

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

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk  
Monday, February 18, 2013

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, February 18, 2013. 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 7:15 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 February 4, 2013, 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 February 18, 2013 Common Council agenda.

Mayor issued proclamation naming February as Heart Month to Fire Chief Bill Manis and Mike Wellner of Holy Family Memorial's Cardiovascular Center.

Lieutenant Colonel Frank O'Donnell, Commander, Milwaukee Recruiting Battalion, presented Manitowoc Community Covenant and obtained signatures.

Resolution (13-059) setting the 2013 pay rates for the Election Board officials, was referred to Public Utilities & Licensing Committee.

Resolution (13-067) to approve Three Year Harbor Development Statement of Intentions for 2013-2015 relative to improvements of the Manitowoc harbor and river, was referred to Public Utilities and Licensing Committee.

Resolution (13-065) creating the position of Engineering/Stormwater Technician and filling the position, approving the revised job description and revising the Employee Manual, 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, Bob Moore of ICM gave his quarterly report.

Call back to order.

Committee of the Whole returned resolution (13-042) endorsing design elements for the reconstruction and rehabilitation of Waldo Blvd. from Maritime/Memorial Drive to North Rapids Road and requesting Wisconsin Dept. of Transportation to move forward with the design of Waldo Blvd. including necessary land acquisitions, recommending adoption of the resolution. Motion by Sladky, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned invoice (13-037) from Balestrieri relative to Riverland Ag silos, recommending

payment of \$25,000.00 from 2012 general contingency funds. Motion by McMeans, second by Able?, to accept the Committee's report.

Moved by Able, second by Soelder, to amend the motion to recommend payment of \$7,500.00 contingent upon production of the contract by Riverland Ag or Balestrieri. After a lengthy discussion: Ayes, 2. Nays, 8. Motion to amend fails.

Motion by Hennessey, second by Martell, to amend the motion to take the \$25,000.00 directly from the Mayor's budget. A lengthy discussion followed. Alderperson Brey called the question. Upon a vote: Ayes, 1. Nays, 9. Motion to amend fails.

Motion by Sitkiewitz, second by McMeans, and carried by acclamation to amend the motion to provide for repayment to the City in the form of a one-to-one match up to \$25,000.00 from the fundraising effort so that the City is paid back whole first and then the remaining balance goes toward the preservation and maintenance of the Bud towers. Upon a vote: Ayes, 6. Nays, 4. Motion to amend carries.

Upon a vote, the Committee's recommendation to adopt the resolution, as amended, was accepted by acclamation. Ayes, 6. Nays, 4. Motion is carried as amended.

Finance Committee returned Summons and Complaint (09-277) from JPMC Specialty Mortgage, LLC vs. Tammy & Brian Heili et al., Case No. 09 CV 0335, recommending 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 Summons and Complaint (12-303) between Bank of America vs. Hrudka, et al, Case No. 12 CV 0256, recommending 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 Summons and Complaint (11-412) in the matter of Manitowoc County Habitat for Humanity, Inc. v. Estate of Wendy Koepke et al, recommending 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 memorandum (13-074) from Asst. City Attorney Kathleen McDaniel advising of Notice of Entry of Summary Judgment of Foreclosure in Bank of America v. Hrudka, et al, Case No. 12 CV 256, recommending accepting report 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 application (10-180) and Order for Dismissal relative to BAC Home Loan Servicing LP v Bohart, et al, Case No. 10 CV 218, recommending 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 (10-064) from SMI requesting that Streets and Sanitation Committee take action on various issues relating to storm water pond maintenance costs, 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 contract (13-066) with Bartolotta Fireworks Company to produce and perform a pyrotechnic display on March 15, 2013 for St. Patrick's Day, recommending entering into the contract. 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 (13-070) of City Plan Commission relative to sale to PBJC Fest I, LLC for a 1.040 acre parcel of land located west of S. 42<sup>nd</sup> Street, south of Dewey and east of the

Visitor Information Center, recommending acceptance of report and to place 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 resolution (13-059) setting the 2013 pay rates for the Election Board officials, recommending approval. 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 resolution (13-067) to approve Three Year Harbor Development Statement of Intentions for 2013-2015 relative to improvements of the Manitowoc harbor and river, recommending approval. 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 report (13-068) of Community Development Authority relative to annual audit for Housing Authority dated June 30, 2012, recommending acceptance of report and placement on file. 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 report (13-069) of City Plan Commission relative to Three-Year Harbor Assistance Program Statement of Intentions, recommending acceptance of report and placement on file. 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 annual report (13-075) of Great Lakes Utilities for the year ending December 31, 2011 along with highlights of 2012 activities, recommending acceptance of report and placement 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 request (13-057) from Midwest LLC to sell balloons and St. Patrick's Day novelties along the St. Patrick's Day parade route on March 15, 2013, recommending approval. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned public works petition (13-060) from Robert L. Moore for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on Orchard Lane, as described therein, and shown on the attached map, recommending acceptance with copy to Director of Public Infrastructure. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned public works petition (13-061) from Robert L. Moore for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on So. 26<sup>th</sup> Street, as described therein, and shown on the attached map, recommending acceptance with copy to Director of Public Infrastructure. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned quit claim deed (13-062) from Robert L. Moore for .50 acres of land for So. 26<sup>th</sup> Street purposes, 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 quit claim deed (13-063) from Robert L. Moore for .51 acres of land for Orchard Lane purposes, 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 (13-071) of City Plan Commission relative to Ron Leschke/R & J Transport operation located east of N. Rapids Rd. and south of the Indian Bluff Estates Subdivision, with Plan Commission recommendations outlined therein, 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 (13-076) of Board of Public Works of February 13, 2013, regarding bids received for 2013 Televising Miscellaneous Sewers Program, Project WU-13-5, recommending awarding to low bidder, Green Bay Pipe & TV, LLC in the amount of \$30,249.94. 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 (13-077) of Board of Public Works of February 13, 2013, regarding bids received for 2013 Re-Lining Sewers Program, Project WU-13-7, recommending awarding to low bidder, Michels Corporation in the amount of \$242,741.75. 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 (13-078) of Board of Public Works of February 13, 2013, regarding quotes received for 2013 Ready Mix Concrete, Quote QM-13-1, recommending awarding to low quoter, R & J Fricke, Inc. in the amount of \$28,885.00. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned resolution (13-065) creating the position of Engineering/Stormwater Technician and filling the position, approving the revised job description and revising the Employee Manual, recommending approval 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 #25 for Class "A" Retail Fermented Malt Beverage license; #3 (Change of Agent) for "Class A" Retail Intoxicating Liquor and Fermented Malt Beverage license; #20 (Beer) and #1 (Wine) for Temporary Class "B" Retail licenses; #4 - #5 for Second Hand Article/Jewelry license; #32 Near Beer license; #1 - #2 Temporary Operator's license; #361-364 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 (13-079) in the amount of \$9,027,258.79 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, and unanimously carried, Common Council adjourned at 9:11 p.m. Ayes, 10. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk