

**COMMON COUNCIL
OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk
Monday, April 15, 2013

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, April 15, 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 7:00 p.m. and on roll call the following members were present: Alderpersons Eric J. Sitkiewitz, Scott McMeans, Collin Braunel, Jim Brey, Dave Soeldner, Allan Schema, Christopher Able, Jill Hennessey and Jason Sladky.

Absent: Alderperson Tyler Martell.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of April 1, 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 April 15, 2013 Common Council agenda.

Mayor Nickels issued proclamation in recognition of volunteers and proclaimed the week of April 21-27, 2013 as Volunteer Week. Recreation Team Leader Denise Larson accepted the proclamation.

Mayor Nickels issued proclamation that Friday, April 26, 2013, is "Arbor Day" in the City of Manitowoc.

Mike Huck of Lakeshore CAP gave a presentation.

Greg Vadney, Director, Rahr-West Art Museum presented the 2012-13 Report.

Mayor presented plaque to Alderperson Collin Braunel for his service as Alderperson, District 1, from 10/3/11 to 4/15/13.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of a proposed change in zone from "P-1" Conservancy and "R-4" Single and Two Family District to "C-1" Commercial District, in an area located north of Fulton Street and west of N. 40th Street.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on April 1 & 8, 2013. (Proof of publication is on file in the City Clerk's Office).

No interested parties appeared.

City Planner David Less outlined the proposed change in zone.

Mayor declared the public hearing closed. (A recording of the entire hearing is on file in the City Clerk's office.)

Resolution (13-169) proclaiming May 11, 2013, as International Migratory Bird Day in the City of Manitowoc.

Resolution (13-181) to approve the hiring of one full-time employee for the Operations Laborer Pool position in the Department of Public Infrastructure due to a March 31, 2013 retirement, and hiring another full-time employee should another potential retirement occur by July 1, 2013, all in accordance with the Employee Policy Manual and the Mayor's 2013 Budget, was referred to Personnel Committee.

Ordinance (13-180) to amend Chapters 3, 12 and 27 of the Municipal Code regarding the structure of the Common Council, standing committee responsibilities and Board and Commissions, was referred to Committee of the Whole.

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 report (13-173) of City Plan Commission relative to donation of property south of Orchard Lane to the City of Manitowoc from Heresite Protective Coatings, Inc., recommending acceptance of report and place on file. Motion by Sladky, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned report (13-176) of City Plan Commission relative to proposed changes to the Sign Code Section of Chapter 15.450 of the Municipal Code, recommending acceptance of report with Clerk to call for public hearing. Motion by Sladky, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned ordinance (13-180) to amend Chapters 3, 12 and 27 of the Municipal Code regarding the structure of the Common Council, standing committee responsibilities and Board and Commissions, 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, 9. Nays, none. Motion by Sladky, second by Able, report accepted and ordinance adopted. Ayes, 9. Nays, none.

Parks and Recreation Committee returned Mariner's Trail Special Use Trail Permit (13-153) from Painting Pathway Club to hold run/walk on October 5, 2013 from 8:00 a.m. to 12:00 p.m., recommending granting request per City policy. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned Mariner's Trail Special Use Trail Permit (13-154) from March of Dimes to hold walk on May 11, 2013 from 9:00 a.m. to 11:00 a.m., recommending granting request per City policy. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned Mariner's Trail Special Use Trail Permit (13-155) from Friends of CP Rec Center to hold bike/run/walk on May 18, 2013 from 7:30 a.m. to 11:30 a.m., recommending granting request per City policy. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned Waiver of Fee Request (13-156) from Discover Eastern Wisconsin Disc Golf for use of Silver Creek Fieldhouse and concession stand on July 20, 27 & 28, 2013 for disc golf tournament, recommending granting request. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned Waiver of Fee Request (13-157) from New Life Ministries of Manitowoc for use of MetroStage on May 2, 2013, recommending granting fee reduction of 50%. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned resolution (13-169) proclaiming May 11, 2013, as International Migratory Bird Day in the City of Manitowoc, recommending adoption of resolution. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned ordinance (13-145) to amend Section 14.620 of the Municipal Code establishing the maximum dollar value of a theft permitted to be prosecuted in Municipal Court, recommending adoption of the ordinance. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned ambulance service agreement (13-152) with Holy Family Memorial Medical Center to provide ambulance service at Holy Family Memorial Maritime Marathon on June 23, 2013, recommending entering into the agreement. Motion by Brey, second by Sitkiewitz, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, none. Abstained, 1.

Public Property and Safety Committee returned report (13-159) of Manitowoc Industrial Development Corporation relative to proposed land sale to Jagemann Stamping Company and modification of easement in Manitowoc I-43 Industrial Park, recommending acceptance of report, placing on file, and adoption of recommendations. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned report (13-172) of City Plan Commission relative to review of proposed land sale to Jagemann Stamping Company and modification of easement in Manitowoc I-43 Industrial Park, recommending acceptance of report and adoption of recommendations. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned communication (13-139) from Tiffany Grosshuesch asking for reconsideration of the denial of 2012-14 two-year operator license #346l, recommending placing on file. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned Statement of the Board of Canvassers (13-160) of the April 2, 2013 Spring Election, recommending placement on file. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing & Streets and Sanitation Committees returned special events request (13-166) from The Fat Seagull to extend their liquor license and have live bands on various dates as detailed therein, along with an extension of their liquor license, live bands and street closure on July 27th for their 5th annual Street Party as detailed therein, jointly recommending approval of the request. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned ordinance (13-113) to amend the amended zone map of the City in an area north of Fulton Street and west of N. 40th Street, from "P-1" Conservancy and "R-4" Single and Two Family Residential to "C-1" Commercial, recommending adoption. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned declaration of restrictions – underground services (13-125) from Ray G. & Sharon M. Meier relative to permanent paving on Packer Lane, recommending acceptance and place on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned communication (13-149) from Steven J. Wester requesting a change at the intersection of Michigan Ave. and Rapids Rd., recommending placing on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned extended delayed assessment agreement (13-150) with Eck Industries relative to parcel 818-103-010 delaying a concrete paving assessment, recommending entering into agreement. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned extended delayed assessment agreement (13-151) with Eck Industries relative to parcel 818-104-010 delaying a concrete paving assessment and a sanitary sewer assessment, recommending entering into agreement. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned request (13-158) from Charles J. Vesely, Julie E. Vesely and Joan A. Maltby for change in the Official Map to remove proposed street adjacent to parcels 355-106-003 and 355-106-001, recommending referral to Plan Commission. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned progress invoice (13-161) from Wisconsin Dept. of Transportation in the amount of \$6,040.18 for Waldo Blvd., 8th Street – Maritime Drive, Project No. 4570-12-00, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned progress invoice (13-162) from Wisconsin Dept. of Transportation in the amount of \$5,583.00 for Waldo Blvd., CTH R – 8th Street, Project No. 1500-37-00, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (13-163) of the Board of Public Works of April 10, 2013, recommending 15th and final payment to Somerville in the amount of \$1,006.19 for A/E Services to design Transit Transfer Facility, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (13-164) of the Board of Public Works of April 10, 2013, recommending 9th and final payment to Hamann Construction Company in the amount of \$16,784.00 for Intermodal Transfer Station, Project WB-11-10R, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned authorization to proceed (13-165) with AECOM Technical Services, Inc. relative to 2013 remedial design and groundwater monitoring former Town of Newton Gravel Pit, recommending authorization. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (13-167) of Board of Public Works of April 10, 2013, regarding bids received for 2013 Asphaltic Paving Program, WS-13-4, recommending awarding to low bidder, Vinton Construction Company in the amount of \$210,996.71. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (13-168) of Board of Public Works of April 10, 2013, regarding bids received for 2013 Concrete Paving Program, WS-13-1, recommending awarding to low bidder, Vinton Construction Co. in the amount of \$254,958.90. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (13-174) of City Plan Commission relative to proposed vacation and Official Map Amendment at 4720 Broadway Street, recommending acceptance of report and adoption of recommendations. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (13-175) of City Plan Commission relative to proposed planned and orderly development of a large, 22+ acre area of vacant land located east of I-43, east of So. 44th Street and north of Viebahn 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, 9. Nays, none.

Streets and Sanitation Committee returned Master Service Agreement (13-179) with Strand Associates, Inc. for various sewer and Wastewater Treatment Facility projects, recommending entering into the agreement. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Personnel Committee returned resolution (13-181) to approve the hiring of one full-time employee for the Operations Laborer Pool position in the Department of Public Infrastructure due to a March 31, 2013 retirement, and hiring another full-time employee should another potential retirement occur by July 1, 2013, all in accordance with the Employee Policy Manual and the Mayor's 2013 Budget, recommending approval of the resolution. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none

Public Utilities and Licensing Committee returned #5A for Class "B" Retail Fermented Malt Beverage license; #2A for "Class C" Retail Wine license; #46 for 2012-13 One Year Operator's license; #386, 391, 393, 395-398 for 2012-14 Two Year Operator's license; #3 – 5 for 2013-15 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, 9. Nays, none.

Public Utilities and Licensing Committee returned applications 392 & 394 for 2012-14 Two Year Operator's license, recommending denial of the license 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, 9. Nays, none.

Committee of the Whole returned General City Claims (13-177) in the amount of \$4,290,274.69 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, 9. Nays, none.

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Moved by Sladky, second by Able, and unanimously carried, Common Council adjourned at 8:20 p.m. sine die. Ayes, 9. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk