

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

September 20, 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, September 20, 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, Jason Sladky, Alex J. Olson, Nicholas P. Levendusky, Allan Schema and Dave Soeldner.

Absent: Matt Kadow.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of September 7, 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 20, 2010 Common Council agenda.

Commendation given to Cops Food Center by Anna Marie Wood, Citizens Physical & Sensory Disability Commission, on setting a perfect example of business and government working together to provide excellent and safe service for the common good.

Presentation by Jamie Zastrow, Executive Director, Mainly Manitowoc, on their 2010 activities.

Resolution (10-530) establishing a Mayor's Youth Action Council for youth to make a difference in the City of Manitowoc, was referred to Committee of the Whole.

Personnel Committee returned labor agreement (10-546) between City of Manitowoc and City of Manitowoc Wastewater Treatment Facility Employees, Local 731, AFSCME AFL-CIO for 2010, recommending approval of the contract. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Mayor submitted the following appointments and requested Council confirmation:

Committee on Aging

Donna Kickland
Roger Halverson
Pat Clark

Term

3 yr. term expiring 6/1/13
3 yr. term expiring 6/1/13
3 yr. term expiring 6/1/13

Crime Prevention Committee

Collin M. Willman
(Roncalli High School)

Term

1 yr. term expiring 8/31/11

Code Review Committee

James Check
 Jeffery Check
 Dan Luiser
 Gene Maloney
 Brandon Bartow

Term

1 yr. expiring 1/1/11
 1 yr. expiring 1/1/11
 1 yr. expiring 1/1/11
 1 yr. expiring 1/1/11
 1 yr. expiring 1/1/11

Motion by Soeldner, second by Brey and unanimously carried to confirm the Mayor's appointments. Ayes, 9. Nays, none.

Ordinance (10-536) amending Section 22.01 of the Municipal Code for property south of Michigan Avenue and east of River Bluff Drive, 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.

City Clerk presented report from Public Utilities and Licensing Committee, unanimously recommending the nomination of David P. Luckow to serve as a member of the Manitowoc Public Utilities Commission, for a five year term from October 1, 2010, through September 30, 2015 (place of David P. Luckow).

It was moved by Hennessey, seconded by Sladky to nominate David P. Luckow as a member of the Manitowoc Public Utilities Commission. Motion by Hennessey, second by Sladky and unanimously carried to close nominations and cast a unanimous ballot in favor of David P. Luckow. Ayes, 9. Nays, none.

Committee of the Whole returned resolution (10-530) establishing a Mayor's Youth Action Council for youth to make a difference in the City of Manitowoc, recommending approval of resolution. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned report (10-525) of City Planner David Less related to developer-funded TIF at Dewey and CTH "CR", recommending acceptance of report, placing on file and adopting recommendations. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned memorandum (10-527) from City Assessor Sarah Hoppe relative to personal property palpable errors on parcel nos. 000-112-037 and 000-917-583 and to rescind the 2009 tax bills, recommending rescinding the 2009 bills. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned report (10-533) of City Planner David Less relative to Orion Energy Systems, Ltd. and

Great Lakes Energy Technologies, LLC request for consent to collateral subordination, 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.

Finance Committee returned notice of claim (10-503) of August 31, 2010 from American Family Insurance Company and/or Rose M. Malick, Fleet Claim File No. 10-192, recommending payment of the claim. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned special events request (10-526) from Lincoln Football Booster Club to waive fees for use of various equipment on October 9, 2010 at Ron Rubick Municipal Field, recommending approval of request subject to City policy. Motion by Levendusky, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned ambulance service agreement (10-523) to provide ambulance services to Roncalli High School for the period expiring December 31, 2010, recommending entering into the agreement. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned ambulance service agreement (10-522) to provide ambulance services to Manitowoc Lincoln High School for the period expiring December 31, 2010, recommending entering into the agreement. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned report (10-541) of City Planner David Less relative to Amendment No. 4 to Maritime Hotel and Convention Center Associates lease and continuing guaranty for Bharat N. Patel, recommending acceptance of report and adoption of recommendations. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned amendment no. 4 (10-545) to Maritime Hotel and Convention Center Associates lease with Manitowoc Lodging Associates LLP, recommending adoption of amendment no. 4 between the City of Manitowoc and Maritime Hotel & Convention Center Associates lease. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation and Parks and Recreation Committee returned special events request (10-529) from Patricia Roth, HarvestFest Co-Chair, to hold sidewalk sales downtown, use Burger Boat Park and have horse and wagon rides on October 2 from 8 a.m. to 4 p.m. as part of HarvestFest as well as to hold 25th annual Manitowalker, as 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, 9. Nays, none.

Streets and Sanitation Committee returned report (10-540) of City Plan Commission relative to review of boundary survey for 602 N. Water Street and consideration of concept for pedestrian walkway at N. Water Street to Manitowoc River,

recommending acceptance of report and adoption of recommendations. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (10-542) of City Plan Commission relative to reducing the right-of-way and travel way width of So. 21st Street, Popp Subdivision No. 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, 9. 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., and report (10-539) recommending approval of the CUP, subject to the conditions detailed therein, recommending placing request (10-505) on file and acceptance of report (10-539) and place on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. 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, and report (10-535) recommending agreement be placed on file and City Attorney to re-draft the SPA to reflect the suggested modifications, recommending placing agreement (10-510) on file and acceptance of report (10-535) and adoption of recommendations. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (10-534) of City Plan Commission relative to request of William J. Bero, DDS, SC for special permit under Section 15.43(11) for creation of a parking lot in a residential zoning district with development plan attached, recommending acceptance of report and place on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (10-537) of City Plan Commission regarding proposed amendment to Official Map for property located between N. Rapids Rd. and River Bluff Dr. and south of Michigan Ave., recommending Clerk to call for public hearing and Council approve amendment upon completion of the public hearing. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned proposal (10-465) from Montgomery Associates for professional service for recreating a small pond adjacent to Little Manitowoc River, recommending placing on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned permanent utility easement (10-524) from Airgas - North Central, Inc. for an area located west of So. 41st Street and north of Clipper Drive, recommending entering into the agreement. Motion by Soeldner, second by Brey, to accept the Committee's report.

Moved by Soeldner, second by Brey, and unanimously carried to rescind the motion. Ayes, 9. Nays, none.

Moved by Soeldner, second by Brey, and unanimously carried to refer to Plan Commission. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned communication (10-544) from Kummer, Lambert and Fox LLP requesting removal of restriction contained in a 1977 land contract for property sold by the City to Michael J. Dickey, recommending referral to Plan Commission. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned communication (10-538) from Manitowoc Zoological Board and Lincoln Park Zoological Society with concerns regarding Lincoln Park Zoo and requesting City to fill Parks and Recreation Director's position as soon as possible, recommending referral to Parks and Recreation Committee. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing Committee returned #65 for "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license; #50 for Temporary Class "B" Beer license; #7 for Temporary Wine license; #36 for 2010-11 Temporary Operator's license; #24-27 for 2010-11 One Year Operator's license; #283-293 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 (10-397) from Van's Liquor & Beer Drive-In, Inc., Richard Krueger, Agent surrendering the "Combination Class A" Retail Intoxicating Liquor & Fermented Malt Beverage License for the premises at 3920 Calumet Ave. in favor of a "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage License effective on/after 9/1/2010, recommending acceptance. 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 (10-543) in the amount of \$1,071,891.93 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, 9. Nays, none.

Moved by Sladky, seconded by Olson, and unanimously carried, Common Council adjourned at 8:00 o'clock P.M. Ayes, 9. Nays, none.

Respectfully submitted

Jennifer Hudon
City Clerk