

## COMMON COUNCIL

### OFFICIAL JOURNAL

Justin M. Nickels, Mayor

November 15, 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, November 15, 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 November 1, 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 November 15, 2010 Common Council agenda.

On behalf of Showtime '10, Tom Drill presented various groups with checks from proceeds of the event.

Resolution (10-619) that if three or more candidates file nomination papers for a city office, there shall be a primary election on February 15, 2011, for the nomination of candidates for City offices at the April 5, 2011, Spring election, was referred to Public Utilities & Licensing Committee.

Resolution (10-620) regarding hiring of Director of Parks and Recreation and establishment of compensation, was referred to Personnel Committee.

Resolution (10-635) to use Wastewater Treatment Facility reserve funds to balance the 2011 City budget, was referred to Finance Committee.

Finance Committee returned resolution (10-635) to use Wastewater Treatment Facility reserve funds to balance the 2011 City budget, recommending approval of the resolution. Moved by Able, second by Kadow, to accept the Committee's report.

Upon a roll call vote, the motion to approve the resolution failed. Alderpersons Hennessey, McMeans, Brey, Sladky, Olson, Levendusky and Soeldner voting nay. Ayes, 3. Nays, 7.

Ordinance (10-610) to create Section 8.15(1) of the Municipal Code creating a Park Donation Fund, was referred to Parks and Recreation Committee.

Ordinance (10-617) to create and repeal various sections in Chapter 10 of the Municipal Code related to parking and speed limits, was referred to Public Property and Safety Committee.

Ordinance (10-632) to amend the amended zone map of the City of Manitowoc for an area located south of Hamilton St. and east of S. 13th St., 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.

During recess, Personnel Committee held a discussion relative to resolution (10-620) regarding hiring of Director of Parks and Recreation and establishment of compensation. Motion by Hennessey, second by McMeans and carried to table the resolution. Ayes, 3. Nays, 2.

Call back to order.

Finance Committee returned communication (10-612) from Manitowoc Public School District advising that the 2010 tax levy amount for the City of Manitowoc is \$15,011,189.00, 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 communication (10-609) from Lakeshore Technical College advising that the 2010 tax levy amount for the City of Manitowoc is \$2,877,438.00, 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 notice of claim (10-451) from Mary E. Schleis of August 9, 2010, Claim File No. 10-1051, and claim (10-494) from Mary E. Schleis of August 12, 2010, Claim File No. 10-1051-1, recommending denial of the claim. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned ordinance (10-557) to create Section 8.15(1) of the Municipal Code creating a Park Donation Fund, recommending placing on file. Motion by Levendusky, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned ordinance (10-610) to create Section 8.15(1) of the Municipal Code creating a Park Donation Fund, recommending adoption of ordinance. Motion by Levendusky, second by Sladky, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 10. Nays, none. Motion by Levendusky, second by Sladky, report accepted and ordinance adopted. Ayes, 10. Nays, none.

Public Property and Safety Committee returned report (10-625) from Public Property and Safety Committee Chair

to refer the following requests to Safety, Traffic & Parking Commission: (1) request from Randy DeRoche, 1701 Washington St., to have parking along the east side of his building (1000 block of So. 17th St.); and (2) request from neighbors of N. 24th and N. 23rd Streets near Fairmont St. to have two hour parking on both sides of N. 24th St. near Federal Mogul and two hour parking extended on N. 23rd St. to Markham St., recommending referral to Safety, Traffic & Parking Commission. 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 request (10-624) from Maritime Metro Transit Manager Derek Muench to have no parking on N. 6th Street north of the Manitou Manor entrance to alleviate problems with right turn out of Manitou Manor onto N. 6th Street, recommending referral to Safety, Traffic & Parking Commission. 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 Amendment No. 4 (10-627) (revised) to Maritime Hotel and Convention Center Associates lease with Manitowoc Lodging Associates LLP, recommending adoption of Amendment No. 4 to Lease between City and Maritime Hotel and Convention Center Associates which supersedes and replaces the version of Amendment No. 4 being Council document no. 2010-545. 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 Amendment No. 4 (10-545) to Maritime Hotel and Convention Center Associates lease with Manitowoc Lodging Associates LLP, recommending placing on file. Per action on revised amendment (10-627), moved by Brey, second by McMeans and unanimously carried to replace with new version of Amendment No. 4 being Council document no. 2010-627. Ayes, 10. Nays, none.

Public Property and Safety Committee returned ordinance (10-590) to amend Section 10.101(1) of the Manitowoc Municipal Code regarding parking regulated December 1 to March 31, recommending adoption of the ordinance. 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 indemnification agreement (10-629) between City of Manitowoc Fire Department and Dr. William Bero for fire training at 1034 S. 21st Street, recommending entering into the agreement. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned resolution (10-619) that if three or more candidates file nomination papers for a city office, there shall be a primary election on February 15, 2011, for the nomination of candidates for City offices at the April 5, 2011, Spring election, recommending adoption of the resolution. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned resolution (10-583) authorizing Manitowoc Public Utilities to replace three existing, 250 watt, non-ornamental street lights with three each, 70 watt ornamental street lights in the 800 block of York Street, recommending adoption of the resolution. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned communication (10-618) from City Clerk Jennifer Hudon requesting permission to distribute identical checks from the Schuette, Wernecke, Wilda & Rank reserve fund in the amount of \$300.00 to five area agencies, recommending approval of the request. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned temporary access easement Agreement (10-622) with Lisa M. Duvneck for temporary access on unimproved right-of-way at 3608 Menasha Avenue, 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 non-exclusive license (10-633) for animal trapping at stormwater ponds with Dan Cichantek, recommending entering into agreement. Motion by Soeldner, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 1.

Streets and Sanitation Committee returned application (10-589) for amendment to zoning ordinance district map from Lake Breeze Salon, 1201 S. 13th St., for change in zone from R-7 Central Residence to B-2 Neighborhood Business District, with report (10-630) of City Plan Commission recommending that Clerk be instructed to call for a public hearing on this matter and approval of ordinance upon completion, recommending acceptance of report (10-630) with Clerk to call for public hearing and placing application (10-589) 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 report (10-631) of City Plan Commission relative to City-wide rezoning of lands annexed into city after March 14, 2000 which received temporary zoning designation, recommending acceptance of report with Clerk to call for public hearing. 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 (10-623) from Brennan Seehafer Productions to close east lane of So. 8th Street in front of Capitol Civic Centre on Wednesday, June 22, 2011, from 8:00 a.m. to 7:00 p.m. for red carpet, as detailed therein, 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.

Streets and Sanitation Committee returned sidewalk privilege agreement (10-621) with Steven R. Alpert d/b/a Manitowoc City Center Development LLC for the placement of a sandwich board style sign at the corner of So. 8th and Franklin St., as detailed therein, recommending entering into 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 report (10-616) of the Board of Public Works of November 10, 2010, recommending 1st (97.31%) payment to Northern Metal & Roofing Company, Inc. in the amount of \$40,383.50 for City Facilities Lighting Upgrade - EECBG, 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 sidewalk privilege agreement (10-614) with Carl J. Kuehn for the purpose of placing improvements consisting of a paved concrete pad adjacent to existing driveway, in the right-of-way at 1718 Nagle Avenue, recommending entering into agreement and place on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned #34-39 for 2010-11 One Year Operator's license; #317-327 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.

Committee of the Whole returned General City Claims (10-634) in the amount of \$1,691,150.45 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.

Mayor Nickels announced that the Monday, December 20<sup>th</sup> Common Council meeting has been cancelled unless something urgent arises.

Moved by Able, seconded by Olson, and unanimously carried, Common Council adjourned at 8:55 p.m to Monday, November 29, 2010, at 6:00 p.m. for a public hearing on the General City Budget.

Respectfully submitted

Jennifer Hudon  
City Clerk