

**COMMON COUNCIL  
OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, July 1, 2013

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, July 1, 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, Eric Sitkiewitz, Tyler Martell and Jill Hennessey.

Absent: Alderperson Scott McMeans.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of June 17, 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 July 1, 2013 Common Council agenda.

Resolution (13-351) outlining allocation of the 8% of room tax revenues effective January 1, 2013, was referred to Finance Committee.

Resolution (13-344) implementing a hiring freeze for all current and future vacant City employment positions through April 21, 2014, with the exception of Police Officers, Firefighters, Paramedics, seasonal workers, contract work or personnel not under Council's control, and that vacant positions be filled with approval by 2/3 vote of the Common Council, was referred to Personnel Committee.

Resolution (13-345) to approve the hiring of a part-time Transit Driver at the rate specified in the Transit Teamsters Collective Bargaining Agreement, was referred to Personnel Committee.

Moved by Brey, second by Hennessey, and unanimously carried to reconsider 1 Year Operator's license #9 of Toni M. Sciortino. Ayes, 9. Nays, none. Moved by Brey, second by Hennessey, and unanimously carried to approve the license. Ayes, 9. Nays, none.

Mayor submitted the following appointments and requested Council confirmation:

<u>Zoological Board</u>	<u>Term</u>
Douglas Koch	1 yr. expiring 6/1/14
Brian Schulz	1 yr. expiring 6/1/14
Edward Vetting	1 yr. expiring 6/1/14
Ray Geigel	1 yr. expiring 6/1/14
Al Hrudka (Fish & Game)	2 yr. expiring 6/1/14
Richard Krumel (Isaac Walton)	2 yr. expiring 6/1/14
<u>Wastewater Treatment Facility Board</u>	<u>Term</u>
Craig Haan, Industrial User Repr. (Pl. G. Underwood)	3 yr. term expiring 6/1/16

Motion by Hennessey, second by Sladky, and unanimously carried to confirm the Mayor's appointments. Ayes, 9. Nays, none.

Ordinance (13-342) to amend Sections 10.470, 10.490 and 10.550 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.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of proposed change to the Official Map to eliminate a 60' wide, non-dedicated Official Map street east of So. 26<sup>th</sup> Street and south of Dewey Street.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on June 17 & 24, 2013. (Proof of publication is on file in the City Clerk's office).

City Planner David Less gave an overview of the proposed 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).

Parks and Recreation Committee returned request (13-334) from Alderperson Jason Sladky to take action concerning potential future uses and access for Camp Vits Park, recommending granting request to build trail with Engineering and Parks Departments approval, as well as establishing EMS rescue plan. Motion by Sladky, second by Schema, and carried by acclamation to accept the Committee's report. Ayes, 6. Nays, 3.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of proposed changes to Chapter 15 of the Manitowoc Municipal Code: To modify the definition of a "Home Occupation – Principal Residence", and to create a new category for "Home Occupation – Accessory Building" which establishes a protocol for these uses in attached or detached garages, subject to certain information and occupancy requirements, and which will require issuance of a conditional use permit.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on June 17 & 24, 2013. (Proof of publication is on file in the City Clerk's office).

City Planner David Less gave an overview of the proposed changes to Chapter 15.

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).

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.

Council President Jill Hennessey announced that notice is hereby given that the Common Council Committee of the Whole will adjourn to the First Floor Hearing Room - East for a closed session during the recess of the meeting as authorized by Section 19.85(1)(c) of Wisconsin Statutes, which authorizes the governmental body to convene in closed session for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. The specific subject matter which will be considered in the closed session is the following: Discussion and possible action regarding wages of specific positions within the Department of Public Infrastructure.

It was moved by Able, second by Brey and unanimously carried upon roll call to convene in closed session. Ayes, 10. Nays, none.

Committee of the Whole deliberated in closed session.

It was moved by Nickels, second by Able, and unanimously carried upon roll call to reconvene in open session. Ayes, 10. Nays, none.

During recess, it was moved by Brey, second by Soeldner, and unanimously carried to defer action on the Mayor's Veto (13-319) of ordinance (13-264) to amend various sections of Chapter 10 of the Manitowoc Municipal Code which regulate parking time restrictions in the downtown area, until the July 15, 2013, Council meeting.

During recess, Committee of the Whole discussed contract (13-335) with Armadillo Marketing to start the branding process for the community. Moved by Able, second by Sitkiewitz, and carried by acclamation to place on file. Ayes, 9. Nays, 1.

During recess, Personnel Committee returned proposal (13-349) concerning wages for the Operations Team Leader, Operations Assistant, and Recreation Team Leader, recommending to table. Moved by Sitkiewitz, second by Hennessey, and unanimously carried. Ayes, 5. Nays, none.

Call back to order.

Committee of the Whole returned communication (13-329) from Manitowoc Pharmacies expressing concern over new parking policy, recommending acceptance and placement on file. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned contract (13-335) with Armadillo Marketing to start the branding process for the community, recommending placement on file. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned report (13-331) of City Planner David Less relative to disbursements to be issued to PBJC Fest Too LLC per TIF District No. 15 Note, recommending approval of report and placing on file. Motion by Able, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned report (13-332) of City Planner David Less relative to procuring an environmental consultant related to our 2013 Revolving Loan Fund Grant, recommending acceptance of report and placing on file. Motion by Able, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned agreement (13-350) with Mr. Otek Sign & Textile for electronic sign at the northeast corner of S. 8<sup>th</sup> and Quay Streets, recommending approval of the contract. Motion by Sitkiewitz, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 1.

Finance Committee returned resolution (13-351) outlining allocation of the 8% of room tax revenues effective January 1, 2013, recommending approval of the resolution. Motion by Sitkiewitz, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 1.

Finance Committee returned grant agreement (13-354) with State of Wisconsin Dept. of Administration Division of Intergovernmental Relations Wisconsin Coastal Management Program for preliminary design report for potential construction of sheet wall and adjacent river walk along Manitowoc River, recommending adoption of the agreement. Motion by Able, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned report (13-355) of Deputy City Planner Paul Braun relative to Wisconsin Coastal Management Grant Agreement, recommending adoption of the report's recommendations and placing on file. Motion by Able, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Licensing, Permits & Inspections Committee returned ordinance (13-265) to amend various sections of Chapter 15 of the Manitowoc Municipal Code defining home occupation and conditional uses, recommending adoption of the ordinance. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Licensing, Permits & Inspections Committee returned ordinance (13-266) to amend Section 22.010 of the Manitowoc Municipal Code to Change the Official Map in an area east of S. 26<sup>th</sup> St. and south of Dewey St., recommending adoption of the ordinance. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Licensing, Permits & Inspections Committee returned request (13-315) from Wisconsin Maritime Museum for extension of their "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license to the new Pilger Memorial Quarterdeck on the south side of the museum on July 4, 2013 without fencing of the premises, recommending approval of the request according to City policy. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Licensing, Permits & Inspections Committee returned communication & Ordinance (13-320) from City of Two Rivers to adopt Amendment No. 3 to City of Two Rivers Comprehensive Plan, recommending placing on file. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Licensing, Permits & Inspections Committee returned request (13-321) from S.M.I., as representatives of Jerry Vandermause, for approval of a conditional use permit for a CBRF in both an R-4 zone and R-5 zone along with an exemption to the 2,500 foot separation for establishment of a CBRF at Dewey and vacated S. 19<sup>th</sup> Street, recommending referral to Plan Commission. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned request (13-322) from S.M.I., as representatives of Popp Enterprises, for vacation of an Official Map Street – So. 19<sup>th</sup> Street from Dewey Street to a point 383 feet south of the Dewey Street right-of-way, with proposed cul de sac north of Summit Street, recommending referral to Plan Commission. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Licensing, Permits & Inspections Committee returned Sidewalk Privilege Agreement (13-333) between City and Manitowoc Public Utilities to allow a building overhang and fence to remain in place in the City right-of-way at 1020 So. 7<sup>th</sup> St., recommending entering into agreement. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Licensing, Permits & Inspections Committee returned request (13-357) from Jerry & Karen Vandermause for a conditional use permit to construct a home in an R-4 and R-5 zoning district and stating their intent to build a 26-bed community based residential facility, recommending referral to Plan Commission. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned special events request (13-313) from Friends of Manitowoc Public Library for closure of Quay Street between 7<sup>th</sup> and 8<sup>th</sup> on July 12, 2013, for the Library's 15<sup>th</sup> Anniversary Celebration,

recommending approval. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned communication (13-328) from Pete Stuntz relative to mountain biking trail in Camp Vits, recommending placing on file. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned memo (13-353) from Director of Public Infrastructure Dan Koski relative to the Red Arrow Beach Restoration Project with University of Wisconsin Oshkosh Academic Support Services Agreement attached, recommending entering into agreement. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned Concession Stand Agreements (13-316) with Roger O'Connor, (13-340) with H. P. Enterprises and (13-336) with Party Pizzazz LLC, all for use of space at YMCA parking lot on July 4, 2013, recommending entering into agreements and placing on file. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Personnel Committee returned resolution (13-344) implementing a hiring freeze for all current and future vacant City employment positions through April 21, 2014, with the exception of Police Officers, Firefighters, Paramedics, seasonal workers, contract work or personnel not under Council's control, and that vacant positions be filled with approval by 2/3 vote of the Common Council, recommending approval of the resolution. Motion by Hennessey, second by Sitkiewitz, and carried by acclamation to accept the Committee's report. Ayes, 5. Nays, 4.

Personnel Committee returned resolution (13-345) to approve the hiring of a part-time Transit Driver at the rate specified in the Transit Teamsters Collective Bargaining Agreement, recommending approval of the resolution. Motion by Able, second by Sitkiewitz, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Personnel Committee returned revised seasonal employment policy (13-346) for the City of Manitowoc, recommending acceptance of the policy. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Personnel Committee returned revised electronic communication and information systems policy (13-347) for the City of Manitowoc, recommending adoption of the policy. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Personnel Committee returned revised harassment and discrimination policy (13-348) for the City of Manitowoc, recommending adoption of the policy. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned annual report (13-314) of Compliance Maintenance for Wastewater Treatment Facility, recommending acceptance and place on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned small urban operating assistance grant agreement (13-324) with State of Wisconsin Dept. of Transportation for 2013 to administer the Federal Small Urban Rural Public Transportation Program, recommending entering into contract. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned urban mass transit operating assistance grant agreement (13-325) with State of Wisconsin Dept. of Transportation for 2013, recommending entering into contract. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned federal certifications and assurances (13-326) for Section 5311 Operating Contracts for 2013 prepared by Wisconsin Dept. of Transportation, recommending acceptance and place on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned progress invoice (13-337) from Wisconsin Dept. of Transportation in the amount of \$6,145.88 for Waldo Blvd., CTH R – 8<sup>th</sup> Street and progress invoice (13-338) from Wisconsin Dept. of Transportation in the amount of \$11,437.41 for N. Rapids Rd. & Broadway St. Intersection, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned report (13-339) of the Board of Public Works of July 1, 2013, recommending 1<sup>st</sup> and final payment to Northeast Asphalt, Inc. in the amount of \$15,176.60 for Manitowoc Mariners Trail Re-Route, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned special events request (13-343) from Special Olympics Wisconsin for its 14<sup>th</sup> annual 5K run/walk on August 20, 2013 leaving fairgrounds at 6:00 p.m., as detailed therein, recommending approval of request. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Safety Committee returned communication (13-286) from Manitowoc Ice relative to 2-hour parking limitation on the east side of 26<sup>th</sup> Street south of Dewey Street, recommending to rescind 2-hour parking per request and draw up ordinance. Motion by Sitkiewitz, second by Martell, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Safety Committee returned communication (13-291) from Demetrios Panagakos relative to billing from Fire Department for clean-up of hazardous waste, recommending total invoice to reflect \$250.00 with no charge for disposal of waste. Motion by Sitkiewitz, second by Martell, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Safety Committee returned ambulance agreement (13-327) with Eastern Wisconsin Stock Car, Inc. for the term July 1 to August 31, 2013, recommending entering into agreement per City policy. Motion by Sitkiewitz, second by Martell, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Safety Committee returned ambulance agreement (13-341) with Manitowoc County Expo for the term of August 21, 2013 to August 25, 2013, recommending entering into agreement per City policy. Motion by Sitkiewitz, second by Martell, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Safety Committee returned ordinance (13-342) to amend Sections 10.470, 10.490 and 10.550 of the Manitowoc Municipal Code which regulate parking time restrictions in the downtown area, recommending placing on file. Motion by Sitkiewitz, second by Martell, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 9. Nays, none. Motion by Sitkiewitz, second by Martell, report accepted and ordinance adopted. Ayes, 8. Nays, 1.

Public Safety Committee returned communication (13-255) from Associated Bank regarding concerns related to the safety of the intersection of Franklin and S. 12<sup>th</sup> Streets, recommending approval of attached report to stripe parking intersection of Franklin and So. 12<sup>th</sup> Streets. Motion by Sitkiewitz, second by Martell, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Licensing, Permits and Inspections Committee returned #63 - 64 for "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage license; #6 for Temporary Operator's license; #9 & #11-15 for 2013-14 One Year Operator's license; #138-203 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, 9. Nays, none.

Committee of the Whole returned General City Claims (13-352) in the amount of \$761,327.14 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, 9. Nays, none.

Moved by Alderperson Hennessey, second by Alderperson Sladky, and unanimously carried, Common Council adjourned at 9:45 p.m. Ayes, 9. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk