

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

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, September 17, 2012

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, September 17, 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 September 4, 2012, were approved as distributed by the Deputy City Clerk.

Deputy City Clerk announced that the various documents have been referred to the appropriate committees as shown on the September 17, 2012 Common Council agenda.

Presentation by Tom Drill relative to Showtime 2012.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of proposed changes to Chapters 3, 14, 15 and 21 of the Manitowoc Municipal Code.

Deputy City Planner Paul Braun gave an overview of the various changes to the Code.

Deputy City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on September 3 & 10, 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).

Initial Resolution (12-548) regarding Midwestern Disaster Area Bond Financing for Tramontina U.S. Cookware, Inc. in an amount not to exceed \$10,000,000, was referred to Finance Committee.

Resolution (12-565) providing for a modification to Article IX, Paid Time Off. Section 1. Personal Time Off of the Employee Policy Manual for the conversion of personal time off days to hours was referred to Personnel Committee.

Streets and Sanitation Committee returned request (11-343) from Wisconsin Aluminum Foundry Co. to privatize sanitary sewer line that currently services the right-of-way that WAF had requested the City to vacate and amend its Official Map, 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 communication (12-430) from Patrick Young relative to street sweeping parking regulations, recommending placing on file. 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.

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 initial resolution (12-548) regarding Midwestern Disaster Area Bond Financing for Tramontina U.S. Cookware, Inc. in an amount not to exceed \$10,000,000, recommending adoption of the resolution 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 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, and report (12-380) of City Plan Commission outlining the Commission's recommendations, recommending spending \$4,190.00 from Parkland Dedication Fund for seeding of Silver Ridge Park and placing communication (12-220) on file. 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 (12-550) from First Lutheran Church to hold their church picnic on September 16, 2012, including a bounce house to be set up in Lincoln Park across from Cabin 2, 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.

Public Property and Safety Committee returned communication (12-557) from Jay Xiong expressing concerns regarding the current traffic problems around Lincoln High School, recommending referral to the 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 communication (12-553) from Sharon Strouf outlining concerns that she would like to address at the next Public Property & Safety and/or Safety, Traffic & Parking Commission meeting, recommending referral to the 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 special events request (12-560) from PDJ Cutting and Fabricating for an exception to the "No Parking" restriction on North 30th Street on Thursday, October 4, 2012, recommending approval of the 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 request (12-549) from Saucy's Sports Bar to extend use of amplification system outdoors at their premise on September 21, 2012, allowing for band outside, recommending approval of the 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 supplemental agreement no. 3 (12-563) to Department of the Army License No. DACW35-35-3-03-3001, authorizing placement of a fenced in dog run site and temporary shed on Federal Confined Disposal Facility, recommending entering into the agreement. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned request (12-552) from Mainly Manitowoc for a conditional use permit to paint a mural on the concrete wall facing the back parking lot on the corner of S. 9<sup>th</sup> St. and Quay St.,

recommending granting of conditional use permit. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned ordinance (12-529) amending Chapters 3, 14, 15 and 21 of the Manitowoc Municipal Code, recommending adoption of ordinance.

Motion by Brey, second by McMeans, to accept the Committee's report.

Motion by Brey, second by McMeans, and unanimously carried, to amend the ordinance as follows: After the words Common Council in line 4: to add the words "appointed by the Chairperson of the Streets and Sanitation Committee and approved by the Common Council"; and after the word qualification in line 8: to add the words "Unless otherwise noted, ". Ayes, 10. Nays, none.

Upon a vote, the ordinance, as amended, was unanimously adopted. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned report (12-554) of the Board of Public Works of the Sept. 12, 2012 meeting regarding bids received for WO-12-14 Dockwall Fendering Improvements at City Centre, LLC, recommending awarding to lowest responsive bidder, McMullen & Pitz Construction Co. in the amount of \$502,711.86. 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 (12-555) of the Board of Public Works of the Sept. 12, 2012 meeting regarding Bytof Family Ltd. partnership request for a sidewalk privilege agreement to construct an addition their building at 2406 Washington St., recommending acceptance of report. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned agreement (12-556) between the City of Manitowoc and Custer Village LLC, for Stormwater Management Facility Maintenance, 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 (12-558) of Manitowoc City Plan Commission regarding PC34-2012: TBL Real Estate, LLC/Mainly Manitowoc Request for a Conditional Use Signs and Graphics Permit to Place a Mural at 822 Franklin Street Pursuant to Section 15.450(5)(j) of Manitowoc Municipal Code, 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 (12-562) from The Haven of Manitowoc County Inc. requesting a conditional use permit to operate a men's transitional/emergency homeless shelter, 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 communication (12-564) from S.M.I., as representatives of Trident Real Estate LLC. requesting a special permit to create a parking lot in an R-4 zone at 934 S. 25th Street, Manitowoc, recommending referral to Plan Commission. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned resolution (12-565) providing for a modification to Article IX, Paid Time Off. Section 1. Personal Time Off of the Employee Policy Manual for the conversion of personal time off days to hours, recommending adoption of the resolution. 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 #64 for "Class B" Retail Intoxicating Liquor and Fermented

Malt Beverage license; #34 for 2012-13 One Year Operator's license; #278 - 285 for 2012-14 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 (12-561) in the amount of \$ 1,502,854.61 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 Able, second by Sladky, Common Council adjourned at 7:50 p.m. to Monday, September 24, 2012 at 6:00 p.m. Ayes, 10. Nays, none.

Respectfully submitted,

Deborah Neuser, Deputy City Clerk