

**COMMON COUNCIL  
OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk  
Monday, August 5, 2013

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, August 5, 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, Mike Howe, Christopher Able, Jason Sladky, Scott McMeans, Eric Sitkiewitz, Tyler Martell and Jill Hennessey.

Absent: Alderperson Alan Schema.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of July 15, 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 August 5, 2013 Common Council agenda.

Resolution (13-424) for fee in lieu of on-site stormwater management for 3711 Dewey Street, was referred to Public Infrastructure Committee.

Parks and Recreation Committee returned special events request (13-397) from Alek's Adventure for Got Heart event on July 20, 2013, at Lincoln Park, recommending placing on file. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned special events request (13-398) from Lincoln Park Zoological Society to hold Movie Night at the Zoo on August 15<sup>th</sup>, 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 Permit (13-414) of The Salvation Army for Bike Ride for Hunger on September 7, 2013, 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 (13-415) of Fees Request from United States Special Guerilla Unit for use of Silver Creek Fieldhouse on August 24 & 25, 2013, recommending granting request per City policy and past practice. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned communication (13-419) from Director of Public Infrastructure Dan Koski asking for Council's approval of the Miracle League Field layout at Dewey Park, recommending approval of design and authorizes project to proceed. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Mayor submitted the following appointments and requested Council confirmation:

Crime Prevention Committee  
Amy Schoepp  
Pl. Dick Weber

Term  
Indefinite

Sustainable Manitowoc Committee

Kathleen McDaniel  
Pl. Paul Braun

Term

Unexpired term ending 2/15/15

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

Ayes, 9. Nays, none.

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, Finance Committee held a discussion relative to Amendment No. 2 (13-413) to Services Agreement between City of Manitowoc and Mainly Manitowoc, Inc. Motion by Able, second by Brey, and unanimously carried to amend no. 4, third paragraph, line 2 to: "the Mayor and Common Council," Ayes, 5. Nays, none.

Call back to order.

Finance Committee returned report (13-412) of City Planner David Less relative to Amendment No. 2 to Mainly Manitowoc Services Agreement and consideration of funding for the years 2013-2015, recommending acceptance of report and placing on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned amendment no. 2 (13-413) to Services Agreement between City of Manitowoc and Mainly Manitowoc, Inc., recommending amending the contract Section 4 to state "the Mayor and Council" and entering into agreement. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Licensing, Permits & Inspections Committee returned communication (13-404) from SMI, as representatives of Manitowoc Cinema LLC requesting approval of the Final Development Plan for the Cinema Square Planned Unit Development, 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 memo (13-405) from City Clerk Hudon relative to refund of unused license fees to Arya Enterprises and Vandan Ventures, recommending refunding the amounts of \$462.00 and \$437.00. 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 (13-407) from Saint Francis of Assisi Parish for conditional use permit for St. Boniface School building, 1001 Marshall Street (parcel no. 000-287-010) to house the homeless, 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.

Licensing, Permits & Inspections Committee returned notice (13-416) of Change of Agent for Class "A" Retail Fermented Malt Beverage License #1, Kwik Trip #491, recommending 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 sidewalk privilege agreement (13-421) with SACK Realty, LLC for the purpose of constructing a deck at 4709 Menasha Avenue that will extend 6.5' into City right-of-way, recommending entering into the agreement. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned report (13-399) of Board of Public Works of July 23, 2013 recommending Class I notice when publishing notice of hearing objections to assessments, recommending acceptance of recommendation, 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 report (13-401) of Board of Public Works of June 23, 2013 recommending 10-year interest on installment payment plans be set at 7.5% for 2012 assessments, recommending acceptance of report. Motion by Soeldner, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 1.

Public Infrastructure Committee returned report (13-402) of Board of Public Works of June 23, 2013 recommending reducing special assessment for storm sewer for parcel #122-000-331, recommending acceptance of report. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned report (13-403) of Board of Public Works of June 12, 2013 and July 23, 2013 on 2012 special assessments, 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 report (13-408) of the Board of Public Works of July 23, 2013 recommending 1<sup>st</sup> and final payment to Seiler Brothers Construction in the amount of \$13,270.60 for 2013 Mini-Storm Sewer Project – North 23<sup>rd</sup> Street, 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 (13-420) of Harbor Commission encouraging the Common Council's full support and effort in promoting the City of Manitowoc for the location of the National Marine Sanctuary Visitor Center, recommending acceptance of report. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned communication (13-422) from Manitou Manor Apartments relative to the condition of Sixth Street from Reed Avenue to Magnolia Drive, recommending placing 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 resolution (13-424) for fee in lieu of on-site stormwater management for 3711 Dewey Street, recommending adoption. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure and Licensing, Permits & Inspections Committees returned special events request (13-425) from Rock-N-Blues Haus to hold event on September 7, 2013, in partnership with Court House Pub asking for street closure and extension of licensed premise for sale of beer, jointly 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 Safety Committee returned communication (13-318) from Ian Nelson requesting a "No Parking Between Driveways" sign between his driveway at 519A N. 9<sup>th</sup> Street and the neighboring driveway, 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 communication (13-323) from LifeQuest recommending adjustment for ambulance services for call #182-13-0415 on 2/5/13 and #182-12-3560 on 12/11/12, recommending granting request to adjust billing of \$1,471.41. Motion by Sitkiewitz, second by Martell, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Safety Committee returned communication (13-330) from Jonathan Menk relative to bicyclists' safety in the downtown, 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 communication (13-365) from Carol Schultz relative to invoice for large hazardous fluid cleanup fees, recommending to deny request. Motion by Sitkiewitz, second by Soeldner, and carried by acclamation to accept the Committee's report. Ayes, 7. Nays, 2.

Public Safety Committee returned ordinance (13-386) to amend Section 10.490 of the Manitowoc Municipal Code establishing parking time limits on South 26<sup>th</sup> Street, recommending adoption of ordinance. 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 #7-23 for 2013-14 Temporary Operator's license; #21 for 2013-14 One Year Operator's license; #221-229 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 (13-423) in the amount of \$1,599,472.01 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 7:50 p.m. Ayes, 9. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk