

**COMMON COUNCIL
OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk
Monday, December 17, 2012

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, December 17, 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.

A moment of silence for the victims in Newtown, Connecticut.

Minutes of the regular session of December 3, 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 December 17, 2012 Common Council agenda.

Clerk swears in new Police Officer Matthew W. Eberhardt.

Resolution (12-731) regarding health care benefits for Public Safety personnel, was referred to Committee of the Whole.

Resolution (12-729) authorizing the purchase of excess liability insurance for volunteers for DPW, Parks and Cemetery projects, was referred to Finance Committee.

Resolution (12-697) to amend the charges for transportation and care by the Fire Department Rescue Ambulance effective January 1, 2013, was referred to Public Property and Safety Committee.

Resolution (12-710) amending the established fee schedule to clarify the fee structure related to the issuance of bonds by the City or Community Development Authority, was referred to Streets and Sanitation Committee.

Resolution (12-725) that seal coating be placed on the streets listed therein in 2013, and assessments be made against the abutting property owners, per foot, per side, was referred to Streets and Sanitation Committee.

Resolution (12-726) that dust palliatives be placed on the streets listed therein in 2013, and assessments be made against the abutting property owners for the cost on a front foot basis, was referred to Streets and Sanitation Committee.

Resolution (12-724) authorizing the 2013 City-wide sidewalk construction and repair program, providing for the appropriate notices to be sent, and special assessments to be levied, as detailed therein, was referred to Streets and Sanitation Committee.

Resolution (12-732) that certain infrastructure improvements be included in the 2013 Public Works Program, as detailed therein, and assessments be made against the abutting property, per foot, per side, was referred to Streets and Sanitation Committee.

Resolution (12-733) authorizing the vacant position of Director of Public Works/City Engineer/Parks & Recreation be filled and the position title be changed to Director of Public Infrastructure, as shown on the attached revised position description and structural reorganization of the department, was referred to Personnel Committee.

Resolution (12-727) appointing Greg Minikel as the Interim Director of Public Infrastructure, at an hourly rate of \$38.94, was referred to Personnel Committee.

Resolution (12-723) to advertise and hire a part time transit driver, was referred to Personnel Committee.

Resolution (12-728) approving the hiring of volunteers for DPW, Parks and Cemetery projects, was referred to Personnel Committee.

Resolution (12-730) to accept the COPS grant and hire up to three sworn police officers, was referred to Personnel Committee.

Ordinance (12-706) to repeal Section 3.130 of the Manitowoc Municipal Code relative to Safety, Traffic & Parking Commission, was referred to Public Property and Safety Committee.

Ordinance (12-705) to amend Section 25.050(8) of the Municipal Code to adjust rates for sewer service charges effective January 1, 2013, was referred to Streets and Sanitation Committee.

Ordinance (12-711) to amend Section 22.010 of the Municipal Code entitled "Official Map - Master Subdivision Plans" for an area north of Viebahn Street and west of S. 42nd Street, was referred to Streets and Sanitation Committee.

Ordinance (12-712) to amend Section 15.050 of the Municipal Code to amend the amended zone map for an area located west of S. 42nd Street, north of Viebahn Street and east of an existing drainage way to be changed from "I-1" Light Industrial District to "B-2" Neighborhood Business District, was referred to Streets and Sanitation Committee.

Ordinance (12-713) to amend Section 15.050 of the Municipal Code to amend the amended zone map for an area located north of Cleveland Avenue, east of Maritime Drive, and southeast of Hawthorne Terrace to be changed from "R-5" Low Density Multiple Family to "B-1" Office - Residential District, was referred to Streets and Sanitation Committee.

Ordinance (12-734) amending Section 3.070 of the Municipal Code establishing members of the Board of Public Works, was referred to Streets and Sanitation Committee.

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.

During recess, Finance Committee held a discussion relative to resolution (12-729) authorizing the purchase of excess liability insurance for volunteers for DPW, Parks and Cemetery projects. Motion by Able, second by Braunel, and unanimously carried to amend the resolution to remove the last two words "for 2013." Ayes, 5. Nays, none.

Call back to order.

Committee of the Whole returned resolution (12-731) regarding health care benefits for Public Safety personnel, without a recommendation. Moved by Soeldner, second by Sitkiewitz to approve the resolution.

Moved by Soeldner, second by Sladky, to amend the resolution to change the effective date to July 1, 2013. Ayes, 6. Nays, 4. Motion carried.

Vote on original motion, as amended: Ayes, 6. Nays, 4. Resolution was adopted as amended.

Committee of the Whole returned memorandum of understanding (12-690) with Holy Family Memorial, recommending placing on file. Moved by Sladky, second by Sitkiewitz and carried by acclamation. Ayes, 8. Nays, 1. Abstained, 1. Alderperson McMeans abstaining.

Moved by Brey and seconded to rescind Council's action on document (12-690). Ayes, 8. Nays, 1. Abstained, 1. Alderperson McMeans abstaining.

Moved by Able, second by Hennessey, and carried by acclamation to amend document (12-690) memorandum of understanding with Holy Family Memorial to incorporate the third paragraph of the substitute MOU document attached. Ayes, 8. Nays, 1. Abstained, 1. Alderperson McMeans abstained.

Moved by Alderperson Hennessey to table document (12-690). Motion failed for lack of a second.

Motion by Sladky, second by Braunel, and carried by acclamation, to reject the memorandum of understanding. Ayes, 5. Nays, 4. Abstained, 1. Alderperson McMeans abstaining. Motion carried.

Finance Committee returned report (12-700) of Finance Committee recommending personal property taxes to be rescinded due to palpable errors per communications from City Assessor (attached), recommending rescinding various personal property taxes due to personal property palpable errors as reported by the City Assessor. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned report (12-708) of City Planner David Less relative to Amendments to Commercial Revolving Loan Program Manual and Industrial Revolving Loan Program Manual, recommending acceptance of the report and adoption of recommendations. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned resolution (12-729) authorizing the purchase of excess liability insurance for volunteers for DPW, Parks and Cemetery projects, recommending adoption of the

resolution, as amended. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned communication (10-285) from Manitowoc Yacht Club requesting extension of their occupancy of the real property commonly known as the Manitowoc Yacht Club, 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 amendment no. 1 (12-696) to Manitowoc Yacht Club Lease, recommending approval of the amendment and to place on file. Motion by Brey, second by McMeans, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, none. Abstained, 1. Alderperson Sitkiewitz abstaining.

Public Property and Safety Committee returned resolution (12-697) to amend the charges for transportation and care by the Fire Department Rescue Ambulance effective January 1, 2013, 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 report (12-698) of Jim Brey, Chair, Public Property and Safety Committee, recommending that Council accept the COPS grant. Committee recommends accepting the grant and to place 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 revision (12-709) to Crime Prevention Committee Constitution and By-Laws, recommending adoption of the amended Constitution for the Manitowoc Crime Prevention Committee. 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 communication (12-638) from Jeff Beyer, Director of Public Works, Manitowoc County, notifying City of tax deed properties, and report (12-718) of City Plan Commission recommending placing document on file with no further action to be taken. Committee recommends placing report (12-718) on file and placing communication (12-638) on file. 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 vehicle lease (12-703) with Assist-To-Transport, LLC to provide paratransit service for one year ending December 31, 2013, recommending entering into the Vehicle Lease. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned communication (12-335) from Doneff Companies relative to streetscape improvements and changes to Jay Street between 8th and 9th recommending placing 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 stormwater management facility maintenance

agreement (12-702) between City and David A. Schultz and Lori A. Schultz d/b/a Dave's Auto, 2329 N. Rapids Road, recommending entering into agreement. 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 (12-707) of the Board of Public Works of December 12, 2012, recommending 2nd and final payment to Vinton Construction Company in the amount of \$13,108.88 for 2012 Riverwalk Trail & Museum Commons, WO-12-15, recommending payment. 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 (12-714) of City Plan Commission relative to issuance of the October, 2012, Conditional Use Permit to Amvets Post #99, Inc. for construction of a new clubhouse relative to missing ownership deed and deed restriction, recommending acceptance of report and adoption of recommendations. 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 (12-715) of City Plan Commission relative to annual compliance review of Conditional Use Permit of Great Lakes Energy Technologies/Orion Energy Systems for construction and erection of a 115' tall monopole wind turbine, 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.

Streets and Sanitation Committee returned report (12-716) of City Plan Commission recommending extension of the Special Permit project completion date to November 15, 2013, for establishment of a parking lot in a residential district by Jonathan and Cheryl Saunders, 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.

Streets and Sanitation Committee returned report (12-717) of City Plan Commission relative to modification to fee schedule for various Planning Department and Building Inspection services, 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.

Streets and Sanitation Committee returned communication (12-603) from TLC Homes for an exception to the 2500' rule for CBRF's at 703-705 E. Cedar Avenue, and report (12-719) of City Plan Commission recommending Council grant the exception to the 2500' spacing requirement, as detailed therein. Committee recommends acceptance of report (12-719) and place on file and place communication (12-603) 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 application (12-641) for zone change from R-5 Low Density Multiple Family District to B-1 Office Residential District for property at 118 Cleveland Avenue, and report (12-720) recommending Clerk to call for public hearing and then refer back to Plan Commission.

Committee recommends acceptance of report (12-720), place on file, with Clerk to call for public hearing and place application (12-641) on file. Motion by Soeldner, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 1.

Streets and Sanitation Committee returned request (12-633) from S.M.I. as representatives of Peter and Alex Allie for a change in zone from I-1 to B-2 for an area north of Viebahn Street and west of So. 42nd Street, and report (12-721) of City Plan Commission recommending Clerk to call for public hearing and approval of rezoning upon completion of public hearing. Committee recommends acceptance of report (12-721), place on file, with Clerk to call for public hearing and place request (12-633) 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 request (12-632) from S.M.I. as representatives of Peter and Alex Allie to change the Official Map eliminating So. 44th Street from the existing end of the street near the Manitowoc Company office to So. 42nd Street, and report (12-722) of City Plan Commission recommending Clerk to call for public hearing, as detailed therein. Committee recommends acceptance of report (12-722) and adoption of recommendations, with Clerk to call for public hearing as detailed in the report and place request (12-632) on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned resolution (12-723) to advertise and hire a part time transit driver, recommending approval 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 (12-727) appointing Greg Minikel as the Interim Director of Public Infrastructure, at an hourly rate of \$38.94, recommending approval 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 (12-728) approving the hiring of volunteers for DPW, Parks and Cemetery projects, recommending approval 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 (12-730) to accept the COPS grant and hire up to three sworn police officers, recommending approval 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 (12-733) authorizing the vacant position of Director of Public Works/City Engineer/Parks & Recreation be filled and the position title be changed to Director of Public Infrastructure, as shown on the attached revised position description and structural reorganization of the department, recommending approval of the resolution.

Moved by Brey, second by Sladky, to amend the attached organizational chart to add a second Operations Assistant under the Operations Team Leader and to name Randy Junk to that position. Ayes,

9. Nays, 1. Amendment passed.

Vote on resolution, as amended: Ayes, 9. Nays, 1. Resolution is adopted, as amended.

Streets and Sanitation Committee returned ordinance (12-705) to amend Section 25.050(8) of the Municipal Code to adjust rates for sewer service charges effective January 1, 2013, recommending adoption of the ordinance. Motion by Soeldner, second by Brey, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 10. Nays, none. Motion by Soeldner, second by Brey, report accepted and ordinance adopted. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned resolution (12-710) amending the established fee schedule to clarify the fee structure related to the issuance of bonds by the City or Community Development Authority, recommending adoption of the resolution. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned resolution (12-724) authorizing the 2013 City-wide sidewalk construction and repair program, providing for the appropriate notices to be sent, and special assessments to be levied, as detailed therein, recommending adoption of the resolution. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned resolution (12-725) that seal coating be placed on the streets listed therein in 2013, and assessments be made against the abutting property owners, per foot, per side, recommending adoption of the resolution. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned resolution (12-726) that dust palliatives be placed on the streets listed therein in 2013, and assessments be made against the abutting property owners for the cost on a front foot basis, recommending adoption of the resolution. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned resolution (12-732) that certain infrastructure improvements be included in the 2013 Public Works Program, as detailed therein, and assessments be made against the abutting property, per foot, per side, recommending adoption of the resolution. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned ordinance (12-734) amending Section 3.070 of the Municipal Code establishing members of the Board of Public Works, recommending adoption of the ordinance. Motion by Soeldner, second by Brey, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 10. Nays, none.

Moved by Brey, second by Able, and carried by acclamation to amend the ordinance to increase the Board by one person and restore the Clerk to the Board by adding the words "and the City Clerk/Deputy Treasurer" in the list of members and also adding "In the absence of the City Clerk/Deputy

Treasurer, the Deputy City Clerk may act as a member” at the end of Section 1. Ayes, 6. Nays, 4.

Vote on the ordinance, as amended: Ayes, 10. Nays, none.

Mayor submitted the following appointments and requested Council confirmation:

<u>Board of Public Works</u>	<u>Term</u>
Aldersperson Jill Hennessey (Common Council Repr.) Pl. of J. Sladky	Unexpired term ending 4/13/13
<u>Zoological Board</u>	<u>Term</u>
Aldersperson Jason Sladky (Parks & Rec. Repr.) Pl. of D. Soeldner	Unexpired term ending 4./15/13

Motion by Able, second by Brey and unanimously carried to confirm the Mayor’s appointments.
Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned #1 for Garbage Haulers license; #338 - 344 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 (12-704) in the amount of \$793,747.35 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.

Motion by Sladky, second by Able, Common Council adjourned at 9:04 p.m. Ayes, 10. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk