

**COMMON COUNCIL  
OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, October 17, 2011

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, October 17, 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, Collin Braunel, Jill Hennessey, Matt Kadow, James N. Brey, Scott McMeans, Alex J. Olson and Christopher Able.

Absent: None.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of October 3, 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 October 17, 2011 Common Council agenda.

Mayor presented proclamation declaring the month of October, 2011 Fire Prevention Month.

Mayor presented proclamation to Manitowoc Jaycees proclaiming the week of October 17 through October 21 "Jaycees Week".

Amy Fricke-Weigel presented checks to the American Red Cross, Salvation Army and Rahr-West Educational Program relative to donations taken during the Police and Fire Exhibit at the Rahr-West Art Museum.

Mayor declared the meeting open for a public hearing for the purpose of proposed change in zone from "B-2" Neighborhood Business District to "B-3" General Business District, in an area located at 940 N. 11th Street.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on October 3 and 10, 2011. (Proof of publication is on file in the City Clerk's office).

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

Richard Schwoerer appeared to address the Council in opposition to the zone change. 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 proposed change in zone from "R-5" Low Density Multiple-Family District and "R-6" Multiple-Family District to "I-1" Light Industrial District, in an area located at 2424 Johnston Drive.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on October 3 and 10, 2011. (Proof of publication is on file in the City Clerk's office).

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

No 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 Nickels gave a powerpoint presentation of his 2012 budget.

Resolution (11-700) authorizing the acceptance and implementation of FY 2011-2012 grant under the Wisconsin Coastal Management Grant Program, was referred to Committee of the Whole.

Resolution (11-675) providing for the sale of approximately \$6,180,000 taxable general obligation refunding bonds for the public purpose of refunding outstanding obligations of the City, including interest on them, was referred to Finance Committee.

Resolution (11-698) providing for the sale of approximately \$5,090,000 general obligation refunding bonds for the public purpose of refunding outstanding obligations of the City, including interest on them, was referred to Finance Committee.

Resolution (11-708) providing for the lease of all parking stalls in the City's N. 9th and Maritime Drive parking lot, was referred to Public Property and Safety Committee.

Resolution (11-684) that Manitowoc Public Utilities install four ornamental street lights in the 2200-2300 blocks of South 21st Street, was referred to Public Utilities and Licensing Committee.

Moved by Alderperson McMeans, second by Alderperson Able, and unanimously carried to call for the public hearing on the proposed General City Budget to be held on Monday, November 21, 2011, at 7:10 p.m. Ayes, 10.Nays, none.

Finance Committee returned resolution (11-666) of support for the Great Lakes Basin Fish Habitat Partnership and approval of the pursuit of GLBFHP program grant funds by the Wisconsin Waterfowl Association for projects advanced within the City and its extraterritorial limits, recommending adoption of the resolution and placing on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10.Nays, none.

Finance Committee returned resolution (11-667) of support for the Great Lakes Basin Fish Habitat Partnership and approval of the pursuit of GLBFHP grant funds by the Bay Lakes Regional Planning Commission for the Silver Creek Fish Passage/Habitat Restoration project, recommending adoption of the resolution and placing on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10.Nays, none.

Finance Committee returned scope of engagement (11-674) relative to proposed issuance of \$6,180,000 City of Manitowoc Taxable General Obligation Refunding Bonds, recommending entering into scope and placing on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10.Nays, none.

Personnel Committee returned Aquatic Center Staff Manual (11-445) for 2011, recommending placing on file. Motion by Able, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 10.Nays, none.

Ordinance (11-699) to create Section 3.270(3) of the Municipal Code to limit the term of non-elected board, commission and committee appointments, was referred to Committee of the Whole.

Ordinance (11-711) amending Section 6.120 of the Manitowoc Municipal Code regarding lighting fires, was referred to Public Property and Safety Committee.

Ordinance (11-690) to create Section 7.280(1)(4) of the Municipal Code regarding alley assessments, was referred to Streets and Sanitation 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.

Call back to order.

Committee of the Whole returned grant agreement (11-704) between City of Manitowoc and Dept. of Administration re: Wisconsin Coastal Management Program Grant, 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 (11-700) authorizing the acceptance and implementation of FY 2011-2012 grant under the Wisconsin Coastal Management Grant Program, recommending adoption of the resolution. Motion by Soeldner, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 9.Nays, 1.

Finance Committee returned resolution (11-675) providing for the sale of approximately \$6,180,000 taxable general obligation refunding bonds for the public purpose of refunding outstanding obligations of the City, including interest on them, recommending approval of the resolution and placing on file.

Moved by Alderperson McMeans, second by Alderperson Able, to accept the Committee's report.

Moved by Alderperson McMeans, second by Alderperson Able, and unanimously carried to amend the amount of the bond from \$6,180,000 to \$6,770,000. Ayes, 10.Nays, none.

Upon a vote, the Committee's recommendation to approve (adopt) the resolution, as amended, was unanimously carried. Ayes, 10.Nays, none.

Finance Committee returned resolution (11-698) providing for the sale of approximately \$5,090,000 general obligation refunding bonds for the public purpose of refunding outstanding obligations of the City, including interest on them, recommending approval (adoption) of the resolution and placing on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10.Nays, none.

Finance Committee returned amended claim (11-678) recommendation from City Attorney Juliana Ruenzel relative to claim of Patrick Knorr, Fleet Claim No. 11-200-2, recommending payment of the claim in the amount of \$200.00 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 communication (11-688) from Jeffery Beyer, Manitowoc County Director of Public Works, relative to sale of tax foreclosed real estate at 2406 S. 14th Street, recommending referral to Plan Commission. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10.Nays, none.

Parks and Recreation Committee returned memorandum of understanding (11-686) between Dawn Ebben and City of Manitowoc relative to her donation of a pygmy goat to the 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 communication (11-580) from College Glen Developers LLP, the owners of Silveridge Subdivision, relative to City Park development, recommending placing on file. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 10.Nays, none.

Parks and Recreation Committee returned report (11-693) of the Board of Public Works of October 12, 2011, recommending 1st and final payment to Jos Schmitt Construction in the amount of \$10,862.00 for Lincoln Park Zoo Entrance Gates, recommending payment. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 10.Nays, none.

Parks and Recreation Committee returned report (11-695) of the Board of Public Works of October 12, 2011, recommending 2nd and final payment to Roffers Concrete Construction in the amount of \$8,503.00 for Lincoln Park Cabin #1 Foundation, recommending payment. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 10.Nays, none.

Parks and Recreation Committee returned memorandum (11-706) from Dir. Public Works/Engineer/Parks & Recreation Valerie Mellon on proposals received on September 30, 2011, for beverage services for the City of Manitowoc Parks and Recreation Department, recommending awarding contract to Oshkosh Dr. Pepper. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 10.Nays, none.

Public Property and Safety Committee returned ambulance service agreement (11-681) with Super Pull for services provided at Manitowoc County Expo racetrack on October 7 & 8, 2011, recommending approval of the 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 (11-518) from Tyler Pribyl with safety concerns in the area of his residence at 1301 S. 13th Street, recommending placing on file. 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 (11-692) from Alderperson Jim Brey addressing citizen concerns relative to lack of stop bars and crosswalks on the north side of Viebahn Street at S. 18th St., S. 21st St., S. 23rd St. and S. 30th St., recommending referral to 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 Property and Safety Committee returned request (11-680) from Dir. Public Works/Engineer/Parks & Recreation Greg Minikel, with proposed changes to Section 10.750 (Heavy Traffic Routes) of the Municipal Code, recommending referral to 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 Property and Safety Committee returned request (11-709) from Miron Construction to place crane in N. 9th and Maritime Drive parking lot, to allow for work on DAW's 5th floor balcony, recommending placing on file. 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 license agreement (11-710) with Miron Constructon Company for construction staging area for the period October 18 thru November 30, 2011, in the N. 9th and Maritime Drive parking lot, 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 ordinance (11-641) to amend Section 14.330(3) and create Section 14.330(4) of the City of Manitowoc Municipal Code regarding concealed weapons, recommending placing on

file. 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 (11-670) from City Clerk regarding leased parking stalls in N. 9th Street and Maritime Drive parking lot, recommending instructing the City Attorney's office to draft resolution to convert parking spots to leased parking spots and to place document on file. 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 ordinance (11-642) amending Section 6.120 of the Manitowoc Municipal Code regarding lighting fires, recommending placing on file. 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 ordinance (11-673) amending Section 6.120 of the Manitowoc Municipal Code regarding lighting fires, recommending placing on file. 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 request (11-697) from Veteran Claim Appeals to lease parking stall for their clients in the N. 9th and Maritime Drive parking lot, recommending placing on file. 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 resolution (11-708) providing for the lease of all parking stalls in the City's N. 9th and Maritime Drive parking lot, recommending adoption of the resolution. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned resolution (11-684) that Manitowoc Public Utilities install four ornamental street lights in the 2200-2300 blocks of South 21st Street, recommending adoption of the resolution. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned request (11-683) from B & T Enterprises, LLC, Patrick Brooks, Agent, for refund of license fee for premise at 204 N. 8th Street, recommending denial of the refund request. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned request (11-682) from The Chunky Monkey, LLC, Shelie M. Brooks, Agent, for refund of license fee for premise at 204 N. 8th Street, recommending approval of the refund request in the amount of \$605.00. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned notice of hearing (11-691) from Public Service Commission relative to application of Manitowoc Public Utilities for authority to increase water rates, recommending placing on file. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned ordinance (11-637) amending the amended zone map of the City of Manitowoc in an area west of Johnston Drive and north of Albert Drive from "R-5" Low Density Multiple-Family District and "R-6" Multiple-Family District to "I-1" Light Industrial District, recommending adoption of 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 application (11-561) to Amend Zoning Ordinance from "B-2" Neighborhood Business District to "B-3" General Business District for property at 940 N. 11th St., recommending placing on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10.Nays, none.

Streets and Sanitation Committee returned application (11-544) from Lakeshore Mini Storage for a change in zone from R-5 Low Density Multiple Family District to I-1 Light Industrial District for property located at 2424 Johnston Drive, as detailed therein, recommending placing on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10.Nays, none.

Streets and Sanitation Committee returned ordinance (11-631) amending the amended zone map of the City of Manitowoc in an area south of Wisconsin Ave. and west of N. 11th Street to be changed from "B-2" Neighborhood Business District to "B-3" General Business District, 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 memorandum of agreement (11-685) with Bytof Limited Family Partnership relative to Site Plan Developer Performance Agreement dated September 30, 2011, recommending acceptance of agreement and place on file.Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10.Nays, none.

Streets and Sanitation Committee returned amendment no. 1 (11-687) to Consulting Agreement dated June 20, 2011 with AECOM for Broadway Street Bridge, Retaining Wall and Roadway Slope Repair Design Services, Project WS-11-17, recommending acceptance of amendment. 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 (11-655) of the Board of Public Works of September 28, 2011, recommending 1st and final payment to Green Bay Pipe and TV in the amount of \$50,170.70 for 2011 Televising Miscellaneous Sewers II, WU-11-13, recommending rescinding action of 10/3/11 (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 amended report (11-707) of the Board of Public Works of October 3, 2011, recommending 1st and final payment to Great Lakes TV Seal, Inc. in the amount of \$50,170.70 for 2011 Televising Miscellaneous Sewers II, WU-11-13, 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 (11-694) of the Board of Public Works of October 12, 2011, recommending 4th and final payment to PTS Contractors in the amount of \$152,177.11 for Sanitary and Storm Sewer Construction, WU-11-8, 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 (11-696) of the Board of Public Works of October 12, 2011, recommending 3rd and final payment to A & M Concrete & Construction, Inc. in the amount of \$59,024.82 for 2011 New and Remove & Replace Existing Sidewalks, WS-11-3, 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 request (11-619) from Jonathan & Cheryl Saunders, Lake Breeze Salon, for an extension of the November 15, 2011, deadline to create a parking lot in a residential zoning district,

and report (11-701) of City Plan Commission recommending that Council approve an extension of the Special Permit project completion date to November 15, 2012, recommending acceptance of report (11-701) and place on file and place request (11-619) on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10.Nays, none.

Public Utilities and Licensing Committee returned #45-46 for 2011-12 One Year Operator's license; #252-256 for 2011-13 Two Year Operator's license; granting the various licenses, as shown on the committee's report. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10.Nays, none.

Committee of the Whole returned General City Claims (11-703) in the amount of \$1,126,075.49 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.

Common Council adjourned at 9:08 p.m. Ayes, 10.Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk