

16-1160



City of Manitowoc

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

Meeting Minutes

Common Council

Monday, November 21, 2016

6:30 PM

Council Chambers

A. CALL TO ORDER

B. ROLL CALL

Alderpersons Present: 9 - Dave Soeldner, Jim Brey, Mike Howe, Jason Sladky, Scott McMeans, Christopher Able, Eric Sitkiewitz, Lee H. Kummer and Steven Czekala

C. PLEDGE OF ALLEGIANCE & INVOCATION

D. PRESENTATIONS

E. PUBLIC HEARINGS

16-1076

Public Hearing to be held at 6:35 p.m. for the purpose of hearing any and all interested parties in the matter of a proposed change to the Official Map to remove a portion of unimproved Edgewood Road.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of proposed change to Official Map to remove a portion of unimproved Edgewood Rd.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on 10/31/16, 11/7/16 and 11/14/16. (Proof of publication is on file in the City Clerk's office).

Community Development Director Nic Sparacio spoke to this issue. The following persons appeared to address the Council regarding the proposed item: No interested parties appeared.

Mayor declared the public hearing closed. (A recording of the entire hearing is on file in the City Clerk's office).

16-1077

Public Hearing to be held at 6:40 p.m. for the purpose of hearing any and all interested parties in the matter of a proposed amendment to the City of Manitowoc Comprehensive Plan to revise the Map of Future Land Use in two areas (in the vicinity of the former Elks Club and golf course) generally located at 200 Waldo Blvd. and west of the intersection of Memorial and Johnston Drives.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of proposed amendment to Comprehensive Plan.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on 10/17/16. (Proof of publication is on file in the City Clerk's office).

Community Development Director Nic Sparacio spoke to this issue. No interested parties appeared.

Mayor declared the public hearing closed. (A recording of the entire hearing is on file in the City Clerk's office).

16-1078 Public Hearing to be held at 6:45 p.m. for the purpose of hearing any and all interested parties in the matter of proposed changes to Chapter 15 of the Manitowoc Municipal Code to revise Zoning Code 15.450 to allow the Plan Commission authority to vary maximum size of animated signs with Special Use Permit approval.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of proposed changes to Chapter 15 of the Municipal Code.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on 11/7/16 and 11/14/16. (Proof of publication is on file in the City Clerk's office).

Community Development Director Nic Sparacio spoke to this issue. No interested parties appeared.

Mayor declared the public hearing closed. (A recording of the entire hearing is on file in the City Clerk's office).

16-1079 Public Hearing to be held at 6:50 p.m. for the purpose of hearing any and all interested parties in the matter of a proposed change to Chapter 15.270(3) of the Manitowoc Municipal Code to revise Chapter 15.270, B-3 General Business District to allow outside storage and sales as a Conditional Use Permit.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of proposed change to Chapter 15.270(3) of the Municipal Code.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on 11/7/16 and 11/14/16. (Proof of publication is on file in the City Clerk's office).

Community Development Director Nic Sparacio spoke to this issue. No interested parties appeared.

Mayor declared the public hearing closed. (A recording of the entire hearing is on file in the City Clerk's office).

16-1081 Public Hearing to be held at 6:55 p.m. for the purpose of hearing any citizen or taxpayer on the proposed Budget for the upcoming year.

Mayor declared the meeting open for a public hearing for the purpose of hearing any citizen or taxpayer on the proposed Budget for the upcoming year.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on 11/6/16. (Proof of publication is on file in the City Clerk's office).

The following persons appeared to address the Council regarding the proposed budget: Peter Allie, 100 Maritime Dr. #3C, Michele Birschbach, 21 Maritime Dr., and Barry Nelson, 824 S. 8th St. No other interested parties appeared.

Mayor declared the public hearing closed. (A recording of the entire hearing is on file in the City Clerk's office).

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

- 16-1073 Re-Appointments to Municipal Tree Commission for two year terms expiring 6/1/18: Glen Pfeffer, Nick Levendusky and Todd Holschbach.
Moved by Brey, seconded by Sitkiewitz, that these Appointments be confirmed. The motion carried by the following vote:
Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala
- 16-1082 Appointment of Ted Jennejohn to Harbor Commission in place of Lee Kummer for an unexpired term ending 6/1/18.
Moved by Brey, seconded by Sitkiewitz, that this Appointment be confirmed. The motion carried by the following vote:
Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala
- 16-1104 Appointment of Nicholas Seidl , Roncalli High School Repr., to Crime Prevention Committee in place of Ethan Peters for the period 9/1/16 thru 8/31/17.
Moved by Brey, seconded by Sitkiewitz, that this Appointment be confirmed. The motion carried by the following vote:
Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

H. CONSENT AGENDA

1. Removal of Consent Agenda Items: None

Approval of the Consent Agenda

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

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

2. Miscellaneous

- 16-1080 Minutes of Common Council of 10/17/16, recommending acceptance and place on file.

- 16-1093 Notice from Wisconsin Dept. of Natural Resources of Pending Application for Proposed Bridge from Wisconsin Central Limited, recommending acceptance and place on file.

3. Committee of the Whole (Consent)

- 16-1096 Report of Special Events Committee recommending approval of the following events subject to Council action: Metro Jam on 6/16/17 (Waiver of rules prohibiting alcohol in park; street closure of S. 12th St. from Washington to Marshall), recommending approval.
- 16-1097 Report of Special Events Committee relative to approval of the following events: Art Night at the Zoo on 11/12/16; Roncalli Cross Country Invite on 9/9/17; Seehafer Broadcasting Jr. Summer Tennis on 6/30 - 7/2/17; Jr. Brutal Wear Tennis Tournament on 8/26 - 8/28/17; Bike Ride for Hunger on 9/16/17; Two Rivers/Catholic Memorial Tennis Invite on 4/8/17; Library to Library Fun Walk on 8/19/17; and denial of request by Polar Express by Trolley for street closure on 12/9/16 and 12/10/16, recommending acceptance of report and place on file.

4. Finance Committee (Consent)

- 16-1031 Lakeshore Technical College District - 2016 Levy Report, recommending to Accept and Place on File.
- 16-1057 Tax Levy Certification Manitowoc Public School District 2016-17 School Year; accept and place on file.
- 16-1069 2016 Poor Fund Report and Recommended Distribution; accept and place on file.
- 16-1070 2015 Palpable Error Wisconsin Aluminum Foundry Co Inc., Parcel 000-731-604 in the amount of \$5,790.99; approve to refund.
- 16-1071 Foreclosure of Mortgage 16-CV-0383 Wisconsin Housing and Economic Development Authority vs. Chai Wang Xiong and Por Choua Xiong, City of Manitowoc, Holy Family Memorial, Inc; approve and refer to City Attorney.
- 16-1072 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.
- 16-1087 Quit Claim Deed from Plenty O Suds LLC for Calumet Avenue and S. 36th Street purposes, with Plan Commission Report attached recommending acceptance.
- 16-1089 Report of City Plan Commission relative to annual review of Ramirez Auto and Towing Conditional Use Permit for the operation of a wrecker service at 1545 S. 41st St. recommending approval.

5. Personnel Committee (Consent)**6. Public Infrastructure Committee (Consent)**

- 16-0536 Main Street Hanging Banners for In Courage Fundraiser, recommending denial.
- 16-1043 Underground Facilities Locating and Marking Service Agreement with Excel Underground for Underground Locating (2017-2018), recommending entering into agreement.
- 16-1046 Conservation Easements for the Little Manitowoc River Restoration Project with landowners, Steve Metzger, Kristin Decherage-Veleke and James Coulson, recommending approval (enter into the easements).
- 16-1052 Temporary Cul de Sac Easement Agreement with Manitowoc County for use as a turnaround area for the City's maintenance vehicles located at the terminus of Meijer Lane.
- 16-1062 Brush Violation at 1130 S. 13th Street and 1113 S. 13th Street, recommending waiving fine and changing notification period for future infractions to five (5) business days.
- 16-1063 Request for a "Caution Hidden Driveway" Sign On Spring Street, Committee recommending approving request
- 16-1074 Report of Board of Public Works of November 2, 2016 for 2016 Epoxy Pavement Marking Program for 3rd and Final Payment to Brickline, Inc. in the amount of \$8,008.38, recommending payment.
- 16-1075 Report of Board of Public Works of November 2, 2016 for Mill Rd. Bridge Masonry Repairs for 1st and Final Payment to Quality Building Restoration Co. in the amount of \$8,500.00, recommending payment.

7. Public Safety Committee (Consent)

- 16-1048 August Police activity report, recommending approval.
- 16-1049 September Police activity report, recommending approval.

I. STANDING COMMITTEE REPORTS**1. Committee of the Whole**

- 16-0919 TIF project proposal by Angelus Village of Manitowoc LLC requesting cash grant from Tax Incremental District #18.
- Moved by Brey, seconded by Sitkiewitz, to deny TIF dollars. The motion carried by the following vote:**

Aye: 6 - Brey, Howe, Sladky, Sitkiewitz, Kummer and Czekala

Nay: 1 - Able

Abstain: 2 - Soeldner and McMeans

2. Finance Committee

16-0895 Resolution to vacate a portion of unimproved Edgewood Road of .1 acres of land more or less.

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

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-0974 Ordinance amending Section 22.010 of the Municipal Code for a change to the Official Map in the area of Edgewood Road.

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

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-0989 Ordinance to amend Section 15.450(18) of the Municipal Code regulating animated signs.

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

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-0992 General City Budget of proposed 2016 levy for 2017, in the amount of \$15,116,592 including the Manitowoc Public Library, with \$1,021,449 in proposed tax incremental financing.

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

Aye: 8 - Soeldner, Brey, Howe, Sladky, McMeans, Sitkiewitz, Kummer and Czekala

Nay: 1 - Able

16-0995 Ordinance to amend Section 15.270(3) of the Municipal Code regulating Conditional Uses in the B-3 General Business District to allow for outside storage or sales of merchandise as a principal property use, as recommended by Finance Committee.

A motion was made by Alderperson Scott McMeans, seconded by Alderperson Eric Sitkiewitz, that this Ordinance was placed on file. The motion carried by the following vote:

Aye: 8 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz and Czekala

Nay: 1 - Kummer

16-1027 Ordinance Revision to Amendment for Chapter 15.270 B-3 General Business District to allow Outside Storage and Sales as a Conditional Use Permit.

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

Aye: 8 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz and Czekala

Nay: 1 - Kummer

16-1030 Resolution requiring authorization to apply for and administer US EPA site assessment grant funds.

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

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-1032 Resolution Establishing Primary Election Date on February 21, 2017 for nomination of candidates for city offices at the April 4, 2017, Spring Election.

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

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-1083 Agreement 16-11 with A.C.E. Building Service to furnish labor, equipment and material required to expand the existing women's locker room at the Police Department for the sum of \$13,838.00.

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

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-1086 Statement of the Board of Canvassers relative to the November 8, 2016 General Election for Municipal Referendum Question.

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

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-1088 Report of City Plan Commission relative to request to lease vacant City owned land off of Orchard Lane for farm purposes (former Heresite property), recommending approval with City Attorney to draft a lease.

Moved by McMeans, seconded by Sitkiewitz, that this Report be accepted with City Attorney to draft a lease. The motion carried by the following vote:

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-1090 Resolution authorizing the issuance and sale of up to \$282,447 General Obligation Water Works System Promissory Notes, Series 2016, and providing for other details and covenants with respect thereto, and approval of related \$403,496 financial assistance agreement.

Moved by McMeans, seconded by Sitkiewitz, that this Resolution be adopted and financial assistance agreement approved. The motion carried by the following vote:

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-1092 Scope of Engagement relative to proposed issuance of \$282,447 City of Manitowoc GO Waterworks System Promissory Notes, Series 2016 (Safe Drinking Water Loan).

Moved by McMeans, seconded by Sitkiewitz, that this Communication be accepted and approved. The motion carried by the following vote:

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-1095 Brownfield Revolving Loan Fund Sub-Grant Agreement between Community Development Authority and City of Manitowoc for cleanup of brownfield sites. Community Development Director Nic Sparacio updated the Council on this issue.

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

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-1107 Report of Finance Committee to grant the various licenses subject to approvals, inspections, insurance, payment of license fees and meeting State Statute requirements, as detailed therein.

Moved by McMeans, seconded by Sitkiewitz, that the Licenses in this Report be granted. The motion carried by the following vote:

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

3. Personnel Committee

16-1098 Resolution to approve filling vacant Wastewater Treatment Facility Operator budgeted positions anticipated for the remainder of 2016 and for budgeted positions for 2017.

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

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkewitz, Kummer and Czekała

16-1099 Resolution to hire a replacement Administrative Assistant for the Mayor at Grade H.

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

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkewitz, Kummer and Czekała

Mayor Nickels turns the meeting over to President Brey at this time.

16-1100 Ordinance establishing Mayoral salary for the four year term commencing April 18, 2017.

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

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkewitz, Kummer and Czekała

President Brey turns the meeting over to Mayor Nickels at this time.

16-1101 Resolution modifying the Seasonal Employment Policy with revised job descriptions attached for Cemetery seasonal labor and maintenance, Lifeguard and full time and part time Parks seasonal labor and maintenance positions.

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

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkewitz, Kummer and Czekała

16-1102 Resolution to hire replacement Bridgetender due to a retirement.

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

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-1106 Resolution to approve the reorganization of Transit Division and new job description of Transit Operations Supervisor, with the elimination of current Transit Clerk position.

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

Aye: 8 - Soeldner, Brey, Howe, McMeans, Able, Sitkiewitz, Kummer and Czekala

Nay: 1 - Sladky

4. Public Infrastructure Committee

16-0946 Proposed Forestry Fee of \$25 for 1 ton load of wood left on homeowner's property.

Moved by Soeldner, seconded by Howe, that this Request be approved for \$25 fee for one ton load of wood left on homeowner's property. The motion carried by the following vote:

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-1040 First Amendment to 2016 Section 5311Capital Assistance Contract with State of Wisconsin for replacement vehicle for Maritime Metro Transit.

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

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-1061 Proposals for consulting services related to updating Comprehensive Outdoor Park and Recreation Plan, recommending awarding to Martenson & Eisele, Inc. in the amount not to exceed \$14,894.00.

Moved by Soeldner, seconded by Howe, to award the contract per recommendation. The motion carried by the following vote:

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-1084 Agreement 16-12 with Miller & Associates-Sauk Prairie to furnish and install BCI Burke Basics, Intensity, Nucleus Play System at Silver Creek Park for the sum of \$21,918.00.

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

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-1094 Agreement 16-13 with Kip Gulseth Construction Company to construct a cut-off wall for the outlet structure of the stormwater pond on Clay Pit Road for the sum of \$7,150.00.

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

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-1105 Ordinance to amend Section 10.410(1) of the Municipal Code to accommodate the new Maritime Metro route, effective January 3, 2017.

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

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

5. Public Safety Committee

15-1099 Ordinance amending Section 10.730 of the Municipal Code to designate two handicap parking stalls on a portion of Jay Street to accommodate Manitowoc County Human Services clients. (Currently tabled).

Moved by Able, seconded by Sladky, that this Ordinance be taken off the table. The motion carried by the following vote:

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

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

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-0352 Ordinance to amend portions of Section 10.490 of the Municipal Code regulating two-hour parking in the City of Manitowoc. (Currently tabled).

Moved by Able, seconded by Sladky, that this Ordinance be taken off the table. The motion carried by the following vote:

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

Moved by Able, seconded by Sladky, that this Ordinance be placed on file. The motion carried by the following vote:

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-0682 Ordinance to amend Section 14.440 of the Manitowoc Municipal Code regulating Trespassing.

Moved by Able, seconded by Sladky, that the revised Ordinance that is in full compliance with State law be adopted. The motion carried by the following vote:

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-0788 An Ordinance to amend Sections 14.180 and 14.250 of the Manitowoc Municipal Code regulating Vagrancy and Fortune Telling.

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

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

16-1103 Ordinance to amend Section 10.390 of the Municipal Code prohibiting parking on a portion of Division Street near Washington Junior High School and on S. 35th St., near Franklin Elementary School.

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

Aye: 9 - Soeldner, Brey, Howe, Sladky, McMeans, Able, Sitkiewitz, Kummer and Czekala

J. OTHER BUSINESS

K. ADJOURN

Meeting adjourned at 8:00 p.m. to Monday, November 28th at 6:00 p.m.

Jennifer Hudon
City Clerk