

**COMMON COUNCIL
OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, October 1, 2012

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, October 1, 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 September 17, 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 October 1, 2012 Common Council agenda.

Mayor Nickels presented proclamation to Fire Chief Bill Manis and Deputy Fire Chief Gregg Kadow proclaiming the month of October, 2012 as Fire Prevention Month.

Mayor Nickels presented proclamation to Tom Keil, Executive Director, Holiday House Manitowoc, proclaiming October, 2012 as Disability Employment Awareness Month.

Resolution (12-574) to hire a full-time fleet mechanic for the Department of Public Works, at a rate of \$19.80 per employee policy manual, was referred to Personnel Committee.

Resolution (12-581) to approve the hiring of a Human Resources Generalist, was referred to Personnel Committee.

Mayor submitted the following appointments and requested Council confirmation:

Complete Streets Advisory Committee

Linda Larsen
Matt Kadow
John Brunner

Term

Indefinite
Indefinite
Indefinite

Moved by Sladky, second by Able, and unanimously carried to confirm the Mayor's appointments. 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.

Presentation by Robert Moore, President of Institutional Capital Management relative to current market conditions and City portfolio.

Presentation by Finance Director/Treasurer Steve Corbeille relative to cash flow analysis.

Call back to order.

Committee of the Whole returned petition (12-567) from Heresite Protective Coatings, Inc. and GLTF Enterprises, Inc. for direct annexation of approximately 20.05 acres of land from the Town of Newton to the City of Manitowoc, area known as Orchard Lane No. 1 annexation area, recommending referral to Plan Commission. Motion by Sladky, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned communication (12-546) from Stafford Rosenbaum LLP relative to settlement recommendation re: Holy Family Memorial, Inc. v. City of Manitowoc, Case No. 08-CV-448, recommending approval of the settlement and issue refund of \$69,861,57. Motion by Able, second by Sitkiewitz, and carried by acclamation to accept the Committee's report. Ayes, 7. Nays, 1. Abstained, 1.

Finance Committee returned request (12-551) for refund of duplicate plumbing permit in the amount of \$35.00, recommending approval of the refund for \$35.00 and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned notice of claim and claim (12-566) of Troy Hannah filed 9/17/12, Fleet Claim No. 12-202, recommending payment of the claim for \$3,106.93. Motion by McMeans, second by Able, and unanimously carried to suspend the rules to take immediate action on this claim. Ayes, 9. Nays, none. Motion by McMeans, second by Able, report accepted. Ayes, 9. Nays, none.

Parks and Recreation Committee returned communication (12-538) from Kathie Nelson, Manitowoc Garden Club, expressing an interest in adding a human sundial to the Mariner's Trail, recommending granting request contingent on location being worked out with staff. 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 (12-571) from a number of individuals to authorize the submittal of a Coastal Management Grant application for the design and preparation of construction documents to extend the Riverwalk pathway around the east bank of the Manitowoc River, as detailed therein, recommending authorizing the submittal of Coastal Management Grant for project not to exceed \$40,000 City match from non-property tax revenue source. Motion by Sladky, second by Soeldner, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 1.

Parks and Recreation Committee returned memorandum (12-575) from Director of Parks and Recreation Valerie Mellon relative to Animal Loan Agreement with the Farm Bureau and Farm Animal Loan Agreements with various farm animal owners for the Big Red Barn's 2012 season, recommending entering into agreements. 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 (12-579) from Sunrise Optimist Club to hold Art in the Park in Washington Park on October 13, 2012, and waiver of fee request attached, recommending granting request with 50% reduction of fees. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned agreement (12-586) with The Active Network, Inc. for recreation software, recommending entering into agreement. 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 (12-587) for waiver of fees for rental of Lincoln Park Fieldhouse for Heart-A-Rama on March 18, 2013, recommending granting rental request and reduction of rental fee to \$70.00. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes,

9. Nays, none.

Parks and Recreation Committee returned memo (12-589) from Director of Parks & Recreation Valerie Mellon relative to amended quote from MCM Excavating & Landscaping for grading and seeding of Silveridge Park, recommending placing on file. 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 (12-367) from Patty Sturtz relative to a safety issue along the Mariner's Trail at the Maritime Drive wayside, recommending placing on file. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned communication (12-553) from Sharon Strouf outlining concerns that she would like to address at the next Public Property & Safety and/or Safety, Traffic & Parking Commission meeting, recommending placing on file. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned communication (12-573) from Rita Schroeder, requesting the removal of no parking sign at 819 S. 20th St., recommending referral to Safety, Traffic & Parking Commission. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned Viebahn tower transfer agreement (12-585) between City, Manitowoc Public Utilities and Manitowoc County relative to communication tower at S. 35th and Viebahn Streets, recommending entering into agreement. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned communication (12-444) from Clint Michael Rusch requesting reconsideration of denial of 2011-13 Two Year Operator's license #384, recommending reversing the previous Council action of denial of the license and granting the license. 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 communication (12-527) from Lisa Ann Gilbert asking for reconsideration of her application for an operator's license, recommending placing on file. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (12-572) of the Board of Public Works of September 19, 2012, recommending 13th and final payment to Lunda Construction Company in the amount of \$74,572.10 for City Centre Dockwall Improvements and Dredging, WO-10-14, recommending 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 (12-577) from Manitowoc Two Rivers YMCA and Festival Foods to hold 5th annual Turkey Trot walk/run along the route detailed therein on November 22, 2012 from 8:00 a.m. until 10:00 a.m., recommending approval of request. 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 (12-580) of the Board of Public Works recommending the special assessments for 2011 street improvements for concrete paving, concrete paving reconstruction and new storm sewers, as detailed therein, recommending acceptance of report. 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 (12-583) from Wisconsin Dept. of Transportation

in the amount of \$5,549.32 for Waldo Blvd. - 8th Street - Maritime Dr., Project No. 4570-12-00, recommending 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 (12-584) from Wisconsin Dept. of Transportation in the amount of \$9,817.43 for Waldo Blvd., CTH R - 8th Street, Project No. 1500-37-00, recommending 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 request (12-588) from Ron Kehl to sell novelties at the Lakeshore Holiday Parade and the St. Patrick's Parade, recommending approval of request. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Personnel Committee returned resolution (12-574) to hire a full-time fleet mechanic for the Department of Public Works, at a rate of \$19.80 per employee policy manual, recommending approval of the resolution. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Personnel Committee returned resolution (12-581) to approve the hiring of a Human Resources Generalist, 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 #52 & #54 for Temporary Class "B" Beer and #13 & #15 for Temporary Wine licenses; #35-36 for 2012-13 One Year Operator's license; #384 for 2011-13 Two Year Operator's license; #286-294 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 (12-582) in the amount of \$368,934.84 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 8:00 p.m. Ayes, 9. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk