

COMMON COUNCIL
OFFICIAL JOURNAL

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, April 2, 2012

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, April 2, 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 7:03 p.m. and on roll call the following members were present: Alderpersons Jason Sladky, Dave Soeldner, Allan Schema, Collin Braunel, Jill Hennessey, Matt Kadow, James N. Brey, Scott McMeans, Alex J. Olson and Christopher Able.

Absent: Alderperson Alex J. Olson.

Pledge of Allegiance.

Invocation.

City Clerk announced that the various documents have been referred to the appropriate committees as shown on the April 2, 2012 Common Council agenda.

Presentation by James Blaha, Manitowoc County Health Dept., on issues affecting the health and welfare of the community.

Ordinance (12-208) amending Section 10.390 of the Manitowoc Municipal Code regulating prohibited parking, was referred to Public Property and 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.

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.

Committee of the Whole returned Mayor's Veto (12-195) of resolution (12-179) setting hourly wage and hours for the adult crossing guards.

Moved by Soeldner, second by Hennessey, to override the Mayor's veto. Ayes, 4. Nays, 5. Motion to override fails.

Moved by Able, second by Soeldner, and unanimously carried to place Veto (12-195) on file. Ayes, 9. Nays, none.

Committee of the Whole returned report (12-203) of City Planner David Less relative to extension of deadline for execution of ground lease with Riverland Ag Corp to May 25, 2012, recommending accepting and placing on file. Motion by Able, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned report (12-188) of City Planner David Less relative to request from Steimle Birschbach on behalf of Powers Tire Center Inc. for clarification from the City regarding language in the Tax Incremental Financing Performance Agreement between the City and Dewey Properties LLC, recommending acceptance of the report, place on file and adoption of 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 vendor agreement (12-193) from Tim Becker dba HP Enterprises for bounce house and games at Citizen Park on April 7, 2012, recommending granting request for Citizen Park stand. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned vendor agreement (12-200) from Manitowoc Public Schools for concessions at Citizen Park from March 26 - June 10, 2012 for fastpitch softball season along with request to waive 5% total gross sales requirement, recommending granting request. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned request (12-194) from Tom Chermak, Metro Jam, and George Kapitz, Bike in the Park, to switch dates for their events in 2012, recommending granting request to switch weekends. Motion by Sladky, second by Kadow, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, none. Abstained, 1.

Public Property and Safety Committee returned regional fire department hiring process agreement (12-209) between City and Fox Valley Technical College, recommending entering into 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 request (12-199) from EWSC for a noise ordinance extension for the 2012 race season from 10:00 p.m. to 10:45 p.m. with a grace period of 15 minutes with all excessive noise to cease no later than 11:00 p.m., 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 request (12-187) from Roncalli High School Student Government to waive the noise ordinance for their outdoor dance on May 13, 2012 from 8:00 p.m. until 11:30 p.m., recommending approval of the request according to City policy. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned communication (12-176) from Lake Michigan Carferry to share costs of replacing air conditioning units at the carferry ticket office, recommending agreement of sharing costs of air conditioning unit replacement at the Lake Michigan Carferry ticket office upon receipt of 2011 lease payment of \$40,000. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned request (12-198) from EWSC for an extension of beer sales to 12:00 a.m. for Friday night race season per the attached schedule, recommending granting the request for an extension of beer sales to 12:00 a.m. on Friday race nights. Motion by Hennessey, second by Soeldner, and carried by acclamation to accept the Committee's report. Ayes, 7. Nays, 2.

Streets and Sanitation Committee returned progress invoice (12-189) from Wisconsin Dept. of Transportation in the amount of \$14,572.98 for N. Rapids Rd. & Broadway St. Intersection, Project No. WISC 2010805, recommending approval of 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 progress invoice (12-190) from Wisconsin Dept. of Transportation in the amount of \$8,717.67 for Waldo Blvd. CTH R - 8th Street, Project No. WISC 2011619, recommending approval of 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 (12-191) from S.M.I. as representatives of Popp Enterprises LLC requesting Final Plat approval of Popp Subdivision No. 3, 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 request (12-185) from First Lutheran Church for use of barricades for the annual Shanty Town event on April 21, 2012, 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 request (12-197) from TLC Homes Inc. for an exception to the 2500' rule for CBRF's for property at 4436-4438 Fleetwood Dr. which will eventually be licensed as a 8-bed community based residential facility, 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 request (12-196) from TLC Homes Inc. for an exception to the 2500' rule for CBRF's for property at 2127 Menasha Avenue which will eventually be licensed as a 4-bed adult family home, 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 communication (12-205) from S.M.I. as representatives of Apex Leasing requesting a 30 foot easement between Lots 6 and 7, Block 1, Manitowoc I-43 Industrial Park Subdivision No. 2 be vacated, recommending referral to Plan Commission. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Personnel Committee returned resolution (12-108) implementing a hiring freeze for 2012 and vacant positions for 2012 to be filled with approval by 2/3 vote of the Common Council, recommending approval of the resolution. Moved by Hennessey, second by Kadow to accept the Committee's report.

Moved by Sladky, second by Hennessey, to amend the resolution for "current or future vacant positions through May 6, 2013". Ayes, 6. Nays, 3. Motion to amend carried.

Upon a vote, the Committee's recommendation to adopt the resolution, as amended, was accepted by acclamation. Ayes, 6. Nays, 3.

Public Utilities and Licensing Committee returned #65-66 for Combination Class "A" Retail Intoxicating Liquor and Fermented Malt Beverage license; #7 for Class "B" Retail fermented Malt Beverage license; #3 for "Class C" Retail Wine license; #343-351 for 2011-12 Two Year Operator's license; #2 for Stock Car Races, Racing Exhibitions, Etc. permit; granting the various licenses, as shown on the committee's report. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned General City Claims (12-202) in the amount of \$429,607.71 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 Able, second by Soeldner, report accepted. Ayes, 9. Nays, none.

Common Council adjourned at 8:16 p.m. Ayes, 9. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk