

COMMON COUNCIL
OFFICIAL JOURNAL

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk
Monday, June 17, 2013

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, June 17, 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.

Minutes of the regular session of June 3, 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 June 17, 2013 Common Council agenda.

Presentation by Library Director Cherylyn Stewart on Library services and updates.

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 to the Official Map to reduce the right-of-way width of Broadway Street at 4720 Broadway Street.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on May 27, June 3 and June 10, 2013.

City Planner David Less gave an overview of the change to the Official Map.

No interested parties appeared.

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

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, Parks & Recreation and Public Infrastructure Committees held a discussion relative to waiver of fee request for Krazy Daze. Moved by Schema to charge 50% of fees for Krazy Daze. Motion failed for lack of a second. Labor and equipment fees were reviewed and it was determined there was no staff overtime involved. Moved by McMeans, second by Sitkiewitz, and unanimously carried to waive all fees. Ayes, 9. Nays, none.

Call back to order.

Committee of the Whole returned request (13-272) from Alderpersons Sladky and McMeans to hold Committee of the Whole meeting relative to direction, rules, responsibilities and staffing of Planning Office with respect to economic development activities, recommending placing on file. Motion by Hennessey, second by Sladky,

and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned report (13-301) of City Planner relative to completion of land sale to PBJC Fest I, LLC at Dewey and So. 42nd Street, recommending acceptance of report and adoption of recommendations. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Licensing, Permits & Inspections Committee returned sidewalk encroachment permit (13-261) for temporary sidewalk sales during 2013 Farmers' Market, recommending adoption of the permit. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Licensing, Permits & Inspections Committee returned ordinance (13-266) to amend Section 22.010 of the Manitowoc Municipal Code to Change the Official Map in an area east of S. 26th St. and south of Dewey St., recommending adoption of the ordinance. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none. *(Clerk's Note: This action was rescinded later in the meeting.)*

Licensing, Permits & Inspections Committee returned quit claim deed (13-267) to Manitowoc Cinema, LLC, for 6.10 acres of vacant land located at Viebahn and So. 42nd Streets, recommending approval and placing 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 (13-285) from Party Pizzazz LLC to sell novelties at July 4th fireworks and Fourth on the Shore event, recommending approval of the request according to City policy. Motion by Brey, second by Hennessey, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, none. Abstained, 1.

Licensing, Permits & Inspections Committee returned communication (13-289) from Elks Lodge No. 687 requesting a conditional use permit pursuant to Section 15.270(3)(c) for property at 1807 N. Rapids Road, recommending referral to the Plan Commission. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Moved by Brey, second by Hennessey, and unanimously carried, to rescind prior Council action to adopt ordinance (13-266). Ayes, 9. Nays, none.

Licensing, Permits & Inspections Committee returned quit claim deed (13-290) from GLTF Enterprises, Inc., f/k/a Heresite Protective Coatings, Inc. to City of Manitowoc, parcel #801-102-050, recommending approval and to 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 communication (13-297) from Pastor Guy Corrigan, Cornerstone Church, requesting conditional use permit to operate church and school at 2711 Wollmer Street, recommending referral to Plan Commission. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Licensing, Permits & Inspections Committee returned report (13-302) of City Plan Commission relative to annual review of fixed animated signs, recommending acceptance of report 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 report (13-303) of City Plan Commission relative to request from David Neuser for access across City-owned land east of So. 10th Street, recommending acceptance of report and adoption of recommendations. Motion by Brey, second by Hennessey, and unanimously carried to accept

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

Licensing, Permits & Inspections Committee returned report (13-304) of City Plan Commission relative to proposed Official Map Amendment for property at Viebahn and So. 42nd Street, recommending acceptance of report and placing 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 report (13-310) of City Clerk Jennifer Hudon on parking leases entered into during the period of June 1, 2012, through May 31, 2013, recommending acceptance and placing 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 quit claim deed (13-311) from City of Manitowoc to Ronald J. Leschke for a .20 acre parcel of land at Fulton and N. 40th Street, recommending approval and to 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 quit claim deed (13-312) from City of Manitowoc to Ronald J. Leschke for a 2.24 acre parcel of land deeded in 1991, on Fulton Street and vacated Garfield Street abutting N. Rapids Road, recommending approval and to place on file. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation & Public Infrastructure Committees returned special events request (13-251) from Mainly Manitowoc to host Krazy Daze in downtown Manitowoc on July 12 & 13, 2013, to include sidewalk sales, use of Burger Boat park, various City equipment and a crossing guard with Waiver of Fee Request attached, jointly recommending granting requests per City policy with waiver of all fees. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned Memorandum of Understanding (13-305) between City of Manitowoc and The Miracle League of the Lakeshore for design and construction of Dewey Street Miracle Field, recommending entering into Memorandum of Understanding. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned communication (13-306) from Beverly Cole opposing mountain bike trail in Vits Park, recommending placing on file. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned ordinance (12-711) to amend Section 22.010 of the Municipal Code entitled "Official Map - Master Subdivision Plans" for an area north of Viebahn Street and west of S. 42nd Street, recommending adoption. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure & Licensing, Permits and Inspections Committees returned special events request (13-280) from United Way Manitowoc County to hold their 2013 United Way Campaign Kickoff on August 10, 2013, closing York Street between N. 8th and N. 9th, including the sale of beer, jointly recommending approval of request subject to 50% of City expenses. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure & Licensing, Permits and Inspections Committees returned special events request (13-281) from St. Francis of Assisi Parish to hold their 2013 Parish Picnic on August 17, 2013, closing N. 14th Street

between Waldo and Menasha, including the sale of beer, jointly recommending approval subject to applicant paying 50% of City expenses. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned request (13-282) from Facilities & Transit Team Leader Jim Muenzenmeyer to replace HVAC unit at DPW Transit Building and approve expenditure of \$1,596.00, recommending to authorize expenditure. 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 (13-284) from Manitowoc Track Club to hold Ron Rubick Run on August 3, 2013, beginning at Lincoln High School at 9:00 a.m. and ending at Municipal Field, recommending approval of request subject to City policy. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned contract (13-287) with Seiler Brothers Construction, Inc. to install a new 8 inch mini-storm sewer in the 1400 block of N. 23rd Street, recommending entering into contract. Motion by Soeldner, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 1.

Public Infrastructure Committee returned contract (13-288) with Manitowoc Heating & Refrigeration Services, Inc. to replace HVAC unit at DPW Transit Building, 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 report (13-292) of the Board of Public Works of June 12, 2013, recommending 2nd and final payment to Green Bay Pipe & TV in the amount of \$10,493.89 for 2013 Televising Miscellaneous Sewers I, Project WU-13-5, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned report (13-293) of the Board of Public Works of June 12, 2013, recommending 5th and final payment to MSA Professional Services in the amount of \$467.00 for Dewey Street Stormwater Pond Design, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned report (13-294) of the Board of Public Works of June 12, 2013, recommending 1st and final payment to McMullen & Pitz Construction for Red Arrow Product Storm Sewer Repair, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned report (13-295) of the Board of Public Works of June 12, 2013, regarding bids received for 2013 Sanitary Sewer Construction, Project WU-13-8, recommending awarding project to Vinton Construction Company in the amount of \$146,365.87. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned report (13-296) of the Board of Public Works of June 12, 2013, regarding bids received for Wastewater Treatment Facility Stack Filter Building 500 Roof Replacement, Project WB-13-14, recommending awarding project to lowest responsive bidder, Kaschak Roofing, Inc., in the amount of \$57,900.00. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Safety Committee returned ordinance (13-264) to amend various sections of Chapter 10 of the Manitowoc Municipal Code which regulate parking time restrictions in the downtown area, recommending adoption of ordinance. Motion by Sitkiewitz, second by Martell, to accept the Committee's report.

Moved by Sladky to amend the ordinance to include the 700-1000 blocks of Washington Street and So. 8th and No. 8th Street between Marshall and State in the two hour restriction. Motion failed for lack of a second.

Upon a vote, the Committee's recommendation to adopt the ordinance was accepted by acclamation. Ayes, 8. Nays, 1.

Public Safety Committee returned ambulance service agreement (13-298) between Roncalli High School and Manitowoc Fire Department from August 30, 2013 through December 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.

Public Safety Committee returned ambulance service agreement (13-299) between American Predator Fighting Championship and Manitowoc Fire Department on June 29, 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.

Public Safety Committee returned ambulance service agreement (13-300) between Elkhart Lake Multisports Inc. and Manitowoc Fire Department on August 3, 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 #32-33 for Temporary Class "B" Retail Fermented Malt Beverage license; #4 Mobile Home Park license; #4-9 & 10 for 2013-14 One Year Operator's license; #73-137 for 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.

Licensing, Permits & Inspections Committee returned application numbered 9 for 2013-14 One Year Operator's license, recommending denial of the license based upon the recommendation from the Deputy Chief of Police. 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 (13-307) in the amount of \$3,714,140.83 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, and unanimously carried, report accepted. Ayes, 9. Nays, none.

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

Respectfully submitted,

Jennifer Hudon, City Clerk