

**COMMON COUNCIL
OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk
Monday, January 16, 2012

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, January 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 7:07 p.m. and on roll call the following members were present: Alderpersons Jason Sladky, Dave Soeldner, Collin Braunel, Jill Hennessey, Matt Kadow, James N. Brey, Scott McMeans, Alex J. Olson and Christopher Able.

Absent: Alderperson Allan Schema.

Pledge of Allegiance.

Invocation.

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

On behalf of Showtime '11, Tom Drill presented various groups with checks from proceeds of the event.

Initial Resolution (12-023) relating to Midwestern Disaster Area Industrial Development Revenue Bond Financing (Skana Aluminum Company, Inc. Project), was referred to Finance Committee.

Resolution (12-024) relating to waiver of Section 66.1103(11)(b)1. requirements in connection with a Midwestern Disaster Area Industrial Development Revenue Bond financing (Skana Aluminum Company, Inc. Project), was referred to Finance Committee.

Resolution (12-051) to adopt two Promissory Notes representing a Five Million Dollar loan from Manitowoc Public Utilities to balance the 2011 budget, was referred to Finance Committee.

Resolution (12-045) promoting Debra Geiger to position of Director of Human Resources/Risk Manager effective December 20, 2011, was referred to Personnel Committee.

Resolution (12-046) establishing hours of work, schedules, overtime, call-in and compensatory time policies for employees not currently covered by a collective bargaining agreement, was referred to Personnel Committee.

Mayor submitted the following appointments and requested Council confirmation:

<u>Sustainable Manitowoc Committee</u>	<u>Term</u>
Dennis Larsen	3 Yr. term expiring 2/15/15
Andrew Evenson	3 Yr. term expiring 2/15/15

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

Ordinance (12-049) to amend Section 10.610 of the Manitowoc Municipal Code, setting parking penalties, was referred to Public Property and Safety Committee.

Ordinance (12-050) to amend the Deposit Schedule for the Manitowoc Municipal Code, Section 10.610, Parking Penalties, was referred to Public Property and Safety Committee.

Ordinance (12-031) amending the amended zone map of the City of Manitowoc for property north of Assessor's Plat No. 2, west of Woodland Drive and south of the Canadian National Railroad tracks from "I-1" Light

Industrial District to "R-4" Single and Two Family Residential District, 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.

Call back to order.

Finance Committee returned resolution (12-024) relating to waiver of Section 66.1103(11)(b)1. requirements in connection with a Midwestern Disaster Area Industrial Development Revenue Bond financing (Skana Aluminum Company, Inc. Project), recommending adoption of the resolution and placing on file. Motion by McMeans, second by Able, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 1.

Finance Committee returned initial resolution (12-023) relating to Midwestern Disaster Area Industrial Development Revenue Bond Financing (Skana Aluminum Company, Inc. Project), recommending adoption of the resolution and placing on file. Motion by McMeans, second by Able, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 1.

Finance Committee returned request (12-026) from Steimle Birschbach on behalf of Wisconsin Maritime Museum for City's approval to allow the WMM to convey the parking lot property across the street (to the North) of WMM to a private taxpaying entity, recommending placing 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 (12-039) of City Planner David Less relative to Wisconsin Maritime Museum and request for consent under TIF performance agreement, recommending acceptance of report and adoption of recommendations. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned pilot site agreement (11-830) with Springbrook Software, Inc. for a term of one year, recommending approval and signing of the agreement. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned claim (11-724) of American Family Insurance in behalf of their insured, Naomi R. Bitter, Claim File No. 11-1077, 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, 9. Nays, none.

Finance Committee returned memo (11-722) from Asst. City Attorney Kathleen McDaniel with Notice of Entry of Order Confirming Sale and Order Confirming Sale in the matter of Shipbuilders Credit Union vs. Gary D. Duggan et al, recommending acceptance of the report and placing on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned summons and complaint (11-038) with Shipbuilders Credit Union vs. Duggan et al, recommending placing on file. 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 (12-030) from Friends of Citizen Park to hold events at Citizen Park building on 2/11/12 and 3/24/12, with waiver of fee request attached, recommending

granting skating event request (2/11/12) with waiver of fees. Dance issue to be discussed at next Parks and Recreation Committee meeting. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned special events request (12-020) from 12U Junior Ships Baseball for tournament at Citizen Park with waiver of fee request attached, recommending granting requests per City policy conditioned on no overtime required. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation and Streets and Sanitation Committees returned special events request (12-027) from Liz Becker, Carol Rose Wester Memorial Walk/Run, requesting to hold a walk/run event on Saturday, August 11, 2012, starting and ending at Red Arrow Park, as detailed therein, jointly recommending granting request per City policy with waiver of fees if traffic cones and equipment are picked up and returned by requester. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned ordinance (12-049) to amend Section 10.610 of the Manitowoc Municipal Code, setting parking penalties, recommending adoption of the ordinance. Motion by Brey, second by Olson, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 9. Nays, none. Motion by Brey, second by Olson, report accepted and ordinance adopted. Ayes, 9. Nays, none.

Public Property and Safety Committee returned ordinance (12-050) to amend the Deposit Schedule for the Manitowoc Municipal Code, Section 10.610, Parking Penalties, recommending adoption of the ordinance. Motion by Brey, second by Olson, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 9. Nays, none. Motion by Brey, second by Olson, report accepted and ordinance adopted. Ayes, 9. Nays, none.

Public Property and Safety Committee returned communication (11-815) from Alderperson Schema attaching request from George Kapitz to purchase City land abutting his property at corner of 35th and Division Streets, and report (12-042) of City Plan Commission recommending to the Council that the Official Map pattern in this area be preserved, recommending placing communication (11-815) on file and acceptance of report (11-042) and place on file. Motion by Brey, second by Olson, and carried by acclamation to accept the Committee's report. Ayes, 7. Nays, 2.

Public Property and Safety Committee returned report (12-038) of City Planner David Less providing an informational packet on 2012 Farmers Market, recommending acceptance of report and adoption of recommendations. Motion by Brey, second by Olson, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 1.

Public Utilities and Licensing Committee returned contract (12-025) with Seehafer Broadcasting Corp. relative to advertising on WQTC for term ending December 31, 2014, recommending entering into the agreement.

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 contract (12-014) with Seehafer Broadcasting Corp. relative to advertising on WQTC for term ending December 31, 2014, recommending placing on file. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Personnel Committee returned resolution (12-045) promoting Debra Geiger to position of Director of Human Resources/Risk Manager effective December 20, 2011, recommending adoption of resolution. Motion by Able,

second by Hennessey, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 1.

Personnel Committee returned resolution (12-046) establishing hours of work, schedules, overtime, call-in and compensatory time policies for employees not currently covered by a collective bargaining agreement, recommending adoption of the resolution. Motion by Hennessey, second by McMeans, and carried by acclamation to accept the Committee's report. Ayes, 6. Nays, 3

Public Utilities and Licensing Committee returned #297-304 for 2011-13 Two Year Operator's license; 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 (12-029) in the amount of \$8,873,514.05 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 Brey, report accepted. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned progress invoice (12-035) from Wisconsin Dept. of Transportation in the amount of \$5,814.10 for N. Rapids Rd. & Broadway Street intersection CTH R, Project No. 4327-06-00, 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 progress invoice (12-036) from Wisconsin Dept. of Transportation in the amount of \$485.09 for Waldo Blvd. CTH R - 8th Street, Project No. 1500-37-00, 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 (12-022) of Board of Public Works for 4th and final payment to Ridgeway LLC for raw Wastewater fine screening, WB-09-21 in the amount of \$118,169.54, 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 notice (12-032) from Red Arrow Products that they are applying for a permit to repair the river bank to the north of the manufacturing facility located on Water Street, 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 report (12-040) of City Plan Commission relative to request from Popp/Wenzel to rezone property at 1919 Spruce Drive from "I-1" Light Industrial to "R-4" Single and Two Family, recommending acceptance of report, place on file, with Clerk to call for public hearing. 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 (12-041) of the City Plan Commission indicating they have conducted their annual review of Community Living Arrangements (CLA's) and recommending that the Council approve the associated licenses for these facilities for 2012, recommending acceptance of report and place 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 report (12-043) of City Plan Commission authorizing issuance of special permit for the construction of a fixed animated sign for Balance on Buffalo at 924 Buffalo Street, 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, 9. Nays, none.

Streets and Sanitation Committee returned report (12-044) of City Plan Commission relative to placing existing storm water pond onto a single tract of land and recommending city initiated vacation and Official Map amendment at Clay Pit Road, as detailed therein. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Moved by Sladky, second by Olson, Common Council adjourned at 8:47 p.m. Ayes, 9. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk