

**COMMON COUNCIL**  
**OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, July 2, 2012

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, July 2, 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 7:00 p.m. and on roll call the following members were present: Alderpersons Eric J. Sitkiewitz, Collin Braunel, Tyler Martell, Jim Brey, Dave Soeldner, Allan Schema, Christopher Able, Jill Hennessey and Jason Sladky.

Also Present: Attorney Kate Reynolds in the absence of City Attorney Juliana Reynolds.

Absent: Alderperson Scott McMeans.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of June 18, 2012, 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 July 2, 2012 Common Council agenda.

Attorney Greg Gunta gave a debriefing on Summary Judgment on the matter of Swetlik vs. City of Manitowoc et al.

Jamie Zastrow, Executive Director, Mainly Manitowoc, gave an update on the activities of Mainly Manitowoc.

Resolution (12-425) authorizing to advertise and fill the soon to be vacant City Attorney position at a salary range listed therein, with attached updated job description, was referred to Committee of the Whole.

Resolution (12-397) to approve hiring a full-time Transit Clerk II at the rate specified in the Transit Teamsters Collective Bargaining Agreement, was referred to Personnel Committee.

Ordinance (12-396) to amend Section 13.050 of the Manitowoc Municipal Code entitled "Removal of Noxious Weeds", was referred to Streets and Sanitation 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.

Committee of the Whole returned communication (12-406) from City Attorney Juliana Ruenzel advising of her retirement effective July 22, 2012, recommending placing on file. Motion by Sladky, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned resolution (12-425) authorizing to advertise and fill the soon to be vacant City Attorney position at a salary range listed therein, with attached updated job description, recommending approval of resolution. Moved by Sladky, second by Soeldner, to accept the Committee's report.

Moved by Alderperson Able to amend the resolution by removing the second WHEREAS clause. Motion

failed for lack of a second.

Moved by Alderperson Hennessey, second by Alderperson Sladky, to amend the resolution to include parts of the job description for the previous Human Resource Director. After a short discussion, the motion to amend was rescinded.

Vote on the original motion: Ayes, 8. Nays, 1. Motion carried.

Finance Committee returned report (12-398) of City Planner David Less relative to 2012 Tax Incremental Financing District activities, amendments to various project plans and designation of certain districts as "distressed", recommending acceptance of report enumerating recommended changes to TIF Districts and placing on file. Motion by Able, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 7. Nays, 2.

Finance Committee returned report (12-410) of City Planner David Less advising of \$500,000 disbursement to PBJC Fest Too, LLC pursuant to TIF revenue note related to developer funded TIF at Dewey and CTH "CR", recommending acceptance of report and placing on file. Motion by Able, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned report (12-411) of City Planner David Less relative to acquisition by Silverleaf Acquisition Holdings of former Osuld Torrison River Front Condos and City Planner's recommendations relative to same, recommending acceptance of report and place on file. Motion by Able, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned communication (12-413) from County Treasurer Cheryl Duchow enclosing public notice of tax foreclosure In Rem 2012 for properties located in the City of Manitowoc, recommending referral to Plan Commission. Motion by Able, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned agreement (12-113) with Manitowoc County Joint Dispatch relative to time system indirect agency access, recommending entering into the agreement. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation, Public Utilities and Licensing and Streets and Sanitation Committees returned special events request (12-388) from Acoustic Fest to hold event in Washington Park on July 21, 2012, including use of barricades, street closures, electrical service and serving alcohol in the park, 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 request (12-395) for waiver of fees for bandshell, picnic tables, etc. for the Showtime event to be held in the City Hall parking lot on August 8 & 9, 2012, recommending granting request per City policy at time of event. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned vendor agreement (12-403) with Tim F. Becker d/b/a HP Enterprises for July 4th picnic, 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 request (12-405) from The Crossing to allow them to remain in Washington Park until 12:00 p.m. for their special event on August 10 & 11, 2012, 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 vendor agreement (12-408) with Marine Band Alliance in Washington Park, recommending approval of request for 2012. 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 (12-414) from Painting Pathways Clubhouse for 5k run/walk on October 13, 2012, 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.

Public Property and Safety Committee returned communication (12-277) from C. Kangas, 1623 S. 24th St. relative to traffic safety concerns at S. 24th Street between Grand and Division, recommending denial of both requests and to place on file. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned communication (12-337) from Mona Moen expressing concerns regarding citizens' safety on the corner of N. 21st and Rankin Streets, recommending instructing the Department of Public Works to place No Parking Here to Corner signs on each corner of the intersection of N. 21<sup>st</sup> and Rankin Streets and placing document on file. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned communication (12-353) from Alderperson Brey expressing concerns of Chad Neuser relative to traffic and its possible effect on pedestrians in the vicinity of the YMCA, recommending placing document on file. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned special events request (12-382) from Extreme Audio for use of City right-of-way for their Hayden's Hope Cook Out event on August 2, 2012, recommending approval of the request according to City policy. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned special events request (12-389) from Brian Lodel and Tyler Kiel requesting permission to hold annual MDA Fill the Boot Drive to benefit Muscular Dystrophy on August 9, 10 & 11, 2012, recommending approval of the request according to City policy and for MFD Local 368 to provide City with proof of insurance. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned special events request (12-404) from Saucy's Sports Bar to include outdoor PA System from 8:00 p.m. to 12:00 p.m. on July 14, 2012, for their Now That's What I Call Wrestling event, recommending approval of the request according to City policy. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned communication (12-407) from Chief of Police Tony Dick to review and vote on the wages and job description for a civilian Evidence Room Clerk position at the Manitowoc Police Department, recommending approval of creating the position of Civilian Evidence Room Clerk. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned ambulance service agreement (12-412) with Manitowoc County Expo for the period August 22 - 26, 2012, recommending entering into agreement. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned request (12-409) from Wisconsin Maritime Museum to

waive the City's fencing requirement and be allowed to dispense beer using their temporary B permit at River Rendezvous on June 30 and July 1, 2012, recommending granting the request. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned 2 Year Operator's license #172 of Jerry Labinski for reconsideration. Moved by Hennessey, second by Sladky and unanimously carried to rescind the previous Council action denying the license. Ayes, 9. Nays, none. (*License granted with other operators on licensing report*).

Streets and Sanitation Committee returned public works petition (12-390) from Popp Enterprises, LLC, Randall Popp Investments, LLC and WRP Properties, LLC for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on S. 21st St., Flambeau St. and Summit St., as described therein, and shown on the attached map, recommending acceptance of petition. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned progress invoice (12-392) from Wisconsin Dept. of Transportation in the amount of \$12,271.55 for Waldo Blvd., CTH R - 8th St., Project No. 1500-37-00, recommending approval of payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned progress invoice (12-393) from Wisconsin Dept. of Transportation in the amount of \$9,846.62 for Waldo Blvd., 8th St. - Maritime Dr., Project No. 4570-12-00, recommending approval of payment. 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 (12-394) for 4th Annual Ron Rubick Run to be held on August 4, 2012, with route as outlined on map, and for the use of barricades and partial street closure, 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 ordinance (12-396) to amend Section 13.050 of the Manitowoc Municipal Code entitled "Removal of Noxious Weeds", 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, 9. Nays, none. Motion by Soeldner, second by Brey, report accepted and ordinance adopted. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned professional services agreement (12-400) between City and MSA Professional Services, Inc. for Dewey Street Stormwater Management Pond project, recommending entering into agreement. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (12-421) of Board of Public Works of June 27, 2012, regarding bids received for 2012 Asphaltic Concrete Paving, Project WS-12-4, recommending awarding to low bidder, Northeast Asphalt, Inc. in the amount of \$77,077.00. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (12-418) of Deputy City Planner relative to Partial Release of Sign Easement, Hennessey Development LLC d/b/a Baleigh Industrial, recommending acceptance of report 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 report (12-419) of Deputy City Planner relative to Release of

Easement, Popp Subdivision No. 3, recommending acceptance of report 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 report (12-420) of Board of Public Works of June 27, 2012, regarding bids received for 2012 Sanitary Sewer Construction, Project WU-12-8, recommending awarding to low bidder, Vinton Construction Company, in the amount of \$160,742.10. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned Compliance Maintenance Annual Report (12-424) of Wastewater Treatment Facility, recommending acceptance of report and place on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Personnel Committee returned resolution (12-397) to approve hiring a full-time Transit Clerk II at the rate specified in the Transit Teamsters Collective Bargaining Agreement, recommending approval of the resolution. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned #62 & 63 for "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage license; #13-22 for 2012-13 One Year Operator's license; #172 & #181-226 for 2012-14 Two Year Operator's license; #3-6 Stock Car Races, Racing Exhibitions, Etc. Permit; granting the various licenses, as shown on the committee's report. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned General City Claims (12-415) in the amount of \$544,659.77 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 Sladky, second by Able, report accepted. Ayes, 9. Nays, none.

Moved by Sladky, second by Able, Common Council adjourned at 8:30 p.m. Ayes, 9. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk