

**COMMON COUNCIL
OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk
Monday, January 20, 2014

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, January 20, 2014. 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, Tyler Martell and Jill Hennessey.

Absent: Alderperson Eric Sitkiewitz.

Pledge of Allegiance.

Invocation.

City Clerk announced that the various documents have been referred to the appropriate committees as shown on the January 20, 2014 Common Council agenda.

Attorney Greg Gunta presented update on Swetlik v. Crawford, et al lawsuit.

Rolf Johnson, the new Executive Director of the Wisconsin Maritime Museum, introduced himself.

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 in zone from "R-1" Residential-Agricultural and "R-6" Multiple Family District to "B-2" Neighborhood Business District, in an area located west of South Alverno Rd., east of Wimmer Rd. and north and south of Calumet Ave. (USH 151).

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on January 9 & 13, 2014. (Proof of publication is on file in the City Clerk's office).

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

No 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 a public hearing for the purpose of hearing any and all interested parties in the matter of proposed change in zone from "I-2" Heavy Industrial District to "B-2" Neighborhood Business District, in an area located north of Franklin St., south of Wisconsin Central Railroad tracks, west of S. 24th St. and east of S. 26th St.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on January 9 & 13, 2014. (Proof of publication is on file in the City Clerk's office).

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

Bob Lemke, member of Wisconsin Redevelopment, LLC, of Wauwatosa, WI appeared to address the Council regarding the change in zone.

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.

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.

During recess, Committee of the Whole held a short discussion relative to resolution (14-013) increasing the Police Chief's salary from a Classification 22, Step 9 of the Performance Based Compensation Schedule, with an hourly rate of \$43.78 to an hourly rate of \$46.19 per hour effective immediately and \$48.59 per hour effective January 1, 2015. It was moved by Sladky, second by Martell, to table the resolution. Ayes, 8. Nays, 1. Motion carried.

During recess, Public Safety Committee held a discussion relative to resolution (14-042) implementing vehicular accident spill cleanup fees. Moved by McMeans, second by Martell, to adopt the resolution. Moved by Martell, second by McMeans, and unanimously carried to amend the resolution as follows: Change item (1), small spill cleanup from \$25.00 to \$67.50; change item (5) from \$25.00/bag to cost; change item (6) from \$12.50/bag to cost; and to eliminate lines (2) and (4). Ayes, 4. Nays, none.

Call back to order.

Aldersperson Brey requested that the following licenses be removed from the consent agenda: "Class A" Retail Intoxicating Liquor & Fermented Malt Beverage #8; Class "B" Temporary Beer license #8 and Temporary Wine license #1.

Moved by Hennessey, second by Sladky, and unanimously carried to accept the Consent Agenda Items and recommendations of the various committees. Ayes, 9. Nays, none. Consent Agenda items approved as follows:

1. Miscellaneous Reports

- ✓ Approval of Minutes of the regular Common Council meeting of December 16, 2013, recommending approval of minutes and placing on file
- ✓ Minutes (14-002) of Community Development Authority of 11/13/13; Crime Prevention Committee of 12/5/13; Great Lakes Utilities GLU West Power Supply Project Committee of 8/28/13, 9/27/13 & 10/22/13; Great Lakes Utilities Board of 10/30/13; Plan Commission of 12/11/13; Manitowoc Public Utilities Commission of 11/11/13 & 11/14/13; Maritime Metro Transit Commission of 10/9/13; Plan Commission of 11/13/13, recommending placing on file.
- ✓ Thank You (14-012) from The Salvation Army for donation from Schuette, Wernecke, Wilda, Rank Christmas Fund, recommending placing on file.
- ✓ Thank You (14-019) from Catholic Charities for donation from Schuette, Wernecke, Wilda, Rank Christmas Fund, recommending placing on file.

2. As recommended by Committee of the Whole

- ✓ General City Claims (14-009) in the amount of \$899,736.46 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.

- ✓ General City Claims (14-035) in the amount of \$12,933,920.77 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.
 - ✓ Communication (14-003) from City Attorney Straun Boston tendering his resignation effective January 7, 2014, recommending acceptance and place on file.
3. As recommended by Finance Committee
- ✓ Memo (14-010) from City Assessor recommending rescinding the 2013 personal property taxes of \$31.65 on parcel 000-312-975 due to palpable error, recommending to rescind taxes of \$31.65.
4. As recommended by Licensing, Permits and Inspections Committee
- ✓ Report (14-004) of City Planner David Less relative to finalization of land donation in the I-43 Industrial Park, recommending acceptance of report and place on file.
 - ✓ Quit Claim Deed (14-005) from Foster Limited Liability Company to City of Manitowoc for donation of land in the I-43 Industrial Park, recommending acceptance and place on file.
 - ✓ Report (14-036) of City Plan Commission of the annual review of Community Living Arrangements, recommending approval of the associated licenses for 2014, recommending acceptance of report and place on file.
 - ✓ Report (14-038) of Community Development Authority relative to annual audit for Housing Authority dated June 30, 2013, recommending acceptance of report and place on file.
 - ✓ Report (14-037) of Community Development Authority approving the funding towards the proposed Wisconsin Redevelopment project of the former Mirro Plant #3 building at Franklin Street, recommending acceptance of report and place on file.
5. As recommended by Public Infrastructure Committee
- ✓ Report (13-653) of Board of Public Works of December 11, 2013, recommending 4th and final payment to Seiler Bros Construction in the amount of \$6,086.18 for Remove and Replace Existing Sidewalks, WS-13-3, recommending payment.
 - ✓ Progress Invoice (14-007) from Wisconsin Dept. of Transportation in the amount of \$1,276.34 for N. Rapids Rd. & Broadway St. Intersection, Project 4327-06-71, recommending payment.
 - ✓ Progress Invoice (14-008) from Wisconsin Dept. of Transportation in the amount of \$8,077.60 for Waldo Blvd. 8th Street – Maritime Dr., Project 4570-12-00, recommending payment.
6. Approval of the following Licenses
(Subject to department endorsements and payment of license fees)
- #15 “Class B” Intoxicating Liquor & Fermented Malt Beverage license Change of Agent; #3-4 Commercial Garbage Hauler’s license; #5-7 Pawnbroker, Second-Hand Dealer, Flea Market, Etc. license; #39-30 One Year Operator’s license; #300, #305-313 Two Year Operator’s license.

Non-Consent Agenda Items

Committee of the Whole returned proposal (13-514) by Armadillo Marketing to explore joint marketing efforts with the City of Manitowoc, City of Two Rivers, Chamber of Commerce, EDC, MAVCB and Mainly Manitowoc, recommending placing on file. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned First Amendment (13-644) to Services Agreement between City of Manitowoc, City of Two Rivers, City of Kiel and Manitowoc Economic Development Corporation to extend agreement for three year period commencing January 1, 2014, recommending entering into the agreement and placing on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned communication (13-664) from Manitowoc Public Utilities outlining a brief summary of the highlights of the IT Master Plan, capital costs and proposed schedule, recommending accepting the report and placing on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned service agreement (14-033) with EMS Medical Billing Associates, LLC to provide a consultation solution to address the current and future requirements of the Fire Department at a cost not to exceed \$1,500.00, recommending approval of contract and placing on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Licensing, Permits & Inspections Committee returned report (14-006) of Wisconsin Dept. of Natural Resources for 2013 Sanitary Survey Report for the water supply serving the City of Manitowoc, recommending acceptance of report and place on file. Motion by Brey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Licensing, Permits & Inspections Committee returned report (14-020) on 2014 Weights & Measures assessments for various businesses, as detailed herein, recommending acceptance and placing on file. Motion by Brey, second by Hennessey, to accept the Committee's report. Mayor asked if anyone objects to the assessments. No one objected. Upon a vote, Ayes, 9. Nays, none. Motion carried.

Licensing, Permits & Inspections Committee returned ordinance (13-657) to amend Section 11.140, Commercial Garbage Haulers, of the Municipal Code to update titles, recommending adoption of 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 (13-669) to amend the amended zone map from I-2 Heavy Industrial District to B-2 Neighborhood Business District in an area north of Franklin Street, south of Wisconsin Central Railroad, west of S. 24th Street and east of S. 26th Street, recommending adoption of 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 (13-670) to amend the amended zone map from R-1 Residential Agricultural District and R-6 Multiple Family to B-2 Neighborhood Business District in an area west of S. Alverno Rd., east of Wimmer Rd. and north and south of Calumet Avenue, recommending adoption of ordinance. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned contract (13-646) with Nichols Electric, Inc. for removing existing main lug service panel and providing and installing a new Type 3R main breaker panel at the Lincoln Park Zoo at a cost of \$7,950.00, recommending not to award the contract. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned request (14-001) from Izaak Walton League of America, Inc. to use Cabin #1 in Lincoln Park for their 2014 monthly meetings at a special fee of \$300.00, recommending granting request with waiver of fees. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned contract (14-016) with Franz Electric for removing existing main lug service panel and providing and installing a new Type 3R main breaker panel at the Lincoln Park Zoo at a cost of \$4,821.00, recommending awarding contract to Franz Electric/Denor Electric. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned request (14-018) for waiver of part or all fees from Manitowoc Fish and Game for use of Lincoln Park Cabin 1 on various dates, recommending granting request with waiver of fees. Motion by Sladky, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Personnel Committee returned resolution (14-024) to fill the position of Associate Planner in accordance with the Mayor's 2014 Budget, and approving the revised job description, recommending approval of the resolution. Motion by Able, second by Hennessey, to accept the Committee's report (adopt the resolution). Ayes, 5. Nays, 4. Motion failed for lack of approval by a 2/3 vote of the Common Council pursuant to Resolution 13-344 adopted July 1, 2013.

Personnel Committee returned resolution (14-025) to increase the Rahr-West Art Museum's Curator position from a part-time seasonal position to a full-time position at the rate of \$16.75 per hour effective upon approval by the Common Council, recommending approval of the resolution. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Personnel Committee returned resolution (14-026) 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 Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Personnel Committee returned resolution (14-027) to fill the position of City Attorney in accordance with the Mayor's 2014 Budget, recommending approval of the resolution. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Personnel Committee returned resolution (14-028) to approve amendment to the Services agreement with BMO Harris Bank, N.A. naming privacy contacts relative to the Flexible Benefits Plan, recommending approval of the resolution. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Personnel Committee returned resolution (14-029) to approve revised job descriptions within the Rahr-West Art Museum, recommending approval of the resolution. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Personnel Committee returned resolution (14-030) to approve revised job descriptions within the Recreation Department, 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 Infrastructure Committee returned ordinance (14-011) to adjust rates for sewer service charges established in Municipal Code Section 25.050(8) effective January 1, 2014, recommending adoption. Motion by Soeldner, second by Brey, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 9. Nays, none. Motion by Soeldner, second by Brey, report accepted and ordinance adopted. Ayes, 9. Nays, none.

Public Infrastructure Committee returned resolution (14-014) to advertise for bids covering installation of new sidewalks and repair or replacement of defective or insufficient sidewalks for 2014, with the expense to be assessed pursuant to Section 66.0907 of the Wis. Stat., recommending adoption. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned resolution (14-015) to place dust palliatives on the streets listed in 2014 and assessments be made against the abutting property owners, recommending adoption. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned resolution (14-017) to place listed streets in 2014 Seal Coating Program and assess the abutting property owners pursuant to Section 7.320 of the Municipal Code, recommending adoption. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Infrastructure Committee returned ordinance (14-022) to amend Section 10.410(2) relative to announcing a snow emergency, recommending adoption. Motion by Soeldner, second by Brey, and carried by acclamation to suspend the rules to take immediate action on this ordinance. Ayes, 8. Nays, 1. Moved by Soeldner, second by Brey, to accept the Committee's report. After a lengthy discussion, upon a vote, the Committee's recommendation to adopt the ordinance failed. Ayes, 2. Nays, 7.

Public Infrastructure Committee returned ordinance (14-023) to amend Section 7.230 of the Municipal Code setting assessment rates for seal coating, recommending adoption. Motion by Soeldner, second by Brey, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 9. Nays, none. Motion by Soeldner, second by Brey, report accepted and ordinance adopted. Ayes, 9. Nays, none.

Public Infrastructure Committee returned resolution (14-034) that certain infrastructure improvements listed therein be included in the 2014 Public Works Program, and assessments be made against the abutting property owners, per foot, per side, recommending adoption. Motion by Soeldner, second by Brey, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 9. Nays, none. Motion by Soeldner, second by Brey, report accepted and ordinance adopted. Ayes, 9. Nays, none.

Public Infrastructure Committee returned change order (14-040) /Task Order #4 from AECOM relative to Remedial Investigation, Monitoring and Closure Request Services Flambeau Street Site in the amount of \$2,200.00, recommending entering into agreement. 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 (14-032) from Kathie Bundy, Parade Coordinator, to hold the 16th annual St. Patrick's Day parade on March 14, 2014 with fireworks to follow,

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

Public Safety Committee returned resolution (14-042) implementing vehicular accident spill cleanup fees, recommending adoption, as amended. Motion by Martell, second by Schema, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 1.

Public Safety Committee returned request (13-634) from Lifequest Billing Office for adjustment to account 182-13-0835 for settlement in the amount of \$600, recommending acceptance and place on file. Motion by Martell, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Moved by Alderperson Hennessey, second by Alderperson Sladky, and unanimously carried, Common Council adjourned at 9:21 p.m. Ayes, 9. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk