

**COMMON COUNCIL
OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, May 20, 2013

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, May 20, 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, Christopher Able, Jason Sladky, Scott McMeans, Eric Sitkiewitz, Tyler Martell and Jill Hennessey.

Absent: None.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of May 6, 2013, were approved as distributed by the Deputy City Clerk.

Deputy City Clerk announced that the various documents have been referred to the appropriate committees as shown on the May 20, 2013 Common Council agenda.

Mayor Nickels presented commendation to Bridge Tender Robert J. Kohlmann who played a vital role in the rescue of a Manitowoc man who fell into the Manitowoc River.

Public Infrastructure Committee returned report (13-223) of Board of Public Works of May 1, 2013, regarding bids received for 2013 Dewey Street Pond Retrofit, Project WU-13-10, recommending awarding project to lowest responsive bidder, Peters Concrete Company, in the amount of \$684,572.75. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Infrastructure Committee returned special events request (13-237) from Pink Heals Manitowoc County, Inc. for procession of fire trucks, tour bus and motorcycles beginning at Manitowoc County Expo and proceeding through the City, as detailed therein, on their way to Mishicot on July 21, 2013, 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.

Public Infrastructure Committee returned report (13-249) of Board of Public Works of May 15, 2013, regarding bids received for 2013 Safety Building Roof Replacement, Project WB-13-15, recommending awarding project to lowest responsive bidder, Crafts, Inc., in the amount of \$72,752.00. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Mayor submitted the following appointments and requested Council confirmation:

Committee on Aging

Mary Schultz

Ruth Malzahn

Term

3 yr. term expiring 6/1/15

3 yr. term expiring 6/1/15

Rahr-West Art Museum Board

Michael Halla

Pl. of J. Konitzer

Term

3 yr. term expiring 6/1/16

Harbor Master: Paul Braun

Indefinite

Motion by Hennessey, second by Sladky, and unanimously carried to confirm the Mayor's appointments. Ayes, 10. Nays, none.

Resolution (13-234) to approve the hiring of two seasonal positions with the Parks and Recreation Department, was referred to Personnel Committee.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of proposed zoning and text changes to Chapter 15.450 of the Manitowoc Municipal Code.

Deputy City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on May 6 and May 13, 2013. (Proof of publication is on file in the City Clerk's office).

City Planner David Less gave an overview of the proposed ordinance as it relates to sandwich boards, murals, a-frame signs and projecting signs and the placement thereof.

The following persons appeared to address the Council: Jamie Zastrow, Executive Director Mainly Manitowoc; James Behnke, Rock N Blues Haus; Tony Fodden; Randy Lueptow, Wrap It Up.

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, Committee of the Whole held a discussion relative to ordinance (12-695) to amend Section 15.450 of the Manitowoc Municipal Code dealing with signage. Moved by Alderperson Hennessey, seconded by Alderperson Soeldner, to adopt the ordinance and amend same by incorporating new committee names, if applicable. Discussion followed.

Moved by Alderperson Able, seconded by Alderperson Sladky, to table the matter. Ayes, 2. Nays, 9. Motion failed.

Vote on the original motion to adopt, as amended: Ayes, 10. Nays, none.

Call back to order.

Committee of the Whole returned amendment (13-186) to Council Rules, recommending adoption of the Rules, as amended. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned ordinance (12-695) to amend Section 15.450 of the Manitowoc Municipal Code dealing with signage, recommending adoption of the ordinance as amended, revising to reflect new Committee names where applicable herein. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned report (13-226) of City Planner relative to regionalization of Revolving Loan Fund Programs in the Bay-Lake Region with Memorandum of Understanding attached, recommending acceptance of the report and adoption of the recommendations. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned proposal (13-233) from Herald Times Reporter to publish council proceedings, legal notices, display ads and ordinances, for the contract year beginning June 1, 2013, recommending accepting bid

and to place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned report (13-241) from City Planner asking Council to re-state and re-confirm actions to move forward and implement revolving loan fund grant awarded to the City in the amount of \$1,000,000, recommending acceptance of the report and adoption of the recommendations. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned communication (13-243) from U. S. Environmental Protection Agency awarding a cooperative agreement for a revolving loan fund grant to the City to cleanup and revitalize brownfield sites, recommending placing on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Licensing, Permits & Inspections Committee returned special events request (13-236) from Don Murray to extend alcohol premise of TLM Investments, Inc., 1421 S. 39th Street, into their parking lot for charity bike wash and outdoor party on July 14th, with sales ending at 9:00 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, 10. Nays, none.

Licensing, Permits & Inspections Committee returned communication (13-240) from David C. Neuser to either purchase a 33 foot parcel of land from the City or receive an easement to allow him to build a new home, recommending referral to the Plan Commission. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committees on Public Infrastructure, Parks & Recreation, Public Safety and Licensing, Permits & Inspections returned waiver of fees request (13-135) from Tom Drill for Showtime 2013 scheduled August 14 & 15, 2013, recommending complete waiver of fees. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (13-119) from Kiwanis Club of Manitowoc to hold Kiwanis Car Show in Washington Park on August 11, 2013, as detailed therein, with waiver of fee request attached, recommending granting request with fee to be \$200.00. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned Mariner's Trail Special Use Trail Permit (13-189) from Prevent Suicide WI Manitowoc Co. for use of trail on September 8, 2013, from 7:30 a.m. to Noon, recommending granting request per City policy. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned Mariner's Trail Special Use Trail Permit (13-190) from Mad Hatter for use of trail 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 Schema, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned request (13-205) for Waiver of Fees from the Manitowoc B-3 Program for use of shelter at Henry Schuette Park on June 18, 2013, recommending approval of event request but waiver of fee request denied. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation & Public Infrastructure Committees returned special events request (13-230) from Mainly Manitowoc, Inc. for Balloon Glow event on June 8, 2013 for use of property on southside of river, City equipment, electrical outlets and waiver of fees request, as detailed therein, jointly recommending granting request for trash cans and road closure only with 50% waiver of fee. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation and Public Infrastructure Committees returned special events request (13-232) from Manitowoc Sunrise Rotary for annual run/walk on October 19, 2013 utilizing Lincoln Park and City streets as detailed therein along with Waiver of Fee request, jointly recommending granting request per City policy. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (13-235) from The Crossing to use Mariner's Trail on September 28, 2013 for Walk for Life fundraiser, recommending granting request per City policy. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned Special Events Request (13-238) from Fox's Piggly Wiggly to hold Pig to Pig Walk on September 14, 2013, from Manitowoc store, down Reed Avenue to Memorial Drive and along Mariner's Trail, recommending granting request per City policy. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks & Recreation, Public Infrastructure and Licensing, Permits & Inspections returned special events request (13-142) from Pete Honzik to hold Acoustic Fest event in Washington Park on July 20, 2013, including use of barricades, street closures, electrical service and serving alcohol in the park, jointly recommending approving request per City policy with fees to remain the same as 2012 event. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned Non-Exclusive License (13-246) with Manitowoc Amateur Baseball, Inc. for use of Municipal Field from May 1 to August 31 with option to extend for two additional one year periods, recommending entering into agreement. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned proposal (13-245) from Manitowoc Public School District to maintain softball and baseball field in Manitowoc during the MPSD 2013 season, recommending entering into the agreement. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (13-247) from Zoological Society to hold Memorial Day Summer Kick Off at Lincoln Park Zoo on May 27, 2013, from 1:00 p.m. to 4:00 p.m., recommending granting request per City policy. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned resolution (13-234) to approve the hiring of two seasonal positions with the Parks and Recreation Department, 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 Safety Committee returned hardship discount form (13-219) of Harold Meyer for ambulance call on December 11, 2012, call number 182-12-3560, recommending approval of request. Motion by Sitkiewitz, second by Martell, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Safety Committee returned communication (13-220) from LeRoy and Elaine Olson, 4503 Broadway Street, relative to testing of weather sirens, recommending placing on file. Motion by Sitkiewitz, second by Martell, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Safety & Public Infrastructure Committees returned special events request (13-231) from Manitowoc-Two-Rivers YMCA to hold Manitowoc-Two Rivers YMCA Triathlon on August 24, 2013 from 7:00 a.m. to 11:00 a.m. utilizing City equipment and traffic control, as detailed therein, jointly recommending granting request with a waiver of 50% fees per City policy. Motion by Sitkiewitz, second by Martell, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Licensing, Permits and Inspections Committee returned #3-4 Bowling Alley license; #20-22 Class "A" Retail Fermented Malt Beverage license; #4-5 for Class "B" Retail Fermented Malt Beverage license; #35-55 for "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage license; #2 for "Class C" Retail Wine license; #409-414 for 2012-14 Two Year Operator's license; #26-34 & #36-39 for 2013-15 Two Year Operator's license; #3-6 for Stock Car Races, Racing Exhibitions, Etc. permit; 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.

Licensing, Permits & Inspections Committee returned #35 for 2013-15 Two Year Operator's license, recommending denial of the license, subject to a non-renewal hearing, based upon the recommendations from the Deputy Chief of Police. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Licensing, Permits & Inspections Committee returned #2 for 2013-14 One Year Operator's license, recommending denial of the license based upon the recommendations from the Deputy Chief of Police. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned General City Claims (13-244) in the amount of \$598,009.09 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, 10. Nays, none.

Moved by Hennessey, second by Sladky, and unanimously carried, Common Council adjourned at 8:10 p.m. Ayes, 10. Nays, none.

Respectfully submitted,

Deborah A. Neuser, Deputy City Clerk