

**COMMON COUNCIL
OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, October 21, 2013

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

Absent: Alderpersons Allan Schema and Tyler Martell.

Pledge of Allegiance.

Invocation.

City Clerk announced that the various documents have been referred to the appropriate committees as shown on the October 21, 2013 Common Council agenda.

Police Chief Tony Dick introduced Lt. David Remiker of the Manitowoc Metro Drug Unit who gave a presentation on the sale and use of drugs in our community.

Mayor declared the meeting open for a public hearing for the purpose of a proposed change in zone from "B-2" Neighborhood Business District, to "B-3" General Business District, in an area located at the southeast corner of Reed Avenue and N. 8th Street.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on October 7 & 14, 2013. (Proof of publication is on file in the City Clerk's office).

City Planner David Less gave an overview of the zone change.

The following persons appeared to address the Council regarding the proposed zone change:

Dan Wetzel, 1408 N. 6th Street, Manitowoc;

Jim Hamann, 3441 Barkwood Lane, Manitowoc.

No other interested parties appeared.

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

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 submitted the following appointments and requested Council confirmation:

Manitowoc Sustainability Committee

Term

Benjamin Nolen

Pl. of J. Heinzen

3 yr. term expiring 2/15/15

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

Ayes, 8. Nays, none.

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.

Items removed from Consent Agenda: None.

Call back to order.

Moved by Hennessey, second by Sladky, and unanimously carried to accept the Consent Agenda Items and recommendations of the various committees. Ayes, 8. Nays, none. Consent Agenda items approved as follows:

Miscellaneous Reports

- 1) Notice (13-554) from Wisconsin Dept. of Natural Resources of final determination to reissue a pollutant discharge elimination system permit to Lakeside Foods, Inc., 508 Jay St., recommending placing on file.
- 2) Approval of Minutes of the regular Common Council meetings of September 3 & 30 and October 7, 2013, recommending approval of minutes and placing on file
- 3) Minutes (13-555) of Community Development Authority of 9/4/13; Manitowoc Public Utilities Commission of 9/23/13; Plan Commission of 9/11/13, recommending placing on file.
- 4) Thank You (13-570) from Lincoln High School Student Senate for approving parade route for Homecoming, recommending placing on file.

As recommended by Committee of the Whole

- 5) General City Claims (13-558) in the amount of \$1,006,742.42 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.

As recommended by Finance Committee

- 6) Communication (13-563) from Lakeshore Technical College advising that the 2013 tax levy amount for the City of Manitowoc is \$2,875,277.43, recommending accepting and placing on file.

As recommended by Licensing, Permits & Inspections Committee

- 7) Communication (13-546) from Wisconsin Department of Administration advising that the James and Sandra Schultz annexation was reviewed and found to be in the public interest, recommending placing on file.
- 8) Communication (13-549) from Steimle Birschbach on behalf of Thomas and Patricia Foster relative to donation of vacant parcel in the Industrial Park, recommending referral to Plan Commission.
- 9) Quit Claim Deed (13-551) from Walter A. & Karen L. Sprang to City of Manitowoc for Goodwin Road purposes, recommending referral to Plan Commission.
- 10) Memo (13-560) from Manitowoc County Public Works Dept. notifying City of neighboring vacant land for sale (parcel no. 520-047-010), recommending referral to Plan Commission.
- 11) Memo (13-561) from Manitowoc County Public Works Dept. notifying City of tax foreclosed real estate parcels for sale, recommending referral to Plan Commission.

As recommended by Personnel Committee

- 12) Identification Badge Policy (13-543) to provide proper identification for employees, recommending approval of policy.
- 13) Volunteer Policy (13-544) to provide management for volunteers along with volunteer information gathering form, recommending approval of policy and form.
- 14) Hours Worked Under FLSA Policy (13-545) for non-represented employees subject to the minimum wage rate, overtime pay, and record-keeping requirements of the FLSA, recommending approval of policy.
- 15) 90 Day Performance Feedback Form (13-553) for an individual's first 90 days in a position, recommending approval.
- 16) Consulting Agreement (13-559) with M3 Insurance Solutions, Inc., recommending entering into the Agreement.

As recommended by Public Infrastructure Committee

- 17) Public Works Petition (13-550) from Walter A. Sprang for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting Goodwin Road, as described therein, and shown on the attached map, recommending acceptance of petition with copy to be sent to Director of Public Infrastructure.
- 18) Communication (13-504) from Gary Kennedy relative to sidewalk repair notice for 605 State Street, recommending placing on file.
- 19) Communication (13-552) from Tim and Becky Salek relative to \$300.00 invoice for weed cutting (parcel no. 788-011-080), recommending placing on file.
- 20) Report (13-556) of the Board of Public Works of October 16, 2013 recommending 1st and final payment to Manitowoc Heating & Refrigeration Services, Inc. in the amount of \$7,980.00 for HVAC replacement at 2655 S. 35th Street, recommending payment.

As recommended by Public Safety Committee

- 21) Request (13-427) from Lifequest Billing for adjustment of ambulance bill of call number 182-12-0779 for service on March 19, 2012 in the amount of \$776.32, recommending approval of request.
- 22) Communication (13-464) from Mayor Nickels relative to the feasibility of sharing services or merging of fire protection services and EMS for Manitowoc and Two Rivers, recommending placing on file.
- 23) Communication (13-490) from Jim Duda and Lynn Lesperance relative to safety hazard at corner of Meadow Lane and So. 28th Street, recommending placing on file.

Licenses

- 24) #26 Class "A" Retail Fermented Malt Beverage license; #268 – 276 for Two Year Operator's license.

Non-Consent Agenda Items

Committee of the Whole returned petition (13-510) for direct annexation from James and Sandra Schultz of 1.85 acres from the Town of Manitowoc Rapids to the City of Manitowoc at 4813 West Custer St., recommending acceptance and place on file. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Committee of the Whole returned report (13-562) of City Plan Commission relative to Schultz petition for direct annexation, recommending Council approve the Petition and adopt the annexation Ordinance, recommending acceptance of report and place on file. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Committee of the Whole returned ordinance (13-568) to annex territory known as Custer #4 Annexation Area from the Town of Manitowoc Rapids to the City of Manitowoc, as part of the 9th Aldermanic District and 24th Ward, to be zoned "R-4" Single and Two Family Residential District, as described therein and shown on the attached map, recommending adoption of the ordinance. Motion by Hennessey, second by Sladky, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 8. Nays, none. Motion by Hennessey, second by Sladky, report accepted and ordinance adopted. Ayes, 8. Nays, none.

Licensing, Permits & Inspections Committee returned ordinance (13-498) amending the amended zone map in an area east of N. 8th St. and south of Reed Avenue from "B-2" Neighborhood Business District to "B-3" General Business District, recommending adoption of the ordinance. Motion by Brey, second by Hennessey, and carried by acclamation to accept the Committee's report. Ayes, 7. Nays, 1.

Licensing, Permits & Inspections Committee returned request (13-522) from The Salvation Army for conditional use permit for operation as a church, recommending placing on file. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Licensing, Permits & Inspections and Finance Committees returned communication (13-548) from City Planner David Less for additional funds in the 2014 Building Inspection budget for up to three computer tablets for Building Inspectors, jointly recommending to approve the request regarding the 2013 capital allocation. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Licensing, Permits & Inspections Committee returned report (13-564) of City Plan Commission relative to request for Conditional Use Permit for operation of a church at N. 6th and Chicago Streets, recommending Council approve and issue the CUP subject to conditions stated herein and refund of \$250.00 CUP application fee. Motion by Brey, second by Hennessey, and carried by acclamation to accept the Committee's report. Ayes, 7. Nays, 1.

Licensing, Permits & Inspections Committee returned report (13-565) of City Plan Commission relative to fixed, animated sign for Silver Lake College fronting Calumet Avenue, recommending Council authorize the permit subject to attached conditions, recommending acceptance of report and place on file. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Licensing, Permits & Inspections Committee returned report (13-566) of City Plan Commission relative to fixed, animated sign at Memorial Drive Veterinary Clinic, 1415 Memorial Drive, recommending Council authorize the permit, recommending acceptance of report and place on file. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Licensing, Permits & Inspections Committee returned report (13-567) of City Plan Commission relative to Special Permit issued in October, 2012 to Trident Real Estate LLC for a parking lot, recommending Council terminate the permit, recommending acceptance of report and place on file. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Licensing, Permits & Inspections Committee returned resolution (13-569) creating Ward Number 24, population 2, for the Custer #4 annexation area and providing the boundary description therein, recommending

adoption of the resolution. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Licensing, Permits & Inspections Committee returned Dark Fiber License Service Agreement (13-576) with Manitowoc Public Utilities for use of strands of dark fiber to be installed as indicated on Exhibit A of the agreement, recommending entering into the agreement. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Parks and Recreation Committee returned special events request (13-539) from Debbie Seehafer to hold various tennis tournaments at Lincoln Park between June 7 and August 25, 2014, recommending granting request under same terms as 2013 events. Motion by Sladky, second by Howe, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Personnel Committee returned resolution (13-540) approving revised job description for Detective Sergeant within the Police Department, recommending approval of the resolution. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Personnel Committee returned resolution (13-541) approving revised job descriptions within the Planning Department, recommending approval of the resolution. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Personnel Committee returned resolution (13-542) approving revised job descriptions within the Fire Department, recommending approval of the resolution. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Personnel Committee returned resolution (13-573) to approve hiring a replacement part-time Recreation Senior Center Clerk II, recommending approval of the resolution. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Personnel Committee returned resolution (13-574) to approve hiring a replacement part-time Engineering Clerk II in the Engineering Division, recommending approval of the resolution. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Personnel Committee returned resolution (13-575) to approve hiring a replacement full-time fleet mechanic in the Department of Public Infrastructure, recommending approval of the resolution. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Public Infrastructure Committee returned special events request (13-547) from Aurora Medical Center to hold Monster Dash 5k run/walk on October 26, 2013, as detailed therein, recommending approval per City policy. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Public Infrastructure Committee returned contract (13-557) with Evans Associates for a radio frequency impact study for the new Viebahn Communication Tower located at 3110 Viebahn Street, recommending entering into contract. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Public Infrastructure Committee returned report (13-571) of October 16, 2013, regarding quotes for new 2014 1/2-ton cargo van for Department of Public Infrastructure, recommending awarding bid to low bidder, Maritime Ford in the amount of \$16,950.88. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Public Infrastructure Committee returned report (13-572) of October 16, 2013, regarding quotes for new 2013 or 2014 diesel powered 4-wheel drive articulated type tractor with attachments for Department of Public Infrastructure, recommending awarding to low bidder, Bruce Municipal Equipment in the amount of \$117,482.00. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Public Safety and Finance Committees returned communication (13-495) from Ruth Bukowski relative to number of EMS calls, jointly recommending placing on file. Motion by Sitkiewitz, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Public Safety Committee returned communication (13-515) from Donna Klinger relative to concerns relating to unmarked intersections in the City, recommending placing on file. Motion by Sitkiewitz, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Licensing, Permits and Inspections Committee returned #65 for "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage license, granting the license, as shown on the committee's report. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Moved by Alderperson Hennessey, second by Alderperson Sladky, and unanimously carried, Common Council adjourned at 8:10 p.m. Ayes, 8. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk