

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

January 17, 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 17, 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 regular session of January 3, 2011, 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 17, 2011 Common Council agenda.

Eagles Club representatives Bob Kloida, Secretary, and Ed Castro, Area President, made a donation to Fire Chief Bill Manis.

Resolution (11-020) amending Council Rule 2 changing Co-Chairperson to Vice-Chairperson and having the Council President make committee appointments subject to the approval of the Common Council, was referred to Committee of the Whole.

Resolution (11-003) instituting a hiring freeze for 2011, as detailed therein, was referred to Committee of the Whole.

Resolution (11-030) for adjustments to be made in the appropriate funds to transfer excess resources in the Debt Service Fund to the General Fund to offset the negative labor expenses budgeted in the 2011 contingencies budget, was referred to Finance Committee.

Resolution (11-025) to adopt City of Manitowoc Comprehensive Outdoor Park and Recreation Plan 2011-2016, was referred to Parks and Recreation Committee.

Resolution (11-008) establishing salaries for election board officials serving at various elections to be held in 2011, was referred to Public Utilities and Licensing Committee.

Parks and Recreation Committee returned special events request (11-019) of March of Dimes to hold Lakeshore Walk for Babies event along Mariners Trail on Saturday, May 7, 2011 from 7:00 a.m. to 12:00 p.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.

Parks and Recreation Committee returned report (11-026) of City Plan Commission relative to Comprehensive Outdoor Park and Recreation Plan 2011-2016, recommending Council adopt the Plan, recommending acceptance of report and place 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 special events request (11-004) of Summer M. Pellow and Wolf Luc to hold wedding ceremony at Silver Creek Park on June 28, 2011, as detailed therein, 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.

Personnel Committee returned resolution (10-683) recommending a one and one-half percent wage increase for the Municipal Judge effective July 1, 2009, recommending approval of the resolution. Motion by Able, second by Hennessey, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 2.

Ordinance (11-032) to amend section 14.01(5) of the Municipal Code dealing with the Listing of Dogs and Cats in which payment of money is directed from the County to the Humane Society, was referred to Public Utilities and Licensing Committee.

Ordinance (11-017) to amend Section 25.05(8) of the Municipal Code to adjust rates for sewer service charges effective January 1, 2011, 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 (11-003) instituting a hiring freeze for 2011, as detailed therein, recommending adoption of the resolution. Motion by Soeldner, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 2.

Finance Committee returned communication (11-010) from Dewane Law Offices on behalf of Perry Kingsbury relative to Agreement with the City of Manitowoc, recommending denial of the refund and placing on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned resolution (11-030) for adjustments to be made in the appropriate funds to transfer

excess resources in the Debt Service Fund to the General Fund to offset the negative labor expenses budgeted in the 2011 contingencies budget, recommending adoption of the resolution.

Moved by Able, second by Kadow, to accept the committee's report.

Moved by Brey, second by Soeldner, and carried by acclamation to amend the resolution as follows: In the NOW, THEREFORE, BE IT RESOLVED, remove all wording after authorize and insert "the adjustment of \$450,000.00 to be transferred to the Revolving Loan Fund of the Industrial Development Corporation and \$382,977.00 to be transferred to the undesignated fund balance of the City of Manitowoc." Ayes, 7. Nays, 3.

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

Parks and Recreation and Public Property and Safety Committees returned special events request (11-016) of Manitowoc Sunrise Rotary to hold Lobsterfest on September 10, 2011, in Washington Park including waiver of fees and waiver of rules prohibiting alcoholic beverages in the park, 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.

Parks and Recreation Committee returned resolution (11-025) to adopt City of Manitowoc Comprehensive Outdoor Park and Recreation Plan 2011-2016, recommending adoption of resolution. Motion by Levendusky, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned cell tower lease agreement (11-035) between City of Manitowoc and Clear Wireless LLC, 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 Property and Safety Committee returned ordinance (10-671) to amend various sections in Chapter 10 of the Manitowoc Municipal Code related to parking, 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 ambulance service agreement (11-034) between Manitowoc County Expo and City of Manitowoc for January 29, 2011, 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 Property and Safety Committee returned communication (11-015) from Alderperson Matt Kadow on behalf of Karen Schweigl to add traffic controls to the intersection of S. 25th St. and Clark St., recommending referral to the Safety, Traffic and 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 communication (11-009) from Federal Mogul with safety concerns for their employees crossing Fairmont St. just west of the railroad tracks, recommending referral to the Safety, Traffic and

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 communication (11-014) from Alderperson Matt Kadow on behalf of Tony Bugarino to have "Yield to Oncoming Traffic" signs placed on Springhill Drive, recommending referral to the Safety, Traffic and 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 notice (11-005) from Manitowoc County Public Works Dept. relative to sale of parcel no. 000-287-190, recommending referral to the Safety, Traffic and 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 communication (11-006) from James Brey, Chairman of Public Property and Safety Committee relative to parking issues on Madison St. and Manila St., recommending referral to the Safety, Traffic and 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 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) and report (11-023) of City Plan Commission recommending that the Council place the communication on file and that no further action be taken regarding this property, recommending acceptance of report (11-023) and place on file and place memo (10-680) on file. 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 report (11-027) of City Plan Commission of the annual review of Community Living Arrangements, recommending approval of the associated licenses for 2011, recommending acceptance of report and place on file. 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 memo (11-007) from City Clerk Jennifer Hudon relative to 2010 Weights and Measures license fee and recommending refund to Indo Pac in the amount of \$144.00, 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 and Licensing Committee returned paratransit service agreement (11-012) with Manitowoc County to extend renewal period for one year, recommending adoption of the request and entering into the contract extension. 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 ordinance (11-032) to amend section 14.01(5) of the Municipal Code dealing with the Listing of Dogs and Cats in which payment of money is directed from the County to the Humane

Society, recommending adoption of the ordinance. Motion by Hennessey, second by Sladky, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 10. Nays, none. Motion by Hennessey, second by Sladky, report accepted and ordinance adopted. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned resolution (11-008) establishing salaries for election board officials serving at various elections to be held in 2011, recommending adoption of the resolution. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned request (11-011) from Custer Village to postpone installation of sidewalks on east side of Expo Drive from Vista Drive to Custer Street due to hardship for Custer Village, recommending denial of request and placing on file. Motion by Brey, second by Sladky, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 1.

Streets and Sanitation Committee returned application (11-018) from Steven Kratz for a change in zone from R-4, Single and Two Family District, to B-3, General Business District, for property located at Custer Street, 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 ordinance (11-017) to amend Section 25.05(8) of the Municipal Code to adjust rates for sewer service charges effective January 1, 2011, recommending adoption of the ordinance. Motion by Soeldner, second by Brey, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 10. Nays, none. Motion by Soeldner, second by Brey, report accepted and ordinance adopted. 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 and report (11-024) of City Plan Commission, recommending that the Council approve and accept the quit claim deed, recommending acceptance of report (11-024) and adoption of recommendations and acceptance of deed (10-677) 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 (11-022) of City Plan Commission relative to request from Jonathan and Cheryl Saunders for special permit for creation of parking lot in residential zoning district at 1205 S. 13th St., 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 (11-002) of the Board of Public Works of January 12, 2011, recommending 4th and final payment to AECOM in the amount of \$80,444.98 for City Centre Dockwall HAP Design #10-405, recommending paying invoice. 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 (11-001) of the Board of Public Works of January 12, 2011, recommending 5th and final payment to Riederer Engineering, LLC in the amount of \$1,750.00 for Parks and Recreation HVAC services, recommending paying invoice. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned communication (11-028) from Jody L. Conard surrendering the "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage license for 602 N. Water St. in favor of Tower Tavern, LLC, effective upon granting of new license; amended application #63A for "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license; #45-46 for 2010-11 One Year Operator's license; #348-354 for 2010-12 Two Year Operator's license; recommending acceptance of communication (11-023) and 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 (11-033) in the amount of \$9,376,908.22 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 7:55 p.m to Thursday, January 27, 2011.

Respectfully submitted

Jennifer Hudon

City Clerk