

**COMMON COUNCIL
OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, April 16, 2012

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, April 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 7:00 p.m. and on roll call the following members were present: Alderpersons Jason Sladky, Dave Soeldner, Allan Schema, Collin Braunel, Jill Hennessey, Matt Kadow, Jim Brey, Scott McMeans, Alex J. Olson and Christopher Able.

Absent: None.

Pledge of Allegiance.

Invocation.

City Clerk announced that the various documents have been referred to the appropriate committees as shown on the April 16, 2012 Common Council agenda.

City Clerk Jennifer Hudon administered oath of office of two new firefighters: Logan Baitinger and Timothy Dykstra.

Library Director Cherilyn Stewart gave a presentation outlining the resources available at the Manitowoc Public Library.

Mayor Nickels presented to Dir. Public Works/Engineer/Parks & Recreation Valerie Mellon a proclamation declaring April 27, 2012 as "Arbor Day".

Mayor Nickels presented plaques to outgoing alderpersons Alex Olson and Matt Kadow thanking them for their service.

Resolution (12-234) providing for the sale of approximately \$7,890,000 General Obligation Promissory Notes, was referred to Finance Committee.

Initial Resolution (12-231) regarding Midwestern Disaster Area Revenue Bond Financing for Baileigh Industrial, Inc. Project, was referred to Finance Committee. Information with respect to the job impact of the project will be available at the time of consideration of the Initial Resolution, was referred to Finance Committee.

Resolution (12-244) to vacate 2 portions at the end of Clay Pit Road, located north of Riverview Dr. and east of Union Place, extended, was referred to Streets and Sanitation Committee.

Resolution (12-245) accepting the Final Plat of Popp Subdivision No. 3, was referred to Streets and Sanitation Committee.

Resolution (12-233) hiring of Finance Director/Treasurer effective April 30, 2012 and setting a salary at Classification 22 of the Performance Based Compensation Schedule dated January 1, 2012, was referred to Committee of the Whole.

Public Property and Safety Committee returned ordinance (12-087) to amend Section 10.490 regarding two hour parking on Maritime Drive between N 8th and N 10th Streets, recommending not to adopt and place 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 (12-192) of Bonnie Kutchera, 2628 Knuell St., for "No Outlet" or "No thru Street" signage at the beginning of Knuell St., recommending referral to Safety, Traffic &

Parking Commission. 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 (12-085) amending Section 14.020(2) governing restricted species, recommending placing on file. Motion by Brey, second by Olson, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 1.

Public Property and Safety Committee returned communication (12-145) from Amanda Behnke, Owner, Hair with Flair, relative to parking tickets issued to her customers, recommending referral to Safety, Traffic & Parking Commission. 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 (12-181) to amend Section 10.010 of the Municipal Code adopting state laws by reference, recommending adoption of the 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 (12-180) to create section 10.070 of the Municipal Code regarding unnecessary acceleration, recommending adoption of the ordinance. Motion by Brey, second by Olson, and carried by acclamation to accept the Committee's report. Ayes, 7. Nays, 3.

Public Property and Safety Committee returned revised by-laws (12-206) and constitution of Crime Prevention Committee, recommending adoption of the Constitution and By-Laws. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Ordinance (12-242) amending the amended zone map of the City of Manitowoc in an area east of S. 10th St., south of Viebahn St., north of Silver Creek Park and west of University of Wisconsin-Manitowoc, from "R-4" Single and Two Family Residential District to "C-1" Commercial District, was referred to Streets and Sanitation Committee.

Ordinance (12-243) amending Section 22.010 of the Municipal Code, Official Map, Master Subdivision Plans, in an area at the end of Clay Pit Road located north of Riverview Dr. and east of Union Place, extended, 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 report (12-248) of City Plan Commission relative to proposed 2012 Tax Incremental Finance District Activities including designating of various districts as distressed pursuant to Wis. Stat. Section 66.1105(4e), recommending acceptance of 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 (12-234) providing for the sale of approximately \$7,890,000 General Obligation Promissory Notes, 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, 9. Nays, 1.

Finance Committee returned initial resolution (12-231) regarding Midwestern Disaster Area Revenue Bond

Financing for Baileigh Industrial, 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, 9. Nays, 1.

Parks and Recreation Committee returned communication (12-220) from Kummer, Lambert, Fox & Glandt, on behalf of Northland Associates relative to moving forward with development of City park located in Silveridge Subdivision, as detailed therein, recommending referral to Plan Commission. 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 (12-223) from YMCA for use of the Madison Elementary School fields, Silver Creek park and Indian Creek park for YMCA programs this summer, 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 reduced fee request (12-224) from Manitowoc Heat Baseball to pay a \$400 flat fee for the 2012 baseball season, recommending granting request. Motion by Sladky, second by Kadow, and carried by acclamation to accept the Committee's report. Ayes, 7. Nays, 3.

Parks and Recreation Committee returned special use permit (12-237) from John Nowak to use Mariner's Trail on July 15, 2012 for organized charitable bicycle ride, recommending granting request. 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 (12-210) from Worldwide Missionary Outreach to hold non-profit missionary rummage sale at Lincoln Park in Cabin I on April 17, 2012 and waiver of fees for same, recommending granting rental request but waiver of fee request is denied. 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 (12-212) from New Life Ministries of Manitowoc, Inc. to hold National Day of Prayer on May 3, 2012 in Washington Park with request for Waiver of Fees attached, recommending granting request with waiver of fee. 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 ambulance service agreement (12-222) with Holy Family Memorial Medical Center to cover their Holy Family Memorial Maritime Marathon event on June 24, 2012, recommending adoption of the agreement. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none. Abstained, 1.

Public Property and Safety Committee returned ordinance (12-208) amending Section 10.390 of the Manitowoc Municipal Code regulating prohibited parking, recommending adoption of the 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 request (12-218) from PDJ Cutting, 1510 N. 30th Street, to allow parking on N. 30th Street from 3:30 p.m. to 8:30 p.m. for their spring fling shopping event, recommending approval of the request. 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 (12-239) from Curt Drumm, Thunder on the Lakeshore Airshow Chairman, for permission for the 2012 Manitowoc Airshow to be held at the airport during the weekend of June 1-3, 2012, and various city services, as detailed therein, use of the bandshell and other necessary equipment fees to be waived, recommending approval of request according to City policy and to waive fees. Moved by Brey, second by Olson, to accept the Committee's report.

Moved by Able, second by Hennessey, to amend the motion to waive one-half of the realized additional costs. Ayes, 5. Nays, 5. Motion to amend failed on a tie vote. The tie vote was broken by Mayor Nickels who voted nay. Motion to amend failed.

Moved by Olson, second by Able, to refer the matter to the City Attorney to negotiate a dollar figure between \$0 and \$5,000. Ayes, 5. Nays, 5. the tie vote was broken by Mayor Nickels who voted nay. Motion to amend failed.

Moved by Brey, second by Soeldner, and carried by acclamation, to refer the matter back to Parks and Recreation Committee for the purpose of recouping some fees. Ayes, 8. Nays, 2.

Public Property and Safety Committee returned special events request (12-213) from Global Youth Leadership Institute to camp on city owned property behind the Best Western Lakefront Hotel on July 13 & 14, 2012, recommending approval of the request. 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 (12-152) from James Blaha, Health Officer, relative to a variety of problems that affect the health and welfare of the community, 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 collateral assignment of ground lease (12-226) between City Centre LLC and BMO Harris Bank N.A., recommending acceptance of the documents. 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 leasehold mortgage, security agreement and financing statement (12-227) between City Centre LLC and BMO Harris Bank N.A., recommending acceptance of the documents. 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 ordinance (12-182) to amend Section 11.150 of the Municipal Code regulating pawnbrokers and secondhand article and jewelry dealers, recommending adoption of the ordinance. 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 amended statement of canvassers (12-229) of Municipal Election held on April 3, 2012, recommending acceptance of the amended statement of the Board of Canvassers and placement on file. 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 report (12-256) of Community Development Authority relative to annual audit for Housing Authority dated June 30, 2011, recommending acceptance of report and place on file. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned resolution (12-245) accepting the Final Plat of Popp Subdivision No. 3, 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 & Public Utilities & Licensing Committees returned special events request (12-236) from Shoot the Bull for street closure and extension of liquor license on May 19, 2012, jointly recommending approval 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 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, and report (12-255) of City Plan Commission recommending that Council grant the exception to the 2,500' spacing requirement, as detailed therein, recommending acceptance of report (12-255) and place on file and place request (12-197) 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 (12-163) from Lee Meyer, Ecology Technology, Inc., for a change in zone from R-4 to C-1 for property on S. 10th Street, parcel #805-202-040, and report (12-246) of City Plan Commission recommending that Council instruct the City Clerk to call for a public hearing, recommending acceptance of report (12-246), place on file, with Clerk to call for public hearing and place application (12-163) 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 (12-196) 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, and report (12-254) recommending that Council grant the exception to the 2,500' spacing requirement, as detailed therein, recommending acceptance of report (12-254) and place on file and place request (12-196) 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 (12-205) 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, and report (12-250) recommending approval and entering into Release, as detailed therein, recommending acceptance of report (12-250) and adoption of recommendations and place communication (12-205) 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 (12-191) from S.M.I. as representatives of Popp Enterprises LLC requesting Final Plat approval of Popp Subdivision No. 3 and communication (12-111) from Wisconsin Dept. of Administration stating they do not object to final plat of Popp Subdivision No. 3, returned same with report (12-249) of City Plan Commission recommending approval of the final plat, recommending acceptance of report (12-249) and place on file and place communications (12-191) and (12-111) 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 (12-247) of City Plan Commission relative to proposed vacation and Official Map amendment at Clay Pit Road, 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, 10. Nays, none.

Streets and Sanitation Committee returned report (12-253) of City Plan Commission relative to proposed vacation and Official Map amendment for S. 16th St./Center St., and S. 81th Street, 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 (12-252) of City Plan Commission relative to annual compliance review of conditional use permit of New School Investments for property at 1402 Clark Street,

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 (12-251) of City Plan Commission relative to annual compliance review of conditional use permit of Michels Corporation for their operation of a stone transloading operation on S. 16th Street, 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 (12-235) of Board of Public Works of April 11, 2012, recommending 8th and final payment to Somerville in the amount of \$626.49 for Rahr-West Art Museum Remodeling A/E services, 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 (12-257) of Board of Public Works of April 11, 2012, regarding quotes for 2012 Ready-Mix Concrete, Project QM-12-1, recommending awarding project to low bidder, Carew Concrete in the amount of \$34,714.00. 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 (12-258) of Board of Public Works of April 11, 2012 regarding bids for 2012 Concrete Paving Program, Project WS-12-1, recommending awarding to low bidder, LaLonde Contractors, Inc. in the amount of \$447,910.07. 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 Committees returned special events request (12-215) from Holy Family Memorial Medical Center to hold 3rd Annual HFMMC Nocturnal Bicycle Ride on route detailed therein utilizing City streets and Mariner's Trail, jointly recommending approval 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 (12-259) of Board of Public Works of April 11, 2012 regarding bids for 2012 Miscellaneous Street Work for Asphalt Paving & Traffic Signal Replacement, Project WS-12-10, recommending awarding to low bidder in the amount of \$144,505.95. 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 (12-238) from American Legion Auxiliary requesting permission to offer hand made Veterans Memorial Poppies to the citizens of the Manitowoc area, recommending granting request. 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 Committees returned special events request (12-214) from Manitowoc Maritime Marathon to hold HFM Maritime Marathon on June 24, 2012 on route detailed therein from UW Manitowoc to Two Rivers, and requesting partial lane closure on Lakeside Blvd. and use of Mariner's Trail, jointly recommending approval subject to City policy. Motion by Soeldner, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, none. Abstained, 1.

Streets and Sanitation Committee returned request (11-653) from TLC Homes for conditional use permit to operate a day service program serving disabled adults at 5151 Expo Drive, recommending placing on file with refund of application fee. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned resolution (12-233) hiring of Finance Director/Treasurer effective April 30,

2012 and setting a salary at Classification 22 of the Performance Based Compensation Schedule dated January 1, 2012, recommending approval of the resolution by a two-thirds majority (or greater). Motion by McMeans, second by Schema, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 1.

Public Utilities and Licensing Committee returned Hendrick's Beverage surrender of Class "A" Retail Fermented Malt Beverage license; #3 for Mobile Home Park license; #30 for 2011-12 Near Beer license; #39-40 for 2011-12 Temporary Operator's license; #252-258 for 2011-13 Two Year Operator's license; #1-14 for 2012-14 Two Year Operator's license; #26 for 2012 Class "B" Temporary Beer license; #4 for 2012 Temporary Wine license; accepting the surrender and 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.

Committee of the Whole returned General City Claims (12-241) in the amount of \$4,399,641.01 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.

Moved by Kadow, second by Olson, Common Council adjourned at 9:14 p.m. Ayes, 10. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk