

**COMMON COUNCIL  
OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, June 18, 2012

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, June 18, 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 Eric J. Sitkiewitz, Scott McMeans, Collin Braunel, Tyler Martell, Jim Brey, Dave Soeldner, Allan Schema, Christopher Able, Jill Hennessey and Jason Sladky.

Absent: None.

Boy Scout Troups 932 and 904 led the Pledge of Allegiance.

Invocation.

Minutes of the regular session of June 4, 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 June 18, 2012 Common Council agenda.

John Klatt representing his son, Jonathon, Jr., presented his son's Eagle Scout Service Project Proposal.

City Clerk swore in Firefighter Kevin Fabian who was then presented with his badge.

Resolution (12-383) approving the 2012 Seal Coating Program with assessments to be made against the abutting property owners on the streets detailed therein, was referred to Streets and Sanitation Committee.

Resolution (12-384) to amend the Employee Policy Manual authorizing paid 20 minute lunch periods for employees for operational and efficiency purposes, was referred to Personnel Committee.

Resolution (12-385) to amend the Employee Policy Manual regarding employee compensation on observed holidays, was referred to Personnel Committee.

Resolution (12-386) to hire a full time fleet mechanic for the Department of Public Works, was referred to Personnel Committee.

Resolution (12-387) to change the Clerk II "temporary non-benefited" part time clerk in the Engineering Department to "regular benefitted" part time clerk, was referred to Personnel Committee.

Public Property & Safety Committee returned 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., recommending adoption of the ordinance, as amended, removing "due to inclement weather". 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 (12-334) from Doneff Companies relative to the S. 9th and Jay Street parking lot and possibilities for parking for future occupants of the Schuette Building, recommending creating 10 more leased spots in the 9th and Franklin Street parking lot (shown on map), instructing the City Attorney's office to draft said ordinance to give Doneff's Schuette Building LLC right of first refusal on these 10 spots and to instruct the City Attorney's office to create the right of first refusal document between the City and Doneff's Schuette Building LLC. Motion by Brey, second by McMeans, and carried by acclamation to accept the Committee's report. Ayes, 7. Nays, 3.

Public Property and Safety Committee returned request (12-348) from Salvation Army for special parking

dispensation from 11:15 a.m. to 12:15 p.m. every weekday in front of Jefferson School recommending approval of the request. 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 (12-294) from Gustavo and Tammi Gags, 815 Hawthorne Terrace, relative to purchase of parcel no. 681-001-010, recommending instructing the City Attorney's office to negotiate a sale price with the Gags for the entire parcel and refer the Gags to the City Planner/City Assessor to work out details of combining the lots. 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 communication (12-333) from Lake Michigan Carferry Service requesting a 50% cost share for painting improvements at the dock facility, recommending placing on file. Motion by Hennessey, second by Sladky, 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.

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 held a discussion relative to resolution (12-387) to change the Clerk II "temporary non-benefited" part time clerk in the Engineering Department to "regular benefitted" part time clerk. Motion by Hennessey, second by Schema, and carried to amend the resolution to add: "This change sets no precedent and applies only to the person currently occupying the position." Ayes, 4. Nays, 1.

During recess, Parks & Recreation Committee held a discussion relative to special events request (12-370) from Wisconsin Maritime Museum for use of various City equipment for River Rendezvous event and waiver of fee for rental of Wenger Bandwagon on June 29 & 30 & July 1, 2012. Motion by Sladky, second by Marell, and unanimously carried to charge \$550.00 for the rental of the bandwagon. Ayes, 5. Nays, none.

Call back to order.

Finance Committee returned communication (12-304) from Jagemann Stamping Co. relative to 2011 real estate tax refund request, parcel no. 827-403-041, and notice of determination (12-263) of State Board of Assessors relative to Jagemann Stamping Co., Petitioner, recommending granting refund of \$22,259.50 plus interest to Jagemann Stamping. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned report (12-381) of City Plan Commission relative to proposed 2012 tax incremental financing district activities with schedule attached, recommending acceptance of report and adoption of recommendations, with Clerk to call for all required public hearings and meetings as identified in their report. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation & Streets and Sanitation Committees returned special events request (12-370) from Wisconsin Maritime Museum for use of various City equipment for River Rendezvous event and waiver of fee for rental of Wenger Bandwagon on June 29 & 30 & July 1, 2012, jointly recommending charging \$550.00 for special event and granting request. 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 communication (12-336) from Glenn and Connie Gilbert, 2614 Wollmer Street, requesting an exemption to the "blocking the sidewalk" City ordinance to allow them to park in their driveway, recommending denial of the request. Motion by Brey, second by McMeans, and carried by acclamation to accept the Committee's report. Ayes, 7. Nays, 3.

Public Property and Safety Committee returned communication (12-367) from Patty Sturtz relative to a safety issue along the Mariner's Trail at the Maritime Drive wayside, 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 Property and Safety Committee returned request (12-361) from Steven Charles for an extension of the noise ordinance to allow for music outside the American Legion from 7:00 p.m. to 11:00 p.m. on July 21, 2012, recommending approval of the request according to City policy and if alcohol is to be served outside, the American Legion will need to request an extension of their licensed alcohol premise. 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 business associate agreement (12-372) between City of Manitowoc and Mishicot Ambulance, 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 Utilities and Licensing Committee returned report (12-362) of City Clerk Jennifer Hudon of 2011-12 parking leases, recommending accepting the report and placing on file. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned resolution (12-383) approving the 2012 Seal Coating Program with assessments to be made against the abutting property owners on the streets detailed therein, recommending adoption of resolution. 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 (12-355) from Felician Village for a conditional use permit to open Solutions resale shop at 1920 Grand Avenue, and report (12-379) of City Plan Commission recommending Council approve the CUP subject to the attached conditions, recommending acceptance of report (12-379) and place on file and place communication (12-355) on file. Motion by Soeldner, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 0. Abstained, 1.

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

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

Streets and Sanitation Committee returned project proposal (12-363) from Eagle Scout Jonathan Lee Klatt, Jr. for construction of a sign with the local service clubs for the City of Manitowoc, recommending approval of concept with actual location of sign yet to be determined. 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 (12-374) from First Presbyterian Church and St. James Episcopal Church for street closure for a portion of State Street on August 12, 2012 for their event, recommending approval of request subject to City policy (no waiver of fees requested). Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned memo (12-368) from Deputy Planner Paul Braun relative to utility easement for MPU's existing RAW Water Buildings and associated infrastructure, 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 amendment 1 (12-375) to Grant Agreement No. 0495-10-01 between City and Wisconsin Dept. of Transportation relative to Harbor Assistance Program for City Centre dockwall construction, recommending entering into agreement. 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 (12-376) of City Plan Commission relative to their annual review of special permits for fixed animated signs, 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 communication (12-332) from MPO Ben Kraynek relative to building a new training structure at 3820 Dewey Street, and report (12-377) of City Plan Commission recommending approval of location and architectural design of proposed training center, as detailed therein, recommending acceptance of report (12-377) and place on file with incorporation of fund raising (no public funds) arrangement agreed to by Public Property and Safety, and placing communication (12-332) on file. 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 report (12-378) of City Plan Commission recommending that Council adopt the resolution and ordinance to amend the Official Map at Clay Pit Road, 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.

Personnel Committee returned resolution (12-384) to amend the Employee Policy Manual authorizing paid 20 minute lunch periods for employees for operational and efficiency purposes, recommending approval of resolution. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, 3.

Personnel Committee returned resolution (12-385) resolution (12-385) to amend the Employee Policy Manual regarding employee compensation on observed holidays, recommending approval of the resolution. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned resolution (12-386) to hire a full time fleet mechanic for the Department of Public Works, recommending approval of the resolution. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned resolution (12-387) to change the Clerk II "temporary non-benefitted" part time clerk in the Engineering Department to "regular benefitted" part time clerk, recommending approval of resolution as amended (by Committee). Motion by Able, second by Hennessey, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 1.

Public Utilities and Licensing Committee returned #21-23 for Class "A" Retail Fermented Malt Beverage license; #8-9 for Combination "Class A" Retail Intoxicating Liquor & Fermented Malt Beverage license; #6-7 for Class "B" Retail Fermented Malt Beverage license; #62 for 2011-12 "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license; #61 for 2012-13 "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license; #3-4 for "Class C" Retail Wine license; #4 for Mobile Home Park license; #27-31 for Near Beer license; #41-42 for Temporary Operator's license; #4-12 for One Year Operator's license; #97-171 & 173-175 & 177-180 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.

Public Utilities & Licensing Committee returned applications #172 and #176 for Two Year Operator's license, recommending denial of the licenses, subject to a non-renewal hearing, based upon the recommendations from the Chief of Police or designee. 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 (12-373) in the amount of \$4,073,392.28 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 8:30 p.m. Ayes, 10. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk