

**COMMON COUNCIL
OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, May 6, 2013

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, May 6, 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 Dave Soeldner, Jim Brey, Alan Schema, Mike Howe, Jason Sladky, Scott McMeans, Eric Sitkiewitz, Tyler Martell and Jill Hennessey.

Absent: Alderperson Christopher Able.

Pledge of Allegiance.

Invocation.

City Clerk announced that the various documents have been referred to the appropriate committees as shown on the May 6, 2013 Common Council agenda.

Presentation by County Clerk Jamie Aulik and District 10- County Supervisor Philip Hoff to District 10 Alderperson Jason Sladky who accepted it on behalf of the residents of Aldermanic District 10 for their commitment to our democracy.

Presentation by Amy Fricke-Weigel, to Jim Konitzer, Rahr-West Art Museum Board Member.

Mayor Nickels presented Proclamation observing May 15, 2013 as Peace Officers' Memorial Day to Deputy Chief Bridget Brennan.

Mayor Nickels presented Proclamation observing May 19 -25, 2013 as Emergency Medical Services Week to Fire Chief Bill Manis.

Mayor submitted the following 2013-14 Standing Committee appointments and requested Council confirmation: **FINANCE:** S. McMeans, Chair; C. Able, Vice-Chair; J. Brey, T. Martell and E. Sitkiewitz. **LICENSING, PERMITS & INSPECTIONS:** J. Brey, Chair; J. Hennessey, Vice-Chair; C. Able; J. Sladky and M. Howe. **PARKS & RECREATION:** J. Sladky, Chair; A. Schema, Vice-Chair; T. Martell; D. Soeldner; and M. Howe. **PERSONNEL:** C. Able, Chair; Jill Hennessey, Vice-Chair; A. Schema; E. Sitkiewitz; and M. Howe. **PUBLIC INFRASTRUCTURE:** D. Soeldner, Chair; J. Brey, Vice-Chair; Jill Hennessey; S. McMeans; and J. Sladky. **PUBLIC SAFETY:** E. Sitkiewitz, Chair; T. Martell, Vice-Chair; D. Soeldner; A. Schema; and S. McMeans.

Moved by Hennessey, second by Sladky, and unanimously carried to confirm the Mayor's appointments. Ayes, 9. Nays, none.

Mayor submitted the following Council representative appointments for the term of April 16, 2013 through April 21, 2014:

BOARD OF PUBLIC WORKS

E. Sitkiewitz, Mbr. Finance
J. Brey, Mbr. Public Infrastructure
M. Howe, Council Repr.

CABLE TELEVISION COMMISSION

J. Hennessey, Mbr. Licensing, Permits & Inspections

CEMETERY COMMISSION

J. Sladky, Mbr. Public Infrastructure

CITIZENS ADVISORY COMMITTEE	C. Able, Council Repr.
CITIZENS PHYSICAL & SENSORY DISABILITY COMMISSION	S. McMeans, Council Repr.
CODE REVIEW COMMITTEE	J. Sladky, Mbr. Public Infrastructure J. Hennessey, Mbr. Lic., Permits & Insp.
COMMUNITY DEV. AUTHORITY	J. Hennessey, Council Repr. C. Able, Council Repr.
COMPLETE STREETS	J. Brey, Mbr. Public Infrastructure
CRIME PREVENTION	A. Schema, Council Repr.
DIVERSITY ADVISORY COUNCIL	M. Howe, Council Repr.
ETHICS BOARD	A. Schema, Council Repr.
HARBOR COMMISSION	J. Sladky, Council Repr.
INDUSTRIAL DEVELOPMENT CORP.	D. Soeldner, Council Repr. J. Brey, Council Repr.
MANITOWOC COUNTY ECONOMIC DEVELOPMENT CORP. BOARD	J. Hennessey, Council Repr.
MAINLY MANITOWOC BOARD	E. Sitkiewitz, Council Repr.
MIRA	J. Hennessey, Council President
MPU COMMISSION	J. Hennessey, Mbr. Lic., Permits & Insp.
MUNICIPAL TREE COMMISSION	A. Schema, Mbr. Parks & Recreation
RAHR-WEST ART MUSUEM BOARD	J. Hennessey, Council Repr.
RECREATION BOARD	J. Sladky, Parks & Rec. Chair
SAFETY, TRAFFIC & PARKING	E. Sitkiewitz, Public Safety Chair
SUSTAINABILITY COMMITTEE	A. Schema, Council Repr.
TAX INCREMENTAL FINANCING PROJ. REVIEW COMMITTEE	S. McMeans, Finance Chair
TRANSIT COMMISSION	C. Able, Mbr. Licensing, Permits & Insp.
WASTEWATER TREATMENT FACILITY BD	J. Brey, Public Infrastructure Vice-Chair
WISCONSIN MARITIME MUSEUM BD	S. McMeans, Council Repr.
ZOOLOGICAL BOARD	J. Sladky, Chair Parks & Recreation

Moved by Hennessey, second by Sladky, and unanimously carried to confirm the Mayor's appointments.

Ayes, 9. Nays, none.

Mayor submitted the following appointments and requested Council confirmation:

2013 BOARD OF REVIEW: A. Schema, D. Soeldner, E. Sitkiewitz, T. Martell, J. Brey, J. Sladky (alternate), J. Hennessey (alternate), C. Able (alternate), S. McMeans (alternate) and M. Howe (alternate).

LIBRARY BOARD:

J. Hennessey, Council Repr. 3 yr. term expiring 7/1/16

HANDICAP APPEAL COMMISSION:

M. Howe, Council Repr. Indefinite term

MANITOWOC AREA VISITOR &
CONVENTION BUREAU:

E. Sitkiewitz, Council Repr. 3 yr. term expiring 1/1/16

Moved by Hennessey, second by Sladky, and unanimously carried to confirm the Mayor's appointments.

Ayes, 9. Nays, none.

Moved by Council President Jill Hennessey, seconded by Alderperson Schema, to appoint Alderperson Jill Hennessey as the Council Representative to serve on the Performance Evaluation Review Committee for the ensuing one year term from April 16, 2013, through April 21, 2014. Ayes, 10. Nays, none.

Moved by Alderperson Hennessey, second by Alderperson Soeldner, to nominate Alderperson Jim Brey as the Public Infrastructure Committee member to serve on the City Plan Commission for the ensuing one year term from April 16, 2013, through April 21, 2014.

It was then moved and unanimously carried to close nominations and cast a unanimous ballot for Alderperson Jim Brey. Ayes, 9. Nays, none. Mayor declared Alderperson Brey elected to serve on the Plan Commission.

Minutes of the regular session of April 15, 2013, the organizational session of April 16, 2013, and the adjourned session of April 22, 2013, were approved as distributed by the City Clerk.

Resolution (13-208) terminating TIF District No. 7 and authorizing Treasurer to distribute excess increment to overlying taxing districts, was referred to Finance Committee.

Resolution (13-213) awarding the sale of \$9,995,000.00 General Obligation Promissory Notes, was referred to Finance Committee.

Resolution (13-191) for the installation of three, 100 watt, ornamental street lights in the 3200-3300 blocks of Packer Lane, was referred to Licensing, Permits and Inspections Committee.

Resolution (13-192) for the installation of three, 100 watt, ornamental street lights in the 2100-2200 blocks of Flambeau Street, was referred to Licensing, Permits and Inspections Committee.

Resolution (13-227) to vacate a 3,289 square feet of street at 4720 Broadway Street, was referred to Public Infrastructure Committee.

Resolution (13-229) to authorize and effectuate the condemnation of property south of Orchard Lane and obtain the property by condemnation, as detailed therein, was referred to Public Infrastructure Committee.

Resolution (13-209) hiring Director of Public Infrastructure effective May 31, 2013 and setting salary at Classification 24 of the Performance Based Compensation Schedule dated January 1, 2012; and that the Interim Director of Public Infrastructure be returned to his former position as Engineering Team Leader at his former rate of pay effective with commencement of employment of the new Director of Public Infrastructure, was referred to

Personnel Committee.

Public Safety Committee returned communication (13-001) from Fire Chief William P. Manis II reporting Police & Fire Commission and well as his recommendations for staffing, etc. at the Fire Department, recommending placing on file. Motion by Sitkiewitz, second by Martell, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Safety Committee returned ordinance (13-144) to amend Section 3.130(1) of the Municipal Code changing the voting members on the Safety, Traffic & Parking Commission, recommending adoption of the ordinance. Motion by Sitkiewitz, second by Martell, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Safety Committee returned communication (13-170) from Thomas E. Stanek requesting review and adjustment of invoice #15701 for accident spill cleanup on November 7, 2012, recommending denial of the request and place on file. Motion by Sitkiewitz, second by Martell, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 1.

Public Safety Committee returned hardship discount request (13-178) from patient for ambulance call on December 26, 2012, Call No. 182-12-3704, recommending approval of the request. Motion by Sitkiewitz, second by Martell, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Ordinance (13-228) amending Section 22.010 of the Municipal Code entitled "Official Map-Master Subdivision Plans" in an area located on Broadway Street, was referred to Public Infrastructure 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, Brad Viegut, Managing Director, Robert W. Baird, addressed the Council relative to General Obligation Promissory Notes and refinancing.

Also during recess, Dan Koski, proposed new Director of Public Infrastructure, introduced himself.

Call back to order.

Personnel Committee returned resolution (13-209) hiring Director of Public Infrastructure effective May 31, 2013 and setting salary at Classification 24 of the Performance Based Compensation Schedule dated January 1, 2012; and that the Interim Director of Public Infrastructure be returned to his former position as Engineering Team Leader at his former rate of pay effective with commencement of employment of the new Director of Public Infrastructure, recommending hiring Daniel Koski as the Director of Public Infrastructure. Motion by Hennessey, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned notice of claim and claim (13-121) of March 18, 2013, from Ronald B. and Marilyn L. Muench, Claim File No. 13-1093, recommending acceptance of the request and placing on file. Motion by McMeans, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned notice of claim and claim (13-130) of March 22, 2013, from Andrew Beck, Claim File No. 13-1094, recommending acceptance of the report and placing on file. Motion by McMeans, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned request (13-184) from Veterans of Foreign Wars Post 659 to distribute Buddy Poppies throughout the City of Manitowoc on May 17 – 18, 2013, recommending approval. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned report (13-197) of Asst. City Attorney Kathleen McDaniel submitting Notice of Entry of Order Confirming Sheriff's Sale relative to BMO Harris v Christine C. Spencer, Case No. 12-CV-395, recommending accepting the report and placing on file. Motion by McMeans, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned report (13-206) of Asst. City Attorney Kathleen McDaniel submitting Petition and Order for Dismissal and Discharge of Lis Pendens relative to EMC Mortgage LLC v Estate of James G. Mott et al, Case No. 12-CV-0407; Amended Summons and Complaint (12-536) between EMC Mortgage LLC and Estate of James G. Mott and City of Manitowoc, Case No. 12-CV-0407; and Summons and Complaint (12-402) EMC Mortgage vs. Estate of James G. Mott and City, Case No. 12 CV 0407; recommending accepting the reports and placing on file. Motion by McMeans, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned resolution (13-208) terminating TIF District No. 7 and authorizing Treasurer to distribute excess increment to overlying taxing districts, recommending adoption of the resolution and placing on file. Motion by McMeans, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned resolution (13-213) awarding the sale of \$9,995,000.00 General Obligation Promissory Notes, recommending adoption of the resolution and placing on file. Motion by McMeans, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned report (13-218) of Deputy Planner relative to Wisconsin Coastal Management grant application, recommending acceptance of the report and adoption of the recommendations. Motion by McMeans, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Licensing, Permits & Inspections Committee returned report (13-187) of Public Utilities & Licensing Committee relative to denial of 2012-2014 Two-Year Operator's license #346 of Tiffany Grosshuesch, recommending acceptance and place on file. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Licensing, Permits & Inspections Committee returned resolution (13-191) for the installation of three, 100 watt, ornamental street lights in the 3200-3300 blocks of Packer Lane, recommending adoption of the resolution. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Licensing, Permits & Inspections Committee returned resolution (13-192) for the installation of three, 100 watt, ornamental street lights in the 2100-2200 blocks of Flambeau Street, recommending adoption of the resolution. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Licensing, Permits & Inspections Committee returned request (13-204) from Alissa Zuba to reconsider denial of license no. 394 for 2012-14 Two Year Operator's license, recommending placing document on file. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Licensing, Permits & Inspections Committee returned request (13-221) from Manitowoc Yacht Club, Inc. to extend their liquor license privilege to a tent on the southeast corner of the property at 815 Maritime Drive on July 4, 2013 from 8:00 a.m. to 11:00 p.m., recommending approval of the request according to City policy. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned request (13-188) from O'Connor's Concessions to do concession business in Manitowoc for the 2013 season, recommending granting request per City policy. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned Animal Loan Agreement (13-216) with Manitowoc County Farm Bureau for animals for the Big Red Barn at the Lincoln Park Zoo, recommending entering into agreement. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned request (13-217) from Curt Drumm, Thunder on the Lakeshore Airshow, for permission for the 2013 Manitowoc Airshow to be held at the airport during the weekend of June 8-9, 2013, recommending granting request and fees to be assessed at 50% of City expense with a cap at \$2,000.00. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned public works petition (13-194) from Lee R. and Joan M. Meyer for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on So. 10th Street, as described therein, and shown on the attached map (Parcel No. 805-202-040), recommending acceptance of petition and place on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned quit claim deed (13-195) from Lee R. and Joan M. Meyer for a parcel of land containing 0.265 acres more or less, to be used for South 10th Street purposes, as described therein and shown on the attached sketch, recommending referral to Plan Commission. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned request (13-196) from R & J Transport to amend their conditional use permit so that it is in conformance with the 2013 rezoning, recommending referral to Plan Commission. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned special events request (13-202) from Two Rivers Main Street for their annual Cool City Classic Car Show and Cruise Night on June 28, 2013, from Silver Creek Park to Two Rivers, as detailed therein, recommending approval with waiver of Police overtime fee. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned request (13-210) from Hermilo Bernal Arce to sell popsicles, water and Gatorade via pushcart on City sidewalks and along the lakefront during the summer months, recommending approval. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned Public Works Petition (13-211) from Cynthia Knipp Jones for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on So. 10th Street, as described therein, and shown on the attached map (Parcel No. 009-500-003.04), 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.

Public Infrastructure Committee returned Quit Claim Deed (13-212) from Cynthia Knipp Jones for a parcel of land containing 0.149 acres more or less, to be used for South 10th Street purposes, as described therein and shown on the attached sketch, recommending referral to Plan Commission. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned request (13-214) from SMI as representatives of Manitowoc Cinema LLC for approval of a conditional use permit and site plan for a commercial development in an area located south of the south end of So. 44th Street, east of I-43, north of Viebahn St. and west of a lowland area in the vicinity, recommending referral to Plan Commission. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned special events request (13-222) from Holy Family Memorial for HFM Maritime Marathon on June 23, 2013 from University of Wisconsin Manitowoc to Port Sandy Bay Two Rivers and back along the lakeshore, recommending approval. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned contract (13-215) with Northeast Asphalt Inc. to realign a portion of Mariner's Trail around the wayside parking lot south of Waldo Blvd. for the sum of \$16,487.50, recommending entering into contract. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned resolution (13-229) to authorize and effectuate the condemnation of property south of Orchard Lane and obtain the property by condemnation, as detailed therein, recommending adoption. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Safety Committee returned request (13-198) from Tiffany Graubner for outdoor band at 412 St. Clair Street from 2:00 p.m. to 6:00 p.m. on May 26, 2013, recommending placing on file. Motion by Sitkiewitz, second by Martell, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Safety Committee returned contract (13-200) with Bartolotta Fireworks Company, Inc. for 4th of July fireworks display, recommending entering into agreement per City policy. Motion by Sitkiewitz, second by Martell, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Safety Committee returned request (13-201) from Wagner's RV Center, Inc. for extension of noise curfew to midnight for their "Campfest" Customer Appreciation Campout at the Manitowoc County Expo on weekend of September 6-8, 2013, recommending granting request per City policy. Motion by Sitkiewitz, second by Martell, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Safety Committee returned Ambulance Service Agreement (13-224) between City and Eastern Wisconsin Stock Car, Inc. for the period April 26, 2013 through May 31, 2013, recommending entering into agreement per City policy. Motion by Sitkiewitz, second by Martell, and unanimously carried to accept the

Committee's report. Ayes, 9. Nays, none.

Licensing, Permits and Inspections Committee returned #1-2 for Bowling Alley license; #1-19 for Class "A" Retail Fermented Malt Beverage license; #1-7 for Combination "Class A" Retail Intoxicating Liquor & Fermented Malt Beverage license; #1-3 Class "B" Retail Fermented Malt Beverage license; #1-34 "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage license; #1 "Class C" Retail Wine license; #8-9 Pawnbrokers license; #3 Mobile Home Park license; #34 for 2013-14 Temporary Operator's license; #1 for 2013-14 One Year Operator's license; #346 for 2012-14 Two Year Operator's license; #399-408 for 2012-14 Two Year Operator's license; #6-25 for 2013-15 Two Year Operator's license; granting the various licenses, as shown on the committee's report. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned General City Claims (13-225) in the amount of \$1,164,081.55 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 Hennessey, second by Sladky, report accepted. Ayes, 9. Nays, none.

Moved by Hennessey, second by Sladky, and unanimously carried, Common Council adjourned at 8:15 p.m. Ayes, 9. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk