

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

April 4, 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, April 4, 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 March 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 April 4, 2011 Common Council agenda.

Resolution (11-198) in support of community services block grants, was referred to Committee of the Whole.

Resolution (11-220) to proceed with filling the vacant Rahr-West Art Museum Director position, was referred to Committee of the Whole.

Resolution (11-190) awarding the sale of \$3,280,000 General Obligation Corporate Purpose Bonds, was referred to Finance Committee.

Resolution (11-191) awarding the sale of \$1,605,000 General Obligation Promissory Notes, was referred to Finance Committee.

Ordinance (11-195) to amend Section 16.070(1) of the Manitowoc Municipal Code regarding demolition of buildings, was referred to Public Property and Safety Committee.

Ordinance (11-194) to amend Section 3.10(3)(a) of the Manitowoc Municipal Code regarding Wastewater Treatment Facility Reserve Fund, was referred to Streets and Sanitation Committee.

Bradley D. Viegut, Director, Robert W. Baird, addressed the Council relative to the bond issues.

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.

Finance Committee returned resolution (11-190) awarding the sale of \$3,280,000 General Obligation Corporate Purpose Bonds, recommending adoption of the resolution. Motion by McMeans, second by Able, and unanimously carried

to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned resolution (11-191) awarding the sale of \$1,605,000 General Obligation Promissory Notes, recommending adoption of the resolution. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

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 (11-198) in support of community services block grants, recommending adoption of resolution. Motion by Brey, second by Olson, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 2.

Committee of the Whole returned communication (11-178) from City Clerk/Deputy Treasurer Jennifer Hudon requesting to fill Account Clerk position in Treasurer's office, recommending approval. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned resolution (11-220) to proceed with filling the vacant Rahr-West Art Museum Director position, recommending adoption of resolution. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned claim (11-141) from Mitchell J. Steinmetz of March 10, 2011, Fleet Claim File No. 11-194, recommending payment of 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 claim (11-142) from Sara Bentley of March 10, 2011, Claim File No. 11-1062, recommending payment of 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 summons and complaint (10-613) between M & I Marshall & Ilsley Bank and Denise A. Herman and John Doe et al, Case No. 10 CV 925, 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 claim (11-040) from James Decker of February 2, 2011, Fleet Claim No. 11-193, recommending payment of 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 summons and complaint (10-431) of BAC Home Loans Servicing, L.P. v. Sherry L. Close et al, Case No. 10 CV 582, 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.

Parks and Recreation Committee returned communication (11-193) from Peter Holm, RRMAF Committee, submitting plans for new Ron Rubick Municipal Athletic Field entrance and memorial, recommending referral of request to City Plan Commission. Motion by Levendusky, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned request (11-196) for waiver of fees for rental of Lincoln Park Cabin 2 on October 22, 2011, from Manitowoc Sunrise Rotary Club, 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 request (11-217) for waiver of fees for rental of Citizen Park Gym for various dates from September thru December, 2011, from Special Olympics, 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 animal loan agreement (11-216) with Manitowoc County Farm Bureau for animals at Lincoln Park Zoo's Big Red Barn, recommending approval of agreement. Motion by Levendusky, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned indemnity agreement (11-218) with Mike Check Builders, Inc. relative to woodcutting and harvesting for Lincoln Park Cabin #1 project, recommending approval of agreement. 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 regional fire department hiring process agreement (11-219) with Fox Valley Technical College to conduct testing of potential candidates for the position of firefighter, 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 (11-205) from Mona Moen with safety concerns in the area of 21st and Rankin Street, recommending referral to 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 (11-206) from Robert Madison, Mad about Music, requesting two hour parking on the north side of Wisconsin Ave. from 11th Street west, as detailed therein, recommending referral to 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 (11-197) from Karl Koch, Sr. regarding traffic traveling the wrong way on N. 8th Street, 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 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 placing 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 ordinance (11-148) to create the Manitowoc Transit Commission, recommending adoption of ordinance. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned communication (11-057) from DP Enterprises, LLC asking for removal of the portion of sidewalk installation for their property in Shar-Ann Subdivision #2, Block 2, located on So. 21st Street between Dewey and Summit St. until their lots are sold or the economy improves, recommending granting request for 2011. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned application (11-189) to amend the zone map of the City of Manitowoc from "R-2" Single Family District to "B-3" General Business District for property located at 200 E. Waldo Blvd. (Elk's Lodge 687), 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 (11-199) from Leukemia & Lymphoma Society to hold 2011 Bike Tour through City streets on July 23 & 24, 2011, as detailed therein, recommending approval 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 state/municipal agreement (11-201) for highway improvement project USH 10 - Waldo Blvd. CTH R - Fleetwood Drive and Fleetwood Dr. - 8th St., recommending entering into agreement. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned state/municipal agreement (11-202) for highway improvement project STH 42 - Waldo Blvd. 8th St. - 5th St. & 5th St. - Maritime Dr., recommending entering into agreement. 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 (11-203) from SMI on behalf of Popp Enterprises LLC (with Petition attached) for a vacation of a portion of an official map street reducing the right-of-way of So. 21st Street from Summit St. to Flambeau St., 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 request (11-204) from SMI on behalf of Popp Enterprises LLC to approve revised preliminary plat of Popp Subdivision No. 3 on So. 21st St. between Summit St. and Flambeau St., 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 quit claim deed (11-211) from Basant Kumar for Custer Street 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 quit claim deed (11-212) from Basant Kumar for Calumet 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 special events request (11-160) from Amvets Post 99 to use Conroe Street for the 2011 Gravity Hill Derby on June 18, 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.

Streets and Sanitation Committee returned request (11-075) from Rodger D. Whiteside Jr., to pave alley behind his residence at 1021 N 8th Street, recommending placing 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 request (11-209) from Laiken Holding Group for refund of various liquor licensing fees associated with application #16A for "Class B" Intoxicating Liquor & Fermented Malt Beverage license; communication (11-210) from Robert Knox surrendering "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license for 939 S. 8th St. on or before 3/28/11; application #3 for Mobile Home Park license; #378-382 for 2010-12 Two Year Operator's license; recommending acceptance of request (11-209) and communication (11-210); and granting the other 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 (11-215) in the amount of \$1,356,089.93 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 Soeldner and unanimously carried to adjourn to Monday, April 11, 2011, at 5:00 p.m. Ayes, 10. Nays, none.

Respectfully submitted,

JENNIFER HUDON, City Clerk