

COMMON COUNCIL
OFFICIAL JOURNAL

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk
Monday, January 21, 2013

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, January 21, 2013. 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, Dave Soeldner, Christopher Able, Jill Hennessey and Jason Sladky.

Absent: Alderperson Allan Schema.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of January 7, 2013, 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 January 21, 2013 Common Council agenda.

Resolution (13-028) to approve on-call duty rotation for a five person rotation for Dept. of Public Infrastructure including compensation of \$150.00 per week of on-call duty, was referred to Personnel 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.

During recess, Personnel Committee held a discussion relative to resolution (13-028) to approve on-call duty rotation for a five person rotation for Dept. of Public Infrastructure including compensation of \$150.00 per week of on-call duty. Motion by Hennessey, second by Able, and unanimously carried to amend the resolution to strike the second paragraph in its entirety. Ayes, 4. Nays, none.

Call back to order.

Streets and Sanitation Committee returned report (13-031) of City Plan Commission recommending not to approve requested zone change for 1.01 acre area on Cleveland Avenue from "R-5" Low Density Multiple-Family District to "B-1" Office Residential District, with a minority report recommending acceptance of report and place on file. Motion by Brey, second by Braunel to accept the Committee's report. Ayes, 6. Nays, 3. Motion carried.

Streets and Sanitation Committee returned ordinance (12-713) to amend Section 15.050 of the Municipal Code to amend the amended zone map for an area located north of Cleveland Avenue, east of Maritime Drive, and southeast of Hawthorne Terrace to be changed from "R-5" Low Density Multiple Family to "B-1" Office - Residential District, recommending adoption of ordinance. Motion by Soeldner, second by Sladky, to accept the Committee's report. *(Per Opinion of City Attorney, this ordinance needs 3/4 vote to adopt)*. Ayes, 3. Nays, 6. Motion fails.

Finance Committee returned memo (13-026) from City Assessor recommending rescinding the 2012 personal property taxes of \$2.17 on parcel 000-137-661 due to palpable error, recommending rescinding 2012

personal property assessment of \$100 (taxes of \$2.17). 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 (12-217) from EMC Insurance Companies on behalf of Patricia McCarthy of April 10, 2012, Claim File No. 12-1083, recommending denial of the claim 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 (12-476) of Carolyn Barnett of August 1, 2012, Claim File No. 12-1085, recommending denial of the claim 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 special events request (13-020) of Kenny's Athletic Klub to hold annual Slowpitch Men's Softball Tourney at Citizen's Park from July 26 - August 3, 2013, 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 Utilities and Licensing Committee returned report (13-024) on 2013 Weights & Measures assessments for various businesses, as detailed herein, recommending adoption of the assessments. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Mayor asked if anyone objects to the assessments. No one objected. Upon a vote, Ayes, 9. Nays, none. Motion carried.

Streets and Sanitation Committee returned report (13-021) of the Board of Public Works of January 9, 2013, recommending 2nd and final payment to Northeast Asphalt in the amount of \$8,657.78 for 2012 Asphaltic Concrete Paving Program, WS-12-4, 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 report (13-022) of the Board of Public Works of January 9, 2013, recommending 1st and final payment to Vinton Construction in the amount of \$24,213.52 for Repairs at Maritime Drive Bridge Over Little Manitowoc River, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation & Parks and Recreation Committees returned special events request (13-025) from Liz Becker, Carol Rose Wester Memorial Walk/Run, requesting to hold a walk/run event on Saturday, August 17, 2013, starting and ending at Red Arrow Park, as detailed therein, 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 zoning amendment protest petitions (13-029) and (13-030) relative to the proposed change in zone in an area north of Cleveland Avenue, east of Maritime Drive and southeast of Hawthorne Court, 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 quit claim deed (13-008) from Burbey Ponderosa, LLC to City of Manitowoc of property for Goodwin Road purposes, and report (13-032) of City Plan Commission recommending Council approve and accept the deed, recommending acceptance of report (13-032) and place on file and acceptance of deed (13-008) 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 (13-033) of City Plan Commission with their annual review of Community Living Arrangements and recommending that Council approve the associated licenses for these

facilities for 2013, 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 memo (13-035) from City Attorney Straun Boston advising that protest petitions (13-029) and (13-030) are valid and sufficient to trigger the requirement of a 3/4 vote by Council, 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 (13-036) from Irish Fellowship Club to hold St. Patrick's Day parade on March 15, 2013, beginning at 6:30 p.m. at 8th and Washington Street, proceeding north to Bank First National, with fireworks to follow, 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.

Personnel Committee returned resolution (13-028) to approve on-call duty rotation for a five person rotation for Dept. of Public Infrastructure including compensation of \$150.00 per week of on-call duty, recommending approval of the resolution, as amended. 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 #65 for "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage license; #348-352 & #354-357 for 2012-14 Two Year Operator's license; #2 for 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 #353 & #358 for 2012-14 Two Year Operator's license, recommending denial of the licenses based upon the recommendations from the Deputy Police Chief. 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 (12-027) in the amount of \$10,825,450.92, 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 8:33 p.m. Ayes, 9. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk