

15-827



# City of Manitowoc

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

## Meeting Minutes Common Council

# CONSENT

Monday, July 20, 2015

6:30 PM

Council Chambers

### A. CALL TO ORDER

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

### B. ROLL CALL

**Alders Present:** 9 - Allan Schema, Patrick Brandel, Jim Brey, Jill Hennessey, Mike Howe, Jason Sladky, Scott McMeans, Christopher Able and Eric Sitkewitz

**Alders Absent:** 1 - Dave Soeldner

### C. PLEDGE OF ALLEGIANCE & INVOCATION

### D. PRESENTATIONS

15-638 Swearing in of Deputy Police Chief Rob Barbier.

15-763 Proclamation honoring the SS Badger Car Ferry

### E. PUBLIC HEARINGS

15-738 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 in zone from "B-2" Neighborhood Business District and "R-4" Single and Two Family Residential District to "R-7" Central Residence District, in an area located on the southwest corner of Marshall and S. 20th Streets.

*Community Development Director Nic Sparacio gave a brief overview of the zone change.*

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 in zone .

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on July 6 & 13, 2015. (Proof of publication is on file in the City Clerk's office).

No persons appeared to address the Council regarding the proposed item. 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

15-739 Appointment of Nic Levendusky to Municipal Tree Commission, in place of R. Schwarz, for a 2 year term ending June 1, 2016.

**Moved by Sitkiewitz, seconded by McMeans, that this Appointment be approved.  
The motion carried by the following vote:**

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

15-752 Appointment of Kent Salomon to Cemetery Commission, in place of J. Waak, for a 4 year term ending 4/30/18.

**Moved by Sitkiewitz, seconded by McMeans, that this Appointment be approved.  
The motion carried by the following vote:**

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

## H. CONSENT AGENDA

### 1. Removal of Consent Agenda Items

*Aldersperson Sladky requested to remove file no. 15-717 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:** 9 - Schema, Brandel, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

### 2. Miscellaneous

15-737 Minutes of Common Council of Monday, June 15, 2015, Special Council meeting of Monday, June 22, 2015 and Special Council meeting of Tuesday, June 30, 2015, recommending approval and place on file.

15-754 Notification of proposed withdrawal from coverage under general permit from DNR relative to Carneuse Lime and Stone - Rockwell operation, recommending placing on file.

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

15-757 Report of Special Events Committee relative to approval of the following events: Manitowoc County Miracles Special Olympics on 9/12/15; Community Fitness Event on 8/1/15; Running A Fair 5K run/walk on 8/25/15; Aurora Medical Center on 6/29/15; Silver Cup Disc Golf on 7/11 - 7/18, 2015; Backyard Bible Camp on 7/13 - 7/17, 2015; Showtime 2015 on 8/12 - 8/13, 2015; Residential Block Party on 7/23/15; Festival Foods Associate Picnic on 8/4/15; recommending acceptance of report and place on file.

15-758 Report of Special Events Committee recommending approval of the following events subject to Council action: Manitowoc/Two Rivers YMCA Triathlon on 8/29/15 (lane closures); Fat Seagull Outdoor Music Festival on 9/12/15 (Closure of Quay St. from S 8th to S 9th & extension of alcohol premise); Bethany Lutheran Church Picnic on 8/2/15 (Closure of S 33rd St. from Meadow Lane south to end of church property); Balloon Glow on 8/21/15 (Closure of Quay St. between S 7th and S 8th & allowing alcohol in Burger Park), Prevent Suicide WI 5k run/walk on 9/20/15 (allow dogs in Lincoln Park during event but not in zoo area); MPPA Police Chase 4 mi run/walk on 10/10/15 (allowing dogs in parks during event); Lakeshore Weekend on 7/31 - 8/2, 2015 (waiving noise ordinance sale of concessions until midnight, lane closure on Maritime Dr. & access street to boat launch), recommending approvals.

#### 4. Finance Committee (Consent)

15-621 Recommend to Rescind 2014 Assessment of \$14,900 and associated Tax of \$219.21 due to palpable error on parcel #615-001-060

15-724 Claim from Lakeshore CAP for Costs associated with locating sewer service, recommending denial.

15-736 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)

15-694 Lincoln Class of 1975 Reunion at Manitowoc Yacht Club request for extension of premise July 18, 2015, recommending approval of the request.

15-695 2014 - 2015 Report of Parking Leases, recommending placing on file.

15-698 Manitowoc City Center Association request for Balloon Glow August 21, 2015, recommending allowing the request for alcohol in Burger Park.

15-716 Community Development Director report on Building Inspection, recommending placing on file.

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

15-673 Request from Rob Roseff for a cash donation and/or donated item for a Silent Auction and Raffle for Gumby's Club Fore a Cure Annual Golf Outing Fund Raiser on Sunday, July 12, 2015, recommending placing on file.

15-674 Fee structure for the use of cabins and fieldhouses by a renter on a day adjacent to their booking, recommending approval of the adjacent day rental policy as listed.

**7. Personnel Committee (Consent)****8. Public Infrastructure Committee (Consent)**

- 15-577 Petition in regards to repair of N. 6th Street - Reed Avenue to Magnolia Avenue, recommending placing on file.
- 15-705 Request for Proposals for Construction Work at the Intersections of S. 21st/Franklin Street and S. 26th/Franklin Street, recommending approval to begin the bid process and for Public Infrastructure and the City Attorney to enter into negotiations with Broadwind Towers to draft an agreement.
- 15-722 Reditching of Last Court, recommending approval of reditching of Last Court.
- 15-744 2014 Compliance Maintenance Annual Report (CMAR) of Wastewater Treatment Facility, recommending acceptance and place on file.
- 15-748 Report of Board of Public Works of July 8, 2015 for Access Control Upgrades at City Hall and Police Department for 2nd and Final Payment to Camera Corner Connecting Point in the amount of \$5,151.33, recommending payment.
- 15-749 Progress Invoice from Wisconsin Dept. of Transportation in the amount of \$7,826.45 for Waldo Blvd., 8th Street - Maritime Dr., Project No. 4570-12-00, recommending payment.
- 15-750 Progress Invoice from Wisconsin Dept. of Transportation in the amount of \$13,933.77 for Waldo Blvd., CTH R - 8th Street, Project No. 1500-37-00, recommending payment.
- 15-751 Report of Board of Public Works of July 8, 2015 for 2014 special assessments for concrete paving and storm sewer for parcel 000-040-030 at 1219 Huron Street, recommending not to assess the property for these projects but rather assess this property when work is done on Spring Street.

**9. Public Safety Committee (Consent)****I. STANDING COMMITTEE REPORTS****1. Committee of the Whole**

- 15-743 Ordinance to repeal Section 3.150 of the Municipal Code entitled Citizens Physical and Sensory Disability Commission.
- Moved by Sitkiewitz, seconded by McMeans, that this Ordinance be adopted. The motion carried by the following vote:**

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

15-755 Contract Addendum with Code Publishing, Inc. for City of Manitowoc Municipal Code.

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

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

## 2. Finance Committee

15-700 Term Sheet for Artist Loft Apartments Project, including borrowing \$300,000 from the City of Manitowoc via the issuance of a State of Wisconsin Trust Fund Loan.

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

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

## 3. Licensing, Permits and Inspections Committee

15-645 Ordinance amending the amended zone map of the City of Manitowoc in an area generally located south of Marshall Street and west of S 20th Street to be changed from "B-2" Neighborhood Business District and "R-4" Single and Two Family Residential District to "R-7" Central Residence District.

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

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

15-711 Lincoln Class of 1985 Reunion at Manitowoc Yacht Club request for extension of premise August 15, 2015.

**Moved by Howe, seconded by Schema, that this Request be accepted to extend alcohol premise until 12:00 a.m. The motion carried by the following vote:**

**Aye:** 8 - Schema, Brandel, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

**Abstain:** 1 - Brey

15-714 Ordinance amending the deposit schedule for Building Inspection violations

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

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

15-715 Resolution allowing the MPU Commission to extend water services in impacted properties on Viebahn St. and County Road CR

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

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

15-733 Report of Licensing, Permits and Inspections Committee with the following licenses for granting: No. TAV-1568 "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license of The Basement, Inc., Michael R. Johnson, Agent, 1144 S. 21st St.; No. AMM-1523 Class "A" Retail Fermented Malt Beverage license of Shopko Stores Operating Co., LLC, Nate Blazejewski, Agent, 3415 Calumet Ave.; No. 6 Stock Car Races, Racing Exhibitions, Demolition Derby license of Lakeshore Charities, Inc. for dragon boat races on August 1, 2015 in the breakwater near Manitowoc Marina and YMCA.

**Moved by Brey, seconded by Howe, that these licenses be granted: TAV-1568 "Class B" Retail Intox. Liquor & Fermented Malt Beverage license, AMM-1523 Class "A" Retail Fermented Malt Beverage license and #6 Racing Exhibition permit. The motion carried by the following vote:**

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

#### 4. Parks and Recreation Committee

15-759 Contract with E.F. Becker & Sons, Inc. to replace chainlink fence at Riverview Park.

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

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

#### 5. Personnel Committee

15-696 Resolution modifying the Employee Policy Manual for revisions to shift premiums.

**Moved by Hennessey, seconded by Able, that this Resolution be adopted and approval of modifications to the existing Employee Policy Manual. The motion carried by the following vote:**

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

15-753 2015-2018 Fire Union Local 368 Contract.

**Moved by Hennessey, seconded by Able, that this Contract be accepted and entered into and to recall the laid off firefighters. The motion carried by the following vote:**

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

#### 6. Public Infrastructure Committee

15-580 Resolution for Storm Sewer Connection Fee Refund. The Committee recommended approval the of the Resolution.

**Moved by Brey, seconded by Schema, that this Resolution be adopted. The motion carried by the following vote:**

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

15-717

Permission to Park Camper on Dead-end Extension of Last Court, recommending allowing the Kaiser's to park their camper in front of their residence at 4251 Last Court for the remainder of the 2015 camping season and an exemption of the street sweeping ban for this property.

**Moved by Brey, seconded by Schema, that this Request be accepted to allow the Kaiser's to park their camper in front of their residence at 4251 Last Court for the remainder of the 2015 camping season and an exemption of the street sweeping ban for this property. The motion failed by the following vote:**

**Aye:** 3 - Brandel, Brey and Hennessey

**Nay:** 6 - Schema, Howe, Sladky, McMeans, Able and Sitkiewitz

15-719

7.276 Ordinance Revise Storm Sewer Connection Charges. The Committee approved the Ordinance.

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

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

15-735

Contract with Hamann Construction Company to furnish labor and material to complete the update work at the Zoo Education Center.

**Moved by Brey, seconded by Schema, that this Contract be accepted and entered into. The motion carried by the following vote:**

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

15-741

Task Order No. 15-02 with Strand Associates, Inc. pursuant to Technical Services Agreement dated 4/11/13 for Horseshoe Drive Pumping Station Rehabilitation.

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

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

15-756

Contract with A.C.E. Building Service to furnish material, labor and equipment to reside the restroom facility in Halvorsen Park.

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

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

15-760

Resolution to approve filling of vacant DPW Streets Laborer positions within the Department of Public Infrastructure.

**Moved by Brey, seconded by Schema, that this Resolution be adopted. The motion carried by the following vote:**

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

15-762

Ordinance to revise Chapter 25 of the Municipal Code regulating Wastewater Facilities.

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

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

**7. Public Safety Committee**

**J. OTHER BUSINESS**

**K. ADJOURN**

**Moved by Sitkiewitz, seconded by McMeans, that this meeting be adjourned at 7:17 p.m. The motion carried by the following vote:**

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

**Jennifer Hudon  
City Clerk**