

## COMMON COUNCIL

### OFFICIAL JOURNAL

Justin M. Nickels, Mayor

July 19, 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, July 19, 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 7:07 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 regular session of July 6, 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 July 19, 2010 Common Council agenda.

Proclamation by Mayor Nickels reaffirming commitment to work toward full ADA compliance in the City of Manitowoc accepted by members of the Citizens Physical and Sensory Disability Commission.

Resolution (10-415) to approve a Boundary and Text Amendment Number One (1) to Tax Incremental Financing (TIF) District No. 16 Project Plan was referred to Finance Committee.

Resolution (10-416) to approve a Boundary Amendment Number One (1) to Tax Incremental Financing (TIF) District No. 7 Project Plan was referred to Finance Committee.

Resolution (10-417) to approve a Boundary Amendment Number One (1) to Tax Incremental Financing (TIF) District No. 9 Project Plan was referred to Finance Committee.

Resolution (10-418) to approve a Boundary Amendment Number One (1) to Tax Incremental Financing (TIF) District Number 10 Project Plan was referred to Finance Committee.

Parks and Recreation Committee returned special events request (10-404) from Dale Plansky requesting to sell Kettle Korn & lemonade at the Lincoln Park Zoo on August 14, 2010, 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 & Recreation and Streets & Sanitation Committees returned special events request (10-403) from Manitowoc

Professional Police Association to hold the 8th Annual MPPA Police Chase 4 Mile Run/Walk on October 9, 2010, 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, 10. Nays, none.

Mayor submitted the following appointment and requested Council confirmation:

<u>Plan Commission</u>	<u>Term</u>
Steven Alpert	3 yr. term expiring 5/1/13

Moved by Soeldner, second by Brey to confirm the Mayor's appointment. Ayes, 10. Nays, none.

Mayor submitted the following appointment and requested Council confirmation:

<u>Zoological Board</u>	<u>Term</u>
Roy Berres	1 yr. term expiring 6/1/11

Moved by Soeldner, second by Brey to confirm the Mayor's appointment. Ayes, 10. Nays, none.

Mayor submitted the following appointments and requested Council confirmation:

<u>Library Board</u>	<u>Term</u>
David K. Gratz	3 yr. term expiring 7/1/13
Fred Hazelwood	3 yr. term expiring 7/1/12
Maureen B. Stokes	3 yr. term expiring 7/1/13
Robert C. Vollendorf	3 yr. term expiring 7/1/12

Moved by Soeldner, second by Brey to confirm the Mayor's appointments. Ayes, 10. Nays, none.

Mayor submitted the following appointments and requested Council confirmation:

<u>Citizens Physical &amp; Sensory Disability Commission</u>	<u>Term</u>
August Krieser	3 yr. term expiring 6/1/13
Anna Marie Wood	3 yr. term expiring 6/1/13
Mary Balte (Place of J. Pleuss)	3 yr term expiring 6/1/13

Moved by Soeldner, second by Brey to confirm the Mayor's appointments. Ayes, 10. Nays, none.

Resolution (10-412) creating Ward Number 41, population two, for the Interstate #15 Annexation Area and providing the boundary description therein, was referred to Streets and Sanitation Committee.

Ordinance (10-426) to amend Section 10.105(3) of the Municipal Code of the City of Manitowoc revising the hours of the street sweeping ban was referred to Streets and Sanitation.

Ordinance (10-413) to annex a certain territory from the Town of Manitowoc Rapids to the City of Manitowoc as part of the 9th Aldermanic District and the 17th, 18th, 22nd, 24th, 25th, 26th, 28th, 29th, 30th, 32nd, 36th, 38th, 39th, and 41st Wards of the City 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 communication (10-424) from Bay Lakes Regional Planning submitting the Manitowoc County, Wisconsin 2008 All Hazards Mitigation Plan, recommending accepting plan and place on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned resolution (10-322) authorizing Mayor Nickels as the City's officer in charge at the City picnic on July 4, 2009, to be held at Washington Park, recommending placing on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned report (10-414) of Plan Commission relative to City of Manitowoc; public hearing pursuant to s. 66.1105(4) and (4)(a) Wis. Stats. regarding Boundary and Text Amendment No. One (1) to TIF District No. 16, and Boundary Amendment No. One (1) to TIF Districts No. 7, 9 and 10, 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 report (10-289) of City Clerk Jennifer Hudon, Secretary, Board of Review relative to palpable error discovered for parcel 824-301-010 located on Michigan Avenue, recommending refund of \$12,968.61 for years 2007-08-09, recommending payment of refund. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned communication (10-423) from Manitowoc County Treasurer relative to notice of tax foreclosure action In Rem 2010, recommending referral to Plan Commission. 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 (10-312) of John Peak of June 3, 2010, Claim File No. 10-1044, recommending payment of claim in the amount of \$1,800.00. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing and Public Property & Safety Committees returned special events request (10-402) of Shoto Conservation Club requesting extension of noise ordinance until 11:30 p.m. and extension of the beer sales until midnight on Friday, August 27th and Saturday, August 28th, 2010 and extension of the noise ordinance until 11:00 p.m. and extend beer sales until 11:30 p.m. on August 24th, 25th, 26th, and 29th, 2010, jointly recommending approval of the request. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned agreement (10-405) between AECOM Technical Services Inc. and the City of Manitowoc consulting services and authorization to proceed for the City Center Dockwall located at the 16th

Street peninsula property, recommending authorization to proceed with the agreement. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (10-408) of Plan Commission relative to Manitowoc Public School District structure moving application under Section 15.37(3), recommending acceptance of report and adoption of recommendations. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned communication (10-326) from Manitowoc Public School District to move a 24' x 30' garage from 721 Green St. to the north parking lot of Lincoln High School (1433 S. 8th 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 & Sanitation Committee returned communication (10-401) from S M I as representatives of Holy Family Memorial Medical Center for an amendment to their conditional use permit to expand an existing parking lot in a R-3 zone, located west of the Western Avenue site with Liberty Place, Riverview Drive, and Meadow Lane being the north, east, and south boundaries, 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 & Sanitation Committee returned quit claim deed (10-400) from David V. Olson and Audrey Olson to the City of Manitowoc for street purposes, as shown on the attached map, (Parcel No. 010-026-011-007.00), 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 & Sanitation Committee returned quit claim deed (10-388) from Kenneth J. Noskowiak and Christine Noskowiak to the City of Manitowoc for S. 15th Street purposes, 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 & Sanitation Committee returned quit claim deed (10-387) from Kenneth J. Noskowiak, Roger J. Noskowiak, Kathy A. Schrank, Karen M. Knapp and Lois J. Brandl to the City of Manitowoc for S. 19th Street purposes, 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 & Sanitation Committee returned public works petition (10-399) from Donald V. Olson and Audrey Olson for permanent paving, sidewalks, storm, sanitary sewers and other public utilities to be installed on property abutting Edgewood Lane, as described therein, and shown on the attached map (Parcel No. 010-026-011-007.00), recommending acceptance with copy provided to City Engineer. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned progress invoice (10-393) of the Wisconsin Dept. of Transportation

requesting payment on the North 21st Street Bridge Project State Project Number 4991-02-71 in the amount of \$165,439.23, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned public works petition (10-398) from Donald V. Olson and Audrey Olson for permanent paving, sidewalks, storm, sanitary sewers and other public utilities to be installed on property abutting W. Custer Street, as described therein, and shown on the attached map (Parcel No. 010-026-011-007.00), recommending acceptance with copy provided to City Engineer. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (10-407) of Plan Commission relative to SMI. Inc./Manitowoc Tool and Machining LLC; Release of Easement in Manitowoc Industrial Park, recommending acceptance of report and adoption of recommendations. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned release (10-352) of Easement to MTM Real Estate, LLC of a 10' wide drainage easement across property located west of South 41st Street between Clipper Dr. and Expo Dr., recommending placing on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (10-410) of Plan Commission relative to Domestic Violence Center; request for a conditional use permit under Section 15.23(3)2. for property at 300 E. Reed Avenue, recommending acceptance of report and place on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned request (10-363) from Manitowoc County Domestic Violence Center requesting a conditional use permit for property located at 300 E. Reed Ave., recommending placing on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (10-409) of Plan Commission relative to American Home & Garden; proposed animated sign at 2950 Menasha Avenue pursuant to Section 15.45(18) of the Manitowoc Municipal Code, recommending acceptance of report and place on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (10-394) of the Board of Public Works of July 14, 2010 recommending 1st and final payment to F. Radandt Sons Inc. in the amount of \$33,000.00 for concrete crushing, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (10-395) of the Board of Public Works of July 14, 2010

recommending 4th and final payment to Fred Radandt Sons Inc. in the amount of \$22,968.32 for the South 30th Street Detention Pond, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (10-386) of the Board of Public Works recommending the special assessments for 2009 street improvements for concrete paving, concrete paving reconstruction, asphaltic concrete resurfacing, storm sewers, as detailed therein, recommending acceptance of report and place on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned Seasonal Employee Policy Manual (10-406), recommending adoption of policy. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned labor agreement (10-420) between City of Manitowoc and City of Manitowoc Employees, Local 731 for 2010, recommending acceptance of the agreement. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned communication (10-396) from Kwik Trip, Inc. advising of change of agent to Paula Wilson for the premises located at 2819 Meadow Lane effective immediately, recommending acceptance. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned applications #64 for "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license; #1 for 2010-11 Temporary Operator's license; #15 for 2010-11 One Year Operator's license; #235-238, 241, 244-255 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, 10. Nays, none.

Public Utilities & Licensing Committee returned communication (10-392) from Phoolfoz Properties LLC, Allan Erickson, Agent requesting a change to the description of their premise at 807 Quay St. to permanently add an outside seating area, recommending acceptance. 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 (10-425) in the amount of \$1,347,534.03 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.

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Moved by Soeldner, seconded by Able, and unanimously carried, Common Council adjourned at 7:55 o'clock P.M.

Ayes, 10. Nays, none.

Respectfully submitted

Jennifer Hudon  
City Clerk

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