

**COMMON COUNCIL
OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, August 6, 2012

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, August 6, 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, Scott McMeans, Tyler Martell, Jim Brey, Dave Soeldner, Allan Schema, Christopher Able, Jill Hennessey and Jason Sladky.

Absent: Alderperson Collin Braunel.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of July 16, 2012, were approved, as amended, distributed by the City Clerk.

City Clerk announced that the various documents have been referred to the appropriate committees as shown on the August 6, 2012 Common Council agenda.

Bill Hennessey was presented a plaque in appreciation of his 10 years on the Police and Fire Commission.

City Clerk administered oath of office to Police Officer Andrew Trilling.

Six students from Kamogawa, Japan, were welcomed to Manitowoc.

Resolution (12-481) approving hiring of Attorney Joseph Thuermer on a month-to-month basis commencing August 13, 2012 to handle the City's traffic and ordinance enforcement, was referred to Committee of the Whole.

Resolution (12-474) approving the fee of \$0.375 per square foot of impervious area to offset costs incurred by the City of Manitowoc for stormwater management developments pursuant to Chapter 28 of the Municipal Code, was referred to Streets and Sanitation Committee.

Resolution (12-486) that asphaltic concrete resurfacing and overlay be placed on the streets listed therein in 2012, as detailed therein, and assessments be made against the abutting property, per foot, per side, was referred to Streets and Sanitation Committee.

Finance Committee returned communication (12-475) from West Foundation, Inc. advising of approval of \$25,000 grant to be used toward repairs to the Recreation Building, recommending accepting the grant 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 communication (12-391) from Manitowoc Two Rivers Visitor & Convention Bureau relative to the investment of additional revenues derived from increase of the city lodging tax, recommending 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 memo (12-484) from Asst. City Attorney Kathleen McDaniel advising that Zetley v. City of Manitowoc, Case No. 11-CV-296 was dismissed, recommending accepting the 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 summons and complaint (11-276) between Zetley Real Estate Co., LLC and

City of Manitowoc, Case No. 11 CV 296, recommending 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 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 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 report (12-477) of City Planner David Less relative to proposed 2012 Tax Incremental Financing District activities, 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.

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, Public Property and Safety Committee held a discussion relative to communication (12-491) from Fire Chief Bill Manis relative to acceptance of the SAFER Grant the City was awarded July 20, 2012. Motion by Brey, second by Sitkiewitz, to accept the SAFER grant. Motion by McMeans, second by Hennessey, to amend the motion to include 1) the Fire Chief is to provide to the oversight committee a staffing plan prior to hiring and 2) to establish October 12, 2014 as the sunset date of these three positions. A lengthy discussion ensued with questions being answered by the Fire Chief, Mayor and Finance Director. Ayes, 4. Nays, 1. Motion to amend carried.

Upon a vote, the motion to accept the SAFER Grant, as amended, was carried by acclamation. Ayes, 4. Nays, 1.

Call back to order.

Committee of the Whole returned report (12-479) of City Planner David Less relative to 2011 Economic Development Corporation of Manitowoc County Financial Statement for year ending December 31, 2011, recommending acceptance of report and place 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 (12-481) approving hiring of Attorney Joseph Thuermer on a month-to-month basis commencing August 13, 2012 to handle the City's traffic and ordinance enforcement, recommending approval (adoption) of resolution. Motion by Sladky, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned communication (12-338) from Mona Moen relative to necessity of porta potty at home plate at Citizen 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 (12-429) from Lincoln Park Zoological Society to hold Breakfast with the Bison event in Lincoln Park on September 15, 2012, with waiver of fees request attached, 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 special events request (12-434) from Roncalli High School to hold

45th Annual Roncalli Cross Country Invite at Lincoln Park on September 8, 2012, with waiver of fees request attached, 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 special events request (12-495) from Make-A-Wish Wisconsin for event along Mariner's Trail on October 6, 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.

Parks and Recreation, Public Property and Safety and Public Utilities and Licensing Committees returned special events request (12-469) from Randy Heinzen, Chr., Lakeshore Weekend, requesting a variance of the sound and beverage ordinance for the annual Lakeshore Weekend event to be held on August 3, 4 & 5, 2012, until 12:00 midnight on Friday & Saturday, and permission to block off the access street to the boat launch north of the YMCA, and the use of various equipment, as detailed therein, jointly recommending granting request with fee structure from last year. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee and Public Utilities and Licensing Committees returned request (12-470) of Shoto Conservation Club requesting extension of noise ordinance until 11:30 p.m. and extension of the beer sales until midnight on Friday, August 24th and Saturday, August 25th, 2012 and extension of the noise ordinance until 11:00 p.m. and extend beer sales until 11:30 p.m. on August 21st, 22nd, 23rd, and 26th, 2012, jointly recommending granting request. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned communication (12-491) from Fire Chief Bill Manis relative to acceptance of the SAFER Grant the City was awarded July 20, 2012, recommending accepting the SAFER grant, for the Fire Chief to provide to the oversight committee a staffing plan prior to hiring and to establish October 12, 2014 as the sunset date of these three positions. Motion by Brey, second by McMeans, and carried by acclamation to accept the Committee's report. Ayes, 6. Nays, 3.

Streets and Sanitation Committee returned lease (11-746) between Lease Finance Group and City of Manitowoc Evergreen Cemetery for credit card equipment, recommending rescinding action of 12/19/11 and recommends placing 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 communication (11-192) from Director of Public Works and City Engineer Valerie Mellon regarding DOT Project on USH 151 (Calumet Avenue) - STH 42 to I-Tec Drive Reconstruction, recommending placing on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation and Public Utilities and Licensing Committees returned special events request (12-466) from Rock-N-Blues Haus to hold block party on September 15-16, 2012 with closure of Washington Street between 7th and 8th Street and to extend their liquor license premise to a fenced-in area on Washington St., jointly recommending granting request subject to City policy and proper notification of proximate businesses. 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 (12-468) from Maryjeanne Flegel relative to special assessment charges and sidewalk repair at 1328 S. 21st Street, recommending placing 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 special events request (12-471) from Special Olympics Wisconsin to hold 13th annual 5K run/walk on Tuesday, August 21, 2012, beginning at Manitowoc County Expo at 6:00 p.m., with map attached, recommending approving request 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 and Parks and Recreation Committees returned special events request (12-472) from Lakeshore Humane Society to hold Lakeshore Humane Society Walk for Kindness on September 22, 2012, through Lincoln Park per map attached and placing signage along route as well as two rest stops, jointly 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 special events request (12-473) from Rahr-West Art Museum to hold Sputnikfest on September 7-8, 2012, at Rahr-West and close a portion of Park Street, as detailed therein, recommending granting request 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 resolution (12-474) approving the fee of \$0.375 per square foot of impervious area to offset costs incurred by the City of Manitowoc for stormwater management developments pursuant to Chapter 28 of the Municipal Code, recommending adoption of resolution. Motion by Soeldner, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 0. Abstained, 1.

Streets and Sanitation Committee returned construction agreement (12-483) between City of Manitowoc, County of Manitowoc and Town of Manitowoc to pave a portion of Nagle Avenue as detailed therein, 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 (12-485) of Deputy Planner Paul Braun relative to release of easements at N. 40th Street and Indian Bluff Drive, 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 resolution (12-486) that asphaltic concrete resurfacing and overly be placed on the streets listed therein in 2012, as detailed therein, and assessments be made against the abutting property, per foot, per side, recommending adoption of resolution. 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 (12-487) of the Board of Public Works of August 1, 2012, regarding bids received for River Walk & Museum Commons, Project WU-12-15, recommending awarding project to low bidder, Vinton Construction Co., in the amount of \$125,116.50. 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 (12-488) of the Board of Public Works of August 1, 2012, regarding bids received for 2012 Televising Miscellaneous Sewers II, Project WU-12-13, recommending awarding bid to low bidder, Northern Pipe Equipment, Inc. in the amount of \$40,097.29. 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 (12-489) of the Board of Public Works of August 1, 2012, regarding quotes received for ferric chloride for Wastewater Treatment Facility, QM-12-6, recommending awarding project to low bidder, Kemira Water Solutions, Inc. in the amount of \$512/ton. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation and Public Utilities and Licensing Committees returned special events request (12-490) from Courthouse Pub to hold street party on September 15 & 16, 2012, in conjunction with Rock-N-Blues Haus, closure of a portion of Washington Street between 7th and 8th Street and to extend their liquor license premise to a fenced-in area on Washington St. per attached diagram, jointly recommending granting request subject to City policy and proper notice of proximate businesses. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned professional services agreement (12-493) with MSA Professional services for Dufek & West Drive Stormwater Detention 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.

Public Utilities and Licensing Committee returned #39 & #43 for Temporary Class "B" license; #1-28 for Temporary Operator's license; #26-27 for 2012-13 One Year Operator's license; #255-265 for 2011-13 Two Year Operator's license; #7 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.

Public Utilities and Licensing Committee returned application #28 for 2012-13 One Year Operator's license, recommending denial of the license, based upon the recommendations from the Chief of Police or designee. 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 (12-496) in the amount of \$2,005,287.14 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, and unanimously carried, Common Council adjourned at 8:30 p.m. Ayes, 9. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk