



City of Manitowoc

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

Meeting Minutes Common Council

15-1171
CONSENT

Monday, October 19, 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: 10 - Allan Schema, Patrick Brandel, Dave Soeldner, Jim Brey, Jill Hennessey, Mike Howe, Jason Sladky, Scott McMeans, Christopher Able and Eric Sitkiewitz

C. PLEDGE OF ALLEGIANCE & INVOCATION

D. PRESENTATIONS

15-912 Presentation to various groups of proceeds from Showtime 2015 Event.

E. PUBLIC HEARINGS

15-1074 Public Hearing to be held at 6:40 P.M. for the purpose of hearing all interested parties in the matter of a proposed change in zone from "I-2" Heavy Industrial District to "R-6" Multiple Family District for a 1.1 acre area generally located east of S. 30th Street, north of Dewey Street and south of Division Street to facilitate the development of a multi-tenant employee rooming house.

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 October 5 & 12, 2015. (Proof of publication is on file in the City Clerk's office).

Community Development Director Nic Sparacio gave an overview of the proposed zone change and answered questions. A representative from Lakeside Foods also spoke to the zone change and answered questions. 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

15-1069

ELECTION by Common Council of Manitowoc Public Utilities Commissioner for a term of five (5) years, pursuant to Municipal Code, as the following term will expire: David P. Luckow, term expires September 30, 2015.

Moved by Alderperson Brey to nominate the LPI Candidate, David Luckow, to serve as a member of the Manitowoc Public Utilities Commission, for a five year term ending September 30, 2020 (Place of David Luckow). No other nominations were received and nominations were closed.

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1070

ELECTION by Common Council of Manitowoc Public Utilities Commissioner for the unexpired term ending September 30, 2017, pursuant to Municipal Code, in place of James Morrow who resigned effective 9/30/15.

Moved by Alderperson Brey to nominate the LPI Candidate, Alex Allie, to serve as a member of the Manitowoc Public Utilities Commission, for a unexpired term ending September 30, 2017 (Place of James Morrow). No other nominations were received and nominations were closed.

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1073

Appointment of Mike Huck to Brownfields Advisory Committee for an indefinite term.

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1081

Appointment of Kevin Crawford to the Farmers' Market Ad-Hoc Committee as a downtown rep. for an indefinite term.

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

H. CONSENT AGENDA

1. Removal of Consent Agenda Items: None.

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: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

2. Miscellaneous

- 15-1072 Minutes of Common Council meeting of September 21, 2015 and Special Meeting of October 5, 2015, recommending approval and place on file.
- 15-1088 Minutes of Brownfields Advisory Committee of 12/9/14; Community Development Authority of 7/22/15; Manitowoc Public Utilities Commission of 8/24/15; Municipal Tree Commission of 2/10/15; Plan Commission of 8/26/15; Tax Incremental Financing Joint Review Board of 8/20/15; Wastewater Treatment Facility Board of 6/15/15; recommending acceptance and place on file.
- 15-1068 Communication from Charles E. Clark resigning as member of Manitowoc Public Library Board effective December, 1, 2015.

3. Committee of the Whole (Consent)

- 15-1091 Report of Special Events Committee recommending approval of the following events subject to Council action: Festival Foods Turkey Trot on 11/26/15 (street closures, waiver for dogs in the park & waiver of noise ordinance from 7:00 - 8:00 a.m.).
- 15-1092 Report of Special Events Committee relative to approval of the following events: Lakeshore Natural Resources Partnership Tour and Meeting on 10/15/15 request for waiver of fees; CESA 7 Head Start Family Fall Festival on 9/21/15 request for waiver of fees; Cross Fit Manitowoc The Lakeshore Games on 8/13/16; Roncalli High School Cross Country Invite on 9/10/16; MPSD Junior HS Cross Country Invite on 10/13/15; First Lutheran Church request for use of barricades and waiver of fees for Shanty Town event on 10/17/15, recommending approval.

4. Finance Committee (Consent)

- 15-1071 General City Claims in the amount of \$1,556,739.37 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)

- 15-1079 Report of City Plan Commission relative to Special Permit for a Parking Lot issued to Jonathan and Cheryl Saunders, stating conditions for special permit have been met and the annual review of the project is no longer required, recommending acceptance of report and place on file.

- 15-1082 Quit Claim Deed from Mark Burbey and Tina Rozum for 1823 sf for Goodwin Road purposes, recommending acceptance of deed and place on file.
- 15-1083 Quit Claim Deed from John Lukas for 10,636 sf for Nagle Avenue purposes, recommending acceptance of deed and place on file.
- 15-1084 Report of City Plan Commission of September 23, 2015, relative to Grant of Access and Easements 15-996, 15-997, 15-998, 15-999, 15-1000 and 15-1001, to Central Brown County Water Authority in various locations, recommending that the Mayor and Clerk sign the easement documents, that the Clerk record the documents along with acceptance of the Commission's report and place on file.
- 15-1085 Quit Claim Deed from Estate of Arland Lawrence for 3,698 sf for Hecker Road purposes, recommending acceptance and place on file.

6. Parks and Recreation Committee (Consent)

- 15-876 Forestry Action Plan, including Tree Maintenance and Removal Priority Policy and revised Street Tree Removal Policy, recommending adopting the policy.
- 15-979 Request from Big Brothers Big Sisters of Manitowoc County to provide a "Big Deal" for the Manitowoc Family Aquatic Center or Manitowoc Mini-Golf to their matches recommending providing 25 buy one get one admissions for a single session.
- 15-1023 Recommended location and equipment for Silveridge Park playground, recommending approving option #1.

7. Personnel Committee (Consent)

8. Public Infrastructure Committee (Consent)

- 15-1045 2016-2017 Local Road Improvement Program - Staff recommendation to submit application for funding of East and West Crescent Drive. The Committee recommended apply for funding for 2016-2017 Local Road Improvement Program pending bicycle lane exemption. Accepted for Consent Agenda.
- 15-1075 Progress Invoice from Wisconsin Dept. of Transportation in the amount of \$8,519.51 for Waldo Blvd. 8th St. - Maritime Dr., Project No. 4570-12-00, recommending payment.
- 15-1076 Progress Invoice from Wisconsin Dept. of Transportation in the amount of \$13,271.78 for Waldo Blvd. CTH R - 8th Street, Project No. 1500-37-00, recommending payment.

- 15-1078 Report of Board of Public Works of October 5, 2015 for Reside Restroom Facility at Halverson Park for 1st and Final Payment to ACE Building Services in the amount of \$6,322.00, recommending payment.

9. Public Safety Committee (Consent)

I. STANDING COMMITTEE REPORTS

1. Committee of the Whole

- 15-902 Resolution establishing starting time for public meetings at 5:00 p.m. or later.

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

- 15-965 Ordinance to annex described herein territory from the Town of Manitowoc Rapids to the City of Manitowoc as part of the 9th Aldermanic District and the 26th Ward of the City.

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

- 15-966 Resolution creating Ward Number 26, population 0, for the Hecker #2 Annexation Area (Camomili) and providing the boundary description therein.

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

- 15-970 Report of City Plan Commission relative to Estate of Arland Lawrence petition for direct annexation from the Town of Manitowoc Rapids, 2410 Hecker Road with Commission recommending to approve the annexation petition and place a temporary zoning designation of B-2 Neighborhood Business on the property.

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1025

Report from Fire Chief Todd Blaser and Community Development Director Nicolas Sparacio regarding transferring the oversight of Building Inspection to the Fire Department.

Moved by Sitkiewitz, seconded by McMeans, that this Report be approved to approve the plan with staffing to be determined through the budget process and to authorize staff to move forward with implementation (short term) as outlined on page 11 of the plan with all things coming to Council for final approval as required. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

2. Finance Committee

15-959

Recommend to enter into an Agency Fund Agreement with Lakeshore Community Foundation and the City of Manitowoc for K-9 Preservation Fund

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1056

Recommend to place on file the Tax Incremental District #8 Financial Statements and Independent Auditor's Report

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

3. Licensing, Permits and Inspections Committee

15-1052

Plan Commission Report PC29-2015 Lakeside Foods Inc: Request for a Change in Zoning from I-2 Heavy Industrial to R-6 Multiple Family for property located at 1801 S 30 Street

Moved by Brey, seconded by Howe, that the recommendations contained in this Report be adopted. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1077

Memo from Community Development Director Nic Sparacio with Development Agreement Abatement and Demolition for Lakeshore Town Center attached.

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1080 Report of the Board of Public Works of October 7, 2015, relative to request from Jeff Brayton, Miron Construction, for a sidewalk privilege agreement at Manitowoc Crane to install a 6' x 8' turnstile which would encroach into the ROW of So. 30th Street.

Moved by Brey, seconded by Howe, that this Report be accepted and enter into Sidewalk Privilege Agreement. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1086 Request by Peter Allie, agent for 924 York Street LLC, for the approval of a demolition/razing permit application for the structures, in excess of 100,000 cubic feet, located at 924 York Street.

Moved by Brey, seconded by Howe, that this Request be accepted with recommendations adopted and accepting Letter of Credit as alternative method, and place on file. The motion carried by the following vote:

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

Abstain: 1 - Able

15-1097 Ordinance amending the amended zone map of the City for an area generally located east of So. 30th Street, south of Division Street, and north of Dewey street to be changed from "I-2" Heavy Industrial District to "R-6" Multiple Family District.

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1098 Report of Licensing, Permits and Inspections committee with the following license for granting: No. AMC-1508, "Class A" Cider license of Country Visions Cooperative, Steven Zutz, Agent, 311 N. Rapids Rd.

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1100 Ordinance amending Section 3.050 of the Municipal Code establishing members of the Plan Commission.

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

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

Abstain: 1 - Able

4. Parks and Recreation Committee**5. Personnel Committee**

15-850 Resolution to allow the Human Resources Director and hiring Department Head the ability to offer accelerated PTO schedule or up to 24 hours of additional PTO to candidates for open positions within the City of Manitowoc.

Moved by Hennessey, seconded by McMeans, that this Resolution be adopted granting the HR Director and Department Head flexibility to the PTO schedule in the Employee Policy Manual by allowing an additional 24 hours, one time, or an accelerated PTO schedule for new hires to attract them to the City. The motion carried by the following vote:

Aye: 7 - Schema, Brandel, Hennessey, Howe, Sladky, McMeans and Sitkiewitz

Nay: 3 - Soeldner, Brey and Able

15-1026 Resolution to approve the hiring of Firefighters to fill vacant positions, up to the 2015 budgeted amount, all in accordance with the collective bargaining agreement with the IAFF Local 368.

Moved by Hennessey, seconded by Able, that this Resolution be adopted to fill five firefighter vacancies. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1029 Resolution to Approve and Implement a Social Media Policy for City employees, separate from the Employee Policy Manual.

Moved by Soeldner, seconded by Sladky, that this Resolution be amended to remove the words "elected officials" from the Resolution and Social Media Policy. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1037 Resolution to fill vacant Bridgetender position in the Public Infrastructure Department due to a retirement, and to approve the revised job description.

Moved by Hennessey, seconded by Able, that this Resolution be adopted approving the revised job description and filling the bridgetender vacancy. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1041

Resolution to fill vacant Wastewater Treatment Facility Operator position due to resignation.

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

6. Public Infrastructure Committee

15-660

Joint Driveway Easement Agreement with Tower Tavern Real Estate LLC for egress to North Water Street.

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

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1044

Public Works Petition for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on Hecker Road, as described therein, and shown on the attached map (Parcel #010-035-012-008.00).

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

Aye: 10 - Schema, Brandel, Soeldner, 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 7:46 p.m. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

**Jennifer Hudon
City Clerk**