

**COMMON COUNCIL
OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk
Monday, February 4, 2013

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, February 4, 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, Allan Schema, Christopher Able, Jill Hennessey and Jason Sladky.

Absent: None.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of January 21, 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 February 4, 2013 Common Council agenda.

City Clerk administered oath of office to two new patrol officers, Aaron Katzka and Travis Van Kauwenberg.

Resolution (13-042) endorsing design elements for the reconstruction and rehabilitation of Waldo Blvd. from Maritime/Memorial Drive to North Rapids Road and requesting Wisconsin Dept. of Transportation to move forward with the design of Waldo Blvd. including necessary land acquisitions, was referred to Committee of the Whole.

Parks and Recreation Committee returned communication (13-004) from Douglas Koch requesting suspension of rental of Cabin No. 2 in Lincoln Park for the Lights in Lincoln Park event for the month of December, 2013, recommending granting request to block out timeframe for rentals. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned request (13-046) for waiver of fees for Manitowoc Co. Miracles Special Olympics for rental of Citizens Park gym on various dates for Special Olympics volleyball practice, recommending granting request and 50% waiver of cost incurred by City. Motion by Sladky, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Ordinance (13-053) to amend Section 10.410(1) of the Manitowoc Municipal Code regulating prohibited parking from December 1 to March 1, was referred to Public Property and Safety Committee.

Mayor submitted the following appointments and requested Council confirmation:

<u>Crime Prevention Committee</u>	<u>Term</u>
Cooper Schmidt (Pl. of Linda Blahnik)	Indefinite
Wendy Smith (Pl. of Javier Saucedo)	Indefinite
Pamela Campbell (Pl. of Donald Stefancic)	Indefinite
Lainey Braun, Student Lincoln High School	Graduation

Motion by Sladky, second by Able, and unanimously carried to confirm the Mayor's appointments. Ayes, 10. 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.

Call back to order.

Finance Committee returned communication (12-441) from Nash, Spindler, Grimstad & McCracken LLP relative to final settlement of Novak v. Cities and Villages Mutual Insurance Co., et al, Case No. 11-CV-366, recommending placing on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned the following documents involving the original Brian Swetlik lawsuit and his appeals, recommending placing on file: Notice of Appeal (12-494) in the matter of Swetlik v. Kevin Crawford, et al, Case No. 09-CV-1157; Defendants' Answer and Affirmative Defenses (10-017) relative to Case No. 09-C-1157, Brian W. Swetlik vs. Former Mayor Kevin Crawford et al; Summons & Complaint (09-745) between Brian W. Swetlik v. Former Mayor Kevin Crawford, et al, Case No. 09-C-1157; Notice of Injury (08-556) from Gimbel Reilly Guerin Brown on behalf of Brian Swetlik from September 17, 2008. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned the following claims, recommending placing on file: Notice (04-283) of claim from Thomas Jacobson of May 19, 2004, Claim File 04-938; Claim (04-296) from Thomas Jacobson of June 1, 2004, Claim File 04-938-1; Claim (04-518) from Partners Mutual Insurance Company on behalf of their insured, Duane P. Moon d/b/a Moon's Lawn Care, Claim File 04-941; Claim (05-132) from Anthony Jowell of March 4, 2005, Claim File 05-950-1; Claim (05-539) from Eric Glaeser of August 11, 2005, Claim File No. 05-957; Notice of claim and claim (05-629) from Frederick Jacobi of September 28, 2005, Claim 05-960; Notice of claim (05-756) from Alpert & Fellows, LLP, in behalf of their client, Donald W. Newby, Claim File 05-924-1; Claim (05-796) from Jim Van Sleet of December 10, 2005, Claim file 05-961; Notice of claim and claim (07-343) of Chris McNeill of June 11, 2007, Claim File 07-985; Claim (07-728) from James Weber of December 28, 2007, Claim File No. 07-161; Claim (08-579) from Estate of Patricia Werowinski, Kurt Werowinski and Jason Werowinski of October 8, 2008, Claim File No. 08-1012; Notice of Claim (09-209) received April 6, 2009, from James Szymczyk, Claim File No. 09-1018; Notice (10-205) of Circumstances of Claim on behalf of The Estate of Robert Rue, Fleet Claim File No. 10-187; Notice (10-204) of Circumstances of Claim on behalf of Violet M. Rue, Fleet Claim File No. 10-186; Notice of Claim (10-316) of Tracy Weiler of June 11, 2010, Claim File No. 10-1045; Notice of Claim (10-389) of A T & T of June 7, 2010, Claim File No. 10-048; Notice of Claim and Claim (10-496) of August 25, 2010, from Diane Smith, Claim File No. 10-1054; Notice of Claim and Claim (11-293) of May 2, 2011 from Bradley A. Jacobson, Claim File No. 11-1066; Notice of Claim (11-361) of Joaquim Martinez, Claim File No. 11-1068; Notice of Claim and Claim (11-625) of David and Eliner Waege dated September 15, 2011, Claim File No. 11-1074; Notice of Claim and Claim (11-750) of November 6, 2011 from Greg J. Zabler, Claim File No. 11-1079. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned agreement (13-040) with Sherrie Richards for management services relative to the day-to-day operations of the Manitowoc Farmer's Market, as detailed therein, for the period ending October 26, 2013, recommending entering into agreement. Motion by McMeans, second by Able, and unanimously carried to

accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned report (13-052) of City Planner David Less relative to 2013 Farmer's Market, recommending acceptance of report and adoption of recommendations. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned amendment agreement no. 3 (13-054) related to State of Wisconsin Dept. of Transportation transportation economic assistance (TEA) grant relative to the design and construction of a rail spur for the benefit of a manufacturing facility at 5902 West Custer Street, recommending entering into agreement and placing on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned job guarantee agreement No. 2 (13-055) with Wisconsin Department of Transportation relative to Transportation Facilities Economic Assistance and Development program, recommending entering into agreement and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned Joint Powers Agreement (13-023) with Manitowoc County Joint Dispatch Center for the Period March 1, 2013 to March 1, 2014, recommending approval and enter into agreement. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned communication (13-041) from Alderperson Sitkiewitz on behalf of Brian Kinzel regarding safety concerns with traffic on the Waldo Blvd. curve, recommending placing on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned report (13-047) of Board of Public Works relative to Manitowoc Public Utilities' request for sidewalk privilege agreement on parcel #000-274-020 at the corner of Hancock Street and S. 7th Street, recommending approving request and City Attorney to draft agreement. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned report (13-049) of Board of Public Works of January 30, 2013, recommending 3rd and final payment to Vinton Construction Company in the amount of \$4,884.10 for 2012 Sanitary and Storm Sewer Construction, WU-12-8, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned ordinance (13-053) to amend Section 10.410(1) of the Manitowoc Municipal Code regulating prohibited parking from December 1 to March 1, recommending acceptance (adoption) of the ordinance. Motion by Soeldner, second by Brey, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 10. Nays, none. Moved by Soeldner, second by Brey, to accept the Committee's report.

Moved by Soeldner, second by Brey, and unanimously carried, to amend the ordinance to remove the last sentence of Section 1: "Snow emergencies for the following day shall be declared before 5:00 p.m." Ayes, 10. Nays, none.

Upon a vote, the Committee's recommendation to accept (adopt) the ordinance, as amended, was accepted by acclamation. Alderperson Able voting nay. Ayes, 9. Nays, 1.

Streets and Sanitation Committee returned communication (13-045) from Friends of Mariners Trail, to commit funding for the Mariners Trail re-routing project near the parking area, just north of the Little Manitowoc River,

recommending support for the project. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned #1 - 3 for Second-hand Article/Jewelry Dealer; #359-360 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, 10. Nays, none.

Committee of the Whole returned General City Claims (12-048) in the amount of \$1,396,521.69 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, 10. Nays, none.

Moved by Sladky, second by Able, and unanimously carried, Common Council adjourned at 7:33 p.m. Ayes, 10. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk