

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

February 7, 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, February 7, 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 7:03 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 17, 2011, and the adjourned session of January 27, 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 February 7, 2011 Common Council agenda.

Matthew Schliesman, Executive Director, Capitol Civic Centre addressed the Council.

Resolution (11-066) to furlough non-represented employees for 80 hours in 2011, was referred to Committee of the Whole.

Alderson Brey, Chair of Public Property & Safety Committee, read a communication from the Secret Service thanking the City for their assistance during the President's visit.

Ordinance (11-062) to amend various sections of 10.104 of the Manitowoc Municipal Code restricting parking hours on Fairmont Street, LaFollette Avenue, North 23rd Street, North 24th Street and providing for no parking between driveways in the 800 block of Madison Street, was referred to Public Property and Safety 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.

Mayor declared the meeting open for a public hearing to amend the City's Zoning District Map to make permanent the existing zoning for all areas annexed into the City in the period from August 15, 2000 through August 10, 2010 which received a "temporary" zoning designation pursuant to section 66.021(8)(a) Wis. Stats.

City Clerk reported that the notice of the hearing was published in the Herald Times Reporter on January 24 & 31, 2011. (Proof of publication is on file in the City Clerk's office.)

City Planner David Less gave an overview of the city-wide rezoning.

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.)

Discussion followed relative to proposed resolution to lay off 29 union positions in 2011. Asst. City Attorney Kathleen McDaniel needs more specifics in order to draft this resolution. Various communications/meetings with the bargaining units were discussed. A Committee of the Whole meeting was scheduled for 5:00 p.m. on Wednesday, February 9, 2011 to discuss this matter further and an adjourned session of Council was scheduled for Monday, February 14, 2011, to act on the resolution.

Discussion followed relative to proposed resolution (11-069) to reorganize Parks and Recreation Department. Asst. City Attorney Kathleen McDaniel suggested the resolution could be drafted tonight and the ordinance changes could be taken care of at the next Council meeting.

Moved by Alderperson Brey, seconded by Alderperson Soeldner :

- 1) Department of Public Works will be called the Department of Public Works/Parks and Recreation.
- 2) Director of Public Works/City Engineer will change title to Director of Public Works/City Engineer/Parks and Recreation.
- 3) Deputy Director of Public Works/City Engineer will change title to Deputy Director of Public Works/City Engineer/Parks and Recreation.
- 4) Business Manager of Department of Public Works to supervise two Parks and Recreation secretaries.
- 5) Assistant Recreation director will change title to Recreation and Senior Center Manager.
- 6) Interim Assistant Parks Director will change title to Recreation and Zoo Supervisor.
- 7) Fleet Manager to supervise Parks Foreman and 11 parks' employees.

Discussion followed.

Asst. City Attorney read back the proposed resolution. Upon a vote: Ayes, 8. Nays, 2. Motion carried.

Committee of the Whole returned resolution (11-066) to furlough non-represented employees for 80 hours in 2011, recommending adoption of the resolution. Discussion followed.

Moved by Brey, second by Soeldner and unanimously carried to table the resolution. Ayes, 10. Nays, none.

Finance Committee returned report (11-048) of City Planner David Less relative to consideration of master subordination agreement with First Business, Dept. of Commerce and Orion, recommending acceptance of report and adoption of recommendations. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned services agreement (11-067) between City of Manitowoc, City of Two Rivers and City of Kiel and The Economic Development Corporation of Manitowoc County for the years 2011-2013, recommending entering into agreement, with City Planner to negotiate and approve any final revisions to the agreement, and further authorize Mayor and Clerk to sign agreement at the call of the City Planner, and for acting Finance Director to disburse funds at the call of the City Planner. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned contract (11-050) with Neuman Pools, Inc. for deck finish for locker rooms and changing rooms at Manitowoc Family Aquatic Center, recommending signing contract. 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 (11-047) from Youth TIPS Throwing Clinic to hold event at Citizens Park on April 2 & 9, 2011, 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 (11-049) from The Crossing to use Mariners Trail on Saturday, May 14, 2011 for Walk for Life fundraiser, 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.

Parks and Recreation Committee returned communication (11-063) from Manitowoc Bandits Baseball Club relative to their intent to return for their 14th season at Municipal Field and to extend their lease for an additional two seasons, 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 communication (11-042) from Manitowoc Garden Fair to allow portable toilets at event on June 11, 2011, recommending approval of request. 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 (11-036) to hold 2nd Annual Quadrathlon utilizing Mariners Trail on August 13, 2011 with waiver of fees request attached, recommending approval of request subject to City policy. Motion by Levendusky, second by Sladky and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, none. Abstained, 1.

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 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 communication (11-014) from Alderperson Matt Kadow on behalf of Tony Bugarino to have "Yield to Oncoming Traffic" signs placed on Springhill Drive, 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 communication (11-009) from Federal Mogul with safety concerns for their employees crossing Fairmont St. just west of the railroad tracks, 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 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 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 report (11-061) of Board of Public Works of February 2, 2011, regarding quotes received for two new identical 2011 Ford Crown Victoria full-size four-door automobiles for the Police Department, recommending acceptance of low bid from Maritime Ford Lincoln Mercury in the amount of \$45,330.96. 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 equipment Lease Agreement (11-046) for lease of dive equipment to Manitowoc County Dive Team, recommending entering into 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 (11-021) from Sure Site Consulting Group, LLC asking for consent to upgrade A T & T cell site at Revere Drive, recommending approval of the request and instruct City Attorney to finalize 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 report (11-052) on 2011 Weights & Measures assessments for various businesses, as detailed therein, recommending adoption of the 2011 assessments. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none. No parties appeared to object to their assessments.

Streets and Sanitation Committee returned report (11-060) of Board of Public Works of February 2, 2011, regarding bids received for 2011 Slurry Sealing Various Streets, Project WS-11-6, recommending awarding contract to low bidder, Struck & Irwin Paving, Inc. in the amount of \$45,636.44. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned agreement (11-045) for sale of real estate to Anthony J. Bugarino for property located at the corner of So. 22nd Street and Washington Street, recommending entering into agreement. Motion

by Soeldner, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 2.

Streets and Sanitation Committee returned public works petition (11-056) from Sack Realty, LLC for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on N. Rapids Rd., as described therein, and shown on the attached map (Parcel No. 811-403-030), recommending acceptance with copy to be sent to Director of Public Works. 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 (11-055) from Sack Realty, LLC to the City of Manitowoc for N. Rapids Road purposes, 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 special events request (11-044) from Northeastern Wisconsin Great Lakes Sport Fishermen to hold the annual Salmon Derby at the Manitowoc Marina from Friday, July 1 through Monday, July 3, 2011, use of various City equipment, permission to sell fermented beverages until 11:30 p.m. and extension of the noise ordinance until 11:30 p.m. on Friday, Saturday and Sunday nights, as 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 communication (11-039) from Kathie Bundy, St. Patrick's Day Parade Coordinator, requesting permission to hold the annual St. Patrick's Day Parade on Thursday, March 17, 2011, following the route described therein, with fireworks to follow, as in the past, recommending granting request subject to grantee procuring City fireworks permit and other City policies. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned agreement (11-043) for professional services with McMahon for native vegetative landscape design and construction for 2011 and 2012 at the So. 10th Street Stormwater Pond, recommending entering into agreement. Motion by Soeldner, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, none. Abstained, 1.

Streets and Sanitation Committee returned special events request (11-041) from Yo-Yo Balloons to sell balloons and St. Patrick's Day novelties along the parade route on March 17, 2011, recommending granting 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 Utilities & Licensing Committee returned communication from Kwik Trip advising of a change of agent for Kwik Trip #636 (7) to Brian Lorge for the premises at 2819 Meadow Lane effective immediately; #7 Secondhand Article; #355-361 for 2010-12 Two Year Operator's license; recommending acceptance of communication from Kwik Trip 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 (11-064) in the amount of \$1,468,329.14 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 8:55 p.m to Monday, February 14, 2011 at 5:00 p.m.

Respectfully submitted

Jennifer Hudon

City Clerk