

COMMON COUNCIL
OFFICIAL JOURNAL

Justin M. Nickels, Mayor

May 16, 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, May 16, 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 7:04 p.m. and on roll call the following members were present: Alderpersons Jason Sladky, Dave Soeldner, Allan Schema, Lee Thennes, Jill Hennessey, Matt Kadow, James N. Brey, Alex J. Olson and Christopher Able.

Absent: Alderperson Scott McMeans.

Deputy Police Chief Bridget Brennan led the Pledge of Allegiance.

Invocation.

Minutes of the regular session of May 2, 2011, were approved as distributed by the City Clerk.

Dr. Katz, Dermatology Associates, thanked the Mayor and City for their assistance with the Dermatology project.

Connie Loden, Executive Director, Economic Development Corporation Manitowoc County, summarized the strategic direction of the EDC and provided the 2010 Annual Report.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of new codification and reformatting of all 30 chapters of the "Municipal Code of the City of Manitowoc, Wisconsin".

City Planner David Less gave an overview of the codification and reformatting while Associate Planner Michelle Yanda demonstrated the use of the online Code.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on April 25, May 2 and May 9, 2011. (Proof of publication is on file in the City Clerk's office).

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of a proposed change to the Official Map to reduce the right-of-way width of So. 21st Street between Summit and Flambeau Streets and providing for the vacation of a portion of So. 21st Street.

City Planner David Less explained the proposed Official Map change and street vacation.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on April 25, May 2 and May 9, 2011. (Proof of publication is on file in the City Clerk's office).

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of a proposed change in zone from "R-2" Single Family District to "B-3" General Business District and "P-1"

Conservancy District in an area located at 200 East Waldo Blvd.

City Planner David Less explained the proposed zone change.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on May 2 & 9, 2011. (Proof of publication is on file in the City Clerk's office).

Mayor then presented to Fire Chief Bill Manis a proclamation declaring the week of May 15-21, 2011 as Emergency Medical Services Week.

City Clerk administered oath of office to Firefighter/Paramedics Ashley Engeldinger and Bobby Stelter followed by a badge ceremony.

City Clerk announced that the various documents have been referred to the appropriate committees as shown on the May 16, 2011 Common Council agenda.

Resolution (11-297) to authorize the appropriate City officers to act as signatories on behalf of the City of Manitowoc relative to bank requirements, was referred to Finance Committee.

Resolution (11-298) proclaiming May 20, 2011, as International Migratory Bird Day in the City of Manitowoc, was referred to Parks and Recreation Committee.

Resolution (11-328) to vacate a portion of So. 17th Street south of Clark St., was referred to Streets and Sanitation Committee.

Resolution (11-319) to adjust job titles for Business Manager of Dept. of Public Works, Fleet Manager and Administrative Assistant to Director, was referred to Personnel Committee.

Mayor submitted the following Council representative appointments and requested Council confirmation:

Code Review Committee	Lee Thennes, Mbr. Public Utilities & Licensing
Safety, Traffic & Parking Commission	James Brey, Chr. Public Property & Safety
Crime Prevention Committee	Christopher Able, Council Repr.
Cable Television Commission	David Soeldner, Mbr. Public Utilities & Licensing
Municipal Tree Commission	Allan Schema, Mbr. Parks & Recreation
MVCB Board	Alex Olson, Council Repr.
Wis. Maritime Museum Board	Matt Kadow, Council Repr.
Mainly Manitowoc Board	Jason Sladky, Council Repr.
Rahr-West Art Museum Board	Jill Hennessey, Chr. Public Utilities & Licensing

Moved by Able, second by Soeldner and unanimously carried to confirm the Mayor's appointments. Ayes, 9. Nays, none.

Ordinance (11-327) to amend various sections of Chapter 15 of the Municipal Code relative to new Flood Insurance Rate Maps and Flood Insurance Study, was referred to Public Property and Safety Committee.

Ordinance (11-329) to amend Section 22.01 of the Municipal Code for a change to the Official Map in an area located at S. 17th and Clark Streets, 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.

During recess, Public Property and Safety Committee, briefly discussed request (11-303) from Fire Chief William P. Manis II, to hire two firefighters. Moved by Able, second by Olson, and unanimously carried to approve the request. Ayes, 4. Nays, none.

Call back to order.

Committee of the Whole returned ordinance (11-267) to adopt a new codification and reformatting of all 30 chapters of the "Municipal Code of the City of Manitowoc, Wisconsin", recommending approval of the ordinance. Motion by Able, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned proposal (11-296) from Herald Times Reporter to publish council proceedings, legal notices, display ads and ordinances, for the contract year beginning June 1, 2011, recommending approval of the agreement. Motion by Able, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned notice of claim (11-143) from A T & T of March 11, 2011, Fleet Claim File No. 11-195, recommending placing on file. Motion by Able, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned agreement (11-301) for construction of Lincoln Park Zoo Gates between City and Jos Schmitt Construction, recommending entering into contract per City policy. Motion by Sladky, second by Kadow and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned report (11-312) of Board of Public Works of May 11, 2011, regarding bids received for 2011 Lincoln Park Zoo - Remove and Replace Walkways, Project WS-11-12, recommending entering into contract per City policy. (Accept low bid of Seiler Bros. Construction, Inc. in the amount of \$38,688.90). Motion by Sladky, second by Kadow and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned report (11-311) of Board of Public Works of May 11, 2011, regarding bids received for 2011 Lincoln Park Cabin #1 - Site Preparation, Project WO-11-11, recommending entering into contract per City policy. (Accepting bid of JM & Sons Excavating in the amount of \$32,071.75). Motion by Sladky, second by

Kadow and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned report (11-310) of Board of Public Works of May 11, 2011, regarding bids received for 2011 Lincoln Park Cabin #1 - Materials Only, Project WB-11-14, recommending entering into contract per City policy. (Accept low bid of Valdars Building Supply in the amount of \$91,080.00). Motion by Sladky, second by Kadow and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned resolution (11-298) proclaiming May 20, 2011, as International Migratory Bird Day in the City of Manitowoc, recommending adoption of resolution. Motion by Sladky, second by Kadow and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned request (11-303) from Fire Chief William P. Manis II, to hire two firefighters, recommending approval of the request. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 9. 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 placing on file and to instruct the City Attorney to draft an ordinance to create a four way stop at N. 21st and Rankin St. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned report (11-313) of Board of Public Works of May 11, 2011, regarding quotes received for one new 2011 Rescue Ambulance, Chassis and Accessories for Fire Department, QE-11-4, recommending purchasing the new 2011 rescue ambulance, chassis and accessories from Jefferson Fire and Safety in the amount of \$141,932.11. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned memo (11-330) from Manitowoc County Public Works Dept. notifying City of tax deed property that will be offered for sale (parcel no. 000-157-010), recommending referral to Plan Commission. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned report (11-326) of City Plan Commission relative to proposed changes to Chapter 15 including amendments to flood plain ordinance and non-confirming bulk situations recommending Clerk to call for public hearing, recommending acceptance of report, placing on file, with Clerk to call for public hearing. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned request (11-308) from Curt Drumm, Thunder on the Lakeshore

Airshow Chairman, for permission for the 2011 Manitowoc Airshow to be held at the airport during the weekend of June 3-5, 2011, and various city services, as detailed therein, use of the bandshell and other necessary equipment with waiver of fee request attached, recommending approval of the request according to City policy. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned report (11-331) of City Planner David Less relative to tourism services agreement between Manitowoc, Two Rivers and Manitowoc Area Visitor and Convention Bureau, Inc. for 1/1/12 to 12/31/16, recommending acceptance of report and adoption of recommendation. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned tourism services agreement (11-332) between Manitowoc, Two Rivers and Manitowoc Area Visitor and Convention Bureau, Inc. for 1/1/12 to 12/31/16, recommending entering into the agreement. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned ordinance (11-253) amending the amended zone map of the City of Manitowoc in an area located North of E. Waldo Blvd. and west of Memorial Drive, recommending adoption of ordinance. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation, Parks and Recreation & Public Property and Safety Committees returned communication (11-306) from Manitowoc-Two Rivers Area YMCA requesting permission to hold the YMCA Race Festival on Saturday, August 27, 2011, from 7:00 a.m. until 11:00 a.m., and requesting traffic control, the use of various City streets and equipment, as detailed therein, jointly recommending approval of the 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 special events request (11-295) to hold SEAASA reunion on June 18, 2011, at War Memorial on N. 18th Street to include closure of northbound lane of N. 18th Street, 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 request (11-289) from Cellcom to hold Cellular Celebration on June 13 & 14, 2011, for use of Harbor Town Lane, recommending approval of request. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned ordinance (11-194) to amend Section 3.10(3)(a) of the Manitowoc Municipal Code regarding Wastewater Treatment Facility Reserve Fund, recommending adoption of ordinance. 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 (11-299) from Brennan Seehafer for a change in date for their special event requesting partial closure of So. 8th Street in front of Capitol Civic Centre from Wednesday, June 22, 2011, to Wednesday, July 27, 2011, recommending approval of request. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned State/Municipal Agreement (11-302) for a local Let Safe Routes to School Project for construction of sidewalk on No. 8th Street and Michigan Avenue, recommending entering into agreement. 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 (11-304) from Shady Lane, Inc. for conditional use permit to operate current 52 bed CBRF with permission to expand by 36 beds within the next 5 years, 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 special events request (11-307) from Wisconsin Maritime Museum for partial street closure on weekend of June 25 and 26, 2011, to stage River Rendezvous festival with map attached, recommending approval subject to Police Department request of road closure. 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 (11-309) of Board of Public Works of May 11, 2011, of bids received for 2011 Sanitary and Storm Sewer Construction, Project WU-11-8, recommending awarding contract to low bidder, PTS Contractors, Inc., in the amount of \$502,372.45. 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 (11-233) from Beau Bennett to move structure from Valders to parcel 836-103-040 within the City limits, and report (11-324) of City Plan Commission recommending that Council approve the request for structure moving subject to compliance with the conditions stated therein, recommending placing request (11-233) on file and acceptance of report (11-324) and adoption of recommendations. 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 (11-315) of the Board of Public Works of May 11, 2011, recommending 1st and final payment to Neuman Pools, Inc. in the amount of \$16,250.00 for Aquatic Center floor coating, 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 communication (11-273) from SMI as representatives of the Oak Park Developers, LLC requesting access to unimproved right-of-way of Woodridge Place, as detailed therein, and report (11-323) of City Plan Commission recommending Council approve entering into the agreement with City Attorney to draft same, recommending placing communication (11-273) on file and acceptance of report (11-323) and place on file. 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 (11-321) of City Plan Commission relative to proposal for discontinuance and vacation for portion of So. 17th Street, south of Clark St., recommending acceptance of report, place on file, with Clerk to call for public hearing and publish notices. 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 (11-316) of the Board of Public Works of May 11, 2011, recommending to waive assessment on Franklin St. between 15th and 16th Streets to both Wisconsin Aluminum Foundry and Gaterman Mfg. Co. in exchange for no access agreements, recommending acceptance of report, place on file, with City Attorney to draft proper agreements. 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 (11-325) of City Plan Commission authorizing issuance of special permit for the construction of a fixed animated sign at Boelter's Jewelers at 2101 Washington Street, as detailed therein, recommending acceptance of report and place on file. 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 (11-322) of City Plan Commission authorizing issuance of special permit for the construction of a fixed animated sign at Bill's Auto Sales property at 3836 Calumet Ave., as detailed therein, recommending acceptance of report and place on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing Committee returned #1-3 for 2011 Bowling Alley license; #1-24 for 2011 Class "A" Retail Fermented Malt Beverage license; #9 for 2010 Combination "Class A" Retail Intoxicating Liquor & Fermented Malt Beverage license; #1-7 for 2011 Combination "Class A" Retail Intoxicating Liquor & Fermented Malt Beverage license; #1 for 2011 6 Mo. Class "B" Retail Fermented Malt Beverage license; #1-5 for 2011 Class "B" Retail Fermented Malt Beverage license; #1-13, 15-45, 47-55 for 2011 "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license; #1 for 2011 "Class C" Retail Wine license; #9 for 2011 Pawnbrokers license; #1-29 for 2011 Near Beer license; #392-401 for 2010-12 Two Year Operator's license; #20-34 for 2011-13 Two Year Operator's license; #1 for 2011 Wholesalers Fermented Malt Beverage

license; granting the various licenses, as shown on the committee's report. Motion by Hennessey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned application 46 for 2011-12 "Class B" Intoxicating Liquor & Fermented Malt Beverage license, recommending denial of the license, subject to a non-renewal hearing, based upon the recommendations from the Chief of Police or designee. Motion by Hennessey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned General City Claims (11-320) in the amount of \$1,388,708.29 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 Able, second by Soeldner, report accepted. Ayes, 9. Nays, none.

Moved by Able, second by Soeldner and unanimously carried Common Council recessed at 8:55 p.m. to Tuesday, May 31, 2011 at 6:00 p.m. for a joint meeting with City of Two Rivers Council and Manitowoc Area Visitor and Convention Bureau in Two Rivers. Ayes, 9. Nays, none.

Respectfully submitted,

JENNIFER HUDON, City Clerk