey, seconded by Hennessey, that this Communication be approved.
The motion carried by the following vote:**

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-2635 Amendment 1 to the Lakeshore Humane Society Agreement between the Cities of Manitowoc and Two Rivers and the Lakeshore Humane Society.

Moved by Brey, seconded by Hennessey, that this Agreement (Amendment 1) be approved. The motion carried by the following vote:

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

4. Parks and Recreation Committee

14-2447 Request to reimburse expenses for the Henry Schuette Community Built Playground from monies donated to the City from the Friends of the Park group

Moved by Sladky, seconded by Soeldner, that this Action Item be granted. The motion carried by the following vote:

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-2618 Special Events Request from DEW Disc Golf to hold Silver Creek Open on January 24, 2015 at Silver Creek Park as well as using the basement area of the Fieldhouse with waiver of fee for same attached.

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

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

5. Personnel Committee

14-2600 Resolution to hire part-time transit driver.

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

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

6. Public Infrastructure Committee

14-2171 Ordinance creating Section 21.080 of the Municipal Code relating to City takeover of stormwater ponds constructed after January 1, 2015.

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

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-2174 Ordinance amending Section 10.410 of the Municipal Code establishing a winter parking ban on various streets.

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

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-2598 Special Events Request from Mainly Manitowoc to hold Ice on 8th on December 27, 2014 utilizing sidewalk space at several intersections in the downtown area for ice and snow carving.

Moved by Soeldner, seconded by Brey, that this Special Events Request be approved. The motion carried by the following vote:

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-2602 Agreement with Excel Underground of the Facilities Locating and Marking Services Agreement.

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

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

- 14-2611** Resolution for sidewalk construction and repair program for 2015.
- Moved by Soeldner, seconded by Brey, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-2612** Resolution that certain streets be included in the 2015 Seal Coating Program and assessments be made against the abutting property owners.
- Moved by Soeldner, seconded by Brey, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-2613** Resolution that Dust Palliatives be placed on certain streets in 2015 and assessments be made against the abutting property owners.
- Moved by Soeldner, seconded by Brey, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-2614** Resolution setting forth the 2015 Public Works Program, including Concrete Paving, Asphaltic Concrete Resurfacing and Overlay, Curb and Gutter, Sanitary Sewers, Storm Sewers, Stormwater and Miscellaneous Projects, as outlined therein.
- Moved by Soeldner, seconded by Brey, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-2616** Communication from Director of Public Infrastructure Dan Koski to rescind 2014 weed cutting assessment for 1021 Franklin Street.
- Moved by Soeldner, seconded by Brey, that this Communication be approved and the assessment be rescinded. The motion carried by the following vote:**
- Aye:** 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-2624** Resolution establishing assessment policy under Municipal Code 7.240 for removal for snow deposits in City streets.
- Moved by Soeldner, seconded by Brey, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans
- 14-2625** Vehicle Lease agreement with Assist to Transport for term ending December 31, 2016.
- Moved by Soeldner, seconded by Brey, that this Agreement be entered into. The motion carried by the following vote:**
- Aye:** 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-2627 Report of Board of Public Works of November 19, 2014 relative to applications for 5-Year Installment Plans for 2014 Seal Coating project.

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

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

7. Public Safety Committee

14-2623 Ordinance amending the deposit schedule for violations of Municipal Code 7.210(3) for depositing snow into the street.

Moved by Able, seconded by Sitkiewitz, to suspend the rules to take immediate action on the ordinance. The motion carried by the following vote:

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

Moved by Sladky, seconded by Sitkiewitz, that this Ordinance be amended to change the Deposit Amount to the maximum allowable - \$200 for all offenses with the Court Costs to be adjusted accordingly. The motion carried by the following vote:

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

Moved by Able, seconded by Sitkiewitz, that this Ordinance be adopted as amended. The motion carried by the following vote:

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-2631 Resolution establishing the charges for transportation and care by the Fire Department Rescue Ambulance effective January 1, 2015.

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

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-2632 Ordinance to amend the Deposit Schedule for the Manitowoc Municipal Code Section 10.610, Parking Penalties.

Moved by Able, seconded by Sitkiewitz, to suspend the rules to take immediate action on the ordinance. The motion carried by the following vote:

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

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

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

8. Licenses

14-2607 #68 - "Class B" Tavern license of Jorge A. Ibarra, 214 N. 8th Street.

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

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-2609 Pawnbroker, Second-Hand Dealer, Flea Market, Etc. licenses: #1 Megean Lauson d/b/a Modern by Megean, 910 S. 8th St.; #2 Jody Dubinsky d/b/a Treasures, 904 S. 8th St.; #3 T & L Tactical, 2217 S. 44th St.; #4 Richard L. Francois d/b/a Boelter's Jewelers, 2101 Washington St.

Moved by Brey, seconded by Hennessey, that these Licenses be granted. The motion carried by the following vote:

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

14-2630 #1 Garbage Hauler's License of Michael A. Pozorski d/b/a Pozorski Hauling & Recycling, LLC, 2515 Viebahn St.

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

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

M. OTHER BUSINESS

N. ADJOURN

Moved by McMeans, seconded by Hennessey, that this meeting be adjourned at 7:30 p.m. The motion carried by the following vote:

Aye: 7 - Brey, Sitkiewitz, Sladky, Hennessey, Able, Soeldner and McMeans

**Jennifer Hudon
City Clerk**