

**COMMON COUNCIL**  
**OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, March 18, 2013

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, March 18, 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, Collin Braunel, Tyler Martell, Jim Brey, Dave Soeldner, Allan Schema, Christopher Able, Jill Hennessey and Jason Sladky.

Absent: Alderperson Scott McMeans.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of March 4, 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 March 18, 2013 Common Council agenda.

Resolution (13-097) providing for the sale of approximately \$7,835,000 General Obligation Refunding Bonds, was referred to Finance Committee.

Resolution (13-098) providing for the sale of approximately \$2,100,000 General Obligation Promissory Notes, was referred to Finance Committee.

Resolution (13-114) establishing a fee in lieu of on-site storm water management practices pursuant to Section 28.060 (7) of the Municipal Code.

Resolution (13-106) to approve filling the vacant position of Operator at the Wastewater Treatment Facility, was referred to Personnel Committee.

Streets and Sanitation & Parks and Recreation Committees returned special events request (13-118) from Child Abuse Prevention Taskforce of Manitowoc County to hold Hands Around the Courthouse event on April 1, 2013, walking from Washington Park to Courthouse, as detailed therein, jointly 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.

Streets and Sanitation Committee returned contract amendment no. 4 (13-099) for additional construction monitoring services for City Centre LLC Dockwall improvements and dredging project, recommending entering into amendment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned applications (13-102) and (13-103) from Eck Industries, Inc. for continuance of delayed assessment agreements on parcels 818-103-010 and 818-104-010, recommending approval 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 (13-107) of Board of Public Works of March 13, 2013, regarding bids received for 2013 Epoxy Painting, Project WS-13-9, recommending awarding to low bidder, Guide Lines Pavement Marking LLC in the amount of \$46,382.51. 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 (13-108) of Board of Public Works of March 13, 2013, regarding bids received for 2013 Remove and Replace Existing Sidewalks, Project WS-13-3, recommending awarding to low bidder, Seiler Bros. Construction, Inc. in the amount of \$83,167.50. 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 (13-109) of Board of Public Works of March 13, 2013, regarding bids received for 2013 Slurry Sealing Various Streets, Project WS-13-6, recommending awarding to low bidder, Struck & Irwin Paving, Inc. in the amount of \$42,328.51. 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 (13-110) from Drews-Bleser Post #88 for the annual Memorial Day Parade on May 27, 2013, beginning at 9:00 a.m., 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 Committee returned application (13-090) from Ronald Leschke to amend the Zoning Ordinance District Map for property at 608 N. 41<sup>st</sup> Street from P-1, Conservancy, and R-4, Single and Two Family to C-1, Commercial, and report (13-111) of City Plan Commission in support of the rezoning proposal and recommending that the Council instruct the Clerk to call for a public hearing on the proposed zone change at its April 15, 2013 meeting, recommending acceptance of report, adoption of recommendations, with Clerk to call for public hearing and placing application 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 (13-062) from Robert L. Moore for .50 acres of land for So. 26<sup>th</sup> Street purposes and quit claim deed (13-063) from Robert L. Moore for .51 acres of land for Orchard Lane purposes, and report of City Plan Commission (13-112) recommending Council accept and approve the deeds, recommending acceptance of report and place on file and acceptance of deeds. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned 2012 Annual Report (13-116) to Department of Natural Resources relative to Municipal Separate Storm Sewer System, recommending acceptance of report. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Ordinance (13-113) to amend the amended zone map of the City in an area north of Fulton Street and west of N. 40<sup>th</sup> Street, from "P-1" Conservancy and "R-4" Single and Two Family Residential to "C-1" Commercial, was referred to Streets and Sanitation Committee.

Ordinance (13-120) to amend Section 7.210 of the Manitowoc Municipal Code regulating snow removal and deposits, was referred to Streets and Sanitation 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.

Call back to order.

Finance Committee returned notice of claim (12-673) of November 21, 2012, of Jeanelle Loberger, Claim File No. 12-1088, recommending denial and place on file. Motion by Able, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned claim (13-081) of Jacob DuQuaine of February 25, 2013, Claim File No. 13-1092, recommending denial and place on file. Motion by Able, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned resolution (13-097) providing for the sale of approximately \$7,835,000 General Obligation Refunding Bonds, recommending approval of the resolution. Motion by Able, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned resolution (13-098) providing for the sale of approximately \$2,100,000 General Obligation Promissory Notes, recommending approval of the resolution. Motion by Able, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned agreement (13-115) for Viebahn communication tower transfer between City and Manitowoc County for property located at 35<sup>th</sup> Street and Viebahn Street, recommending entering into agreement. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned request (13-100) from Amvets Post 99 to extend their liquor license premises on May 27, 2013 to allow for beer sales in a fenced in tent area of their park, recommending granting the extension of premise request. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned resolution (13-091) adjusting fee schedule for Evergreen Cemetery, recommending adoption of the 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 resolution (13-114) establishing a fee in lieu of on-site storm water management practices pursuant to Section 28.060 (7) of the Municipal Code, recommending adoption of the resolution. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Personnel Committee returned resolution (13-106) to approve filling the vacant position of Operator at the Wastewater Treatment Facility, 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 #3A for "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage license; #7 for Secondhand Article license; #32 for 2012-13 Temporary Operator's license; #371-379 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 (12-104) in the amount of \$960,714.97 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 7:25 p.m. Ayes, 9. Nays, none.

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Respectfully submitted,

Jennifer Hudon, City Clerk