

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

March 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, March 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 7:00 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, Nicholas P. Levendusky, Allan Schema and Dave Soeldner.

Absent: Alderperson Alex J. Olson.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of February 21, 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 March 7, 2011 Common Council agenda.

Police Chief Tony Dick addressed the Council relative to stray animals and feral cats picked up in the City of Manitowoc. He advised that the City is currently using the Lakeshore Humane Society as well as the Free Roamers organization.

Kathy Beer of the Free Roamers organization gave a brief summary of their feline rescue group, Free Roamers, which started in August of 2008.

Initial Resolution (11-118) Authorizing General Obligation Bonds in an Amount Not to Exceed \$355,000 for Sanitary Sewer Projects, was referred to Finance Committee.

Initial Resolution (11-119) Authorizing General Obligation Bonds in an Amount Not to Exceed \$820,000 for Storm Sewer Projects, was referred to Finance Committee.

Initial Resolution (11-120) Authorizing General Obligation Bonds in an Amount Not to Exceed \$400,000 for Street Improvement Projects, was referred to Finance Committee.

Initial Resolution (11-121) Authorizing General Obligation Bonds in an Amount Not to Exceed \$10,000 for Police Facilities Projects, was referred to Finance Committee.

Initial Resolution (11-122) Authorizing General Obligation Bonds in an Amount Not to Exceed \$65,000 for Fire Engine House Projects, was referred to Finance Committee.

Resolution (11-128) Directing Publication of Notice to Electors Relating to Bond Issues, was referred to Finance Committee.

Resolution (11-129) Providing for the Sale of General Obligation Corporate Purpose Bonds, Series 2011, was referred to Finance Committee.

Initial Resolution (11-123) Authorizing General Obligation Bonds in an Amount Not to Exceed \$20,000 for Buildings Projects, was referred to Finance Committee.

Initial Resolution (11-124) Authorizing General Obligation Bonds in an Amount Not to Exceed \$315,000 for Parks and Public Grounds Projects, was referred to Finance Committee.

Initial Resolution (11-125) Authorizing General Obligation Bonds in an Amount Not to Exceed \$240,000 for Acquisition of Fire Engines and Equipment, was referred to Finance Committee.

Initial Resolution (11-126) Authorizing General Obligation Bonds in an Amount Not to Exceed \$1,010,000 for Refunding Purposes, was referred to Finance Committee.

Initial Resolution (11-127) Authorizing General Obligation Promissory Notes in an Amount Not to Exceed \$1,605,000, was referred to Finance Committee.

Resolution (11-130) Providing for the Sale of General Obligation Promissory Notes, Series, 2011, was referred to Finance Committee.

Resolution (11-112) 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.

Parks and Recreation Committee returned special events request (11-137) from Rose Colored Glasses Salon and Spa to hold RCG Salon Earth Month Walk for Water along Mariners Trail on May 1, 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, 9. Nays, none.

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, a motion was made by Alderperson Able, seconded by Alderperson Kadow, and unanimously carried to amend resolution (11-119) to increase the amount from \$820,000 to \$865,000; to amend the attachment to resolution (11-128) to reflect the \$45,000 increase; and to also amend resolution (11-129) to reflect the \$45,000 increase for storm sewer projects. Ayes, 9. Nays, none.

President Soeldner announced that notice is hereby given that the Common Council Committee of the Whole will

adjourn to the First Floor Hearing Room - East for a closed session during the recess of the Common Council meeting as authorized by Section 19.85(1)(c) and 19.85(1)(e) of the Wisconsin Statutes, which authorizes the governmental body to convene in closed session for the purpose of considering employment, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; and authorizes a closed session for the purpose of deliberating or negotiating or conducting other specified business whenever competitive or bargaining reasons require a closed session; and Section 111.70 of the Wisconsin Statutes which authorizes the governmental body to convene in closed session for the purpose of collective bargaining. The specific subject matter which will be considered in the closed session is the following: (1) Discussion and possible action on bargaining/negotiating with Teamsters DPW and Transit; and (2) Discussion and possible action on bargaining/negotiating with AFSCME (all units).

It was moved by Brey, seconded by Hennessey, and carried upon roll call to convene in closed session. Ayes, 9. Nays, 1. Alderperson Able voting nay.

Committee of the Whole deliberated in closed session.

It was moved by Schema, second by Sladky and unanimously carried upon roll call to reconvene in open session. Ayes, 10. Nays, none.

Mayor's Report.

Call back to order.

Finance Committee returned Initial Resolution (11-118) Authorizing General Obligation Bonds in an Amount Not to Exceed \$355,000 for Sanitary Sewer Projects, recommending adoption of the resolution. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned Initial Resolution (11-119) Authorizing General Obligation Bonds in an Amount Not to Exceed \$820,000 for Storm Sewer Projects, recommending adoption of the resolution, as amended by Finance Committee to \$865,000. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned Initial Resolution (11-120) Authorizing General Obligation Bonds in an Amount Not to Exceed \$400,000 for Street Improvement Projects, recommending adoption of resolution. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned Initial Resolution (11-121) Authorizing General Obligation Bonds in an Amount Not to Exceed \$10,000 for Police Facilities Projects, recommending adoption of resolution. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned Initial Resolution (11-122) Authorizing General Obligation Bonds in an Amount Not to Exceed \$65,000 for Fire Engine House Projects, recommending adoption of resolution. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned Initial Resolution (11-123) Authorizing General Obligation Bonds in an Amount Not

to Exceed \$20,000 for Buildings Projects, recommending adoption of resolution. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned Initial Resolution (11-124) Authorizing General Obligation Bonds in an Amount Not to Exceed \$315,000 for Parks and Public Grounds Projects, recommending adoption of resolution. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned Initial Resolution (11-125) Authorizing General Obligation Bonds in an Amount Not to Exceed \$240,000 for Acquisition of Fire Engines and Equipment, recommending adoption of resolution. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned Initial Resolution (11-126) Authorizing General Obligation Bonds in an Amount Not to Exceed \$1,010,000 for Refunding Purposes, recommending adoption of resolution. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned Initial Resolution (11-127) Authorizing General Obligation Promissory Notes in an Amount Not to Exceed \$1,605,000, recommending adoption of resolution. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned Resolution (11-128) Directing Publication of Notice to Electors Relating to Bond Issues, recommending adoption of resolution as amended. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned Resolution (11-129) Providing for the Sale of General Obligation Corporate Purpose Bonds, Series 2011, recommending adoption of resolution as amended. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned Resolution (11-130) Providing for the Sale of General Obligation Promissory Notes, Series, 2011, recommending adoption of resolution. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned claim (11-053) for Excessive Tax Under Wis. Stat. 74.35 from Holy Family Memorial, Inc. for parcel #817-304-010, 333 Reed Ave., Claim File No. 11-1060, recommending denial of the claim. Motion by McMeans, second by Able, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, none. Abstained, 1. Alderperson McMeans abstaining.

Finance Committee returned claim (11-054) for Excessive Tax Under Wis. Stat. 74.37 from Holy Family Memorial, Inc. for parcel #817-304-010, 333 Reed Ave., Claim File No. 11-1061, recommending denial of the claim. Motion by McMeans, second by Able, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, none. Abstained, 1. Alderperson McMeans abstaining.

Finance Committee returned memo (11-100) from Asst. City Attorney Kathleen McDaniel attaching Stipulation and Order for Dismissal and discharge of Lis Pendens in matter of MTGLQ Investors v. Radke et al, Case No. 07 CV 0405,

recommending accepting report and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned Memo (11-101) from Asst. City Attorney Kathleen McDaniel attaching Order Confirming Sale and Satisfying Judgment of Foreclosure in matter of Wells Fargo Bank v. Brooks et al, Case No. 09 CV 0190, recommending acceptance of report and placing it and related document Amended Summons & Complaint (09-392) of Wells Fargo Bank vs. Brooks, et al, Case No. 09 CV 0190 on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned 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, recommending adoption of the ordinance, as amended. The amendment is to remove Section 1 Fairmont Street section (a) and Section 2 LaFollette Avenue (a). 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 ordinance (10-655) to create section 14.226 of the Municipal Code regarding possession and sale of synthetic cannabinoids, recommending adoption of the ordinance. 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 communication (11-104) from Sharon Strouf expressing concerns as to public safety in the City of Manitowoc, recommending referral to Safety, Traffic and Parking Commission. 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 mutual aid pact (11-108) Manitowoc County EMS Association providing for intergovernmental cooperation, recommending entering into the pact. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned resolution (11-112) 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, 9. Nays, none.

Streets and Sanitation Committee returned special events request (11-099) to hold National MS Society - Wisconsin Chapter Walk on April 30, 2011, starting and finishing at Manitowoc Lutheran High School, with map of route attached, 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 (11-133) of Board of Public Works of March 2, 2011, regarding bids received for 2011 Epoxy Pavement Marking Program, Project WS-11-9, recommending awarding contract to lowest responsive bidder, Brickline, Inc., in the amount of \$54,663.70. 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 (11-134) of Board of Public Works of March 2, 2011, regarding bids received for Concrete Curb & Gutter & Sidewalk Construction at York St. and N. 9th St., Project WS-11-2, recommending awarding contract to lowest responsive bidder, Vinton Construction Company, in the amount of \$95,418.92. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned amended summons and complaint (09-105) between MTGLQ Investors and Radke et al, 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 (11-110) from Director of Public Works/City Engineer Valerie Mellon with 2010 Annual Report to DNR attached relating to stormwater discharge permit. 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 (11-113) from S.M.I. on behalf of Popp Enterprises requesting a change to the Official Map reducing the right-of-way of So. 21st Street between Summit and Flambeau Streets from 80 feet to 66 feet due to wetland issues, 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 (11-107) from David Naidl requesting permission to erect three crosses on the southeast hillside of Evergreen Cemetery from April 17 through April 25, 2011, 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 (11-116) of Board of Public Works of March 2, 2011, recommending 9th and final payment to Vinton Construction in the amount of \$131,947.61 for 2010 Concrete Paving & Reconstruction & S. 10th St. Pond, WS-10-1, recommending payment. 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 (11-115) of Board of Public Works of March 2, 2011, recommending 4th and final payment to Vinton Construction in the amount of \$8,021.34 for S. 41st St./Custer St. Pond, WU-10-10, recommending payment. 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 (11-132) of Board of Public Works of March 2, 2011, regarding quotes received for Underwater Bridge Inspection, Project QO-11-2, recommending awarding contract to lowest responsive bidder, Underwater Inspectors, LLC, in the amount of \$7,000.00. 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 (11-131) of Board of Public Works of March 2, 2011, regarding bids received for 2011 Re-Lining Sewers, Project WU-11-7, recommending awarding contract to lowest responsive bidder,

Michels Corporation, in the amount of \$238,108.80. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned special events request (11-135) from The American Legion to hold Memorial Day Parade on Monday, May 30, 2011, beginning at 9:00 a.m. with route 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, 9. Nays, none.

Streets and Sanitation Committee returned application (11-117) from Wisconsin Aluminum Foundry Co., Inc. for a change in zone from R-6 Multiple Family and B-2 Neighborhood Business District to I-2 Heavy Industrial District for property located at 1623 Clark St. and 1701-1703 Clark St., as detailed therein, 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 request (11-136) from Manitowoc County Habitat for Humanity for a right-of-way easement on S. 19th St. to provide owner and contractors access to the property at 19th and Flambeau, 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 (11-106) from Popp Enterprises requesting temporary access easement over an unimproved right-of-way, as detailed therein, recommending referral to Plan Commission. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing Committee returned #366-374 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.

Committee of the Whole returned General City Claims (11-138) in the amount of \$1,350,583.55 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 Soeldner, second by Sladky and unanimously carried, Common Council adjourned at 9:07 p.m.

Respectfully submitted

Jennifer Hudon
City Clerk