

**COMMON COUNCIL  
OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, June 4, 2012

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, June 4, 2012. Said meeting was duly called, noticed, held and conducted in the manner required by the Common Council and the pertinent Wisconsin Statutes.

Mayor Justin M. Nickels called the meeting to order at 7:00 p.m. and on roll call the following members were present: Alderpersons Eric J. Sitkiewitz, Scott McMeans, Collin Braunel, Tyler Martell, Jim Brey, Dave Soeldner, Christopher Able, Jill Hennessey and Jason Sladky.

Absent: Alderperson Allan Schema.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of May 21, 2012, were approved as distributed by the City Clerk.

City Clerk announced that the various documents have been referred to the appropriate committees as shown on the June 4, 2012 Common Council agenda.

Presentation by Dick Weber and Jean Wakefield, Habitat for Humanity.

Mayor Nickels offered proclamation declaring June 11, 2012, a Day of No Kill in Manitowoc, WI.

Garth Neustadter thanked the Council and the City for their support.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of a proposed change to the Official Map to remove certain areas of Clay Pit Road located north of Riverview Drive, east of Union Place, and south of the Manitowoc River.

City Planner David Less gave an overview of the Official Map Change and corresponding proposed Street Vacation.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on May 14, 21 and 28, 2012. (Proof of publication is on file in the City Clerk's office.)

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).

Resolution (12-358) authorizing the purchase of excess liability insurance for volunteers for DPW, Parks and Cemetery projects, was referred to Finance Committee.

Resolution (12-350) relative to rate of pay for adult crossing guards, was referred to Public Property and Safety Committee.

Resolution (12-360) setting the minimum fee in lieu of on-site stormwater management for the Panda Express development in Harbor Town, was referred to Streets and Sanitation Committee.

Resolution (12-359) approving the hiring of volunteers for DPW, Parks and Cemetery projects, was referred to Personnel Committee.

Public Property and Safety Committee returned communication (12-309) from Police Chief Oscar Dick relative to expanding Municipal Court jurisdiction for thefts and related fines, recommending placing on file. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned communication (12-310) from Municipal Court Judge Steve Olson relative to expanding Municipal Court jurisdiction for thefts and related bond amounts, recommending placing on file. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned request (12-225) from Alderperson Schema on behalf of Joe Bauknecht to purchase City owned parking lot on Buffalo Street, recommending placing on file. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned request (12-219) from Andrew Swetlik to reduce invoice for large spill on February 16, 2012 from \$500 to \$250, recommending denial of the request. Motion by Brey, second by McMeans, and carried by acclamation to accept the Committee's report. Ayes, 5. Nays, 4.

Mayor submitted the following appointments and requested Council confirmation:

|   |                           |
|---|---------------------------|
| <u>Community Development Authority</u>    | <u>Term</u>               |
| Alderperson Jill Hennessey (Pl. A. Olson) | 1 yr. term ending 4/15/13 |

|  |                           |
|--|---------------------------|
| <u>Board of Public Works</u>               | <u>Term</u>               |
| Alderperson Jason Sladky (Pl. D. Soeldner) | 1 yr. term ending 4/15/13 |

Motion by Sladky, second by Soeldner, and unanimously carried to confirm the Mayor's appointments. Ayes, 9. Nays, none.

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.

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.

Call back to order.

During recess, Public Property and Safety Committee held a discussion relative to resolution (12-350) relative to rate of pay for adult crossing guards. Motion by McMeans, second by Sitkiewitz and carried to amend the first paragraph to \$25.00 per day and \$10.00 per hour for other special events. Ayes, 3. Nays, 2.

Committee of the Whole returned amendment (12-347) to Council Rules, recommending adoption of new Council Rules. Moved by Sladky, second by Soeldner to set aside the rules. Ayes, 9. Nays, none. Motion by Sladky, second by Soeldner, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 1.

Finance Committee returned Fifth Amendment (12-357) to Tax Incremental Financing Performance Agreement between City, Dewey Properties LLC and Dewey Too, LLC, recommending entering into the agreement. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned communication (12-345) from Chair Jason Sladky, relative to funding of the recreation building through this year and for a five-year commitment. recommending funding remainder of 2012 from General Fund and support building for 5 years. Motion by Sladky, second by Soeldner, to accept the Committee's report.

Moved by McMeans, second by Braunel to amend the recommendation providing for a 5 year commitment providing operations are break even yearly. Discussion followed. Ayes, 3. Nays, 6. Motion to amend failed.

Moved by Braunel, second by Sitkiewitz to amend the recommendation to fund for the rest of the year and strike the commitment. Discussion followed. Ayes, 4. Nays, 5. Motion to amend failed.

Vote on original Committee recommendation: Ayes, 7. Nays, 2. Motion carried.

Parks and Recreation Committee returned request for Proposal (12-354) for roller skating business for City of Manitowoc Armory Building, recommending approval of document and issuing RFP if Council approves commitment to building. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned special events request (12-341) from The Crossing to show a movie using the Metro Stage at Washington Park on August 10 & 11, 2012, and waive the fee for same, recommending granting request for use and waiver. Motion by Sladky, second by Soeldner, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, none. Abstained, 1.

Parks and Recreation Committee returned resolution (12-358) authorizing the purchase of excess liability insurance for volunteers for DPW, Parks and Cemetery projects, recommending adoption of the resolution as modified. Motion by Sladky, second by Soeldner, to accept the Committee's report.

Motion by Able, second by McMeans, to amend the resolution to return the original language (Department of Public Works) and that it shall be funded out of the department's budget. Ayes, 5. Nays, 4. Motion to amend carried.

Vote on the original resolution, as amended: Ayes, 8. Nays, 1. Resolution adopted, as amended.

Parks and Recreation Committee returned request (12-340) from Party Pizzazz to sell novelties at the 4th of July picnic and fireworks, recommending granting request per City policy. Motion by Sladky, second by Soeldner, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, none. Abstained, 1.

Parks and Recreation Committee returned resolution (12-359) approving the hiring of volunteers for DPW, Parks and Cemetery projects, recommending adoption of resolution, as modified. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property & Safety Committee returned resolution (12-350) relative to rate of pay for adult crossing guards, as amended during recess, recommending adoption of the resolution, as amended. Motion by McMeans, second by Sitkiewitz, and unanimously carried to accept the Committee's report. Moved by McMeans, second by Sladky, and carried to amend the resolution from \$25.00 per day to \$22.50 per school day. Ayes, 7. Nays, 2. Up on a vote, the Committee's recommendation to adopt the resolution, as amended, was accepted by acclamation. Ayes, 7. Nays, 2.

Public Property and Safety Committee returned memorandum of understanding (12-349) for mutual aid and fire suppression services, recommending approval of agreement. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned special events request (12-339) from Cellcom to have no parking on the north side of Harbor Town Lane for their event on June 11 & 12, 2012, recommending approval of the request according to City policy. Motion by Brey, second by McMeans, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, none. Abstained, 1.

Public Property and Safety Committee returned communication (12-332) from MPO Ben Kraynek relative to building a new training structure at 3820 Dewey Street, recommending referral to Plan Commission. Motion by Brey, second by McMeans, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 1.

Public Property and Safety Committee returned ambulance service agreement (12-343) between Roncalli High School and Manitowoc Fire Department for the period August 24, 2012 through December 31, 2012, recommending adoption of the agreement. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned communication (12-353) from Alderperson Brey expressing concerns of Chad Neuser relative to traffic and its possible effect on pedestrians in the vicinity of the YMCA, recommending referral to Safety, Traffic & Parking Commission. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned communication (12-337) from Mona Moen expressing concerns regarding citizens' safety on the corner of N. 21st and Rankin Streets, recommending referral to Safety, Traffic & Parking Commission. Motion by Brey, second by McMeans, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 1.

Public Utilities and Licensing Committee returned special events request (12-344) from Replay, Inc. to extend their liquor license premise on June 16, 2012, as detailed therein, recommending granting the special events request. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing & Public Property and Safety Committees returned request (12-330) from Tom Peterson, Time Out Sports Bar for extension of noise ordinance to 12:00 midnight and extension of liquor license premise on June 30, 2012 for private wedding, jointly recommending granting the request. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned transportation services agreement (12-331) between Manitowoc County and City of Manitowoc to provide special transportation services for elderly and disabled residents of rural areas in Manitowoc County under the Manitowoc Elderly and Disabled Transportation Services Program, recommending entering into the agreement. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned resolution (12-360) setting the minimum fee in lieu of on-site stormwater management for the Panda Express development in Harbor Town, recommending adoption of the resolution. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned special events request (12-329) from St. Francis of Assisi Parish to close N. 14th St. from Waldo to Menasha on August 10 & 11, 2012 for their fish boil/jazz mass along with no parking on portions of Menasha Avenue, recommending approval of request subject to City policy. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (12-346) of the Board of Public Works on bids received for 2012 Epoxy Painting-Pavement Marking Program, WS-12-9, recommending awarding to low bidder, Guide Lines Pavement Marking, LLC in the amount of \$41,196.75. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (12-351) of Board of Public Works of May 30, 2012, recommending 3rd and final payment to Green Bay Pipe & TV in the amount of \$796.20 for 2012 Televising Miscellaneous Sewers I, WS-12-5, recommending payment. Motion by Soeldner, second by Brey, and unanimously

carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (12-352) of Board of Public Works of May 30, 2012, recommending to amend 3rd and final payment to Scenic Landscape Company in the amount of \$3,129.91 for 2011 Lincoln Park Zoo Remove and Replace Donor Bricks, QS-11-7, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned communication (12-355) from Felician Village for a conditional use permit to open Solutions resale shop at 1920 Grand Avenue, recommending referral to Plan Commission. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned #52A for 2011-12 "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage license; #58-60 for 2012-13 "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage license; #1-2 for 2012-13 "Class C" Retail Wine license; #30 for 2012 Temporary Class "B" license; #2-3 for 2012-13 One Year Operator's license; #52, 58-96 for 2012-14 Two Year Operator's license; granting the various licenses, as shown on the committee's report. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing Committee returned application #384 for 2011-13 Two Year Operator's license, recommending denial of the license based upon the recommendations from the Chief of Police or designee. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned General City Claims (12-356) in the amount of \$561,884.19 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. Motion by Sladky, second by Able, report accepted. Ayes, 9. Nays, none.

Common Council adjourned at 9:43 p.m. Ayes, 9. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk