

**COMMON COUNCIL
OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk
Monday, November 18, 2013

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, November 18, 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, Jason Sladky, Scott McMeans, Tyler Martell and Jill Hennessey.

Absent: Alderperson Allen Schema, Christopher Able and Eric Sitkiewitz.

Pledge of Allegiance.

Invocation.

City Clerk announced that the various documents have been referred to the appropriate committees as shown on the November 18, 2013 Common Council agenda.

Items removed from Consent Agenda: Two Year Operator's licenses #289 and 291 removed by Alderperson Brey.

Moved by Hennessey, second by Sladky, and unanimously carried to accept the Consent Agenda Items and recommendations of the various committees. Ayes, 7. Nays, none. Consent Agenda items approved as follows:

Miscellaneous Reports

- 1) Approval of Minutes of the regular Common Council meetings of November 4, 2013, recommending approval of minutes and placing on file.
- 2) Minutes (13-611) of Crime Prevention Committee of 10/3/13; Great Lakes Utilities Board of 8/16/13 and 9/27/13; Great Lakes Utilities Power Supply Project Committee of 6/26/13; Harbor Commission of 1/23/13; Plan Commission of 10/16/13, recommending placing on file.

As recommended by Committee of the Whole

- 3) General City Claims (13-618) in the amount of \$620,861.90 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.

As recommended by Finance Committee

- 4) Communication (13-603) from Manitowoc Public School District advising that the 2013 tax levy amount for the City of Manitowoc is \$14,299,213.00, recommending accepting and placing on file.
- 5) Report (13-616) of City Plan Commission recommending approval of a non-disturbance, subordination and attornment agreement at Manitowoc Place, 204 N. 8th Street for proposed lease with Verizon, recommending acceptance of report and adoption of recommendations.

As recommended by Licensing, Permits & Inspections Committee

- 6) Communication (13-549) from Steimle Birschbach on behalf of Thomas and Patricia Foster relative to donation of vacant parcel in the Industrial Park, recommending placing on file.

- 7) Quit Claim Deed (13-551) from Walter A. & Karen L. Sprang to City of Manitowoc for Goodwin Road purposes, recommending approval and acceptance of deed.
- 8) Memo (13-560) from Manitowoc County Public Works Dept. notifying City of neighboring vacant land for sale (parcel no. 520-047-010), recommending placing on file.
- 9) Memo (13-561) from Manitowoc County Public Works Dept. notifying City of tax foreclosed real estate parcels for sale, recommending placing on file.
- 10) Communication (13-581) from Federal Mogul for easement in City right-of-way for installation of a buried fiber optic cable, as detailed therein, recommending approval of the request and to have the DPI Director and City Attorney work with Federal Mogul to create easements.
- 11) Report (13-586) of City Planner relative to hiring of qualified environmental professional to implement 2013 revolving loan fund grant, recommending acceptance of report and adoption of recommendations.
- 12) Quit Claim Deed (13-596) from David C. & Pamela A. Neuser for S. 10th Street purposes, recommending approval and acceptance of deed.
- 13) Communication (13-612) from City Clerk Hudon for distribution from the Schuette, Wernecke, Wilda, Rank Poor Fund Reserve, recommending approval of payments.
- 14) Report (13-613) of City Plan Commission relative to Quit Claim Deed (13-551) and (13-596) recommending approval and acceptance of deeds with Clerk to record, recommending acceptance of report and place on file.
- 15) Report (13-614) of City Plan Commission advising Council of their approval to extend special permit completion date to November 15, 2014, to Jonathan and Cheryl Saunders for establishment of parking lot, recommending acceptance of report and place on file.
- 16) Report (13-615) of City Plan Commission relative to two referrals from Manitowoc County regarding the availability of County-owned properties being offered for sale, recommending acceptance of report and place on file.
- 17) Report (13-617) of City Plan Commission relative to donation of 2.78 acre parcel of land in the I-43 Industrial Park from Thomas and Patricia Foster, with the Commission recommending approval of the donation, recommending acceptance of report and adoption of recommendations.
As recommended by Personnel Committee
- 18) Drug and Alcohol Policy (13-609) and Procedure of Manitowoc Police Department, recommending acceptance of policy and place on file.
As recommended by Public Infrastructure Committee
- 19) Report (13-620) of the Board of Public Works of November 13, 2013, recommending 3rd and final payment to Kaschak Roofing, Inc. in the amount of \$3,039.00 for Wastewater Treatment Facility Roof Replacement, WB-13-14, recommending payment.
- 20) Report (13-626) of the Board of Public Works of November 13, 2013, relative to application for ten (10) year installment plan for concrete paving for Ozone Nightclub LLC for 1819 S. 9th St, parcel no. 540-001-000), recommending approval of 10-year plan.

- 21) Report (13-627) of the Board of Public Works adopting resolution authorizing Asst. City Attorney to enter into contract for environmental remediation on Hecker Road, recommending acceptance of report and place on file.

Licenses

- 22) Approval of licenses: #66 for "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage; #1 Pawnbroker, Second Hand Article Dealer; #1 Mobile Home Park; #28 One Year Operator's license; #280-288 & 290 Two Year Operator's license.

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.

Call back to order.

Mayor declared the meeting open for a public hearing for the purpose of hearing any citizen or taxpayer on the General City Budget (13-527) of proposed 2013 levy for 2014, in the amount of \$15,402,650.00 including the Manitowoc Public Library, with \$932,727.00 in proposed tax incremental financing.

Notice of the hearing was published in the Herald-Times-Reporter on November 3, 2013. (Proof of publication is on file in the City Clerk's office).

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.

Non-Consent Agenda Items

Committee of the Whole returned Cash Deposit Agreement (13-630) with Niagara Worldwide LLC, recommending acceptance of the agreement. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Finance Committee returned request (13-621) for unbudgeted capital allocation for Lincoln Park Fieldhouse roof repair in an amount not to exceed \$4,000, recommending approval of request. Motion by McMeans, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Finance Committee returned request (13-622) for unbudgeted capital allocation for signal relocation on the NW corner of 10th and Washington in the amount of \$6,000, recommending approval of request. Motion by McMeans, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Finance Committee returned request (13-623) for unbudgeted capital allocation for electrical service replacement at zoo in the amount of \$7,950, recommending approval of request. Motion by McMeans, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Licensing, Permits & Inspections Committee returned resolution (13-584) setting salary for Election Board officials serving at various elections to be held in 2014, recommending adoption of the resolution. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Licensing, Permits & Inspections Committee returned resolution (13-585) that a primary election be held on February 18, 2014 if three or more candidates file nomination papers for a City office, recommending adoption of the resolution. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none

Licensing, Permits & Inspections Committee returned resolution (13-610) for installation of one, 100 watt, non-ornamental, open-bottom style, high pressure sodium street light in the 4800 block of Broadway Street, recommending adoption of the resolution. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Licensing, Permits & Inspections Committee returned resolution (13-625) for installation of four, 100 watt, non-ornamental, open-bottom style, high pressure sodium street lights in the 900 and 1000 blocks of Albert Dr., recommending adoption of the resolution. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Licensing, Permits & Inspections Committee returned resolution (13-619) relative to an increase in the assessment charges for sidewalk snow removal and/or ice control, recommending adoption of the resolution. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Parks & Recreation, Public Infrastructure and Licensing, Permits & Inspections Committees returned Special events request (13-600) from Tom Chermak requesting the use of Washington Park for Metro Jam Weekend, June 20 & 21, 2014, the use of the Metro Stage, a waiver of rules prohibiting alcohol beverages to be consumed in the park for the weekend, closing So. 11th & So. 12th Street for a portion of the weekend, and City employees to help with the Children's Area and for setup and preparation of the event, as detailed therein, with request for waiver of fees attached, jointly recommending granting request based upon past support. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Parks and Recreation Committee returned quote (13-629) from Game Time for playground equipment at Emma Radandt Park being paid for by Friends of Emma Radandt Park, with memo from Chad Scheinoha Operations Team Co-Leader, recommending approval of project. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Public Infrastructure Committee returned communication (13-624) from Wastewater Supt. Brian Helminger to partner with Parkson Corporation on a mobile dynasand Filter demo, with Research Test Agreement attached, recommending approval and placement on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Public Infrastructure Committee returned ordinance (13-606) amending Sections 10.290 and 10.730 of the Municipal Code to designate a portion of Park Street as a one-way street and to add angle parking, recommending adoption of ordinance. Motion by Soeldner, second by Brey, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 7. Nays, none. Motion by Soeldner, second by Brey, to adopt the ordinance. After a short discussion, Alderpersons Soeldner and Brey withdrew their motion and second. No action was taken.

Public Infrastructure Committee returned resolution (13-619) relative to an increase in the assessment charges for sidewalk snow removal and/or ice control, recommending adoption. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Public Safety, Public Infrastructure, Parks & Recreation and Licensing, Permits and Inspections Committees returned Special events request (13-591) from Tom Drill for the use of the City Hall parking lot and various equipment for Showtime 2014 scheduled August 13 & 14, 2014; jointly recommending granting request per City policy. Motion by Martell, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Public Safety Committee returned ordinance (13-605) amending a portion of Section 10.390 of the Municipal Code to remove the no parking restriction on the west side of South 16th Street north of Hamilton Street, recommending adoption of the ordinance. Motion by Martell, second by McMeans, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 7. Nays, none. Motion by Martell, second by McMeans, report accepted and ordinance adopted. Ayes, 7. Nays, none.

Licensing, Permits and Inspections Committee returned #278 for 2013-15 Two Year Operator's license; granting the license, as shown on the committee's report. Committee also returned #279 for 2013-15 Two Year Operator's license, recommending denial of the license based upon the recommendations from the Chief of Police or designee. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Moved by Alderperson Hennessey, second by Alderperson Sladky, and unanimously carried, Common Council adjourned at 7:27 p.m. Ayes, 7. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk