

**COMMON COUNCIL**  
**OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, May 21, 2012

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, May 21, 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 7:06 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 May 7, 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 21, 2012 Common Council agenda.

Rahr-West Art Museum Director, Greg Vadney, gave a summary relative to volunteers making a difference at the Rahr-West Art Museum and presented plaques to outgoing board members, Jane Spindler and Eric Sitkiewitz.

Mayor Nickels presented proclamation proclaiming May as Celiac Disease Awareness Month.

Mayor declared the meeting open for a public hearing for the purpose of hearing any citizen or taxpayer regarding the proposed issuance of City of Manitowoc, Wisconsin, Midwestern Disaster Area Revenue Bonds, Series 2012 (Baileigh Industrial, Inc. Project), in an aggregate amount not to exceed \$3,000,000 pursuant to Section 66.1103 of the Wisconsin Statutes, to finance a project to be owned by Hennessey Development LLC.

Notice of the hearing was published in the Herald-Times-Reporter on May 7, 2012. (Proof of publication is on file in the City Clerk's office).

No 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.)

Resolution (12-312) to approve hiring of two seasonal employees who are related to elected officials, department heads or supervisory personnel, was referred to Committee of the Whole.

Final Resolution (12-321) regarding Midwestern Disaster Area Revenue Bond Financing for Baileigh Industrial, Inc. project, was referred to Finance Committee.

Resolution (12-327) awarding the sale of approximately \$7,655,000 General Obligation Promissory Notes, was referred to Finance Committee.

Public Utilities and Licensing Committee returned ordinance (12-070) amending various sections of Chapter 12 of the Manitowoc Municipal Code regarding water main extension and assessment policy, recommending adoption of the ordinance. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Moved by Able, second by Hennessey, and unanimously carried to remove resolution (11-556) from the table. Ayes, 10. Nays, none.

Committee of the Whole returned resolution (11-556) to revise position description and to fill the vacant position of Parks Worker II, recommending placing on file. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned resolution (11-319) to adjust job titles for Business Manager of Dept. of Public Works, Fleet Manager and Administrative Assistant to Director, recommending placing on file. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Mayor submitted the following appointments and requested Council confirmation:

<u>Wastewater Treatment Facility Board</u>	<u>Term</u>
Dale Zahn (Residential Repr.)	3 yr. term ending 6/1/15
<u>Community Development Authority</u>	<u>Term</u>
Gene Maloney	4 yr. term ending 6/1/16
<u>Tax Incremental Financing Joint Review Board</u>	<u>Term</u>
Steve Corbeille (Pl. of Sarah Hoppe)	Indefinite
<u>Safety, Traffic &amp; Parking Commission</u>	<u>Term</u>
Lindy DeNamur	3 yr. term ending 6/1/15
Paul Kohlmeier	3 yr. term ending 6/1/14
Ralph Kramer	3 yr. term ending 6/1/15
Allen Schneider	3 yr. term ending 6/1/14
Dick Weber	3 yr. term ending 6/1/15
Rick Wolfe	3 yr. term ending 6/1/13
Tom Klein (Pl. J. Zimmer)	3 yr. term ending 6/1/14
<u>Harbor Commission</u>	<u>Term</u>
James Anderson	3 yr. term ending 6/1/15
Lee Kummer	3 yr. term ending 6/1/15
Jack Resch	3 yr. term ending 6/1/14
Jim Ruffolo	3 yr. term ending 6/1/15
Troy Flentje (Pl. of P. Allie)	3 yr. term ending 6/1/13
Mike Dailey (Pl. of J. Culley)	3 yr. term ending 6/1/14
<u>Rahr-West Art Museum Board</u>	<u>Term</u>
Maureen Stokes	3 yr. term ending 6/1/14
Amy Fricke-Weigel	3 yr. term ending 6/1/14
Thomas Van Horn	3 yr. term ending 6/1/15
Lori Kirby	3 yr. term ending 6/1/15
Simone Dorcas	3 yr. term ending 6/1/15
Jeanne Miller (Pl. T. Gadzinski)	3 yr. term ending 6/1/15
Meg Bollinger (Pl. C. Ratigan)	3 yr. term ending 6/1/15
Amy Jagemann (Pl. J. Spindler)	3 yr. term ending 6/1/15
Jason Ring (Pl. E. Sitkiewitz)	Unexpired term ending 6/1/13
<u>Library Board</u>	<u>Term</u>
Fred Hazelwood	3 yr. term ending 7/1/15
Robert C. Vollendorf	3 yr. term ending 7/1/15
Pat Brandl (Pl. S. Diedrich)	3 yr. term ending 7/1/14
<u>Cemetery Commission</u>	<u>Term</u>
Dennis Schneider	4 yr. term ending 4/30/16
Eric Zabel (Pl. T. Dirkmann)	4 yr. term ending 4/30/14

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

Ordinance (12-328) to create Section 14.200 of the Manitowoc Municipal Code prohibiting graffiti and requiring property owners to abate graffiti when requested by the Police Dept. 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.

Brad Viegut of Robert W. Baird & Co., Inc. addressed the Council relative to tonight's note issue.

Committee of the Whole returned resolution (12-312) to approve hiring of two seasonal employees who are related to elected officials, department heads or supervisory personnel, recommending adoption of the resolution.

Upon roll call vote on Committee's report recommending adoption, the following members voted aye: Sitkiewitz, McMeans, Braunel, Martell, Brey, Soeldner, Able, Hennessey and Sladky. Alderperson Schema abstained. Ayes, 9. Nays, none. Abstained, 1. Motion carried.

Finance Committee returned final resolution (12-321) regarding Midwestern Disaster Area Revenue Bond Financing for Baileigh Industrial, Inc. project, recommending approval (adoption) of the resolution. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned resolution (12-327) awarding the sale of approximately \$7,655,000 General Obligation Promissory Notes, recommending approval (adoption) of the resolution. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned proposal (12-301) from Herald Times Reporter to publish council proceedings, legal notices, display ads and ordinances, for the contract year beginning June 1, 2012, recommending entering into the agreement. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned agreement (12-300) relative to release of interest under tax incremental financing agreement with Twenty-One Maritime Building LLC and Access Management Corporation, recommending entering into agreement. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned memo (12-316) from Dep. Dir. Public Works Greg Minikel to transfer funds from storm sewer capital account to asphaltic concrete paving capital account relative to N. 8th Street project, recommending approval of request and place 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 memo (12-298) from City Assessor Sarah Hoppe relative to personal property palpable error on parcel #000-305-243, Wisconsin Lift Truck Corp., recommending rescinding 2011 tax bill of \$3,280.14. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned report (12-299) of City Planner David Less relative to release of interest under Tax Incremental Financing District No. 16 Agreement with Twenty-One Maritime Building LLC and Access

Management Corporation, 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 communication (12-315) from Asst. City Attorney Kathleen McDaniel relative to JPMC Specialty Mortgage vs. Heili, Case No. 09-CV-335, recommending accepting report and place 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 use trail permit (12-211) from Friends of Mariner's Trail for use of Mariner's Trail and various waysides along the trail on June 16, 2012, recommending granting request for use of trail 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 & Streets and Sanitation Committees returned special events request (12-295) from Manitowoc Professional Police Assn. to hold MPPA Police Chase 4 mile run/walk as detailed therein on October 13, 2012, with Waiver of Fee request attached, jointly recommending granting request and waiver. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation & Streets and Sanitation Committees returned special events request (12-314) from Manitowoc Sunrise Rotary for use of streets, sidewalks and Lincoln Park for 5K run on October 13, 2012, as detailed therein, with Waiver of Fee request attached, jointly recommending granting request and waiver. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned farmer's market hold harmless waiver of liability, assumption of risk and indemnification (12-313) of Riverland Ag Corp. for Saturday, May 19, 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 report (12-324) of City Planner David Less relative to Ground Lease and assignment of 2007 easement relative to Riverland Ag Corp., recommending acceptance of report and adoption of recommendations. 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 ground lease (12-323) with Riverland Ag Corp., 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 (12-266) from Jim Muenzenmeyer, Transit/Recreation/Facilities Manager, relative to lifting parking restrictions adjacent to Maritime Metro Transfer Center at 915 S. 11th Street, recommending approval of the request and instructs the City Attorney's Office to draft the necessary ordinance to create 2 hour parking on the east side of the 900 block of S. 11<sup>th</sup> Street. 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 (12-165) from First German Ev. Lutheran Church requesting a change in signage at the entrance driveway to the church, recommending ordinance change if necessary to have no parking from 7:30 a.m. - 4:30 p.m. Monday - Friday during school hours and parking that is consistent with the rest of the block at all other times. 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 (12-265) from Keith Cribbs relative to traffic at S. 35th and Calumet Avenue, recommending placing on file. 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 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 placing on file. Motion by Brey, second by McMeans, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 2.

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 placing on file. 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 request (12-192) of Bonnie Kutchera, 2628 Knuell St., for "No Outlet" or "No thru Street" signage at the beginning of Knuell St., recommending placing on file. 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 report (12-302) of Jim Muenzenmeyer, Transit/Recreation/Facilities Manager relative to Lake Michigan Car Ferry Building repairs, recommending acceptance of report and proceeding with the recommended repairs to the Lake Michigan Carferry building. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing & Public Property and Safety Committees returned request (12-365) from Brian Laurent, Tower Tavern, to extend licensed premise to parking lot on June 10 and 23, 2012, and allow for live music in their parking lot, jointly recommending granting the request. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation & Public Property and Safety Committees returned special events request (12-293) from Manitowoc-Two Rivers Area YMCA requesting permission to hold the YMCA Triathlon on Saturday, August 25, 2012, from 7:00 a.m. until 11:00 a.m., and requesting traffic control, the use of various City streets and equipment, as detailed therein; 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 (12-286) 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, with report (12-319) of City Plan Commission recommending approval of the release documents as outlined therein, recommending approval of report (12-319) and place on file and place request (12-286) 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 (12-291) from Gravity Hill Derby Chairman for permission to use Conroe Street on June 16, 2012 for the Gravity Hill Derby, 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, with report (12-317) of City Plan Commission recommending approval of the CUP subject to the attached conditions, recommending approval of report (12-317) and place on file and place request (12-273) 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 (12-318) of City Plan Commission relative to request for partial release of sign easement for Hennessey Development LLC to allow for expansion of Baileigh Industrial

building in I-43 Industrial Park Subdivision No. 2, recommending approval 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 (12-320) of City Plan Commission relative to request from MPU for a utility easement over City owned property allowing MPU the right to access, maintain, operate and repair utility facilities over, on and under the easement area, recommending granting the easement, recommending approval 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 (12-325) of City Planner David Less relative to release of mortgage with Dewey Properties, LLC related to development west of stormwater pond in Harbor Town, 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 permanent easement (12-296) by Holy Family Memorial Medical Center for property located north of Western Avenue and west of S. 24th Street, recommending acceptance and place on file. Motion by Soeldner, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, none. Abstained, 1.

Personnel Committee returned updated employee policy manual (12-326), recommending approval of the policy. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned #1-4 for 2012-13 Bowling Alley license; #1-20 for 2012-13 Class "A" Retail Fermented Malt Beverage license; #1-7 for Combination "Class A" Retail Intoxicating Liquor & Fermented Malt Beverage license; #8 for 2011-12 Class "B" Retail Fermented Malt Beverage license; #1 for 2012-13 6 Month Class "B" Retail Fermented Malt Beverage license; #1-5 for 2012-13 Class "B" Retail Fermented Malt Beverage license; #1-57 for "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license; #4 for 2011-12 "Class C" Retail Wine license; #1-26 for 2012-13 Neer Beer license; #1 for 2012-13 One Year Operator's license; #377-383 for 2011-13 Two Year Operator's license; #35-51 & #53-57 for Two Year Operator's license; granting the various licenses, as shown on the committee's report. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned General City Claims (12-311) in the amount of \$878,759.48 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.

Common Council adjourned at 8:32 p.m. Ayes, 10. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk