

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

June 7, 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, June 7, 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, Christopher Able, Matt Kadow, Jason Sladky, Alex J. Olson, Nicholas P. Levendusky, Allan Schema and Dave Soeldner.

Absent: Alderperson James N. Brey.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of May 17, 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 June 7, 2010 Common Council agenda.

Upon request of Mayor Nickels, City Clerk Jennifer Hudon administered the oath of office to Officer Jeremy Weber on behalf of AIK, the department's police dog.

Parks and Recreation Committee returned agreements (10-290), (10-291), (10-292) and (10-293) for loan of various farm animals for Lincoln Park Zoo's Big Red Barn exhibit, recommending acceptance of the agreements and place on file. Motion by Levendusky, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned the following Special Events Requests: Special Events Request (10-295) from Citizens for Skateboarding - Manitowoc Chapter, Inc. to hold 3rd Annual "National Go Skateboarding Day" at Manitowoc X-Sports Complex on Saturday, June 19, 2010, as detailed therein; Special Events Request (10-296) from Lakeshore Cap, Inc. to use Union Park and have additional picnic tables brought in on Saturday, June 19, 2010 for Lakeshore Family Resources event for families in the community; Special Events Request (10-297) from New Life, Jesus M. Salas to use Washington Park for a religious event for the Hispanic community on August 14, 2010; Special Events Request (10-298) from St. James Episcopal Church, Anne Schuette, to use Union Park on Sunday, July 25, 2010 for picnic; Special Events Request (10-299) from Choice Residential LLC, Peter Dorner, to use Washington Park and Metrostage on July 19, 2010, for Bubble Wars with special consideration for waiver of part or all fees; Special Events Request (10-300)

from Richard Rosinsky to use Westfield Park on June 19, 2010 from 8:00 a.m. to 12 p.m. for Special Olympics Tourney; Special Events Request (10-301) from Guido Lenaerts to use Citizen Park between parking lot and batting cages on July 31, 2010, from 9:00 a.m. to 5:00 p.m. for soccer; Special Events Request (10-303) from Bill Springer to use Union Park for annual church picnic on July 11, 2010; recommending granting the various requests subject to City policy. Motion by Levendusky, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of a proposed change in zone from "B-3" General Business District and "R-4" Single Family District to "C-1" Commercial District, in an area located north of Marshall Street and east of South 26th Street.

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

City Planner reported that the notice of the hearing was published in the Herald-Times-Reporter on May 24 & 31, 2010. (Proof of publication is on file in the City Clerk's office.)

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 submitted Alderperson Jill Hennessey's appointment to the Safety, Traffic and Parking Commission and requested Council confirmation. Moved by Soeldner, second by Able to confirm the Mayor's appointment. After short discussion, moved by Soeldner, second by Able to withdraw their motion.

Mayor submitted the following appointment and requested Council confirmation:

<u>Safety, Traffic & Parking Commission</u>	Term
Alderperson Scott McMeans Member Public Property & Safety Committee	Term expiring 4/18/11

Moved by Soeldner, second by Able to confirm the Mayor's appointment. Ayes, 9. Nays, none.

Mayor submitted the following appointments and requested Council confirmation:

<u>Crime Prevention Committee</u>	Term
Joyce Kleppe (Pl. of Xia Vang)	Indefinite
Melia Prange (Pl. of R. Sieracki)	Indefinite

Moved by Soeldner, second by Able to confirm the Mayor's appointments. Ayes, 9. Nays, none.

Mayor submitted the following appointments and requested Council confirmation:

<u>Rahr-West Art Museum Board</u>	Term
Tim Gadzinski	3 yr. term expiring 6/1/12
Simone Dorcas	3 yr. term expiring 6/1/12
Jane Spindler	3 yr. term expiring 6/1/12
Jim Konitzer	3 yr. term expiring 6/1/13
Charles Ratigan	3 yr. term expiring 6/1/12
Tom Van Horn	3 yr. term expiring 6/1/12

Moved by Soeldner, second by Able to confirm the Mayor's appointments. Ayes, 9. Nays, none.

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 communication (10-288) from Public Service Commission of Wisconsin relative to wind siting rules, recommending placing on file. Motion by Soeldner, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned report (10-283) of City Planner David Less, recommending entering into attached Contractor Services Agreement with Code Publishing Company for recodification, printing and computer text output of the City's Municipal Code, recommending acceptance of report and adoption of recommendations. (Contractor Services Agreement with Code Publishing Company attached). Motion by Soeldner, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned communication (10-308) from Deputy City Planner Paul Braun attaching tax forms for Mainly Manitowoc, Inc. pursuant to Art. III, Section 8 of their Services Agreement, recommending acceptance of report and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned Wisconsin Energy Efficiency and Conservation Block Grant Contract (10-302) between Wisconsin Dept. of Commerce and City of Manitowoc for project to replace lighting for 7 buildings and 27 signalized intersections, recommending entering into agreement. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned request (10-277) from Economic Development Corporation Manitowoc County to renew the City's funding commitment to the EDCMC and enter into a new Services Agreement or an amendment to the existing agreement which would extend the City's commitment to the EDCMC through 2013, recommending acceptance and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned report (10-276) of City Planner David Less relative to request from Economic Development Corporation of Manitowoc County recommending supporting the EDCMC, as detailed therein, recommending acceptance of report and adoption of recommendations. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned special events request (10-282) from Cellcom to hold Cellular Celebration big tent event and secure a parking permit on June 14 & 15, 2010, at 4140 Harbor Town Lane, recommending granting the request with department recommendation. Motion by McMeans, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned special events request (10-307) from Global Youth Leadership Institute to use strip of land between Manitowoc River and Best Western on Thursday, June 17, 2010, to set up and sleep in 7 or 8 tents, as detailed therein, recommending approval of request. Motion by McMeans, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned emergency services training agreement (10-280) with Manitowoc County to conduct various emergency training activities at the Manitowoc County Airport, recommending entering into agreement. Motion by McMeans, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned regional fire department hiring process agreement (10-294) between Manitowoc Fire Department and Fox Valley Technical College for the purpose of testing candidates as a screening process to acquire a potential list of qualified candidates for the position of firefighter, recommending entering into agreement. Motion by McMeans, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned grant agreement (10-305) for Wisconsin Harbor Assistance Program by and between City of Manitowoc and Wisconsin Dept. of Transportation relative to reconstruction of City Centre LLC Dock, recommending entering into the agreement. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned application (10-281) from Patricia Roth, Manitowoc Coffee, of May 17, 2010, for Sidewalk Cafe Permit at 836 S. 8th Street, recommending approval of the request. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing, Parks & Recreation and Public Property & Safety Committees returned special events request (10-286) from Pete Honzik, Acoustic Fest, requesting use of Washington Park, Metro Stage, waiver of rules prohibiting alcohol in the park, closure of So. 12th St., and use of various equipment, as in the past, on Saturday, July 17, 2010, jointly recommending approval of the request according to City policy. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (10-199) of City Plan Commission relative to consideration of tax incremental financing activities regarding TIF District #16 (boundary and text amendment) and TIF Districts #7,9 and 10 (boundary amendment), recommending acceptance of report and adoption of recommendations. Motion by Soeldner,

second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation, Public Utilities & Licensing and Public Property & Safety Committees returned special events request (10-270) from American Legion Post 88 to close Jay St. from 8th St. to west until 813 Jay St. for event to be held on July 17, 2010, along with extension of licensed premise to serve alcohol and to have live music from 6:00 p.m. to 11:00 p.m., jointly recommending granting request subject to current City policy. Motion by Soeldner, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation and Parks & Recreation Committees returned special events request (10-279) from Manitowoc City Center Association to hold sidewalk sales on Krazy Daze on Saturday, July 10, 2010, close a portion of Franklin St., use of Burger Park and various City equipment, jointly recommending granting request subject to current City policy. Motion by Soeldner, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned ordinance (10-184) to amend section 15.05 of the amended zone map of the City of Manitowoc for an area north of Marshall Street and east of So. 26th Street, recommending adoption of ordinance. Motion by Soeldner, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (10-284) of City Planner David Less attaching Sidewalk Privilege Agreement with Great Lakes Energy Technologies, LLC and Orion Energy Systems, Inc., recommending acceptance of report and place on file. Motion by Soeldner, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned communication (10-267) from Radosevich, Mozinski, Cashman & Olson, LLP in behalf of Lakeshore Interfaith Hospitality Network requesting a conditional use permit for former St. Boniface Rectory building, recommending referral to Plan Commission. Motion by Soeldner, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned request (10-304) from Ellen S. Reinertson to move a home to the corner lot on Pine and N. 9th Streets, as detailed therein, recommending referral to Plan Commission. Motion by Soeldner, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned request (10-152) from Bartow Builders to delay the improvements to Woodridge Subdivision #8 past 2011 due to economic hardship, recommending granting request. Motion by Soeldner, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation, Parks & Recreation and Public Property & Safety Committees returned communication (10-278) from Manitowoc-Two Rivers Area YMCA requesting permission to hold the YMCA Race Festival on Saturday, August 28, 2010, from 7:00 a.m. until 11:00 a.m., and requesting traffic control, the use of various City streets and equipment, as detailed therein; recommending granting request subject to current City policy. Motion by Soeldner, second by Levendusky,

and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (10-273) of Board of Public Works of May 26, 2010, recommending 19th and final payment to Bay Lakes Regional Planning Commission in the amount of \$400.00 for Transportation Development Plan 2008-2012, Inv. #4545a, recommending payment. Motion by Soeldner, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (10-274) of Board of Public Works of May 26, 2010, recommending 2nd and final payment to Green Bay Pipe and TV in the amount of \$9,848.09 for 2010 Televising Miscellaneous Sewers I, WU-10-5, recommending payment. Motion by Soeldner, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (10-272) of Board of Public Works of May 26, 2010, regarding bids received for 2010 So. 41st and Custer Street Pond, Project WU-10-10, recommending awarding contract to lowest responsive bidder, Vinton Construction Company, in the amount of \$252,117.82. Motion by Soeldner, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing Committee returned applications #20-21 for 2010-11 Class "A" Retail Fermented Malt Beverage; #27 for for 2010-11 Near Beer license; #395 - 402 for 2009-11 Two Year Operator's license; #56 - 121 for 2010-12 Two Year Operator's license; recommending 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, 9. Nays, none. Public Utilities & Licensing Committee returned communication (10-310) from Van's Liquor & Beer Drive-In, Inc., Richard Krueger, Agent, applying for a transfer of combination "Class A" license #1 from 3920 Calumet Ave. to temporary tent for sales during renovation of present premises. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned General City Claims (10-314) in the amount of \$1,638,069.10 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 Able, report accepted. Ayes, 9. Nays, none.

Moved by Alderperson Olson, seconded by Alderperson Levendusky, and unanimously carried, Common Council adjourned at 8:15 o'clock P.M. Ayes, 9. Nays, none.

Respectfully submitted

Jennifer Hudon
City Clerk