

**COMMON COUNCIL  
OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, January 7, 2013

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, January 7, 2013. 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, Tyler Martell, Jim Brey, Dave Soeldner, Allan Schema, Christopher Able, Jill Hennessey and Jason Sladky.

Absent: Alderperson Collin Braunel.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of December 17, 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 January 7, 2013 Common Council agenda.

Mayor submitted the following appointment and requested Council confirmation:

Committee on Aging

Term

Gary Erickson

Pl. R. Halverson

Unexpired term ending 6/1/13

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

Ordinance (13-015) to create Section 8.250 of the Manitowoc Municipal Code regarding ejection and exclusion from City parks, was referred to Public Property & Safety 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.

Streets and Sanitation Committee returned public works petition (13-007) from Burbey Ponderosa LLC for permanent paving, sidewalks, storm and sanitary sewers, and other public utilities to be installed on property abutting on Goodwin Road, as described therein, and shown on the attached map, recommending acceptance. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned quit claim deed (13-008) from Burbey Ponderosa, LLC to City of Manitowoc of property for Goodwin Road purposes, recommending referral to Plan Commission. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned change order (13-009) from AECOM relative to Remedial Investigation and Monitoring Services Flambeau Street Site in the amount of \$14,439.00, recommending entering into agreement. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned petition (13-016) from homeowners living within 200 feet of proposed rezoning on Cleveland Avenue not in favor of the rezoning, recommending placing on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned progress invoices (13-017), (13-018) and (13-019) from Wisconsin Dept. of Transportation: \$7,625.54 for N. Rapids Rd. & Broadway St. Intersection, Project 4327-06-71; \$9,899.78 for Waldo Blvd. 8<sup>th</sup> Street to Maritime Drive, Project 4570-12-00; and \$19,664.15 for Waldo Blvd. CTH R to 8<sup>th</sup> Street, Project 1500-37-00, recommending payment of the invoices. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

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 from "I-1" Light Industrial District to "B-2" Neighborhood Business District, in an area located in Section 35 at Viebahn and South 42<sup>nd</sup> Street (CTH "CR").

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on December 24 & 31, 2012. (Proof of publication is on file in the City Clerk's Office).

No interested parties appeared.

City Planner David Less gave an overview of the proposed rezoning.

Mayor declared the public hearing closed. (A tape recording of the entire hearing is on file in the City Clerk's Office).

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 from "R-5" Low Density Multiple Family District to "B-1" Office Residential District, in an area located north of Cleveland Avenue and Maritime Drive, south of Hawthorne Court, east of Shorewood Blvd. and west of the City's lift station.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on December 24 & 31, 2012. (Proof of publication is on file in the City Clerk's Office).

City Planner David Less gave an overview of the proposed rezoning.

The following persons appeared to address the Council regarding the proposed rezoning:

Tom Kocourek, 1601 Shoto Rd., Two Rivers

Doug Schwalbe, 1367 Hubbard Circle (distributed handout)

Eric Volcheff, 911 Hawthorne Court

Theresa Fessler, 622 N. 10<sup>th</sup> Street

Cindy Hacker, . 907 Hawthorne Court

Ann Winter, 201 Cleveland Avenue

Greg Gottsacker, 915 Hawthorne Court

Howard Zimmerman, 913 Hawthorne Court

Don Goeke, 3006 Custer Street

Nathan Raddatz, 9213 N. Lake Drive

Thomas Sindelar, 212 Cleveland Ave.

Charles Sontag, 208 Huron Street

No other interested parties appeared.

Mayor declared the public hearing closed. (A tape recording of the entire hearing is on file in the City Clerk's Office).

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, Streets and Sanitation Committee held a discussion relative to 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. Moved by Sladky, second by Martell, to approve the zone change. Ayes, 3. Nays, 2. Motion carries.

Call back to order.

Streets and Sanitation Committee returned 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, recommending adoption of ordinance. Motion by Soeldner, second by Sladky to accept the Committee's report. Discussion followed.

Moved by Soeldner to amend his motion to refer to Plan Commission. Second by Brey. Vote on the amendment: Ayes, 5. Nays 4. Amendment carried. Vote on the original motion: Ayes, 5. Nays, 4. Ordinance is referred back to Plan Commission.

Finance Committee returned notice of claim (12-627) of October 17, 2012, from Sherman Edwards, Claim File No. 12-1086, recommending denial of the claim and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned report (13-011) of City Planner David Less relative to Amendment Agreement No. 3 and Job Guarantee Agreement 2 for construction of a rail spur for EPI 04, Inc., f/k/a Extrutech Plastics Inc. for their facility on West Custer, recommending acceptance of the report and adoption of the recommendations. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned special events request (13-002) from Broken Spoke Bike Studio for Shelltrack Fatbike race at Silver Creek Park on February 2, 2013, and waiver of fee request attached, recommending granting request with 50% fee reduction. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned waiver of fees request (13-005) from Manitowoc Unit of Fish & Game for rental of Cabin 1 for their meeting dates, recommending granting request at \$300.00 per year. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned ordinance (12-651) creating Section 8.250 of the Manitowoc Municipal Code regarding ejection and exclusion from parks, 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 ordinance (12-670) amending Section 14.020(5) of the Municipal Code regulating dogs in City Parks, recommending placing on file as a minority report. Motion by Brey, second by Sitkiewitz, to accept the Committee's report. Ayes, 7. Nays, 2. Motion carries.

Public Property and Safety Committee returned report (13-006) of Public Property and Safety Committee relative to accident recovery fee for 2013, recommending approval of the report and to have the review as part of the 2014 budget deliberations of the Finance Committee. Motion by Brey, second by McMeans, and carried by acclamation to accept the Committee's report. Ayes, 6. Nays, 3.

Public Property and Safety Committee returned request (13-013) from Eastern Wisconsin Stock Cars

requesting an extension to the noise ordinance from 10:00 p.m. to 10:45 p.m. with a grace period of 15 minutes for the 2013 race season per the attached schedule, recommending approval of the request. 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 ordinance (13-015) to create Section 8.250 of the Manitowoc Municipal Code regarding ejection and exclusion from City parks, recommending adoption of the ordinance. Motion by Brey, second by McMeans, and carried by acclamation to suspend the rules to take immediate action on this ordinance. Ayes, 8. Nays, 1. Motion by Brey, second by McMeans, report accepted and ordinance adopted. Ayes, 8. Nays, 1.

Public Utilities and Licensing Committee returned request (13-012) from Eastern Wisconsin Stock Cars asking for an extension of beer sales to 12:00 A.M. for their 2013 Friday night race season, recommending granting the request. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned communication (12-417) from Luisier Plumbing relative to sewer repair at 1403 Nagle Avenue, recommending referral to Finance Committee (Claim). Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned 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. 42<sup>nd</sup> 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, recommending adoption of the ordinance. 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 Change of Agent for License #10 for Class "A" Retail Fermented Malt Beverage license; #28A for "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage license; #2 - 4 for Commercial Garbage Haulers license; #347 for 2012-14 Two Year Operator's license, #1 for Stock Car Races, Racing Exhibitions, Etc. Permit; granting the various licenses, as shown on the committee's report, subject to approvals, insurance, payment of license fees and meeting State Statute requirements. 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 application #42 for 2012-13 One Year Operator's license and #345 -346 for 2012-14 Two Year Operator's license, recommending denial of the licenses, based upon 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 (13-014) in the amount of \$994,186.92 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.

Moved by Sladky, second by Able, and unanimously carried, Common Council adjourned at 9:35 p.m. Ayes, 9. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk

