

**COMMON COUNCIL
OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, May 7, 2012

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, May 7, 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 Eric J. Sitkiewitz, Scott McMeans, Collin Braunel, Tyler Martell, Jim Brey, Dave Soeldner, Allan Schema, Christopher Able, Jill Hennessey and Jason Sladky.

Absent: None.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of April 16, 2012 and the organizational session of April 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 May 7, 2012 Common Council agenda.

City Clerk Jennifer Hudon administered oath of office to Police Officers Scott Hodek and Kurk Bessler.

Mayor Nickels presented a proclamation regarding the week of May 20-26, 2012, as Emergency Medical Services Week to Fire Chief Bill Manis.

Mayor Nickels presented a proclamation regarding Peace Officers' Memorial Day on May 15, 2012, to Police Chief Tony Dick.

Mayor Nickels presented a proclamation to Alderperson Jim Brey thanking him for his 20 years of service as Alderman for the City of Manitowoc.

Mayor declared the meeting open for a public hearing for the purpose of a change in zone from "R-4" Single and Two Family Residential District to "C-1" Commercial District in an area located at 2851 S. 10th Street.

Notice of the hearing was published in the Herald-Times-Reporter on April 23 and April 30, 2013. (Proof of publication is on file in the City Clerk's office.)

City Planner David Less outlined the change in zone.

The following person appeared to address the Council regarding the proposed budget:

Charles Clark representing UW Manitowoc, 705 Viebahn St.

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.)

Mayor submitted the following 2012-13 Standing Committee appointments and requested Council confirmation: **FINANCE:** S. McMeans, Chair; C. Able, Vice-Chair; J. Brey, C. Braunel and E. Sitkiewitz. **PARKS AND RECREATION:** J. Sladky, Chair; D. Soeldner, Vice-Chair; A. Schema, C. Braunel and T. Martell. **PUBLIC PROPERTY AND SAFETY:** J. Brey, Chair; S. McMeans, Vice-Chair, J. Hennessey, E. Sitkiewitz and T. Martell. **PUBLIC UTILITIES AND LICENSING:** J. Hennessey, Chair; J. Sladky, Vice-Chair; C. Able, D. Soeldner and C. Braunel. **STREETS AND SANITATION:** D. Soeldner, Chair; J. Brey, Vice-Chair; J. Sladky; A. Schema and T.

Martell. **PERSONNEL:** C. Able, Chair; J. Hennessey, Vice-Chair; A. Schema, S. McMeans and E. Sitkiewitz.

Moved by Sladky, second by Able, and unanimously carried to confirm the Mayor's appointments. Ayes, 10. Nays, none.

Mayor submitted the following Council representative appointments for the term of April 17, 2012, through April 15, 2013:

Code Review Committee (Sec. 3.320)	J. Hennessey, Chair, Public Utilities & Licensing J. Sladky, Member, Streets and Sanitation
Board of Public Works (Sec. 3.070)	D. Soeldner, Chair, Streets and Sanitation J. Brey, Vice-Chair, Streets and Sanitation E. Sitkiewitz, Member, Finance
Rahr-West Art Museum Board (Sec. 3.12)	J. Hennessey, Chair, Public Utilities & Licensing
Recreation Board (Sec. 3.110)	J. Sladky, Chair, Parks and Recreation
Safety, Traffic & Parking Commission	J. Brey, Chair, Public Property & Safety
Zoological Board (Sec. 3.107)	D. Soeldner, Vice-Chair, Parks and Recreation
Harbor Commission (Sec. 3.04)	J. Sladky, Member, Public Utilities & Licensing
Public Utilities Commission (Sec. 3.00 & 12.010)	J. Hennessey, Chair, Public Utilities & Licensing
Citizens Physical & Sensory Disability Commission (Sec. 3.150)	S. McMeans, Council Representative
Wastewater Treatment Facility Board (Sec. 3.100)	J. Brey, Vice-Chair, Streets and Sanitation
Manitowoc Crime Prevention (Ad Hoc)	T. Martell, Council Representative
Manitowoc Industrial Dev. Corp. (Sec. 3.140)	J. Brey, Council Representative D. Soeldner, Council Representative
Ethics Board (Sec. 3.800(4))	A. Schema, Council Representative
Community Dev. Authority (Sec. 3.160)	C. Able, Council Representative
Cable Television Commission (Sec. 27.270)	J. Hennessey, Chair, Public Utilities & Licensing
TIF Project Review Committee	S. McMeans, Chair, Finance
Citizens Advisory Committee (Sec. 3.330)	C. Able, Council Representative
Library Board (Sec. 3.090)	J. Hennessey, Council Repr. (Current term exp. 7/1/13)
Cemetery Commission (Sec. 3.200)	J. Sladky, Member, Streets and Sanitation
Diversity Advisory Council (Ad Hoc)	C. Braunel, Council Representative
Municipal Tree Commission	A. Schema, Member, Parks & Recreation
MAVCB Board of Directors	E. Sitkiewitz, Council Repr. (term expires 1/1/13)
Handicap Appeal Commission	C. Braunel, Council Representative

Economic Development Corp.	J. Hennessey, Council Representative
Wisconsin Maritime Museum Board	S. McMeans, Council Representative
Transit Commission	C. Able, Mbr. Public Utilities & Licensing
Mainly Manitowoc Board	E. Sitkiewitz, Council Representative
MIRA	J. Sladky, Council President
Manitowoc Sustainability Committee	A. Schema, Council Representative

2012 Board of Review: C. Braunel, S. McMeans, C. Able, J. Hennessey, J. Sladky. Alternates: J. Brey, T. Martell, E. Sitkiewitz, D. Soeldner, A. Schema.

Weed Commissioners: Randall Junk, 1 yr. term expiring 4/30/13; Chad Scheinoha, 1 yr. term expiring 4/30/13.

Moved by Sladky, second by Able, and unanimously carried to confirm the Mayor's appointments. Ayes, 10. Nays, none.

Moved by Alderperson Soeldner, second by Alderperson Schema, to nominate Alderperson Jim Brey as the Streets & Sanitation Committee member to serve on the City Plan Commission for the ensuing one year term from April 17, 2012, through April 15, 2013.

It was then moved and unanimously carried to close nominations and cast a unanimous ballot for Alderperson Jim Brey. Ayes, 10. Nays, none. Mayor declared Alderperson Brey elected to serve on the Plan Commission.

Moved by Council President Jason Sladky, seconded by Alderperson Chris Able, to appoint Alderperson Jill Hennessey as the Council Representative to serve on the Performance Evaluation Review Committee for the ensuing one year term from April 17, 2012, through April 15, 2013. Ayes, 10. Nays, none.

Resolution (12-278) listing appropriations which were budgeted in 2011 for the departments listed to be carried forward into the respective 2012 departmental budgets effective December 31, 2011, was referred to Finance Committee.

Streets and Sanitation Committee returned communication (10-064) from SMI requesting that Streets and Sanitation Committee take action on various issues relating to storm water pond maintenance costs, recommending placing 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 special events request (12-158) from Two Rivers Main Street for 12th Annual Cool City Classic Car Show and Cruise Night on Friday, June 29, 2012, traveling from Silver Creek Park along the route detailed therein to Two Rivers, and asking for police assistance, 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 request (12-269) from O'Connor's Concessions to do business this year 2012 in the City of Manitowoc, 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 & Parks and Recreation Committees returned special events request (12-270) from Fox's Piggly Wiggly in Manitowoc to hold 6th annual Pig to Pig Walk on Saturday, September 8, 2012, 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 special events request (12-272) from First Reformed United Church of Christ to hold annual CROP Walk on Saturday, October 6, 2012, on route detailed therein, 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 (12-273) from S.M.I. on behalf of Dave's Auto for conditional use permit for two mini warehouses at 2329 N. Rapids Road, recommending referral to Plan Commission. 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 (12-289) for reduction in 2011-12 snow removal invoice for property at 436 N. 10th Street, Parcel No. 000-120-010, recommending denial of appeal. Motion by Soeldner, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 1.

Streets and Sanitation Committee returned request (12-286) from Colin P. Rayford, Land Surveyor, on behalf of Pat Barborossa and Ron Leschke, to vacate easements north of N. 40th Street and north of vacated Garfield Street, recommending referral to Plan Commission. 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 (12-281) from Manitowoc City Center Association to hold Krazy Daze on July 14, 2012 including use of Burger Park and closure of Quay St. between S. 8th and Library parking lot and the use of various City equipment, 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.

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.

Mayor submitted the following committee appointments and requested Council confirmation:

Brownfields Advisory Committee
Dennis Tienor

Term
Indefinite

Community Development Authority
Alex J. Olson
(Pl. of Collin Braunel)

Term
4 year term ending 6/1/16

Moved by Sladky, second by Able and unanimously carried to confirm the Mayor's appointments. Ayes, 10. Nays, none.

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 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 entering into agreement to accept \$2,000.00 to cover costs related to the Airshow. Motion by Sladky, second by Able, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 2.

Committee of the Whole returned memorandum (12-216) from Mayor Justin Nickels relative to fireworks displays in the City with contract from Bartolotta Fireworks Company relative to July 4th fireworks attached, recommending approval of the contract and enter into agreement. Motion by Sladky, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned memo (12-276) from City Assessor Sarah Hoppe relative to personal property palpable error on parcel 000-305-243, Wisconsin Lift Truck Corp/Witco Systems, Inc., recommending rescinding 2011 tax bill of \$2,858.55 and placing on file. 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 (12-184) of Howard E. Schmill dated March 20, 2012, Claim No. 12-1082, 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, 10. Nays, none.

Finance Committee returned memo (12-268) from City Assessor Sarah Hoppe relative to personal property palpable error on parcel 000-132-357, Manitowoc Plumbing Supply, 924 York Street, recommending rescinding 2011 tax bill of \$218.68 and placing on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned resolution (12-278) listing appropriations which were budgeted in 2011 for the departments listed to be carried forward into the respective 2012 departmental budgets effective December 31, 2011, recommending adoption of the resolution and placing on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (12-228) from Friends of Mariner's Trail for use of Mariner's Trail and various waysides along the trail on June 16, 2012, recommending denial of request. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned proposals (12-287) and (12-288) relative to lease of a portion of the Armory building, at 930 North 18th Street, for operation of a roller skating business, recommending rejecting proposals. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned request (12-282) for waiver of fees from The Manitowoc County B -3 Program for shelter and tables at Schuette Park on June 27, 2012, recommending granting request. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned mariner's trail permit (12-262) application from March of Dimes to hold Walk for Babies on May 5, 2012, recommending granting request per City policy. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (12-271) from Broken Spoke Bike Studio to hold Bike In The Park in Washington Park on June 16, 2012, with waiver of fee request attached, recommending granting request and waiving fee. Motion by Sladky, second by Soeldner, and carried by acclamation to accept the

Committee's report. Ayes, 9. Nays, none. Abstained, 1.

Parks and Recreation Committee returned special events request (12-274) from Manitowoc Jaycees to hold Quadrathlon on August 12, 2012, recommending granting request per City policy. Motion by Sladky, second by Soeldner, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, none. Abstained, 1.

Public Property and Safety Committee returned communication (12-292) from Roncalli High School notify of change in date for their outdoor dance to May 19, 2012, recommending approval of request according to City policy. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned ambulance service agreement (12-264) between City and Eastern Wisconsin Stock Car, Inc. for the period April 22, 2012 through September 1, 2012, recommending entering into the agreement. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned communication (12-277) from C. Kangas, 1623 S. 24th St. relative to traffic safety concerns at S. 24th Street between Grand and Division, recommending referral to Safety, Traffic & Parking Commission. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned application (12-280) from Patricia Roth, Manitowoc Coffee, of April 10, 2012, for Sidewalk Cafe Permit at 836 S. 8th Street, recommending granting the permit. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned agreement (12-283) with Lakeshore Humane Society and City of Two Rivers relative to compensation for costs incurred by Humane Society relating to animals taken into custody, recommending entering into the agreement. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned agreement (12-284) with City of Two Rivers regarding payment of charges pursuant to agreement between the Cities and Lakeshore Humane Society, Inc., recommending entering into the agreement. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned request (12-267) from Kenny's Athletic Klub to waive liquor restriction to allow for the sale and consumption of fermented malt beverages in Washington Park on July 4, 2012, recommending waiving the restriction. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned 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, recommending adoption of the ordinance. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned #26 for 2011-12 Class "A" Retail Fermented Malt Beverage license; #359-376 for 2011-13 Two Year Operator's license; #15-34 for 2012-14 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.

Committee of the Whole returned General City Claims (12-285) in the amount of \$1,034,474.18 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, 10. Nays, none.

Moved by Sladky, second by Able, and unanimously carried, Common Council adjourned at 8:31 p.m. Ayes, 10. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk