

**COMMON COUNCIL
OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, June 3, 2013

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, June 3, 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 Dave Soeldner, Jim Brey, Alan Schema, Mike Howe, Christopher Able, Jason Sladky, Scott McMeans, Eric Sitkiewitz, Tyler Martell and Jill Hennessey.

Absent: None.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of May 20, 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 June 3, 2013 Common Council agenda.

Mayor Nickels presented commendations to Discover Eastern Wisconsin Disc Golf, First Lutheran Church, GMP Local 301, Jackson Elementary School K-Kids, Jacobson Family, Jensen Family, Kiwanis Golden K, Manitowoc Lodge #65 Free & Accepted Masons, Manitowoc Noon Optimists, Martell Family, McNamara Family and Tom Drill's Showtime for their dedication to the City of Manitowoc's Adopt-A-Park program.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of a proposed change to the Official Map to (1) eliminate a portion of the right-of-way reservation between the current dedicated terminus of So. 44th St. extending south and southeast to the west line of So. 42nd St./CTH "CR", a distance of approximately 1,498' in length along the north line of the current Official Map, and 1,618' along its south line; and (2) add to the Official Map a cul-de-sac at the current terminus of dedicated So. 44th St. with a 60' radius bulb at its south end.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on May 20 & 27, 2013. (Proof of publication is on file in the City Clerk's office.)

City Planner David Less gave an overview of the change to the Official Map.

No interested parties appeared.

Mayor declared the public hearing closed. (A tape recording of the entire hearing is on file in the City Clerk's office.)

Resolution (13-258) listing appropriations which were budgeted in 2012 for the departments listed to be carried forward into the respective 2013 departmental budgets effective December 31, 2012, was referred to Finance Committee.

Parks and Recreation Committee returned request (13-250) from Lia Haile for her Hopeful Hearts Club to sponsor Hope House Day at the Manitowoc Aquatic Center with City to waive shelter fee, recommending granting request for waiver of rental fee on June 23rd. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (13-129) from Lincoln Park Zoological Society to hold Lights in Lincoln Park from November 29, 2013 to December 28, 2013 beginning at 5:00 p.m. until 8:30 p.m., recommending granting request per City policy and waiver of fees. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation & Public Infrastructure Committees returned special events request (13-260) from Lakeshore Humane Society to hold Walk for Kindness on September 21, 2013, utilizing Lincoln Park with route map attached and asking for no parking signs on N. 8th St., jointly recommending granting request per City policy and allowing dogs to pass through Lincoln Park on designated route. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation & Public Infrastructure Committee returned special events request (13-262) from First Reformed United Church of Christ for CROP Walk on October 5, 2013, with routes attached along with Mariners Trail Permit, jointly recommending granting request per City policy. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Mayor submitted the following appointments and requested Council confirmation:

Building Board of Appeals

James Blaha
Curt Kerscher
Paul Braun

Term

4 yr. term expiring 6/1/16
4 yr. term expiring 6/1/16
4 yr. term expiring 6/1/16

Citizens Advisory Committee

Grace Brandl
Janet Breuer
Patricia Chermak
Anthony R. Mack
Roger K. Drape
Edward C. Rappe

Term

3 yr. term expiring 6/1/15
3 yr. term expiring 6/1/15
3 yr. term expiring 6/1/15
3 yr. term expiring 6/1/15
3 yr. term expiring 6/1/15
3 yr. term expiring 6/1/15

Citizens Physical & Sensory Disability Commission

Joanne Vogds
Mary Balte
August Krieser
Anna Wood

Term

3 yr. term expiring 6/1/15
3 yr. term expiring 6/1/16
3 yr. term expiring 6/1/16
3 yr. term expiring 6/1/16

Code Review Committee

James Check
Brandon Bartow
Dan Luisier

Term

3 yr. expiring 1/1/16
3 yr. expiring 1/1/16
3 yr. expiring 1/1/15

Rahr-West Art Museum Board

Christine Kornely
Jason Ring
Tricia Zimmerman

Term

3 yr. term expiring 6/1/16
3 yr. term expiring 6/1/16
3 yr. term expiring 6/1/16

Zoning Board of Appeals

Joe Mrotek
Don Orth
Frank Rodriguez
Paul Steinbrecher

Term

3 yr. term expiring 6/1/15
3 yr. term expiring 6/1/15
3 yr. term expiring 6/1/15
3 yr. term expiring 6/1/15

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

Ayes, 10. Nays, none.

Ordinance (13-265) to amend various sections of Chapter 15 of the Manitowoc Municipal Code defining home occupation and conditional uses, was referred to Licensing, Permits and Inspections Committee.

Ordinance (13-266) to amend Section 22.010 of the Manitowoc Municipal Code to Change the Official Map in an area east of S. 26th St. and south of Dewey St., was referred to Licensing, Permits and Inspections Committee.

Ordinance (13-264) to amend various sections of Chapter 10 of the Manitowoc Municipal Code which regulate parking time restrictions in the downtown area, was referred to Public 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.

Recess.

Call back to order.

Committee of the Whole returned Alfresco Cloud Guidelines (13-253) and implementation plan, recommending approval of the guidelines and implementation plan with inclusion into the City Communication Plan. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned communication (13-268) from County Treasurer Cheryl Duchow relative to distribution of proceeds upon sale of In Rem property, recommending accepting the report and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned notice of claim and claim (13-095) of March 1, 2013 from Dyonne Wright, Fleet Claim File No. 13-205, recommending placing on file. (Attorney has settled claim for \$1,647.42 on 5/3/13). Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned resolution (13-258) listing appropriations which were budgeted in 2012 for the departments listed to be carried forward into the respective 2013 departmental budgets effective December 31, 2012, recommending adoption of resolution and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Licensing, Permits & Inspections Committee returned report (13-270) of City Plan Commission relative to proposed street vacation and associated Official Map amendment impacting property at 4720 Broadway Street, recommending acceptance of report and adoption of recommendations. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Licensing, Permits & Inspections Committee returned report (13-271) of City Plan Commission relative to review of a request on behalf of Manitowoc Cinema LLC for a conditional use permit and review of General Development Plan as well as proposed PUD for land east of I-43 and So. 44th Street, and north of Viebahn St., recommending acceptance of report and adoption of recommendations. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Licensing, Permits & Inspections Committee returned report (13-273) of City Plan Commission relative to a proposed ordinance which amends and updates the City's regulation of home occupations, recommending acceptance of report and place on file, with Clerk to call for public hearing. Motion by Brey, second by Hennessey,

and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Licensing, Permits & Inspections Committee returned rReport (13-274) of City Plan Commission relative to request from Ron Leschke for conditional use permit and modification of previously issued permits to allow trucking, distribution and load assembly on lands to match area of 2013 rezoning, recommending acceptance of report and place on file. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Licensing, Permits & Inspections Committee returned report (13-275) of City Plan Commission relative to request from Vesely and Maltby to amend the City's Official Map to eliminate a 60' wide, non-dedicated Official Map street east of So. 26th St. and south of Dewey St., recommending acceptance of report, adoption of recommendations and Clerk to call for public hearing. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Licensing, Permits & Inspections Committee returned report (13-276) of City Plan Commission relative to the termination of a conditional use permit for a wrecker service business at 734 N. 8th Street, recommending acceptance of report and place on file. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Licensing, Permits & Inspections Committee returned report (13-277) of City Plan Commission recommending approval and acceptance of the Quit Claim Deeds for portions of So. 10th St., south of Viebahn St., recommending acceptance of report and place on file. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned Labor Agreement (13-278) between City of Manitowoc and City of Manitowoc Police Department Employees, Law Enforcement Employee Relations Division of the Wisconsin Professional Police Association for 2013-14, recommending approval of the contract. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Safety Committee returned Ambulance Service Agreement (13-252) with Eastern Wisconsin Stock Car, Inc. for the period June 1 through June 30, 2013, recommending entering into agreement per City policy. Motion by Sitkiewitz, second by Martell, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Safety Committee returned special events request (13-269) from Cellcom to allow no parking signs on Harbor Town Lane in front of Cellcom for their event on June 10 and 11, 2013, recommending granting request per City policy. Motion by Sitkiewitz, second by Martell, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Infrastructure Committee returned request (13-158) from Charles J. Vesely, Julie E. Vesely and Joan A. Maltby for change in the Official Map to remove proposed street adjacent to parcels 355-106-003 and 355-106-001, recommending placing on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Infrastructure Committee returned quit claim deed (13-195) from Lee R. and Joan M. Meyer for a parcel of land containing 0.265 acres more or less, to be used for South 10th Street purposes, as described therein and shown on the attached sketch, recommending approval, acceptance of deed and place on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Infrastructure Committee returned request (13-196) from R & J Transport to amend their conditional use permit so that it is in conformance with the 2013 rezoning, recommending placing on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Infrastructure Committee returned quit claim deed (13-212) from Cynthia Knipp Jones for a parcel of land containing 0.149 acres more or less, to be used for South 10th Street purposes, as described therein and shown on the attached sketch, recommending approval, acceptance of deed and place on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Safety Committee returned request (13-254) to hire additional part-time Transit Driver from Transit Team Leader Jim Muenzenmeyer, recommending approval of request and referral to the Personnel Committee. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Licensing, Permits and Inspections Committee returned #23 for Class "A" Retail Fermented Malt Beverage license; #6 for Class "B" Retail Fermented Malt Beverage license; #56 for "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage license; #3 for "Class C" Retail Wine license; #4-5 for Temporary Operator's license; #3 for 2013-14 One Year Operator's license; #415 for 2012-14 Two Year Operator's license; #40-72 for 2013-15 Two Year Operator's license; granting the various licenses, as shown on the committee's report. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned General City Claims (13-263) in the amount of \$843,612.80 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 Hennessey, second by Sladky, and unanimously carried, report accepted. Ayes, 10. Nays, none.

Moved by Alderperson Hennessey, second by Alderperson Sladky, and unanimously carried, Common Council adjourned at 7:55 p.m. Ayes, 10. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk