

## COMMON COUNCIL

### OFFICIAL JOURNAL

Justin M. Nickels, Mayor

December 6, 2010

Jennifer Hudon, City Clerk

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, December 6, 2010. 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 Jill Hennessey, Scott McMeans, James N. Brey, Christopher Able, Matt Kadow, Jason Sladky, Alex J. Olson, Nicholas P. Levendusky, Allan Schema and Dave Soeldner.

Absent: None.

Pledge of Allegiance.

Invocation.

Minutes of the adjourned session of November 8, 2010, and the regular session of November 15, 2010, 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 December 6, 2010 Common Council agenda.

Mike Andrastek, Parade Committee Chair, and Emily Freitag presented Lakeshore Holiday Parade trophies.

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 the City's Official Map to make uniform, consistent and the same, areas delineated on the City's Zoning District Map as "Erosion Hazard Areas" in the City - AND - Proposed changes to the City's Zoning District Map to make uniform, consistent and the same, areas delineated on the City's Official Map as "Erosion Hazard Areas" in the City.

City Clerk reported that the notice of hearing was published in the Herald-Times-Reporter on November 22 & 29, 2010. (Proof of publication is on file in the City Clerk's office).

City Planner David Less gave an overview of the proposed changes to the Official Map and Zoning District Map and answered questions.

No other 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.)

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-7" Central Residence District to "B-2" Neighborhood Business District, in

an area located at the southeast corner of Hamilton and So. 13th Streets.

City Clerk reported that the notice of hearing was published in the Herald-Times-Reporter on November 22 & 29, 2010. (Proof of publication is on file in the City Clerk's office).

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

No other 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 (10-653) to appoint an Interim Rahr-West Art Museum Director and establishment of compensation, was referred to Personnel Committee.

Resolution (10-648) to implement a hiring freeze of all current or future vacant City employment positions for 2011, to include full, part-time and temporary positions with vacancies being filled with approval by 2/3 vote of the Common Council, was referred to Personnel Committee.

Parks and Recreation Committee returned special events request (10-659) from Debbie Seehafer, Tournament Director, to hold 2011 tennis tournaments at Lincoln Park on June 11-13, July 2-4, August 6-8 and August 27-29, recommending approval of request subject to City policy. Motion by Levendusky, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned license agreement (10-646) for trapping of mink and other furbearing animals within the City Parks with Dan Cichantek, recommending entering into the agreement. Motion by Levendusky, second by Sladky and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 1.

Public Utilities and Licensing Committee returned communication (10-615) from Rich Steckmann relative to addition of bus route through Kellner Street, recommending placing on file. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Ordinance (10-655) to create section 14.226 of the Municipal Code regarding possession and sale of synthetic cannabinoids, was referred to Public Property and 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.

During recess Mayor Nickels announced that the Monday, December 20th Common Council meeting has been cancelled and the next regular meeting will be Monday, January 3, 2011.

Call back to order.

Mayor Nickels gave a short report to the Council relative to the 2011 Budget.

Finance Committee returned memo (10-658) from City Planner David Less relative to Best Western Lakefront Hotel Summary of Key Provisions of 2010 Amendment to Lease, recommending acceptance of report and adoption of recommendations. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned County Clerk's apportionment (10-637) of state taxes in the amount of \$337,939.57 and county taxes and special charges in the amount of \$9,748,316.51, recommending acceptance and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks & Recreation, Streets & Sanitation, Public Utilities & Licensing and Public Property & Safety Committees returned special events request (10-654) from Tom Chermak requesting the use of Washington Park for Metro Jam Weekend, June 24 & 25, 2011, the use of the Metro Stage, a waiver of rules prohibiting alcohol beverages to be consumed in the park for the weekend, closing So. 11th & So. 12th Street for a portion of the weekend, and City employees to help with the Children's Area and for setup and preparation of the event, as detailed therein, jointly recommending approval of request subject to City policy. Motion by Levendusky, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none, Abstained, 1.

Public Property and Safety Committee returned request (10-624) from Maritime Metro Transit Manager Derek Muench to have no parking on N. 6th Street north of the Manitou Manor entrance to alleviate problems with right turn out of Manitou Manor onto N. 6th Street, recommending placing on file. (Approved by STP 11/30/10). Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned notice (10-657) from Wisconsin Public Service relative to their new single upgraded facility on W. Custer Street, recommending placing on file. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned ordinance (10-617) to create and repeal various sections in Chapter 10 of the Municipal Code related to parking and speed limits., recommending adoption of the ordinance. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned agreement (10-651) for 2011 specialized transportation master agreement extension with Assist-to-Transport, LLC to extend original agreement dated January 2, 2007 for the year 2011, recommending extending the agreement. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned vehicle lease (10-650) with Assist-to-Transport, LLC for seven vehicles to be used to provide specialized transportation services, as detailed therein, for the 2011 calendar year, recommending entering into the agreement. Motion by Hennessey, second by Sladky, and unanimously carried to accept

the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned architect/engineering services contract (10-662) with Somerville, Inc. for the design of a new Intermodal Transfer Facility building at 915 S. 11th St., recommending entering into the contract. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned ordinance (10-632) to amend the amended zone map of the City of Manitowoc for an area located south of Hamilton St. and east of S. 13th St., recommending adoption of the ordinance. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned report (10-661) of Board of Public Works of December 1, 2010, regarding bids received for Dockwall Improvement and Dredging - City Center LLC, Project WO-10-14, recommending awarding contract to low bidder, Lunda Construction Company, in the amount of \$3,151,215.80. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned permanent easement (10-656) by Holiday House of Manitowoc County to the City for area north of Meadow Lane and west of Riverview Drive, recommending referral to Plan Commission. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned report (10-645) of the Board of Public Works of December 1, 2010, recommending 3rd (98.9%) payment to Vinton Construction Company in the amount of \$6,740.25 for S. 41st Street/Custer Street Pond, WU-10-10, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned report (10-644) of the Board of Public Works of December 1, 2010, recommending 8th (98.7%) payment to Vinton Construction Company in the amount of \$123,483.34 for 2010 Concrete Paving & Reconstruction & S. 10th St. Pond, WS-10-1, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned report (10-643) of the Board of Public Works of December 1, 2010, recommending 3rd (99.4%) payment to Vinton Construction Company in the amount of \$143,608.88 for 2010 Sanitary Sewer Relay, WU-10-8, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned report (10-642) of the Board of Public Works of December 1, 2010, recommending 2nd and final payment to Northern Metal & Roofing Company, Inc. in the amount of \$5,020.50 for City facilities lighting upgrade - EECSBG, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned report (10-641) of the Board of Public Works of December 1, 2010,

recommending 1st and final payment to Bobbie's Marine Services in the amount of \$13,319.28 for 2010 Tree Planting, QS-10-8, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned report (10-640) of the Board of Public Works of December 1, 2010, recommending 4th and final payment to Aero-Metric, Inc. in the amount of \$3,650.00 for professional services for photogrammetric survey program, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned report (10-639) of the Board of Public Works of December 1, 2010, recommending 3rd (100%) payment to Vinton Construction Company in the amount of \$1,932.40 for 2010 Sanitary Sewer Construction, WU-10-12, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned resolution (10-653) to appoint an Interim Rahr-West Art Museum Director and establishment of compensation, recommending approval of the resolution. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned change of agent form from Manitowoc Lodging Associates, LLP (#19) advising of a change of agent for the premises located at 101 Maritime Dr. effective immediately; applications #1-2 for 2011 Commercial Garbage Haulers license; #1-3 for 2011 Pawnbrokers license; #1 for 2011 Mobile Home Park license; #40, 41 & 43 for 2010-11 One Year Operator's license; #328-338 & 340 for 2010-12 Two Year Operator's license; recommending acceptance of change of agent upon completion of class and granting the various licenses, as shown on the committee's report. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned application #339 for 2010-2012 Two Year Operator's license recommending denial of the license upon the recommendation from the Police Chief or his designee. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned application #42 for 2010-11 One Year Operator's license recommending placing on file and refund of fee paid. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned General City Claims (10-660) in the amount of \$1,265,224.73 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 Soeldner, second by Brey, report accepted. Ayes, 10. Nays, none.

Moved by McMeans to request that the Personnel Committee be assigned to work on developing specifics for the labor reduction targets for 2011 or to meet the 2011 budget.

Per Mayor Nickels this motion cannot be made at this time - item was not on the agenda. Per Alderperson Able, Chair of Personnel, the committee has already begun this process.

Alderperson McMeans withdrew his motion.

Moved by Kadow, and unanimously carried, Common Council adjourned at 8:23 p.m

Respectfully submitted

Jennifer Hudon

City Clerk