

COMMON COUNCIL
OFFICIAL JOURNAL

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, November 19, 2012

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, November 19, 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 November 5, 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 November 19, 2012 Common Council agenda.

Clerk administers oath of office for new patrol officer, Nicholas Place.

Snow plowing value stream analysis report-out by Alderperson Scott McMeans, Bldg. & Grounds/Transit/Recreation Manager Jim Muenzenmeyer, DPW/Streets Laborer Chad Scheinoha and Police Officer Rob Weyer.

Resolution (12-653) authorizing and designating public depositories, was referred to Finance Committee.

Resolution (12-657) providing for a primary election on February 19, 2013 if three or more candidates file nomination papers for a City office, was referred to Public Utilities and Licensing Committee.

Resolution (12-669) that the City is officially endorsing and urging the Wis. DOT to move forward with the design of the Waldo Blvd. reconstruction and rehabilitation project with the 4-lane highway option including landscaped boulevard, was referred to Streets and Sanitation Committee.

Resolution (12-658) to create a seasonal Street Maintenance Worker (Limited Term Employment-Casual) non-benefited position in the Department of Public Works, was referred to Personnel Committee.

Ordinance (12-664) amending Section 10.390 of the Municipal Code regulating prohibited parking on North 8th Street, was referred to Public Property and Safety Committee.

Ordinance (12-670) amending Section 14.020(5) of the Municipal Code regulating dogs in City Parks, 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.

Committee of the Whole returned communications (12-666) from Sue Berndt, Audrey DeBaere, Mary J.

Franz, Rose Mary Jensen, Lakeshore Cap, Inc., Marcia Lemberger, Kathy Protsman, Mitch and Diane Schanke, St. James Episcopal Church, Lisa Stricklin, Nancy Slattery and the Board of Directors of RUTH, in support of The Haven shelter for homeless men, recommending placing on file. Motion by Sladky, second by Able, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 1.

Finance Committee returned resolution (12-653) authorizing and designating public depositories, 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.

Finance Committee returned agreement (12-671) with Tyler Technologies for assessment services, recommending acceptance of the agreement 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 (12-663) from Lincoln Park Zoological Society to amend their request to hold Lights in Lincoln Park event every night from December 7 to December 31, 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, Streets and Sanitation and Public Utilities and Licensing Committees returned special events request (12-631) from Tom Chermak requesting the use of Washington Park for Metro Jam Weekend, June 14 & 15, 2013, the use of the Metro Stage, a waiver of rules prohibiting alcohol beverages to be consumed in the park for the weekend, closing So. 11th & So. 12th Street for a portion of the weekend, and City employees to help with the Children's Area and for setup and preparation of the event, as detailed therein, jointly 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.

Public Property and Safety Committee returned memorandum (12-661) from Alderperson Soeldner relative to a constituent's concern regarding the parking situation in the neighborhood surrounding St. Francis of Assisi Parish on Waldo Blvd., 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 ordinance (12-664) amending Section 10.390 of the Municipal Code regulating prohibited parking on North 8th Street, 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 (12-657) providing for a primary election on February 19, 2013 if three or more candidates file nomination papers for a City office, recommending adoption of the resolution. 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 communication (12-668) from Public Service Commission of Wisconsin relative to Strategic Energy Assessment for the Years January 1, 2012 through December 31, 2018, recommending 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 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 placing 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 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 placing 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 (12-609) 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 not to approve report and place 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 Sidewalk Privilege Agreement (12-650) with The Bytof Family Limited Partnership for the purpose of constructing an addition to their building located at 2406 Washington Street which will extend 8" into the City right-of-way, 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 communication (12-652) from Capitol Civic Centre, Inc. requesting permission to install banner across S. 8th Street to increase awareness of their campaign to restore, repair and improve the Capitol, 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 reports (12-654), (12-655) and (12-656) of the Board of Public Works of November 14, 2012, recommending 2nd and final payment to Jim Fischer, Inc. in the amount of \$3,311.95 for 2012 Sidewalk Construction Program New Sidewalk, WS-12-2; 5th and final payment to Seiler Bros. in the amount of \$9,569.27 for 2012 Remove and Replace Existing Sidewalks, WS-12-3; and 3rd and final payment to Vinton Construction Co. in the amount of \$21,792.95 for 2012 Miscellaneous Street Work for Asphalt Paving and Traffic Signal Replace, WS-12-10, 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 communication (12-667) from Town of Manitowoc relative to City's portion for paving Nagle Avenue per Nagle Avenue Construction Agreement, 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 resolution (12-669) that the City is officially endorsing and urging the Wis. DOT to move forward with the design of the Waldo Blvd. reconstruction and rehabilitation project with the 4-lane highway option including landscaped boulevard, recommending adoption of the resolution. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

At this time Mayor Nickels requested that Council President Jason Sladky take over as Chair.

Personnel Committee returned 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, recommending approval (adoption) of the ordinance.

Moved by Able, second by Hennessey, to accept the Committee's report.

Moved by Sitkiewitz, second by Soeldner, to amend the ordinance by removing \$74,000 in para. 1, \$75,000 in para. 2, \$76,000 in para. 3 and \$77,000 in para. 4 and replacing them all with \$73,043.

After a short discussion and upon a vote: Ayes, 6. Nays, 4. Motion to amend carried.

Moved by Sitkiewitz, second by McMeans to amend paragraph 5 of the ordinance to add the following words

after the words Employee Policy Manual: "with the exception of paid time off, the Mayor will not accrue vacation/time-off benefits." and remove the words "equivalent to an exempt employee with four (4) years of service, for the term."

After discussion, it was moved by McMeans, second by Brey to offer an amendment to the amendment to substitute the words: "except for elimination of all paid time off and reserve sick time" in place of "with the exception of paid time off, the Mayor will not accrue vacation/time-off benefits."

Discussion followed.

Aldersperson Brey called the Question. Upon a vote: Ayes, 7. Nays, 3. Motion to amend carried.

Upon a vote, the ordinance, as amended, was adopted by acclamation. Ayes, 7. Nays, 3.

At this time Council President Sladky turned the meeting back to Mayor Nickels.

Finance Committee returned General City Budget (12-570) of proposed 2012 levy for 2013, recommending amending the budget to the sum of \$14,075,400 with \$1,026,686 in proposed tax incremental financing; more specifically an increase of \$222,592 to reflect the attached revisions, with related TIF increments, and adoption of the budget, as amended. Moved by McMeans, second by Able, to accept the Committee's report.

Moved by Sladky, second by Soeldner, to amend the budget to reduce the \$50,000 capital improvement line for Silveridge Park to \$14,000 and apply \$25,000 to be used for a deer pen at Lincoln Park Zoo with the remaining \$11,000 to be used for various park improvements throughout the year with Council approval.

Aldersperson McMeans offered a friendly amendment to apply the remaining \$11,000 to the capital allocation end of life fund line. Aldersperson Slady was not friendly to that amendment.

After discussion, moved by Sladky, second by Soeldner, to amend their original motion to move the \$11,000 to the end of life fund. Ayes, 9. Nays, 1. Amendment carried as amended.

Mayor Nickels summarized the budget changes, and upon a vote: Ayes, 10. Nays, none. Budget was adopted, as amended.

Public Utilities and Licensing Committee returned #321-329 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 (12-665) in the amount of \$765,513.79 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, Common Council adjourned at 9:20 p.m. Ayes, 10. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk