

COMMON COUNCIL
OFFICIAL JOURNAL

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, March 5, 2012

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, March 5, 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: None

Pledge of Allegiance.

Invocation.

Minutes of the regular sessions of February 6 and February 20, 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 March 5, 2012 Common Council agenda.

Public Property and Safety Committee returned communication (11-768) from Dan and Pauline Burton expressing their concerns relative to parking on Shady Lane, recommending placing on file. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned ordinance (12-083) to amend the Deposit Schedule for the Manitowoc Municipal Code, Section 10.610 parking Penalties, recommending adoption of ordinance. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned ordinance (12-082) Amending Section 10.610 regarding parking penalties for winter parking ban and snow emergency parking, recommending adoption of ordinance. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned communication (11-770) from Deputy City Engineer Greg Minikel relative to the installation of pedestrian crossing signs at both of the intersections on Western Avenue near Holy Family Hospital, recommending placing on file. Motion by Brey, second by Olson, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, none. Abstained, 1.

Public Property and Safety Committee returned request (11-771) from Bernard Starzewski to eliminate loading zone in front of 928 So. 12th Street along with two hour parking in the 900 block of So. 12th Street, recommending placing on file. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Ordinance (12-150) to amend Section 21.030(4)(f)(5) of the Manitowoc Municipal Code regulating the use of funds provided by developers in lieu of parkland dedication, was referred to Parks and Recreation Committee.

Ordinance (12-131) setting assessment rates for seal coating, 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, Personnel Committee discussed City of Manitowoc Employee Policy Manual (12-092). Moved by Alderperson Schema, second by Alderperson McMeans to make the effective date May 6, 2012. Ayes, 5. Nays, 0. Motion carried.

Also during recess, Human Resource Director Deb Geiger and Personnel Committee Chair Christopher Able reviewed the amendments to the Employee Policy Manual that were approved by the Personnel Committee on February 27, 2012.

Call back to order.

Finance Committee returned notice of claim and claim (12-128) from Steven Hartman, Hartman's Bakery, Claim File No. 12-1081, recommending denial of the claim. Motion by McMeans, second by Able, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 10. Nays, none. Motion by McMeans, second by Able report accepted and claim denied. Ayes, 10. Nays, none.

Finance Committee returned claim (12-054) of Virginia Podrabsky for expenses incurred due to an incident that occurred on Washington Street on October 1, 2011, recommending denial of the claim. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned notice of claim and claim (12-096) of Reginald Edwards dated February 14, 2012, Claim File No. 12-1080, recommending denial of the claim. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned notice of claim and claim (12-103) of American Family Insurance for their insured John Brigham, dated February 9, 2012, Fleet Claim No. 12-201, recommending payment of the claim. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned request (12-095) from Manitowoc County Miracles Special Olympics to hold volleyball practice at Citizen Park gym on various dates in September, October, November and December, 2012, with waiver of fees request attached, recommending granting request per City policy. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned waiver of fees request (12-144) from Discover Eastern Wisconsin Disc Golf for basement of Silver Creek Fieldhouse on Saturday, March 17, 2012 from 8 a.m. to 5 p.m., recommending granting request per City policy. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (12-136) from The Crossing to use Mariner's Trail on Saturday, June 16, 2012 from 8:30 a.m. until noon for Third Annual Walk for Life fundraiser, recommending granting request per City policy. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (12-143) from Manitowoc Citizen's Safety Patrol Picnic Association to hold picnic at Silver Creek Park on May 16, 2012, with fee to be waived, as detailed therein, recommending granting request per City policy. Motion by Sladky, second by Kadow, and unanimously

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

Parks and Recreation Committee returned request (12-138) from Amvets Post 99 for Waiver of part or all fees for use of Wenger bandwagon on May 28, 2012, recommending granting request per City policy. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation & Public Utilities and Licensing Committees returned special events request (12-134) from Manitowoc Sunrise Rotary to hold 7th annual Lobsterfest at Washington Park and permission to dispense liquor in the park, on Saturday, September 8, 2012 with waiver of fees request attached, jointly recommending granting request per completion of all City forms and requirements. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation & Public Utilities and Licensing Committees returned special events request (12-100) from Holy Family Memorial for use of Silver Creek Park for their 2012 summer picnic as outlined therein including a beer and wine license, jointly recommending granting request per City policy. Motion by Sladky, second by Kadow, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, none. Abstained, 1.

Parks and Recreation and Streets and Sanitation Committees returned special events request (12-135) from Dawn Dabeck to hold Zombie Walk (organized charity pub crawl) on May 12, 2012, and brat fry and scavenger hunt on May 5, 2012 utilizing Burger Boat Park, jointly recommending granting request per City policy. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned animal acquisition and disposition policy (11-661) to responsibly manage the acquisition and disposition activities of the Lincoln Park Zoo, recommending approving policy with line 4 under "Animal Disposition Requirements" being struck. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (12-062) of the Kiwanis Club of Manitowoc to use Washington Park on August 5, 2012 for the 30th Annual Car Show and waiver of fees, recommending granting request with \$400 fee. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (12-098) from Autism Society to shut down route outlined on map in Lincoln Park for run/walk on May 19, 2012, from 9:30 a.m. to 10:45 a.m., recommending granting request per arrangement with Parks office. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned petition (12-139) for public safety from residents of 36th Street from Marshall to Calumet requesting a sign allowing no u-turns from McDonald's restaurant onto 36th Street, recommending referral to Safety, Traffic & Parking Commission. Motion by Brey, second by McMeans, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 1.

Public Property and Safety Committee returned communication (12-140) from Bernard Starzewski withdrawing his proposal to remove loading zone and parking restrictions at 928 S. 12th Street, recommending placing on file. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned request (12-129) from New Fields seeking permission to collect groundwater samples on City property south of Holy Family property, as detailed therein, recommending granting NewFields access authorization to City property south of 623 Reed Ave. for the purpose of investigating

contamination of groundwater by obtaining samples through a boring (GP-34) after NewFields and Zenith Properties sign a Hold Harmless agreement for the City. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned hold harmless (12-147) waiver of liability, assumption of risk and indemnification of Riverland Ag Corp relative to St. Patrick's Day firework display, recommending entering into agreement. Motion by Brey, second by McMeans, and carried by acclamation to accept the Committee's report. Ayes, 9 Nays, 1.

Public Property and Safety Committee returned agreement (12-148) for automatic assistance rapid intervention team (RIT) between City of Manitowoc and City of Two Rivers with Memorandum of Understanding attached, recommending entering into the agreement. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned statement of canvassers (12-146) of election returns for February 21, 2012 Election in Districts 4 and 6 for Alderperson, recommending acceptance of the amended statement of the Board of Canvassers. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing & Streets and Sanitation Committees returned special events request (12-142) from The Fat Seagull to extend their licensed premise on various dates including bands in their parking lot and close a portion of Quay St, on July 28, 2012 for anniversary celebration, jointly recommending granting request. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned communication (12-149) from Jim Muenzenmeyer, Transit/Recreation/Facilities Manager relative to Maritime Metro Transit service alterations to take effect March 19, 2012, recommending approval of the transit route change and fare increase. Motion by Hennessey, second by Soeldner, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 1.

Public Utilities and Licensing Committee returned ordinance (12-106) to create Section 11.010(8)(c) and Section 11.010(10)(e) of the Manitowoc Municipal Code regulating hours when intoxicated liquor and fermented malt beverages can be sold by retailers, recommending placing on file (not adopted). Motion by Hennessey, second by Soeldner, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 1.

Public Utilities and Licensing Committee returned paratransit aids contract (12-151) between State of Wisconsin, Dept. of Transportation and City of Manitowoc for 2012, recommending entering into agreement. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned memo (12-141) from Dep. Dir. of Public Works/City Eng'r Greg Minkel relative to proposed modifications to Municipal code Section 10.390 (Parking Prohibited), directing City Attorney to modify section 10.390 according to recommendations in this document. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation, Parks and Recreation and Public Utilities and Licensing Committee returned special events request (12-155) from Northeastern Wisconsin Great Lakes Sport Fishermen to hold the annual Salmon Derby at the Manitowoc Marina from Friday, June 29 through Sunday, July 1, 2012, use of various City equipment, permission to sell fermented beverages until 11:30 p.m. and extension of the noise ordinance until 11:30 p.m. on Friday, Saturday and Sunday nights, as detailed therein, jointly recommending approval of request subject to City

policy. 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 (12-156) of Board of Public Works of February 29, 2012, regarding bids received for 2012 Remove and Replace Existing Sidewalk Construction, Project WS-12-3, recommending awarding project to low bidder, Seiler Brothers, in the amount of \$101,642.50. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned special events request (12-137) from Brennan Seehafer Productions to hold Ultimate Tribute Red Carpet event on July 18, 2012 with setup on July 17, 2012, in front of the Capitol Civic Centre, as detailed therein, recommending approval of request subject to City policy. 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 (12-133) of the Board of Public Works of February 29, 2012, recommending 3rd and final payment to Montgomery Associates in the amount of \$1,500.00 for Little Manitowoc River Wetland Restoration #11-605, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned document (12-092) City of Manitowoc Employee Policy Manual, recommending approval of the policy as amended. Motion by Able, second by Schema, to accept the Committee's report. Moved by Sladky, second by Kadow, to table this matter. Ayes, 8. Nays, 2. Motion carried.

Personnel Committee returned agreement (12-132) between City and City of Manitowoc Transit Employees Teamsters Local No. 662, recommending entering into the agreement. Motion by Able, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, 1.

Public Utilities and Licensing Committee returned #32A for "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage license transfer (person to person); #51 for 2011-12 One Year Operator's license; #328-329; 331-335 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, 10. Nays, none.

Public Utilities and Licensing Committee returned application 330 for 2011-2013 Two Year Operator's license, recommending denial of the license based upon the recommendation from the Chief of Police. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned General City Claims (12-130) in the amount of \$495,108.29 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, 10. Nays, none.

Common Council adjourned at 8:30 p.m. Ayes, 10. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk