

**COMMON COUNCIL  
OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Tuesday, September 4, 2012

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Tuesday, September 4, 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, Collin Braunel, Tyler Martell, Jim Brey, Allan Schema, Christopher Able, Jill Hennessey and Jason Sladky.

Absent: Alderperson Dave Soeldner.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of August 20, 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 September 4, 2012 Common Council agenda.

Resolution (12-533) to hire Straun Boston as City Attorney effective September 10, 2012, and setting salary, was referred to Committee of the Whole.

Resolution (12-545) relative to submission of site assessment grant to Wisconsin Economic Development Corp. for 1615 Spring, LLC (former Rockwell Lime property), was referred to Finance Committee.

Alderperson Jill Hennessey, Chair of Public Utilities & Licensing Committee indicated the committee went on record at their meeting of September 4, 2012, unanimously recommending the nomination of James Morrow to serve as a member of the Manitowoc Public Utilities Commission, for a five-year term from October 1, 2012 through September 30, 2017 (place of James Morrow).

It was moved by Hennessey, second by Sladky, to nominate James Morrow as a member of the Manitowoc Public Utilities Commission. Motion by Hennessey, second Sladky and unanimously carried to close nominations and cast a unanimous ballot in favor of James Morrow. Motion carried unanimously. Ayes, 9. Nays, none.

Ordinance (12-543) to repeal Section 10.170 of the Manitowoc Municipal Code regulating the intersection of S. 6<sup>th</sup> and Quay Street, was referred to Public Property & Safety Committee.

Ordinance (12-544) to amend Section 10.730 of the Manitowoc Municipal Code regulating angle parking in the City of Manitowoc, was referred to Public Property & Safety Committee.

Ordinance (12-534) to amend Section 10.390 of the Manitowoc Municipal Code regulating prohibited parking on Clay Pit Road, was referred to Public Property and Safety 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.

Alderperson Sladky, Chair of Committee of the Whole 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 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 matter which will be considered in the closed session is the following: 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.

It was moved by Able, second by Schema, and unanimously carried upon roll call to convene in closed session. Ayes, 9. Nays, none. Abstained, 1.

Committee of the Whole deliberated in closed session.

It was moved by Sitkiewitz, second by Schema, and unanimously carried upon roll call to reconvene in open session. Ayes, 8. Nays, none.

Recess.

Call back to order.

Committee of the Whole returned resolution (12-533) to hire Straun Boston as City Attorney effective September 10, 2012, and setting salary, recommending adoption of resolution. Motion by Sladky, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned resolution (12-545) relative to submission of site assessment grant to Wisconsin Economic Development Corp. for 1615 Spring, LLC (former Rockwell Lime property), recommending adoption of the resolution and place 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 ordinance (12-150) to amend Section 21.030(4)(f)(5) of the Manitowoc Municipal Code regulating the use of funds provided by developers in lieu of parkland dedication, recommending adoption of ordinance. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned memorandum of understanding (12-492) between City of Manitowoc and Friends of the Park, Inc. relative to funds for the continued maintenance of the community built playground at Upper Henry Schuette Park, recommending entering into the agreement. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned request (12-532) from Lincoln High School Football Booster Club to waive fees for rental of equipment on September 28, 2012, recommending granting request with 50% of fees to be charged. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned special use trail permit (12-539) from Prevent Suicide WI for use of Mariner's Trail on September 15, 2012, recommending granting request per City policy. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned special events request (12-541) for Manitowoc Garden Fair to be held on June 8, 2013 in Washington Park, recommending granting request per City policy. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned Adopt a Park Program (12-542) giving citizens an opportunity to volunteer in our city's parks, recommending approval of program. Motion by Sladky, second by Schema, and carried

by acclamation to accept the Committee's report. Ayes, 8. Nays, 1.

Public Property and Safety Committee returned ordinance (12-543) to repeal Section 10.170 of the Manitowoc Municipal Code regulating the intersection of S. 6th and Quay Street, recommending adoption of the ordinance. Motion by Brey, second by McMeans, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 9. Nays, none. Motion by Brey, second by McMeans, report accepted and ordinance adopted. Ayes, 9. Nays, none.

Public Property and Safety Committee returned ordinance (12-534) to amend Section 10.390 of the Manitowoc Municipal Code regulating prohibited parking on Clay Pit Road, recommending adoption of the ordinance. Motion by Brey, second by McMeans, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 9. Nays, none. Motion by Brey, second by McMeans, report accepted and ordinance adopted. Ayes, 9. Nays, none.

Public Property and Safety Committee returned ordinance (12-544) to amend Section 10.730 of the Manitowoc Municipal Code regulating angle parking in the City of Manitowoc, recommending adoption of the ordinance. Motion by Brey, second by McMeans, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 9. Nays, none. Motion by Brey, second by McMeans, report accepted and ordinance adopted. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned agreement (12-535) with Strand Associates Inc. to provide services for Safe routes to School Assistance, recommending entering into the agreement. Motion by Brey, second by Martell, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned special events request (12-537) from Student Senate of Lincoln High School to hold Homecoming Parade on Saturday, September 29th, from the JFK Building to Ron Rubick Municipal Field beginning at 10:30 a.m., as detailed therein, recommending approval of the request according to City policy. Motion by Brey, second by Martell, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned Change of Agent for #11 for Class "A" Retail Fermented Malt Beverage license; #52 (Beer) and #13 (Wine) for Temporary Class "B" Retail license; #29-31 for 2012 Temporary Operator's license; #31-33 for 2012-13 One Year Operator's license; #273-277 for 2012-14 Two Year Operator's license; 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 (12-531) in the amount of \$713,107.79 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 8:05 p.m. Ayes, 9. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk