

COMMON COUNCIL
OFFICIAL JOURNAL

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, March 19, 2012

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, March 19, 2012. 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 7:05 p.m. and on roll call the following members were present: Alderpersons Jason Sladky, Dave Soeldner, Allan Schema, Jill Hennessey, Matt Kadow, James N. Brey, Scott McMeans, Alex J. Olson and Christopher Able.

Absent: Alderperson Collin Braunel.

Pledge of Allegiance.

Invocation.

City Clerk announced that the various documents have been referred to the appropriate committees as shown on the March 19, 2012 Common Council agenda.

Department of Corrections Case Manager gave a short presentation on juvenile offenders.

Resolution (12-177) authorizing and designating public depositories, was referred to Finance Committee.

Resolution (12-17) setting hourly wage and hours for the adult crossing guards, was referred to Public Property and Safety Committee.

Ordinance (12-180) to create section 10.070 of the Municipal Code regarding unnecessary acceleration, was referred to Public Property and Safety Committee.

Ordinance (12-181) to amend Section 10.010 of the Municipal Code adopting state laws by reference, was referred to Public Property and Safety Committee.

Ordinance (12-167) to amend Section 11.030(3) of the Municipal Code regarding adult entertainment licenses, was referred to Public Utilities and Licensing Committee.

Ordinance (12-182) to amend Section 11.150 of the Municipal Code regulating pawnbrokers and secondhand article and jewelry dealers, was referred to Public Utilities and Licensing Committee.

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.

Call back to order.

Finance Committee returned resolution (12-177) authorizing and designating public depositories, recommending adoption of the resolution and placing on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned request (12-175) for proposal for Roller Skating Business for City of Manitowoc Armory Building, recommending approval of R.F.P. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned report (12-174) of Parks and Recreation Committee recommending terminating lease with Rollaire Skate Center and authorizing the City Attorney to send termination letter to Rollaire, recommending termination of lease and attached letter. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned request (12-160) from YMCA for use of Mariner's Trail on April 28, 2012 for family bike ride from 2 p.m. to 4 p.m., recommending granting request per City policy. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned memo (12-170) from Manitowoc County Planning & Zoning Dept. relative to eligibility to apply for funding through the Hazard Mitigation Grant Program, Pre-Disaster Mitigation Program, the Flood Mitigation Assistance Program, and the Repetitive Flood Claims Program, for projects identified in the Plan, recommending applying with Manitowoc County to update the Manitowoc County All Hazards Mitigation Plan. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned communication (12-165) from First German Ev. Lutheran Church requesting a change in signage at the entrance driveway to the church, recommending referral to Safety, Traffic and Parking Commission. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned resolution (12-179) setting hourly wage and hours for the adult crossing guards, recommending adoption of resolution. Motion by Brey, second by Olson, to accept the Committee's report.

Moved by Sladky, second by Kadow, to amend the resolution to pay \$22.50 per day to full time crossing guards. Discussion followed. Moved by Sladky, and accepted by Olson, a friendly amendment to pay \$22.50 per school day and \$10.00 per hour for special events.

Aldersperson Able called the question. Ayes, 3. Nays, 6. Motion failed.

Moved by Olson, second by Soeldner, and carried by acclamation, to amend the resolution to remove the words "a minimum of 2.25 hours per day worked" and replace with the words "hours on the timesheet". Ayes, 5. Nays, 4.

Upon a vote, the Committee's recommendation to adopt the resolution, as amended, was accepted by acclamation. Ayes, 5. Nays, 4.

Public Utilities and Licensing Committee returned lease agreement (12-172) between City of Manitowoc and Wisconsin Maritime Museum for property at 1221 Franklin Street for the period ending December 31, 2012 for temporary Transit Transfer Station, recommending entering into the lease agreement. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned communication (12-159) from Express Convenience Centers relative to the City's local ordinance relative to 8:00 a.m. liquor sales, recommending placing on file. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned lease agreement (12-157) between the City and Lake Michigan Trans-Lake Shortcut, Inc., recommending placing on file. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned ordinance (12-167) to amend Section 11.030(3) of the Municipal Code regarding adult entertainment licenses, recommending adoption of the ordinance. Motion by Hennessey, second by Soeldner, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 9. Nays, none. Motion by Hennessey, second by Soeldner, report accepted and ordinance adopted. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned agreement (12-094) with Assist to Transport to provide Americans with Disabilities Act compliant paratransit transportation services for the City of Manitowoc effective January 1, 2012 for three years, recommending entering into agreement. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned Resolution (12-084) establishing a complete streets policy, recommending adoption of resolution and request Mayor to create advisory commission. Motion by Soeldner, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 7. Nays, 2.

Streets and Sanitation Committee returned report (12-173) of the Board of Public Works of March 14, 2012, regarding bids received for 2012 New Sidewalk Construction Program, Project WS-12-2, recommending awarding project to low bidder, Jim Fischer, Inc. in the amount of \$58,432.12. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned special events request (12-169) requesting permission to use certain streets for the annual Memorial Day Parade on Monday, May 28, 2012, beginning at 9:00 a.m., recommending approval subject to City policy. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned communication (12-164) from Dir. Public Works/Engineer/Parks & Recreation Valerie Mellon with 2011 Annual Report to DNR attached relating to stormwater discharge permit, 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.

Streets and Sanitation Committee returned application (12-163) from Lee Meyer, Ecology Technology, Inc., for a change in zone from R-4 to C-1 for property on S. 10th Street, parcel #805-202-040, recommending referral to Plan Commission. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned request (12-161) from David Naidl to erect three crosses on the southeast hillside of Evergreen Cemetery from March 31, 2012 thru April 9, 2012, recommending approval of request., Motion by Soeldner, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 1.

Streets and Sanitation Committee returned ordinance (12-131) setting assessment rates for seal coating, recommending adoption of ordinance. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned amendment no. 3 (12-183) to AECOM Technical Services, Inc. current Consulting Agreement and Authorization to Proceed relative to City Centre Dockwall Project (Harbor Assistance Program Grant), recommending entering into agreement. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Moved by Able, second by Schema and unanimously carried to remove document (12-092) Employee Policy

Manual from the table. Ayes, 9. Nays, none.

Personnel Committee returned document (12-092) City of Manitowoc Employee Policy Manual, recommending approval. Moved by Able, second by Schema to approve.

Moved by Kadow, second by Schema, and carried by acclamation to amend Article XII to add:

Section 8. Registered Domestic Partners. For purposes of all benefits granted to City of Manitowoc employees arising from their employment by the City of Manitowoc, the State-registered domestic partner of an employee shall be treated identically to the spouse of an employee, except where prohibited by law. Ayes, 5. Nays, 4.

Moved by Olson, second by Soeldner, to amend Article IX, Section 3, part B), Reserve Bank Accrual, to grant 5 days of sick leave per calendar year instead of 10 days and amending the maximum accumulated total of 10 weeks of paid time off to 12 weeks of paid time off. Ayes, 3. Nays, 6. Motion failed.

Moved by Sladky, second by Soeldner, and carried by acclamation to amend Article III, by striking the entire Section 6, Stand-by Duty. Ayes, 5. Nays, 4.

Moved by Olson, seconded, and carried by acclamation to amend Article IX, Section 3, Sick Leave Reserve Banks, Parts C) & D) to change the last sentence of part C) to read: "Sick leave credits are to be computed by dividing the annual wage or salary on March 31, 2012 by 255 days in order to arrive at the daily wage or salary rate." and similarly amended the second last sentence of Part D). Ayes, 7. Nays, 2.

Moved by Sladky, second by Soeldner, and carried by acclamation to amend Article III, Hours of Work, paragraph 1, to have 30 minute unpaid lunches and extend the work day by one-half hour. Ayes, 5. Nays, 4. Motion carried.

Moved by Sladky to amend Article VI, Layoff, to strike the words "All layoffs are considered permanent". Motion failed for lack of a second.

Moved by McMeans, second by Sladky, and carried by acclamation, to change the language in Article VI, Layoff, to "All layoffs are classified temporary or permanent" Ayes, 7. Nays, 2.

Moved by Olson to amend Article IX, Paid Time Off, Section 1, Personal Time Off, Parts A), B) and C) during the first year of service pro-rata share of the 15 days. A) increase from 10 days to 15 days; C) increase from 13 days to 21 days. Motion failed for lack of a second.

Vote on the original motion to approve the Employee Policy Manual as amended: Ayes, 8. Nays, 1.

Public Utilities and Licensing Committee returned #336-337 & 339-342 for 2011-13 Two Year Operator's license; granting the various licenses, as shown on the committee's report. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned application 338 for 2011-12 Two Year Operator's license, recommending denial of the license based upon the recommendation from the Police Chief. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned General City Claims (12-166) in the amount of \$819,561.10 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 Able, second by Soeldner, report accepted. Ayes, 9. Nays, none.

Common Council adjourned at 10:16 p.m. Ayes, 9. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk