

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

January 3, 2011

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, January 3, 2011. 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 adjourned sessions of November 29, 2010, and December 2, 2010, and the regular session of December 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 January 3, 2011 Common Council agenda.

Resolution (10-695) establishing an Internal Strategic Fiscal Planning Committee was referred to Committee of the Whole.

Resolution (10-674) outlining the charges for transportation and care by the Fire Department Rescue Ambulance effective January 1, 2011, was referred to Public Property & Safety Committee.

Resolution (10-666) authorizing the 2011 City-wide sidewalk construction and repair program, providing for the appropriate notices to be sent, and special assessments to be levied, as detailed therein, was referred to Streets and Sanitation Committee.

Resolution (10-667) that seal coating be placed on the streets listed therein in 2011, and assessments be made against the abutting property owners, per foot, per side, was referred to Streets and Sanitation Committee.

Resolution (10-668) that dust palliatives be placed on the streets listed therein in 2011 and the assessments be made against the abutting property owners for the cost on a front foot basis, was referred to Streets & Sanitation Committee.

Resolution (10-669) that certain infrastructure improvements listed therein be included in the 2011 Public Works Program, and assessments be made against the abutting property owners, per foot, per side, was referred to Streets and

Sanitation Committee.

Resolution (10-692) amending the established fee schedule to establish certain new service categories and associated fees and to modify certain other currently established fees, was referred to Streets and Sanitation Committee.

Resolution (10-683) recommending a one and one-half percent wage increase for the Municipal Judge effective July 1, 2009, was referred to Personnel Committee.

Parks and Recreation Committee returned communication (10-568) from Alderperson James Brey relative to Manitowoc Aquatic Center staff, recommending placing on file. Motion by Levendusky, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned resolution (10-620) regarding hiring of Director of Parks and Recreation and establishment of compensation, recommending placing on file. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, 1. *(CLERK'S NOTE: Document was tabled on 11/15/10 during recess and removed from table at Personnel Committee meeting on 12/13/10).*

Personnel Committee returned resolution (10-606) restricting City employees from taking city vehicles home overnight on a daily basis, recommending placing on file. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned resolution (10-607) to eliminate the Vehicle Allowance for the Mayor and City Engineer, recommending placing on file. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Ordinance (10-671) to amend various sections in Chapter 10 of the Manitowoc Municipal Code related to parking, was referred to Public Property and Safety Committee.

Ordinance (10-696) to create Section 6.15(1a) entitled Frequency of Inspections, was referred to Public Property and Safety Committee.

Ordinance (10-694) to amend the amended zone map of the City of Manitowoc, as detailed therein, 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 resolution (10-695) establishing an Internal Strategic Fiscal Planning Committee

recommending adoption of the resolution.

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

Moved by Brey, second by Olson, and carried by acclamation to amend the resolution to remove the last sentence of the fourth Whereas: "This committee may also be expanded to include citizens at a time chosen by the City Council; appointed by the Mayor with a majority approval of the City Council." Ayes, 6. Nays, 4.

Upon a vote, the Committee's recommendation to adopt the resolution, as amended, was unanimously accepted. Ayes, 10. Nays, none.

Finance Committee returned notice of claim (10-647) received December 1, 2010, from Circle B Bison Ranch, LLC, Claim File No. 10-1058, recommending denial of the claim 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 and claim (10-638) received November 30, 2010, from Maritime Properties, Claim File No. 10-1057, recommending denial of the claim 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 (10-670) from City Clerk Jennifer Hudon to adjust 2010 taxes on parcel 000-191-874 from \$4,507.47 to \$3,641.37 per recommendation of City Assessor, recommending a tax refund of \$866.10 for 2010. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned communication (10-688) from City Assessor Sarah Hoppe to reduce the 2010 residential undeveloped property assessment for parcel 825-202-010 from \$20,000 to \$4,300 due to palpable error resulting in rescinding of taxes of \$326.87, recommending rescinding \$20,000 assessment for 2010 and changing it to \$4,300 (*reducing the taxes on this parcel by \$326.87*). 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 agreement (10-697) between Lakeshore Humane Society and City of Manitowoc for services regarding stray, abandoned or animals taken into custody by law enforcement within the City of Manitowoc, jointly recommending entering into the agreement. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned ordinance (10-696) to create Section 6.15(1a) entitled Frequency of Inspections, recommending adoption of the ordinance. Motion by Brey, second by McMeans, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 10. Nays, none. Motion by Brey, second by McMeans, report accepted and ordinance adopted. Ayes, 10. Nays, none.

Public Property and Safety Committee returned memo (10-680) from Manitowoc County Public Works Dept. notifying City of tax deed property that will be offered for sale (parcel no. 816-103-051), recommending referral to Plan

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 resolution (10-674) outlining the charges for transportation and care by the Fire Department Rescue Ambulance effective January 1, 2011, 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 Property and Safety Committee returned communication (10-579) from City Clerk Jennifer Hudon indicating that Manitowoc County will no longer contract with Lakeshore Humane Society as the County pound for 2011, recommending placing on file. 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 joint powers agreement (10-673) between Manitowoc County Joint Dispatch Center and City of Manitowoc for the period 3/1/11 thru 2/28/12, 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 amendment (10-679) to 2010 Section 5311 Capital Assistance Contract with State of Wisconsin to provide financial assistance to surface public transportation systems operating in areas other than urbanized areas, recommending entering into the agreement. 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 (10-698) of Department of Natural Resources submitting 2010 Sanitary Survey Report for the Water Supply Serving the City of Manitowoc, recommending acceptance of the DNR report. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned resolution (10-669) that certain infrastructure improvements listed therein be included in the 2011 Public Works Program, and assessments be made against the abutting property owners, per foot, per side, recommending adoption of the resolution. 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 (10-692) amending the established fee schedule to establish certain new service categories and associated fees and to modify certain other currently established fees, recommending adoption of the resolution. 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 resolution (10-666) authorizing the 2011 City-wide sidewalk construction and repair program, providing for the appropriate notices to be sent, and special assessments to be levied, as detailed therein, recommending adoption of the resolution. 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 (10-667) that seal coating be placed on the streets listed therein in 2011, and assessments be made against the abutting property owners, per foot, per side, recommending adoption of resolution. 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 (10-668) that dust palliatives be placed on the streets listed therein in 2011 and the assessments be made against the abutting property owners for the cost on a front foot basis, recommending adoption of resolution. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned public works petition (10-678) from Volta Holdings LLC for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on Johnston Drive, as described therein, and shown on the attached map (Parcel No. 808-401-012), recommending accepting petition. 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 (10-689) of City Plan Commission outlining proposed changes to current fee structure relative to modification of Planning Fees, recommending acceptance of report and place on file. 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 progress invoice (10-685) from Wisconsin Dept. of Transportation in the amount of \$23,605.06 for North 21st St. Bridge (Viaduct), Project No. 4991-02-71, 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 progress invoice (10-684) from Wisconsin Dept. of Transportation in the amount of \$1,472.99 for North 21st St. Bridge (Viaduct), Project No. 4991-02-00, 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 (10-587) from Cheryl and Jon Saunders, Lake Breeze Salon, 1201 So. 13th Street, to construct a parking lot in a residential zoning district per Chapter 15.43(11) of the Municipal Code, recommending placing 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 temporary access easement agreement (10-622) with Lisa M. Duveneck for temporary access on unimproved right-of-way at 3608 Menasha Avenue, recommending entering into agreement and placing 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 ordinance (10-603) to amend Section 22.01 of the Municipal Code relative to Erosional Hazard Area on Official Map, recommending adoption of ordinance. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned ordinance (10-604) to amend Section 15.05 of the amended zone map of the City of Manitowoc to provide that certain Erosional Hazard Areas of land are amended, as detailed therein, recommending adoption of ordinance. 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 (10-693) of City Plan Commission relative to City-wide rezoning of lands annexed into City from August 15, 2000 to August 10, 2010, recommending acceptance of report and place on file 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 report (10-690) of City Plan Commission to enter into access easement agreement with Lisa M. Duveneck, 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 and Sanitation Committee returned report (10-665) of City Plan Commission relative to Official Map Amendment and Comprehensive Zoning Map Amendment regarding erosion hazard areas, 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 and Sanitation Committee returned report (10-691) of City Plan Commission advising that compliance review produced no negative findings or material disclosures as to conditional use permits for Orion Energy Systems, Inc. and Great Lakes Energy Technologies, LLC relative to proposed small wind energy system on Woodland Drive, 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 and Sanitation Committee returned report (10-672) of City Plan Commission relative to easement by Holiday House of Manitowoc County to the City for area north of Meadow Lane and west of Riverview Drive, recommending Council approval of the easement subject to City Attorney's re-drafting of the document, as detailed therein, 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 and Sanitation Committee returned quit claim deed (10-677) from Volta Holdings, LLC for a parcel of land containing 1,171 s.f. more or less, to be used for Johnston Drive purposes, as described therein and shown on the attached sketch, 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 progress invoice (10-687) from Wisconsin Dept. of Transportation in the amount of \$14.34 for 8th Street - Madison St. - Washington St., Project No. 4347-04-00, 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 progress invoice (10-686) from Wisconsin Dept. of Transportation in the amount of \$20.32 for Madison St. - 10th St. - 8th St., Project No. 4347-05-71, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned applications #63A for "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license; #3-5 for 2011 Commercial Garbage Haulers license; #4-6 for 2011 Pawnbrokers license; #5 for 2010 Mobile Home Park license; #2 for 2011 Mobile Home Park license; #44 for 2010-11 One Year Operator's license; #341-347 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 (10-699) in the amount of \$1,856,580.76 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.

Moved by Olson, second by Sladky and unanimously carried, Common Council adjourned at 8:11 p.m

Respectfully submitted

Jennifer Hudon

City Clerk