

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

September 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 Tuesday, September 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, 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 August 16, 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 September 7, 2010 Common Council agenda.

Resolution (10-504) authorizing amendments to \$5,000,000 City of Manitowoc, Wisconsin, Variable Rate Demand Industrial Development Revenue Bonds, Series 2006 (Cher-Make Sausage Co. Project) issued on June 15, 2006, was referred to Finance Committee.

Resolution (10-519) to add charge for disposable MegaMover to list of charges for transport and care by the Fire Department Rescue Ambulance, was referred to Public Property and Safety Committee.

Resolution (10-500) accepting the Final Plat of Section "X" in Evergreen Cemetery, was referred to Streets and Sanitation Committee.

Finance Committee returned notice of claim and claim (10-450) from Beverly G. Vareka of August 6, 2010, Fleet Claim File No. 10-450, recommending payment of the claim in the amount of \$901.74. 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 accepting report and placing 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 (10-517) relative to Make-A-Wish Foundation's use of Mariner's Trail on October 2, 2010 from 9:00 a.m. to noon, 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 special events request (10-495) from Manitowoc County Miracles Special Olympics to use Citizens Park gym for volleyball practice on Thursdays from September 9 to December 2 and waiver of fees for same, 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 special events request (10-499) from Alzheimer's Assn. of Greater Wisconsin to use Mariner's Trail for annual Memory Walk on Saturday, September 25, 2010, at 9:00 a.m., 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 appointments and requested Council confirmation:

<u>Committee on Aging</u>	<u>Term</u>
Ron Vondrachek	
Pl. R. Rosinsky	3 yr. term expiring 6/1/13
<u>Board of Electrical Examiners</u>	<u>Term</u>
Gregg Kadow	2 yr. expiring 6/30/12
Steve Bacalzo	2 yr. expiring 6/30/12
<u>Recreation Board</u>	<u>Term</u>
Amy Eckley	2 yr. expiring 6/1/12
Leroy Staudt	2 yr. expiring 6/1/12
<u>Manitowoc Sustainability Committee</u>	<u>Term</u>
Jon Reisenbuechler	
Pl. B. Schuetze	Unexpired term ending 2/15/12
Carol Westphal	
Pl. G. Lusk	Unexpired term ending 2/15/13
<u>Zoning Board of Appeals</u>	<u>Term</u>
Mike Pappathopoulos (1 st Alternate)	3 yr. term expiring 6/1/13
Howard Zimmerman	3 yr. term expiring 6/1/13
Jean Wakefield (2 nd Alternate)	
Pl. A. Nelson	3 yr. term expiring 6/1/13
<u>Zoological Board</u>	<u>Term</u>
Doug Koch	1 yr. term expiring 6/1/11
Brian Schulz	1 yr. term expiring 6/1/11
Edward Vetting	1 yr. term expiring 6/1/11
Al Hrudka (Fish & Game)	2 yr. term expiring 6/1/12
Richard Krumel (I. Walton)	2 yr. term expiring 6/1/12

Motion by Soeldner, second by Brey and unanimously carried to confirm the Mayor's appointments. Ayes, 10. Nays, none.

Mayor declared the meeting open for a public hearing relating to reissuance of \$5,000,000 City of Manitowoc, Wisconsin, Variable Rate Demand Industrial Development Revenue Bonds, Series 2006 (Cher-Make Sausage Co. Project).

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on August 23, 2010. 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.)

Finance Committee returned resolution (10-504) authorizing amendments to \$5,000,000 City of Manitowoc, Wisconsin, Variable Rate Demand Industrial Development Revenue Bonds, Series 2006 (Cher-Make Sausage Co. Project) issued on June 15, 2006, recommending adoption of the resolution. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. 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.

Streets and Sanitation Committee returned report (10-512) of the Board of Public Works of September 1, 2010, recommending 2nd and final payment to Northern Pipe and Equipment in the amount of \$30,899.35 for 2010 Televising Miscellaneous Sewers II, WU-10-11, 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 report (10-511) of the Board of Public Works of September 1, 2010, recommending 1st payment (97.5%) to Northeast Asphalt Inc. in the amount of \$276,514.05 for 2010 Asphaltic concrete Paving Program, WS-10-4, 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 (10-509) of the Board of Public Works of September 1, 2010, recommending 3rd and final payment to Look Creative LLC in the amount of \$8,267.00 for Decorative Structures and Signage per contract dated 1/18/10, 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 resolution (10-500) accepting the Final Plat of Section "X" in Evergreen Cemetery, recommending accepting plat. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned special events request (10-513) from Krauth Vending to sell novelties at the Holiday Parade and St. Patrick's Day Parade, recommending granting request subject to City policy. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned special events request (10-507) from Student Senate of Lincoln High School to hold parade on Saturday, October 9, 2010, with route detailed therein, recommending granting request subject to City policy. 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 (10-518) from Cindy Busse, Cindy's Classic Cuts to install two hour parking signs from 7:30 a.m. to 3:30 p.m. on school days on both sides of Green Street from S. 10th St. to the east for approximately 150 feet, recommending granting request. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned sidewalk privilege agreement (10-510) with Mainly Manitowoc, Inc. for planters to be placed in the right-of-way outside building entrances in the downtown area, 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 (10-508) of the Board of Public Works of September 1, 2010, recommending 2nd and final payment to Insitu-Form Technologies USA in the amount of \$4,265.66 for 2010 Re-Lining Sanitary Sewer, WU-10-7, 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 (10-506) from SMI as representatives of the Allie Family Partnership and St. Francis of Assisi Parish for a change to the Official Map removing three streets south of Michigan Ave. and west of N. Rapids Rd., 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 (10-505) from SMI as representatives of St. Francis of Assisi Parish for a conditional use permit for a school and possible future church in a R-5 zone south of Michigan Ave. and west of N. Rapids Rd., 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 and Parks & Recreation Committees returned special events request (10-501) from Manitowoc Sunrise Rotary Club for use of sidewalks and streets for 5K run in and near Lincoln Park on Saturday, October 23, 2010 with route detailed therein, jointly recommending approval of request subject to City policy. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned special events request (10-492) from The Fat Seagull to have band outside in their parking lot on September 18, 2010 from noon to 10:00 p.m., recommending approval of request. 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 (10-493) to create Section 8.11(9) and (10) of the

Manitowoc Municipal Code regulating unauthorized disposal of human and animal remains on City property, recommending adoption of the ordinance.

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

Moved by Brey, second by McMeans, and unanimously carried to amend paragraph (10) by removing the words "or in City parks". Ayes, 10. Nays, none.

Upon a vote, the Committee's recommendation to adopt the ordinance, as amended, was accepted by acclamation. Ayes, 7. Nays, 3.

Public Property and Safety Committee returned ordinance (10-457) to amend Section 26.07 of the Municipal Code amending the penalty for contempt in Municipal Court, recommending adoption of the ordinance. Motion by Brey, second by McMeans, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 1.

Public Property and Safety Committee returned resolution (10-519) to add charge for disposable MegaMover to list of charges for transport and care by the Fire Department Rescue Ambulance, recommending adoption of the resolution. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned #33-35 for 2010-11 Temporary Operator's license; #19-23 for 2010-11 One Year Operator's license; #273, 274, 276-282 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 application number 275 for 2010-12 Two Year Operator's license, recommending denial of the license based upon the recommendation from the Chief of Police. 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 (10-520) in the amount of \$1,596,724.35 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.

Common Council adjourned at 7:40 o'clock P.M. Ayes, 10. Nays, none.

Respectfully submitted

Jennifer Hudon
City Clerk