

COMMON COUNCIL
OFFICIAL JOURNAL

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk
Monday, August 19, 2013

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, August 19, 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 and Jill Hennessey.

Absent: Alderperson Tyler Martell.

Pledge of Allegiance.

Invocation.

Alderperson Scott McMeans and Finance Director/Treasurer Steve Corbeille reviewed the 2012 Comprehensive Annual Financial Report (CAFR).

Mayor declared the meeting open for a public hearing for the purpose of proposed change to Official Map to eliminate a portion of So. 19th Street south of Dewey Street relating to the vacation of the same area.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on July 29, August 5 and August 12, 2013. (Proof of publication is on file in the City Clerk's office).

City Planner David Less gave an overview of the proposed 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.

Council President Hennessey announced that notice is hereby given that the above governmental body will adjourn to the First Floor Hearing Room – East for a closed session during the recess of the meeting as authorized by Section 19.85(1)(g) of the Wisconsin Statutes, which authorizes the governmental body to convene in closed session for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The specific subject matters which will be considered in the closed session are the following: (1) Discussion and update relative to Case No. 12-CV-224, Groeschel, et al. v. Arkion Life Sciences, LLC, et al, on the action as well as possible settlement consideration, and (2) Discussion and update relative to Case No. 08-CV-448, Holy Family Memorial, Inc. v. City of Manitowoc on the action as well as possible settlement consideration. NOTE: Following deliberation in closed session, the Common Council may take action on the above subject matter during open

session.

Aldersperson McMeans stated he had a conflict of interest with item 2 of the closed session agenda.

It was moved by Brey, second by Able, and unanimously carried upon roll call to convene in closed session.

Ayes, 10. Nays, none.

Committee of the Whole deliberated in closed session.

It was moved by Mayor Nickels, second by Able, and unanimously carried upon roll call to reconvene in open session. Ayes, 10. Nays, none.

Items removed from Consent Agenda: Request (13-441), Communication (13-362) and Reports (13-455) and (13-456) from Licensing, Permits & Inspections Committee Reports. Special Events Requests (13-426) and (13-454) from Public Infrastructure Committee Reports. Request (13-427) from Public Safety Committee Reports. #11 Pawnbroker license and #235 Two Year Operator's license from Licenses.

Call back to order.

Moved by Hennessey, second by Sladky, and unanimously carried to accept the Consent Agenda Items and recommendations of the various committees. Ayes, 9. Nays, none. Consent Agenda items approved as follows:

As recommended by Parks and Recreation Committee

1) Contract (13-428) with Aeroloc, Inc. relative to asbestos containing material removal at Citizen Park Armory, recommending entering into contract.

2) Special Events Request (13-435) from Friends of CP Rec Center for use of three parking stalls at Citizen Park for brat fry on September 29, 2013, recommending granting request per City policy.

3) Request (13-449) from Jim Muenzenmeyer, City Buildings Manager, and Greg Vadney, Rahr-West Art Museum Director to hire Holiday House custodial assistance at Rahr-West Art Museum, recommending granting request.

4) Request (13-450) from Greg Vadney, Rahr-West Art Museum Director, to fill security staff positions at Rahr-West Art Museum, recommending granting request per City policy.

As recommended by Public Infrastructure Committee

5) First Revision (13-256) to State/Municipal Agreement for a local Let Safe Routes to School Project, recommending entering into agreement.

6) Request (13-317) from Marcella Krall to return bench and plaque which are no longer being utilized at the Transit Terminal, recommending placing on file.

7) Stormwater Management Facility Maintenance Agreement (13-432) with MTM Real Estate LLC for stormwater pond north of Expo Drive and east of MTM facility, recommending entering into agreement.

8) Amendment No. 1 (13-437) to Task Order No. 13-01 with Strand Associates, Inc. for various sewer and Wastewater Treatment Facility projects, recommending entering into agreement.

9) Report (13-458) of the Board of Public Works of August 14, 2013, regarding bids received for 2013 Viebahn Street Communications Tower Replacement, Project WO-13-16R, recommending not awarding and placing on file.

10) Report (13-459) of the Board of Public Works of August 14, 2013, regarding quotes received for five new 9 foot V-Box Spreaders with Pre-Wet System, Project QE-13-2, recommending awarding to low bidder, Truck Equipment, Inc. in the amount of \$57,575.00.

11) Report (13-443) of the Board of Public Works of August 14, 2013, recommending 6th and final payment to McMullen & Pitz in the amount of \$6,081.00 for City Centre Dockwall Fendering Improvements HAP Construction, WO-12-14, recommending payment.

12) Report (13-444) of the Board of Public Works of August 14, 2013, recommending 3rd and final payment to Michaels Pipe Service in the amount of \$78,329.04 for 2013 Re-lining Sanitary Sewer, WU-13-7, recommending payment.

13) Report (13-445) of the Board of Public Works of August 14, 2013, recommending 2nd and final payment to Vinton Construction in the amount of \$111,902.62 for 2013 Concrete Paving, WS-13-1, recommending payment.

14) Report (13-446) of the Board of Public Works of August 14, 2013, recommending 2nd and final payment to Vinton Construction in the amount of \$22,883.21 for 2013 Asphaltic Concrete Paving, WS-13-4, recommending payment.

As recommended by Licensing, Permits & Inspections Committee

15) Request (13-442) from Three T's, Inc., Theodore J. Frisch, Agent, to extend their licensed alcohol premise on September 21, 2013, into their parking lot per diagram attached, recommending approval of the request and placing on file.

16) 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, and Report (13-447) of City Plan Commission, recommending approval of the documents to officially establish the PUD, as detailed therein, recommending acceptance of report and adoption of recommendations and placing communication on file.

17) Quit Claim Deed (13-451) from Manitowoc Cinema LLC for .17 acres for So. 44th Street purposes, recommending referral to Plan Commission.

18) Application (13-461) from Zenith Properties LLC for change in zone from B-2, Neighborhood Business District, to B-3, General Business District, for property at southeast corner of Reed Ave. and N. 8th Street, recommending referral to Plan Commission.

As recommended by Finance Committee

19) Communication (13-429) from Wisconsin Economic Development Corporation advising the City has been awarded a Site Assessment Grant of up to \$45,800 to reimburse environmental site work that will take place at the 6.68 acre former Rockwell Lime site, recommending placing on file.

20) Report (13-430) of City Planner David Less relative to release of security interest in 1984 issuance of \$400,000 City of Manitowoc Industrial Development Revenue Bonds for the F.C. Heiden, Inc. project, recommending acceptance of report and adoption of the recommendations.

21) Comprehensive Annual Financial Report (13-436) for the fiscal year ended December 31, 2012, recommending acceptance of the report and place on file.

22) Communication (13-361) from Fire Chief William P. Manis II requesting review of compression factor in salaries of not only the Fire Department but all departments, recommending placing on file.

As recommended by Personnel Committee

23) Policy (13-438) relative to Safe Harbor: Improper or unlawful deductions from pay under Fair Labor Standards Act (FLSA), recommending approval of the policy.

As recommended by Public Safety Committee

24) Ambulance Service Agreement (13-431) with Manitowoc Lincoln High School for the period August 19, 2013 through December 31, 2013, recommending entering into agreement per City policy.

As recommended by Committee of the Whole

25) General City Claims (13-460) in the amount of \$5,080,768.29 enumerated on list thereof, recommending that the attached claims be allowed and ordered paid, and the Mayor, Clerk and Finance Director/Treasurer are instructed to issue the necessary order.

Licenses

26) License #10 for Pawnbroker license; #24-35 for Temporary Operator's license; #230-234 & #236-238 for 2013-15 Two Year Operator's license; recommending granting the various licenses, as shown on the committee's report.

Non-Consent Agenda Items

Licensing, Permits & Inspections Committee returned communication (13-362) from County Treasurer Cheryl Duchow enclosing public notice of tax foreclosure In Rem 2013 for properties located in the City of Manitowoc, and report (13-455) of City Plan Commission, recommending pursuing acquisition of two of the parcels should they become owned by Manitowoc County, as detailed therein, recommending acceptance of report and adoption of recommendations and placing communication on file. Motion by Hennessey, second by Sladky, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, none. Abstained, 1.

Licensing, Permits & Inspections Committee returned report (13-456) of City Plan Commission relative to release of utility and drainage easement at So. 19th Street, south of Dewey Street, recommending acceptance of report and adoption of recommendations. 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 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, and report (13-457) of City Plan Commission, recommending issuance of the CUP to St. Francis of Assisi Parish Corp. and The Haven of Manitowoc County, Inc., recommending acceptance of report and placing on file and placing request on file. Motion by Brey, second by Hennessey, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, none. Abstained, 1.

Personnel Committee returned proposal (13-349) concerning wages for the Operations Team Leader, Operations Assistant, and Recreation Team Leader, recommending placing on file. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure & Licensing, Permits & Inspections Committees returned special events request (13-454) from Courthouse Pub LLC to hold street party on September 8, 2013, with street closures and extension of licensed alcohol premise, as detailed therein, jointly recommending granting request subject to applicant paying for street closure at same rate as 2012 street party. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Safety Committee returned request (13-409) from Lifequest Billing for adjustment of ambulance bill of call number 182-13-1069 for service on April 9, 2013 in the amount of \$886.50, recommending approval of request. Motion by Sitkiewitz, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Personnel Committee returned resolution (13-439) to approve revised job descriptions within the Finance Department (Finance Director-Treasurer, Assistant Finance Director, Business Manager, Payroll Administrator, Account Clerk, Municipal Court Clerk, City Clerk/Deputy Treasurer, Deputy City Clerk and Clerk Typist II), recommending approval of the resolution. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Personnel Committee returned resolution (13-440) to approve revised job descriptions within the City Attorney Department (City Attorney, Assistant City Attorney, Human Resources Generalist, Confidential Legal Secretary and Confidential Secretary to the Mayor and Assistant City Attorney), recommending approval of the resolution. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Personnel Committee returned resolution (13-452) to approve the hiring of Department of Public Infrastructure Laborer, recommending approval of the resolution. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Personnel Committee returned resolution (13-453) to create and fill position of Department of Public Infrastructure Operations Business Manager at the rate of \$25.00 per hour, recommending approval of the resolution. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Moved by Alderperson Hennessey, second by Alderperson Sladky, and unanimously carried, Common Council adjourned at 8:30 p.m. Ayes, 9. Nays, none. Next Regularly Scheduled Common Council Meeting: Tuesday, September 3rd, 2013 at 7:00pm in the Common Council Chambers at City Hall.

Respectfully submitted,

Jennifer Hudon, City Clerk