

**COMMON COUNCIL****OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

May 2, 2011

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, May 2, 2011. 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 Jason Sladky, Dave Soeldner, Allan Schema, Lee Thennes, Jill Hennessey, Matt Kadow, James N. Brey, Scott McMeans, Alex J. Olson and Christopher Able.

Absent: None.

Special guests, the K Kids from Madison School, led the Pledge of Allegiance.

Invocation.

Minutes of the regular session of April 18, 2011, and organizational session of April 19, 2011, 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 May 2, 2011 Common Council agenda.

Mayor Justin M. Nickels read proclamation declaring the week of May 15-21 as Police Week and May 15<sup>th</sup> as Peace Officers' Memorial Day.

Presentation by Amy Fricke-Weigel relative to overview of Rahr-West Art Museum.

Presentation by Jamie Zastrow, Executive Director, Mainly Manitowoc, of their annual report for 2010 and update on 2011 activities.

Resolution (11-283) to promote Jane Rhode, Secretary to Asst. City Attorney, to full time 40 hour a week Confidential Legal Secretary position at Classification 2, Step 9, was referred to Committee of the Whole.

Resolution (11-284) to approve the filling of full time position of Secretary to the Asst. City Attorney at the rate of pay in accordance with the labor agreement, posting the position, and advertising if necessary, was referred to Committee of the Whole.

Mayor submitted the following committee appointments and requested Council confirmation:

**Plan Commission**

Dave Diedrich

3 year term expiring 5/1/14

Dan Hornung

3 year term expiring 5/1/14

**Community Development Authority**

Dennis Tienor

4 year term expiring 6/1/15

John Stangel 4 year term expiring 6/1/14  
Collin Braunel (Pl. J. Noffke) Unexpired term expiring 6/1/12

**Rahr-West Art Museum Board**

Lori Kirby (Pl. J. Kuklinski) Unexpired term expiring 6/1/12  
Chris Kornely (Pl. K. Trask) Unexpired term expiring 6/1/13  
Tricia Zimmerman (Pl. M. Virlee) Unexpired term expiring 6/1/13

**Transit Commission**

Neil Halonen Indefinite Term  
Claudia Halonen Indefinite Term  
Tom Keil Indefinite Term  
David Koenig Indefinite Term  
Linda Schultz Indefinite Term  
Janet Paszkiewicz Indefinite Term

Moved by Able, second by Soeldner and unanimously carried to confirm the Mayor's appointments. Ayes, 10.

Nays, none.

Mayor submitted the following 2011-12 Standing Committee appointments and requested Council confirmation:

**FINANCE:** S. McMeans, Chair; C. Able, Vice-Chair; A. Olson, M. Kadow and L. Thennes. **PARKS AND RECREATION:** J. Sladky, Chair; M. Kadow, Vice-Chair; J. Brey; D. Soeldner and A. Schema. **PUBLIC PROPERTY AND SAFETY:** J. Brey, Chair; A. Olson, Vice-Chair, C. Able, J. Hennessey and S. McMeans. **PUBLIC UTILITIES AND LICENSING:** J. Hennessey, Chair; L. Thennes, Vice-Chair; D. Soeldner; J. Sladky and M. Kadow. **STREETS AND SANITATION:** D. Soeldner, Chair; J. Brey, Vice-Chair; J. Sladky; A. Olson and A. Schema. **PERSONNEL:** C. Able, Chair; A. Schema, Vice-Chair; J. Hennessey, S. McMeans and L. Thennes.

Moved by Able, second by Soeldner, and unanimously carried to confirm the Mayor's appointments. Ayes, 10.

Nays, none.

Mayor submitted the following Council representative appointments for the term of April 19, 2011, through April 16, 2012:

<b>Code Review Committee (Sec. 3.320)</b>	J. Sladky, Member, Streets and Sanitation
<b>Board of Public Works (Sec. 3.070)</b>	D. Soeldner, Chair, Streets and Sanitation
	J. Brey, Vice-Chair, Streets and Sanitation
	A. Olson, Member, Finance
<b>Recreation Board (Sec. 3.110)</b>	J. Sladky, Chair, Parks and Recreation
<b>Zoological Board (Sec. 3.107)</b>	M. Kadow, Vice-Chair, Parks and Recreation
<b>Harbor Commission (Sec. 3.04)</b>	J. Sladky, Member, Public Utilities & Licensing
<b>Public Utilities Commission (Sec. 3.00 &amp; 12.010)</b>	J. Hennessey, Chair, Public Utilities & Licensing
<b>Citizens Physical &amp; Sensory Disability Commission (Sec. 3.150)</b>	S. McMeans, Council Representative
<b>Wastewater Treatment Facility Board (Sec. 3.100)</b>	J. Brey, Vice-Chair, Streets and Sanitation
<b>Manitowoc Industrial Dev. Corp. (Sec. 3.140)</b>	J. Brey, Council Representative
	D. Soeldner, Council Representative
<b>Ethics Board (Sec. 3.800(4))</b>	A. Schema, Council Representative

**Community Development Authority  
(Sec. 3.160)**

**TIF Project Review Committee**  
**Citizens Advisory Committee (Sec. 3.330)**  
**Cemetery Commission (Sec. 3.200)**  
**Diversity Advisory Council (Ad Hoc)**  
**Handicap Appeal Commission**  
**Economic Development Corp.**  
**Transit Commission**  
**MIRA**  
**Manitowoc Sustainability Committee**

C. Able, Council Representative  
 A. Olson, Council Representative  
 S. McMeans, Chair, Finance  
 C. Able, Council Representative  
 J. Sladky, Member, Streets and Sanitation  
 D. Soeldner, Council Representative  
 J. Sladky, Council Representative  
 J. Hennessey, Council Representative  
 L. Thennes, Mbr. Public Utilities & Licensing  
 C. Able, Council President  
 M. Kadow, Council Representative

**2011 Board of Review:** J. Brey, M. Kadow, A. Olson, A. Schema, D. Soeldner, L. Thennes (alternate), S. McMeans (alternate), C. Able (alternate), J. Hennessey (alternate) and J. Sladky (alternate).

**Weed Commissioners:** Randall Junk, 1 year term expiring 4/30/12; Chad Scheinoha, 1 year term expiring 4/30/12.

Moved by Able, second by Soeldner and unanimously carried to confirm the Mayor's appointments. Ayes, 10.

Nays, none.

Council President Christopher Able submitted the following appointment and requested Council confirmation:

**PERFORMANCE EVALUATION REVIEW COMMITTEE** Jill Hennessey Term expiring 5/7/12

Motion by Able, second by Soeldner, and unanimously carried to confirm the appointment. Ayes, 10. Nays, none.

Moved by Alderperson Soeldner, seconded by Alderperson Olson, to nominate Alderperson James Brey as the Council member to serve on the City Plan Commission for the ensuing one year term from April 19, 2011, through April 16, 2012.

It was then moved and unanimously carried to close nominations and cast a unanimous ballot for Alderperson Brey. Ayes, 10. Nays, none. Mayor declared Alderperson James Brey elected to serve on the Plan Commission.

Streets and Sanitation Committee returned resolution (11-241) authorizing assessments for special decorative Christmas lighting on non-residential properties abutting Eighth St. from Washington St. to Chicago St., on Washington St. from So. 8th St. to So. 12th St. and in the Harbor Town Center (Dewey Street from N. Rapids Rd. to Calumet Ave. and Harbor Town Ln. from Dewey St. to S. 41st St.), as detailed therein, for the 2010-11 Christmas season, recommending placing on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Ordinance (11-280) to amend various sections of the Manitowoc Municipal Code regarding appointments of Council members to various Boards and Commissions, was referred to Committee of the Whole.

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.

Call back to order.

Committee of the Whole returned settlement agreement (11-287) and Release between City of Manitowoc and Circle B Bison Ranch, LLC relative to return of bison, recommending entering into agreement. Motion by Able, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned resolution (11-283) to promote Jane Rhode, Secretary to Asst. City Attorney, to full time 40 hour a week Confidential Legal Secretary position at Classification 2, Step 9, recommending approval of resolution. Motion by Able, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned resolution (11-284) to approve the filling of full time position of Secretary to the Asst. City Attorney at the rate of pay in accordance with the labor agreement, posting the position, and advertising if necessary, recommending approval of resolution. Motion by Able, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned ordinance (11-280) to amend various sections of the Manitowoc Municipal Code regarding appointments of Council members to various Boards and Commissions, recommending approval (adoption) of the ordinance. Motion by Able, second by Soeldner, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 10. Nays, none. Motion by Able, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none. Ordinance adopted.

Finance Committee returned communication (11-285) from Dep. Dir. of Public Works/City Engineer Greg Minikel requesting authorization to allocate \$40,000 from the 2011 Concrete Paving Budget to accomplish additional paving on N. 9th Street from Maritime Drive to York Street, as detailed therein, recommending approval of recommendations and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned notice of claim and claim (11-222) from Rural Mutual Insurance for their insured Craig D. Fischer, Fleet Claim No. 11-198, recommending payment of the claim and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned notice of claim and claim (11-224) from Wisconsin Bell d/b/a A T & T, Claim File No. 11-1065, recommending payment of claim and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned claim (11-144) from Wendy Jones of March 14, 2011, Claim File No. 11-1063, recommending payment of claim and place on file. Motion by McMeans, second by Able, and unanimously carried to

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

Finance Committee returned notice of claim and claim (11-213) of March 31, 2011, from Flora Ann Nowak, Claim File No. 11-1064, recommending denial of the claim and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned summons and complaint (10-636) of Associated Bank, N.A. vs. Granger, et al, Case No. 10-CV-944, recommending accepting report and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned summons, complaint and lis pendens (09-278) from Mark Balaban vs. Don Klein, Robin Klein & Daniel Tupper et al, Case No. 09-CV-0363, recommending accepting report and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned summons & complaint (10-057) of First National Bank v. Sittman, et al, Case No. 10-CV-77, recommending acceptance of report and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned affidavit (10-172) of No Objection and Order of U.S. Bank National Association for Relief from Automatic Stay and Abandonment and Relief of Co-debtor Stay in re: Teresa M. Bonino f/k/a Teresa M. Strzyzewski, recommending acceptance of report and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned summons & complaint (10-311) of June 4, 2010, Investors Community Bank v. Schuette Building LLC, Case No. 10 CV 465, recommending acceptance of report and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (11-275) from Citizens for Skateboarding to hold event at Manitowoc X-Sports Complex on Saturday, June 25, 2011, recommending entering into agreement according to City policy. Motion by Sladky, second by Kadow and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned communication (11-282) from O'Connor's Concessions to do business in Manitowoc park system for the 2011 season, recommending entering into agreement per City policy. Motion by Sladky, second by Kadow and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned contract (11-294) with Bob Braun Excavating LLC for excavation work involving new Cabin #1 at Lincoln Park Zoo, recommending entering into agreement. Motion by Sladky, second by Kadow and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned contract (11-292) with Roffers Concrete Construction for foundation work involving new Cabin #1 at Lincoln Park Zoo, recommending entering into agreement. Motion by Sladky, second by

Kadow and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Moved by Brey, second by Olson, and unanimously carried to rescind Council's action of April 18, 2011 on request (11-246) from Fire Chief William P. Manis II to create a loading zone and fire lane on the east side of the No. 9th St. and Maritime Dr. parking lot, as detailed therein. Ayes, 10. Nays, none. (*Document will be taken up by Public Property and Safety Committee*).

Public Property and Safety Committee returned professional services agreement (11-269) between Manitowoc Fire Department and Tarlton Inspections, Inc. to provide tank system review and inspection services, recommending entering into agreement. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned ambulance service agreement (11-271) between Eastern Wisconsin Stock Car, Inc. and Manitowoc Fire Department to provide ambulance service for safety of race activity participants and spectators at Expo racetrack, recommending entering into agreement. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned communication (11-279) from Alderwoman Jill Hennessey requesting a yield sign to be placed at S. 21st Street and Grand Avenue, recommending referral to the Safety, Traffic and Parking Commission. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licenses & Streets and Sanitation Committees returned special events request (11-268) from The Fat Seagull to extend their licensed premise on various dates including bands in their parking lot and close a portion of Quay St., on July 23, 2011 for anniversary celebration, jointly recommending approval of request. 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 request (11-270) from Holley Melichar to reconsider denial of one year operator's license #48, recommending placing on file. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned communication (11-273) from SMI as representatives of the Oak Park Developers, LLC requesting access to unimproved right-of-way of Woodridge Place, as detailed therein, 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 request (11-291) from Wisconsin Aluminum Foundry Co., Inc. for a change to the Official Map for a portion of S. 17th St., south of Clark St., 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 request (11-290) from Wisconsin Aluminum Foundry Co., Inc. for a

vacation of a portion of S. 17th St., south of Clark St., 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 proposal (11-286) from AECOM for remedial investigation/groundwater monitoring activities Flambeau Street Site, recommending entering into contract. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned communication (11-281) from Benevolent & Protective Order of Elks #687 surrendering "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license for 200 E. Waldo Blvd. upon granting of license to new owner; amended #14 (change of agent) for 2010-11 Class "A" Retail Fermented Malt Beverage license; #40A for 2010-11 "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license; #7 Class "B" Retail Fermented Malt Beverage license; #4 "Class C" Retail Wine license; #8 Pawnbrokers license; #49 for 2010-11 One Year Operator's license; #1 for 2011-12 One Year Operator's license; #387-391 for 2010-12 Two Year Operator's license; #8-19 for 2011-13 Two Year Operator's license; recommending acceptance of communication (11-281) 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.

Committee of the Whole returned General City Claims (11-288) in the amount of \$684,980.89 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 Able, second by Soeldner, report accepted. Ayes, 10. Nays, none.

Moved by Olson, second by McMeans and unanimously carried Common Council adjourned at 8:23 p.m. Ayes, 10. Nays, none.

Respectfully submitted,

JENNIFER HUDON, City Clerk