

COMMON COUNCIL
OFFICIAL JOURNAL

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk
Monday, October 15, 2012

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, October 15, 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 7:05 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 adjourned session of September 24, 2012 and the regular session of October 1, 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 October 15, 2012 Common Council agenda.

Presentation by "The Miracle League of the Lakeshore"

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of proposed issuance by the City of its Midwestern Disaster Area Revenue Bonds, Series 2012 (Tramontina Cookware Project) in an aggregate amount not to exceed \$10,000,000, pursuant to Section 66.1103 of the Wisconsin Statutes, to finance a project to be owned by Tramontina U.S. Cookware, Inc., a Delaware corporation having its principal place of business in Manitowoc, Wisconsin.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on September 28, 2012. (Proof of publication is on file in the City Clerk's office).

City Planner David Less gave an overview of the Midwestern Disaster Area Revenue Bonds.

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 (12-607) to create Ward 23, population 0, for the Orchard Lane No. 1 annexation area, as described therein and shown on the attached map, and that Ward 23 be combined with Wards 17, 18 and 21, for voting purposes and use a common polling place as established for the 9th Aldermanic District, was referred to Committee of the Whole.

Resolution (12-615) regarding Council authorization for submittal of a 2013 Coastal Management Grant application, was referred to Finance Committee.

Resolution (12-593) that Manitowoc Public Utilities install two 250 watt non-ornamental Cobra style high pressure sodium street lights in the 5300 and 5400 blocks of West Frontage Road, was referred to Public Utilities and Licensing Committee.

Resolution (12-618) to rescinding previous actions for slurry seal assessments and set assessment rates, was referred to Streets and Sanitation Committee.

Resolution (12-611) authorizing the hiring of three sworn officers at the Manitowoc Police Department, was referred to Personnel Committee.

Resolution (12-612) authorizing the filling of a Clerk Typist I position in the Manitowoc Police Department, was referred to Personnel Committee.

Ordinance (12-608) to annex territory known as Orchard Lane No. 1 from the Town of Newton to the City of Manitowoc, as part of the 9th Aldermanic District and 23rd Ward, to be zoned "I-2" Heavy Industrial District, as described therein and shown on the attached map, was referred to Committee of the Whole.

Ordinance (12-619) to amend Section 10.410(1) of the Municipal Code regulating parking from December 1 to March 31, was referred to Public Property and Safety Committee.

Ordinance (12-620) to amend Section 7.320 of the Manitowoc Municipal Code entitled Seal Coating, was referred to Streets and Sanitation Committee.

Ordinance (12-613) to adjust the salary for the position of Mayor for the terms beginning April 2013, April 2014, April 2015 and April 2016, was referred to Personnel Committee.

Ordinance (12-621) creating Section 2.100 of the Municipal Code, establishing city-wide aldermanic seats, was referred to Personnel Committee.

Ordinance (12-622) creating Section 2.110 of the Municipal Code establishing term limits for Alderpersons and Mayor, was referred to Personnel 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.

During recess, Personnel Committee held a discussion relative to resolution (12-452) updating the Employee Policy Manual to include Battalion Chiefs working 24 hour shifts. Motion by McMeans, second by Hennessey, and unanimously carried to amend paragraph 3, Holiday Pay, of Revised Addendum "E" by replacing paragraph 3 as follows:

"Holiday Pay. Battalion Chiefs will be granted annually a total of 120 hours of holiday time to compensate for 9 full day holidays (New Year's Day, Easter, Memorial Day, Fourth of July, Labor Day, Thanksgiving and the day after Thanksgiving, Christmas Eve and Christmas Day) and 2 half day holidays (Friday before Easter and the day preceding New Year's Day). The Holiday hours must be used on the holiday in addition to any time actually worked."

Ayes, 5. Nays, none.

Call back to order.

Committee of the Whole returned petition (12-567) for direct annexation from Heresite Protective Coatings, Inc. and GLTF Enterprises, Inc. for direct annexation of approximately 20.05 acres of land from the Town of Newton to the City of Manitowoc, area known as Orchard Lane No. 1 annexation area, and report (12-606) of City Plan Commission recommending that the Council approve the petition as presented and adopt an annexation ordinance, recommending acceptance of petition (12-567) and place on file and acceptance of report (12-606) and place on file. Motion by Sladky, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned resolution (12-607) to create Ward 23, population 0, for the Orchard Lane No. 1 annexation area, as described therein and shown on the attached map, and that Ward 23 be combined with Wards 17, 18 and 21, for voting purposes and use a common polling place as established for the 9th Aldermanic District, recommending adoption of resolution. Motion by Sladky, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned ordinance (12-608) to annex territory known as Orchard Lane No. 1 from the Town of Newton to the City of Manitowoc, as part of the 9th Aldermanic District and 23rd Ward, to be zoned "I-2" Heavy Industrial District, as described therein and shown on the attached map, recommending adoption of the ordinance. Motion by Sladky, second by Able, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 10. Nays, none. Motion by Sladky, second by Able, report accepted and ordinance adopted. Ayes, 10. Nays, none.

Finance Committee returned funding agreement (12-617) between the Ruth St. John and John Dunham West Foundation, Inc., Rahr West Art Museum Charitable Foundation, Inc. the City of Manitowoc, and the Rahr-West Art Museum, 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 resolution (12-615) regarding Council authorization for submittal of a 2013 Coastal Management Grant application, 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.

Public Property and Safety Committee returned communication (12-591) from Time Out Sports Bar & Grill to extend the noise ordinance on November 21, 2012, for live music indoors, 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 communication (12-592) from Time Out Sports Bar & Grill to extend the noise ordinance on October 27, 2012, for live music indoors, 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 ordinance (12-619) to amend Section 10.410(1) of the Municipal Code regulating parking from December 1 to March 31, recommending adoption of the ordinance. Motion by Brey, second by McMeans, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 10. Nays, none. Motion by Brey, second by McMeans, report accepted and ordinance adopted. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned resolution (12-593) that Manitowoc Public Utilities install two 250 watt non-ornamental Cobra style high pressure sodium street lights in the 5300 and 5400 blocks of West Frontage Road, recommending granting the request and installing the two non-ornamental lighting fixtures. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned petition (12-598) from citizens of the City of Manitowoc requesting that a conditional use permit for the property at 610 S. 29th Street for the purpose of operating a men's shelter be denied, recommending referral to Committee of the Whole. 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 (12-601) from Rebecca Watt requesting that the

Plan Commission deny granting of a conditional use permit to The Haven for operation of a men's homeless shelter, recommending referral to Committee of the Whole. 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 (12-609) of City Plan Commission recommending the Council grant a CUP to The Haven pursuant to Section 15.150(3)(1) of the Municipal Code, subject to conditions contained in the report, recommending referral to Committee of the Whole. 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 (12-618) to rescind previous actions for slurry seal assessments and set assessment rates, recommending adoption of resolution. Motion by Soeldner, second by Brey, to accept the Committee's report.

After discussion, it was moved by Braunel, second by McMeans to table the resolution. Ayes, 2. Nays, 8. Motion to table failed.

Upon a vote: Ayes, 7. Nays, 3. Motion carries.

Streets and Sanitation Committee returned ordinance (12-620) to amend Section 7.320 of the Manitowoc Municipal Code entitled Seal Coating, recommending adoption of the ordinance. Motion by Soeldner, second by Brey, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 10. Nays, none. Motion by Soeldner, second by Brey, report accepted and ordinance adopted. Ayes, 9. Nays, 1.

Streets and Sanitation Committee returned request (12-510) from Amvets Post 99 for a conditional use permit for a new one story clubhouse which will be located on County Rd. R and Conroe Street, 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 (12-562) from The Haven of Manitowoc County Inc. requesting a conditional use permit to operate a men's transitional/emergency homeless shelter, 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 (12-564) 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 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 (12-594) from Leukemia & Lymphoma Society for Scenic Shore 150 Bike Tour on July 20-21, 2013, with route detailed therein, 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 contract (12-595) with McMullen & Pitz Construction Company to repair storm sewer pipe prior to the outfall into the Manitowoc River at a cost of \$15,025.00, 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 special events request (12-599) from Midwest LLC to sell balloons and novelties at Christmas parade, 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 report (12-600) of the Board of Public Works of October 10, 2012, recommending 1st and final payment to Guide Lines Pavement Markings, LLC in the amount of \$42,052.37 for 2012 Epoxy Pavement Marking Program, WS-12-9, 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 contract (12-602) with Vinton Construction Company for repairs at Maritime Drive bridge over Little Manitowoc River at a cost of \$24,034.00, recommending entering into contract. 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 (12-603) from TLC Homes for an exception to the 2500' rule for CBRF's at 703-705 E. Cedar Avenue, 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 report (12-604) of City Plan Commission recommending issuance of a Special Permit subject to conditions contained in the report, to Trident Real Estate LLC to create a parking lot at 934 S. 25th 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 (12-605) of City Plan Commission recommending that the Council approve the issuance of a CUP subject to compliance requirements attached to the document, to Amvests Post 99 for a new one-story clubhouse, 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 request (12-610) of Lutheran Social Services to tie Green Ribbons on 52 light posts on 8th Street between Washington Street and York Street from November 1 - November 15, 2012, recommending granting request subject to City policy. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned resolution (12-452) updating the Employee Policy Manual to include Battalion Chiefs working 24 hour shifts, recommending approval (adoption) as amended. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned resolution (12-611) authorizing the hiring of three sworn officers at the Manitowoc Police Department, recommending approval (adoption) 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 (12-612) authorizing the filling of a Clerk Typist I position in the Manitowoc Police Department, recommending approval (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 #37-38 for 2012-13 One Year Operator's license; #295-307 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.

Public Utilities and Licensing Committee returned Change of Agent for #11 Class "A" Retail Fermented Malt Beverage license; Change of Agent for #59 and #60 "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license; and Change of Name for #48 "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license. 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 (12-614) in the amount of \$1,406,485.97 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 8:54 p.m. Ayes, 10. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk