

**COMMON COUNCIL**  
**OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, July 16, 2012

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, July 16, 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, Allan Schema, Christopher Able, Jill Hennessey and Jason Sladky.

Absent: None.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of July 2, 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 July 16, 2012 Common Council agenda.

Resolution (12-458) adopting the amended project plan of Tax Incremental Financing District No. 8, was referred to Finance Committee.

Resolution (12-459) adopting the amended project plan of Tax Incremental Financing District No. 11, was referred to Finance Committee.

Resolution (12-460) adopting the amended project plan of Tax Incremental Financing District No. 12, was referred to Finance Committee.

Resolution (12-461) adopting the amended project plan of Tax Incremental Financing District No. 10, was referred to Finance Committee.

Resolution (12-462) adopting the amended project plan of Tax Incremental Financing District No. 13, was referred to Finance Committee.

Resolution (12-463) adopting the amended project plan of Tax Incremental Financing District No. 15, was referred to Finance Committee.

Resolution (12-464) adopting the amended project plan of Tax Incremental Financing District No. 17, was referred to Finance Committee.

Resolution (12-426) authorizing that the Adult Crossing Guard rate of pay be adjusted to \$10.00 per hour for actual time worked, as detailed therein, was referred to Public Property and Safety Committee.

Resolution (12-450) authorizing the hiring of a part-time Transit Driver to provide coverage in the Department of Public Works Transit Division at the rate specified in the Transit Teamsters Collective Bargaining Agreement, was referred to Personnel Committee.

Resolution (12-451) authorizing to hire a full-time Evidence Room Clerk position in the Police Department at an hourly rate of \$21.35, was referred to Personnel Committee.

Resolution (12-452) updating the Employee Policy Manual to include Battalion Chiefs working 24 hour shifts, was referred to Personnel Committee.

Mayor submitted the following appointment and requested Council confirmation:

Police & Fire Commission  
Mary Schilder  
Pl. Bill Hennessey

Term  
5 yr. term ending 4/30/17

Motion by Sladky, second by Able, and unanimously carried to confirm the Mayor's appointment. Ayes, 9.  
Nays, none. Abstained, 1.

Ordinance (12-437) to amend Section 10.390 of the Municipal Code regulating prohibited parking on So. 8th Street, was referred to Public Property and Safety Committee.

Ordinance (12-438) to amend Section 14.600(5) of the Municipal Code establishing the maximum dollar value of a retail theft permitted to be prosecuted in Municipal Court, was referred to Public Property and Safety Committee.

Ordinance (12-439) to amend the Deposit Schedule for the Municipal Code, Section 14.600 Retail Theft, was referred to Public Property and Safety Committee.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of the following:

Text Amendment No. 1 to TIF District No. 10 to amend the project plan to designate said district as a "donor" district for proposed "recipient" TIF districts No. 8, 11 and 12.

Text Amendment No. 1 to TIF District No. 13 to amend the project plan to designate said district as a "donor" district for proposed "recipient" TIF districts No. 8, 11 and 12.

Text Amendment No. 2 to TIF District No. 15 to amend the project plan to designate said district as a "donor" district for proposed "recipient" TIF districts No. 8, 11 and 12.

Text Amendment No. 1 to TIF District No. 17 to amend the project plan to designate said district as a "donor" district for proposed "recipient" TIF districts No. 8, 11 and 12.

Designation of TIF District No. 8 as "distressed" to allow the extension of said district's maximum life by up to 10 years beyond the original termination date (until 2030) in order to repay its obligations.

Designation of TIF District No. 11 as "distressed" to allow the extension of said district's maximum life by up to 10 years beyond the original termination date (until 2029) in order to repay its obligations.

Designation of TIF District No. 12 as "distressed" to allow the extension of said district's maximum life by up to 10 years beyond the original termination date (until 2031) in order to repay its obligations.

Notice of the hearing was published in the Herald-Times-Reporter on July 2 and July 9, 2012. (Proof of publication is on file in the City Clerk's office).

City Planner David Less gave an overview of the TIF designations.

County Executive Bob Ziegelbauer appeared to address the Council in opposition of the TIF designations.

Presentation by Mayor Nickels relative to the City of Manitowoc's room tax.

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.

Council President Jason Sladky announced that notice is hereby given that the Common Council Committee

of the Whole will adjourn to the First Floor Hearing Room - East for a closed session during the recess of the meeting as authorized by Section 19.85(1)(g) of Wisconsin Statutes, which authorizes the governmental body to convene in closed session for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The specific subject matter which will be considered in the closed session is the following: Discussion and update relative to Case No. 11-CV-366, Tara Novak v. City of Manitowoc on the action as well as possible settlement consideration.

Notice is also hereby given that the Common Council Committee of the Whole will adjourn to the First Floor Hearing Room - East for a closed session during the recess of the meeting as authorized by Section 19.85(1)(e) of Wisconsin Statutes, which authorizes the governmental body to convene in closed session for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified business, whenever competitive or bargaining reasons require a closed session. The specific subject matter which will be considered in the closed session is the following: Discussion, negotiation, strategies and possible action regarding the submitted proposals for Temporary Legal Services for Municipal Ordinance prosecutions.

It was moved by Brey, second by Able and unanimously carried upon roll call to convene in closed session. Ayes, 11. Nays, none.

Committee of the Whole deliberated in closed session.

It was moved by Nickels, second by Able, and unanimously carried upon roll call to reconvene in open session. Ayes, 11. Nays, none.

During recess, Public Utilities and Licensing Committee held a discussion relative to resolution (12-450) authorizing the hiring of a part-time Transit Driver to provide coverage in the Department of Public Works Transit Division at the rate specified in the Transit Teamsters Collective Bargaining Agreement. Moved by Sladky, second by Hennessey, and unanimously carried to approve the hiring. Ayes, 5. Nays, none.

During recess, Parks and Recreation Committee held a discussion relative to special events request (12-442) from Kennys Athletic Klub to hold their annual softball tournament at Citizen Park on July 27 - 29, 2012 with rain dates of August 3 or 4. Moved by Soeldner, second by Braunel, and unanimously carried to recommend charging the event the same as last year. Ayes, 5. Nays, none.

During recess, Finance Director Steve Corbeille and Mayor Nickels gave a joint presentation on TIF Districts. Call back to order.

Finance Committee returned notice of claim and claim (12-261) of April 18, 2012, from Kevin Schroeder, Claim No. 12-1084, recommending denial of the claim and placing on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance and Public Property and Safety Committees returned report (12-449) of City Planner David Less relative to various tax deeded properties and possible purchase of property at 1104 N. 8th St., jointly recommending acceptance of report and adoption of the recommendations. Motion by McMeans, second by Able, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 2.

Finance Committee returned report (12-457) of City Plan Commission relative to public hearing pursuant to Wis. Stat. Section 66.1105(4)(h)1 and (4e)(a)3 on proposed 2012 tax incremental financing (TIF) district activities, recommending adoption of the report and placing on file. Motion by McMeans, second by Able, and carried by

acclamation to accept the Committee's report. Ayes, 6. Nays, 4.

Finance Committee returned resolution (12-458) adopting the amended project plan of Tax Incremental Financing District No. 8 (distress), recommending adoption of the resolution. Motion by McMeans, second by Able, and carried by acclamation to accept the Committee's report. Ayes, 6. Nays, 4.

Finance Committee returned resolution (12-459) adopting the amended project plan of Tax Incremental Financing District No. 11 (distress), recommending adoption of the resolution. Motion by McMeans, second by Able, and carried by acclamation to accept the Committee's report. Ayes, 6. Nays, 4.

Finance Committee returned resolution (12-460) adopting the amended project plan of Tax Incremental Financing District No. 12 (distress), recommending adoption of the resolution. Motion by McMeans, second by Able, and carried by acclamation to accept the Committee's report. Ayes, 6. Nays, 4.

Finance Committee returned resolution (12-461) adopting the amended project plan of Tax Incremental Financing District No. 10, recommending adoption of the resolution. Motion by McMeans, second by Able, and carried by acclamation to accept the Committee's report. Ayes, 6. Nays, 4.

Finance Committee returned resolution (12-462) adopting the amended project plan of Tax Incremental Financing District No. 13, recommending adoption of the resolution. Motion by McMeans, second by Able, and carried by acclamation to accept the Committee's report. Ayes, 6. Nays, 4.

Finance Committee returned resolution (12-463) adopting the amended project plan of Tax Incremental Financing District No. 15, recommending adoption of the resolution. Motion by McMeans, second by Able, and carried by acclamation to accept the Committee's report. Ayes, 6. Nays, 4.

Finance Committee returned resolution (12-464) adopting the amended project plan of Tax Incremental Financing District No. 17, recommending adoption of the resolution. Motion by McMeans, second by Able, and carried by acclamation to accept the Committee's report. Ayes, 6. Nays, 4.

Parks and Recreation Committee returned request (12-221) from Autism Society to waive fees for use of City equipment for their event to be held on May 19, 2012 at the Lincoln Park Zoo and also to place temporary signage for the event at the two Lincoln Park signs at N. 8th and Waldo, recommending granting request per City policy. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned communication (12-427) from Mainly Manitowoc on behalf of the friends of Jerry Dick requesting permission to place a tree in Jerry's honor at a downtown location, recommending granting request and authorize Park's staff to work out details with Mainly Manitowoc. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned vendor agreements (12-431), from Manitowoc County Dairy Promotion Committee for 7/15/12 with request for waiver of fee attached; (12-432) from Late's for 7/4/12; and (12-433) from Party Pizzazz for 7/4/12, recommending granting requests. Motion by Sladky, second by Soeldner, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, none. Abstained, 1.

Parks and Recreation Committee returned amendment (12-435) to Special Events Request from Manitowoc Sunrise Rotary for use of streets, sidewalks and Lincoln Park for 5K run on October 20, 2012, instead of October 13, 2012, recommending granting request per availability. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (12-442) from Kennys Athletic Klub to hold

their annual softball tournament at Citizen Park on July 27 - 29, 2012 with rain dates of August 3 or 4, recommending approval of request with same fee as 2011. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (12-445) from New Beginnings Community Church to hold block party at Union Park on July 21, 2012 from 12:00 p.m. to 4:00 p.m., recommending granting per City policy. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned request (12-297) from Dale and Wendy Schroeder, to have signage installed at 30th and Lindbergh and 29th and Coolidge, recommending placing on file. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned resolution (12-426) authorizing that the Adult Crossing Guard rate of pay be adjusted to \$10.00 per hour for actual time worked, as detailed therein, recommending adoption of the resolution. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned special events request (12-428) from Wagner's RV Center Inc. for waiver of the noise ordinance for Campfest Customer Appreciation Campout at the County Expo, September 7 - 9, 2012, recommending extension of the noise ordinance for this event. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned ordinance (12-437) to amend Section 10.390 of the Municipal Code regulating prohibited parking on So. 8th Street, recommending adoption of the ordinance. Motion by Brey, second by McMeans, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 10. Nays, none. Motion by Brey, second by McMeans, report accepted and ordinance adopted. Ayes, 10. Nays, none.

Public Property and Safety Committee returned ordinance (12-438) to amend Section 14.600(5) of the Municipal Code establishing the maximum dollar value of a retail theft permitted to be prosecuted in Municipal Court, recommending entering into the agreement. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned capital assistance contract (12-454) Section 5311 with State of Wisconsin Dept. of Transportation for 2012 to administer the Federal Small Urban and Rural Public Transportation Program (Nonurbanized Area), recommending entering into the contract. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned small urban operating assistance contract (12-455) with State of Wisconsin Dept. of Transportation for 2012 to administer the Federal Small Urban and Rural Public Transportation Program, recommending entering into agreement. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned urban mass transit operating assistance contract (12-456) with State of Wisconsin Dept. of Transportation for 2012, recommending entering into the contract. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned declaration of dedication (12-440) of property for Clay Pit Road purposes, recommending referral to Plan Commission. Motion by Soeldner, second by Brey, and unanimously

carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned revised report (12-443) of the Board of Public Works of November 30, 2011, recommending 13th and final payment to McMahon in the amount of \$258.00 for So. 30th St. Pond Vegetation, recommending acceptance and place on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned report (12 453) of City Plan Commission authorizing issuance of special permit for the construction of a fixed animated sign at Auto Dynamics of Manitowoc property at 1227 Washington St., as detailed therein, recommending acceptance of report and place on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned communication (12-422) from Building Inspector Rick Schwartz for permission to use volunteer, recommending approvals of volunteer assistance and place on file. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned seasonal employment policy (12-436) revised 7/16/12, recommending approval of amended policy. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned resolution (12-450) authorizing the hiring of a part-time Transit Driver to provide coverage in the Department of Public Works Transit Division at the rate specified in the Transit Teamsters Collective Bargaining Agreement, recommending adoption of the resolution. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned resolution (12-451) authorizing to hire a full-time Evidence Room Clerk position in the Police Department at an hourly rate of \$21.35, recommending adoption of the ordinance. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned #23-25 for 2012-13 One Year Operator's license; #227-254 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, 10. Nays, none.

Committee of the Whole returned General City Claims (12-446) in the amount of \$986,019.47 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, 10. Nays, none.

Mayor Nickels thanked City Attorney Juliana Ruenzel for her 13+ years of service with the City of Manitowoc.

Moved by Sladky, second by Able, and unanimously carried, Common Council adjourned at 9:33 p.m. to July 30<sup>th</sup>. Ayes, 10. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk