

C.O.W.  
4-15-13

ORDINANCE

180

Alder  
Salary  
see p. 3

An Ordinance to amend Chapters 3, 12 and 27 of the City of Manitowoc Municipal Code regarding the structure of the Common Council, Standing Committees and Boards and Commissions.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

**Section 1.** Section 3.010 3(a), (b), (c), (d), (e) are amended and (f) is created to read as follows:

**"3.010 Common Council.**

**(1) Procedure and Powers.** Except as otherwise provided herein, the procedure and powers of the Common Council shall be governed by Wis. Stat. Ch. 62.

**(2) Regular Meetings.** The regular meetings of the Common Council shall be held on the first and third Mondays of each month at 7:00 p.m., unless otherwise provided. Where the day of a regular meeting falls on a holiday, the meeting shall be held on the next succeeding day which is not a holiday at 7:00 p.m. Other meetings may be scheduled by the Common Council.

**(3) Committees.** The following are the standing committees of the City of Manitowoc and the areas of the responsibility for each committee:

**(a) Finance – five (5) members.**

- |                                   |   |
|-----------------------------------|---|
| Property assessment               | Budgets                                     |
| Assessments/Property              | Claims                                      |
| Insurance –taxes                  | Printing                                    |
| <del>Taxes</del>                  | <del>Investments</del>                      |
| <del>Room Tax</del>               | <del>Economic Development Corporation</del> |
| <del>Purchasing</del>             | <del>TIF Districts</del>                    |
| <del>Information Technology</del> |   |

**(b) Parks and Recreation – five (5) members.**

- |   |   |
|---|---|
| Parks   | Boulevards  |
| Neighborhood recreation centers   | Lincoln Park Zoo  |
| Swimming pool-Aquatic Center  | Playgrounds   |
| Recreation  | Field houses  |
| Forestry  | <del>Community Built Playgrounds</del>                  |
| <del>Senior Center</del>  | <del>Tree City and Bird City Certification</del>        |
| <del>Mainly Manitowoc/Downtown</del>  | <del>Manitowoc Public Library</del>                     |
| <del>Rahr-West Art Museum</del>   | <del>Wisconsin Maritime Museum</del>                    |
| <del>Mariners Trail</del>   | <del>Manitowoc Area Visitor and Convention Bureau</del> |
| <del>Special Events</del>   |   |
| <del>Rentals, maintenance or repair of public buildings and properties within City parks.</del> |   |
| <del>Chairman to serve on Recreation Board.</del>   |   |

Co-chairman to serve on Zoological Board.

(c) **Public Property and Safety** – five (5) members.

Fire Department	Police Department
<u>Fire Inspection</u>	<u>Municipal Court</u>
Parking	<u>Parking Enforcement</u>
<u>Parking meters</u>	Traffic and parking Control
<u>School Crossing Guards</u>	<u>Emergency Management/Civil Defense</u>

Rentals, maintenance or repair of public buildings and properties owned by the City.

Safety building                      City Hall

(d) **Public Utilities and Licensing, Permits and Inspections** – five (5) members.

Rahr-West Civic Center.	Civil defense.
Electrical Inspector.	Director of Building Inspection
Housing Authority.	Elections.
Licensing and permits.	Industrial development.
Electrical utility.	Water utility- <u>Manitowoc Public Utilities</u>
Communications.	Harbor and docking.
Transit system.	<u>All Licenses</u>
<u>Bartender License renewals/denials</u>	<u>Building Inspection Permits</u>
<u>Plumbing</u>	<u>Inspection</u>
<u>Planning</u>	<u>Mapping/Platting</u>
<u>Demolition</u>	<u>Zoning</u>
<u>House Moving</u>	<u>Street Lighting</u>

Chairman to be Council representative on Utilities Commission and Code Review Commission.

Chairman to be Council representative on Rahr-West Art Museum Board.

One member shall serve on the Board of Harbor Commissioners.

(e) **Streets and Sanitation Public Infrastructure** – five (5) members.

Street construction <u>and maintenance</u>	Street maintenance
Bridges	City shops <u>Recycling</u>
Grave Pit	<u>Evergreen Cemetery</u>
Planning	Zoning
Platting	Wastewater Treatment Plant <u>Facility</u>
Sewer construction and maintenance	Refuse disposal
Sanitary inspection	<u>Nursing service</u>
Plumbing Inspector	<u>Mainly Manitowoc</u>
<u>Transit</u>	<u>Harbor, Docking and Marina</u>
<u>Public Transportation</u>	<u>Maintenance of City-owned Facilities</u>
<u>Driveways/Sidewalks</u>	<u>Stormwater Management</u>

Special Assessments

Signs in public right-of-way

Cell Towers

Vehicle Quotes

Chairman to serve on Board of Public Works.

Co-chairman to serve on Board of Public Works.

One member to serve on City Plan Commission.

One member to serve on Code Review Committee.

(f) Personnel – five (5) members.

Salaries

Wages

Arbitration Grievances

Organizational Development

Human Resources

Legal Matters

Payroll

Performance Evaluations

Hiring

Discipline

**Section 2.** Section 3.010 (4) is amended to read as follows:

(4) **Aldermanic Salaries.** Effective for Common Council members, other than the Mayor, elected or appointed, for a definite period after April 3, 2007, the compensation shall be increased from \$225.00 per month to \$260.00 per month. The effective date of the increase to \$260.00 per month is the third Tuesday of April 2007, for Aldermanic Districts 1, 2, 3, 7 and 10. The effective date for Aldermanic Districts 4, 5, 6, 8 and 9 is the third Tuesday of April 2008. The Mayor and Common Council shall also receive an electronic device as approved by the Common Council at 100% of cost as a stipend. The effective date of the stipend of an electronic device shall commence April 22, 2014.

**Section 3.** Section 3.010 (5) is created to read as follows:

(5) **Oversight Committees for Department.** The following Departments will report to each Standing Committee as listed:

(a) Rahr-West Art Museum: Parks and Recreation

(b) Fire Department: Public Safety

(c) Wastewater Treatment Facility: Public Infrastructure

(d) Finance/Treasury: Finance

(e) Library: Parks and Recreation

(f) Planning, Licensing, Permits and Inspections

(g) City Clerk: Licensing, Permits and Inspections

(h) Transit: Public Infrastructure

(i) Parks: Parks and Recreation

(j) Recreation: Parks and Recreation

(k) Buildings and Grounds: Public Infrastructure

(l) Human Resources: Personnel

(m) City Attorney: Personnel

(n) City Assessor: Finance

~~(o) Police Department: Public Safety~~

~~(p) Information Technology: Finance~~

~~(q) Building Inspection: Licensing, Permits and Inspections~~

~~(r) Operations Division: Public Infrastructure~~

~~(s) Municipal Court: Public Safety~~

~~(t) Engineering: Public Infrastructure~~

**Section 4.** Section 3.040 is amended to read as follows:

**3.040 Board of Harbor Commissioners.**

A Board of Harbor Commissioners is created pursuant to the following resolution, which was adopted on April 16, 1973, and amended on April 17, 1973:

WHEREAS, Manitowoc is a municipality situated on a navigable waterway,  
and

WHEREAS, a Harbor Commission has existed pursuant to Ordinance, and

WHEREAS, §30.37 of the 1971 Wisconsin Statutes indicates that a Board of Harbor Commissioners should be created by Resolution, and

WHEREAS, it is feasible to continue nine members on said Harbor Commission,

THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Manitowoc that a nine member Harbor Commission shall continue in the City of Manitowoc, and

BE IT FURTHER RESOLVED that three members of said Commission shall have terms which expire at noon on June 1 of each year, and

BE IT FURTHER RESOLVED that at the first regular Council meeting in May of each year, the Mayor shall designate three persons to serve for three year terms beginning at noon on June 1 of each year, and

BE IT FURTHER RESOLVED that the Council shall vote on acceptance or rejection of said appointments at the second regular Council meeting in May of each year, and that in the case of rejection, the Council shall designate which member or members shall continue in office until a successor can be appointed, and

BE IT FURTHER RESOLVED that no person shall be appointed to said Harbor Commission unless that person is a qualified elector of the City of Manitowoc for at least three consecutive years prior to taking office, and

BE IT FURTHER RESOLVED that only one alderman serving at the time of appointment may be appointed to said Board, although should a person be appointed to said Board and subsequently be elected an alderman, that person need not resign, and

BE IT FURTHER RESOLVED that said Harbor Commissioners should receive no compensation for their services but shall be reimbursed for expenses actually and necessarily incurred in the performance of their duties, and

BE IT FURTHER RESOLVED that said Harbor Commissioners shall have all the powers and duties authorized by §30.37 and §30.38 of the 1971 Wisconsin Statutes, and

BE IT FURTHER RESOLVED that should there occur a vacancy in the Harbor Commissioners, the Successor shall be appointed for the unexpired term in the same manner as the original appointment, and

BE IT FURTHER RESOLVED that if an alderman is on the Board of Harbor Commissioners, no other alderman may be appointed to that Board. It is not necessary for an alderman to be on the Board of Harbor Commissioners, however.

~~The alderperson appointed to this Commission shall be a member of the Public Infrastructure Committee.~~

**Section 5.** Section 3.050 (2) is amended to read as follows:

**3.050 City Plan Commission.**

(1) **Creation.** There is hereby created a City Plan Commission pursuant to Wis. Stat. § 62.23.

(2) **Membership.** The City Plan Commission shall consist of eight members. The members shall be the Mayor, who shall be the presiding officer; the Director of Public Works and City Engineer Infrastructure; one member of the Streets and Sanitation Public Infrastructure Committee of the Common Council appointed by the Chairperson of the Streets and Sanitation Public Infrastructure Committee and approved by the Common Council; one appointed City official (or in their absence, their official designee); and four citizen members who are not elected or appointed City officials. The citizen members shall be persons of recognized experience and qualification. Unless otherwise noted, all members shall be appointed by the Mayor and approved by the Common Council. Members of the Commission shall be appointed to hold office for a period of three years. Appointments shall be made by the Mayor during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of a term. The City Planner or, in the absence of the City Planner, the Deputy City Planner, shall serve as staff to the Commission and act as its secretary. The Mayor shall act as chair and be a voting member of the Commission. The Commission may elect a vice-chair annually at its first regularly scheduled meeting in January.

**Section 6.** Section 3.070 is amended to read as follows:

**3.070 Board of Public Works.**

The Board of Public Works of the City of Manitowoc shall consist of the Mayor, City Attorney, Director of Public Infrastructure, ~~one two~~ members of the Streets and Sanitation Public Infrastructure Committee (the chair and vice-chair of the Streets and Sanitation Public Infrastructure Committee shall have the option to accept the appointment prior to the appointment being filled by other members of said Committee), one member of the Finance Committee of the Common Council, ~~one at-large member of the Common Council~~, the Finance Director/Treasurer and the City Clerk/Deputy Treasurer. The City Clerk/Deputy Treasurer shall serve as secretary for the Board and in the absence of the City Clerk/Deputy Treasurer, the Deputy City Clerk may act as secretary. In the absence of the City Attorney, the Assistant City Attorney may act as a member. In the absence of the Director of Public Infrastructure, ~~the Deputy Director of Public Infrastructure their designee~~ may act as a member. In the absence of the Finance Director/Treasurer, the Assistant Finance Director may act as a member. In the absence of the City Clerk/Deputy Treasurer, the Deputy City Clerk may act as a member.

Section 7. Section 3.090 is amended to read as follows:

**3.090 Library Board.**

There is hereby created a Library Board pursuant to Wis. Stat. § 43.54 to administer City of Manitowoc Public Library facilities. ~~A member of the Common Council shall be appointed to this Board.~~

Section 8. Section 3.100 (1) is amended to read as follows:

**3.100 Wastewater Treatment Facility Board.**

(1) Creation. There is hereby created a Wastewater Treatment Facility Board consisting of seven members. The Director of ~~Public Works-Infrastructure~~, or in the Director's absence the ~~Deputy Director of Public Works~~ ~~their designee~~, and a member of the ~~Streets and Sanitation Public Infrastructure~~ Committee, the vice-chair of the ~~Streets and Sanitation Public Infrastructure~~ Committee shall have the option to accept the appointment prior to the appointment being filled by another member of said Committee, and they shall be ex officio members. There shall also be five citizen members. Two citizen members shall be designated as representing residential users. One member shall be designated as representing commercial users. Two members shall be designated as representing industrial users. Each of the citizen members shall serve a three-year term and be appointed pursuant to MMC 3.270.

Section 9. Section 3.130 (1) is amended to read as follows:

**3.130 Safety, Traffic and Parking Commission.**

(1) Creation. There is hereby created the Manitowoc Safety, Traffic and Parking Commission. The Commission shall consist of 13 voting members. The Fire Chief or his representative, Chief of Police or his representative, and a member of the ~~Public Property and Safety~~ Committee of the Common Council, the chair of the ~~Public Property and Safety~~ Committee shall have the option to accept the appointment prior to the appointment being filled by another member of said Committee, shall serve as ex officio members. In addition, the Commission shall consist of a citizen to represent the merchants of downtown Manitowoc, a citizen to represent downtown consumers, and eight citizens at large. The citizen members shall serve for staggered three-year terms. Citizen members shall be appointed pursuant to MMC 3.270.

Section 10. Section 3.200 is amended to read as follows:

**3.200 Cemetery Commission.**

(1)(a) Creation. There is hereby created the Cemetery Commission. The Commission shall consist of seven members.

(b) Appointment/Term. The commissioners shall be appointed by the Mayor with confirmation of the Common Council. One of the commissioners shall be an alderperson from the ~~Streets and Sanitation- Public Infrastructure~~ Committee and shall serve during his/her term of office as Council member. One member shall own and operate a business within the City of Manitowoc. All members shall be residents of the City of Manitowoc. The first appointments of the six remaining non-Council members shall be for the following terms: two commissioners for a period of one year, two commissioners for terms of two years and one each for terms of three and four years. Thereafter, the terms of the non-Council members shall be four years and until their successors are appointed and qualify. Appointments of the non-Council members shall be pursuant to MMC 3.270. Vacancies shall be filled for any unexpired term as provided in this subsection. In

the event there is a vacancy in the Commission, the Commission shall request of the Mayor to appoint a person to fill the balance of the term for the vacant position.

A certificate of appointment of a commissioner shall be filed with the City Clerk and shall be conclusive evidence of the due and proper appointment of such commissioner.

(c) Officers. The Cemetery Commission shall annually elect a chairperson and vice-chairperson from among the commissioners. The Director of Public Works Infrastructure shall not be a member of the Cemetery Commission but shall act as its director. The Director of Public Works Infrastructure shall be the chief administrative officer of the Commission and shall direct, manage and supervise administrative operations and technical activities. The Director of Public Works Infrastructure shall serve as the secretary of the Commission and shall perform such other duties and have such other powers and responsibilities as may, from time to time, be delegated by the Commission. The Director of Public Works Infrastructure for the City of Manitowish shall be responsible for the agenda, minutes and forwarding of the appropriate items to the ~~Streets and Sanitation~~ Public Infrastructure Committee. The City Engineering Department and Cemetery Division shall assist in performing duties required by the Cemetery Commission.

(d) Compensation. The commissioners shall receive no compensation for their services, but shall be entitled to reimbursement for their actual and necessary expenses, including local travel expense included in discharge of their duties.

(e) Meetings, Quorum and By-Laws. All meetings of the Cemetery Commission shall be held in compliance with the provisions of the open meeting law of the State of Wisconsin. Four commissioners shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the Cemetery Commission upon the affirmative vote of a majority of the commissioners present at any meeting. The Cemetery Commission may adopt and from time to time amend or repeal such by-laws or other rules or regulations not inconsistent with the applicable laws and this section as it deems necessary in the performance of its functions and duties. Meetings shall be conducted in accordance with "Robert's Rules of Order." Members may not authorize another member to act by proxy.

(f) Budget and Annual Report. An annual budget, if any, shall be prepared by the Cemetery Commission, which budget shall be subject to the approval by the ~~Streets and Sanitation~~ Public Infrastructure Committee and Common Council. The Cemetery Commission shall also prepare and file with the Mayor, ~~Streets and Sanitation~~ Public Infrastructure Committee and Common Council a report of its activities for the preceding calendar year on or before February 15th of the following calendar year. All minutes and records associated with the Cemetery Commission shall always be open for examination by the Commission members. All records and minutes shall be maintained in accordance with the applicable State, Federal and local law.

**(2) Cemetery Commission – Duties.** It shall be the duty of the Cemetery Commission members to ensure financial stability, formulate plans for infrastructure improvements, propose marketing ideas, and positively influence growth and prosperity of the City-owned cemeteries. All matters acted on by the Cemetery Commission that directly or indirectly impact personnel, financial issues, infrastructure development, budgetary status, marketing of the cemeteries, or overall improvements shall be brought before the ~~Streets and Sanitation~~ Public Infrastructure Committee for action and, if necessary, referral to the Common Council.

The Cemetery Commission shall have no authority to take any action or act that may conflict with Chapter 8 MMC or Wis. Stat. Ch. 157 as both the code and Statutes may be amended from time to time.

In addition to the foregoing powers, duties and functions of the Cemetery Commission, it shall have such other powers, duties and functions related to the City's cemeteries as are conferred upon the Commission by the Common Council from time to time.

**Section 11.** Section 3.210 is amended to read as follows:

**3.210 Transit Commission.**

(1) There is hereby created the Manitowoc Transit Commission. The Commission shall consist of seven voting members. A member of the ~~Public Utilities and Licensing, Permits and Inspections~~ Committee shall serve as the representative of the Common Council. The six citizen members shall be appointed pursuant to MMC 3.270.

(2) **Powers and Duties.** The Commission shall have the power and duty to investigate, advise and report to the Mayor and Common Council any suggestions and recommendations regarding public transit in the City. The Commission is also empowered to take steps to educate the public on the importance and availability of public transit. The Commission shall act as an advisory committee to the ~~Public Utilities and Licensing, Permits and Inspections~~ Committee and make formal recommendations to the Committee about transit-related items such as fare increases, route structure, revenue ideas, events, and transit ideas. The Common Council may assign additional duties to the Commission.

(3) **Organization.** The Commission shall choose a Chairman and Secretary on an annual basis. The Secretary shall keep minutes of the Commission's meetings and make reports to the Common Council. The annual meeting of the Commission shall be held in January. The Commission may schedule additional meetings. Four members of the Commission shall constitute a quorum. The Commission is empowered to establish additional bylaws for the governing of its meetings.

**Section 12.** Section 3.320 is amended to read as follows:

**3.320 Code Review Committee.**

There is herewith created a Code Review Committee to make recommendations for the improvement of building, electrical and plumbing codes and code enforcement. Such Committee to be composed of an architect, a home builder, a plumbing contractor, an electrical contractor, a real estate broker, a member of the ~~Public Utilities and Licensing, Permits and Inspections~~ Committee, the chair of the ~~Public Utilities and Licensing, Permits and Inspections~~ Committee shall have the option to accept the appointment prior to the appointment being filled by another member of said Committee, and a member of the ~~Streets and Sanitation~~ ~~Public Infrastructure~~ Committee of the Common Council. The citizen members shall be appointed by the Mayor, subject to confirmation of the Common Council, for terms of three years. Terms shall be from 12:00 a.m. on January 1st until 12:00 a.m. on the January 1st three years later, except that for the appointments made in December 2010, the Mayor shall designate one member to serve for one year, two members to serve for two years and two members to serve for three years. All persons shall serve until a successor qualifies. Vacancies shall be filled for an unexpired term only. The Mayor shall nominate members for the Code Review Committee at the first meeting in December of each year and the Council shall accept or reject the recommendations at the second meeting of the Council in December of each year. In case of rejections, the Mayor shall make alternate nominations as soon as practicable. No person shall serve unless approved by the Council. The following City employees are herewith appointed advisors to the Committee: City Attorney, Plumbing Inspector, Electrical Inspector, ~~City Engineer~~ ~~Director of Public Infrastructure~~, City Planner, Fire Chief, Police Chief and the ~~Director of Building Inspection~~ ~~Building Inspector~~.



**Section 13.** Section 12.010 is amended to read as follows:

**12.010 Manitowoc Public Utilities Commission.**

(1) **Creation.** There is hereby created the Manitowoc Public Utilities Commission to manage and operate the electric utility, water utility and communications utility of the City.

(2) **Composition and Terms.** The Commission shall consist of seven commissioners. Five commissioners shall be citizens of the City who shall be elected by the Common Council for a five-year term beginning on the first day of October. Existing commissioners shall serve the remainders of their present terms of office.

The Mayor and a member of the ~~Public Utilities and Licensing, Permits and Inspections~~ Committee, the chair of the ~~Public Utilities and Licensing, Permits and Inspections~~ Committee shall have the option to accept the appointment prior to the appointment being filled by another member of said Committee, and they shall serve on the Commission as ex officio members.

In the case of a vacancy on the Commission, other than an ex officio member vacancy, the Common Council shall appoint a commissioner to fill the vacancy for the remainder of the term.

**Section 14.** Section 27.170 (1) is amended to read as follows:

**27.170 Cable Television Commission.**

(1) **Creation.** The Mayor, subject to the approval of the Common Council, shall appoint members to a Commission to be known as the Cable Television Commission. The Mayor and a member of the ~~Public Utilities and Licensing, Permits and Inspections~~ Committee of the Common Council, the chair of the ~~Public Utilities and Licensing, Permits and Inspections~~ Committee shall have the option to accept the appointment prior to the appointment being filled by another member of said Committee, and they shall be ex officio members of the Commission. The Commission shall consist of six additional members who shall serve for four-year terms."

**Section 15.** This Ordinance shall take effect on the day after its publication.

APR 15 2013

Introduced

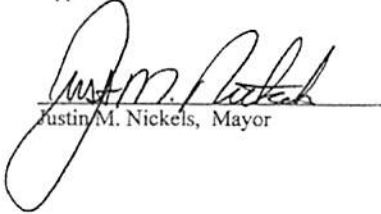


APR 15 2013

Adopted

4/16/13

Approved



Justin M. Nickels, Mayor

This ordinance was drafted by Straun W. Boston, City Attorney

4/15/13

Committee Recommended adoption of Ordinance

~~Law~~

~~Bl.~~

Allan Schem

~~Christopher Hill~~

~~Lawyer~~

~~James~~  
Johanning

Justin M. [unclear]  
4/16/13