

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

July 5, 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 Tuesday, July 5, 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, Allan Schema, Lee Thennes, Jill Hennessey, Matt Kadow, James N. Brey, Scott McMeans, Alex J. Olson and Christopher Able.

Absent: Alderperson Dave Soeldner.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of June 20, 2011, were approved as distributed by the City Clerk.

City Clerk administered oath of office to Police Officer Craig W. Kunick.

City Clerk announced that the various documents have been referred to the appropriate committees as shown on the July 5, 2011 Common Council agenda.

Resolution (11-428) to establish wards based on the results of the 2010 Federal Census of Population within 60 days after the County Board adopts a tentative supervisory district plan, was referred to Committee of the Whole.

Ordinance (11-427) amending Section 1.020 of the Municipal Code, entitled, "Aldermanic District Boundaries" was referred to Committee of the Whole.

Ordinance (11-430) to amend various sections of Chapters 7, 15 and 16 of the Municipal Code, was referred to Public Property and Safety Committee.

Ordinance (11-435) to amend Chapter 10 of the Municipal Code to provide for traffic to stop at S. 21st and Grand Avenue, was referred to Public Property and Safety Committee.

Ordinance (11-429) to amend various sections of Chapter 21 of the Municipal Code related to subdivisions, 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 & Safety Committee held a discussion relative to communication (11-433) from Police Chief Oscar Dick to fill opening for Clerk I position at the Police Department. Motion by Able, second by Hennessey, and unanimously carried to approve the request. Ayes, 5. Nays, none.

Call back to order.

Committee of the Whole returned communication (11-417) from State of Wisconsin Legislative Reference Bureau enclosing the official results of the 2010 Federal Census of Population to be used for establishing municipal wards and election districts, recommending placing on file. Motion by Able, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned report (11-426) of City Plan Commission relative to their review of the Municipal Ward Plan related to the establishing of wards based on the results of the 2010 Federal Census, recommending acceptance of report, place on file and adoption of recommendations. Motion by Able, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned copy of resolution (11-416) adopted by the Manitowoc County Board of Supervisors on June 21, 2011, adopting a tentative supervisory district plan, recommending placing on file. Motion by Able, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned Resolution (11-428) to establish wards based on the results of the 2010 Federal Census of Population within 60 days after the County Board adopts a tentative supervisory district plan, recommending approval of resolution. Motion by Able, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned report (11-448) of City Planner David Less relative to TIF District No. 15 - Tax Incremental Financing Review Note Related to Developer-Funded TIF at Dewey and CTH CR authorizing payment to PBJC Fest Too, LLC, as detailed therein, recommending acceptance of report and adoption of recommendations. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned reduction/waiver of fees (11-439) for recreation programs, recommending reduction of Camp Hawk fee by 50% or fee reduction can be used for a different \$15 program. Motion by Sladky, second by Kadow and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks & Recreation, Streets & Sanitation, Public Utilities & Licensing and Public Property & Safety Committees returned special events request (11-451) from Tom Chermak requesting the use of Washington Park for Metro Jam Weekend, June 15 & 16, 2012, the use of the Metro Stage, a waiver of rules prohibiting alcohol beverages to be consumed in the park for the weekend, closing So. 11th & So. 12th Street for a portion of the weekend, and City employees to help with the Children's Area and for setup and preparation of the event, as detailed therein, recommending granting request

per City policy. Motion by Sladky, second by Kadow and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, none. Abstained, 1.

Parks and Recreation Committee returned waiver of fees (11-402) from Manitowoc/Two Rivers YMCA to reduce the amount of \$8.00 per hour, per court for rental of Lincoln Park Tennis Courts, recommending granting request with fee to be determined by agreement with Parks/YMCA. Motion by Sladky, second by Kadow and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned special events request (11-444) from Misty Mrotek to hold benefit in Washington Park on July 23, 2011, with Waiver of Fees attached, recommending granting request 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 special events request (11-358) from Manitowoc County Tennis Club to hold tennis tournament at Lincoln Park on July 14-27 and July 29-31, 2011, and waiver of all fees, recommending granting request of use of facility with \$350.00 fee to be charged. Motion by Sladky, second by Kadow and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned special events request (11-452) with Manitowoc Co. Dairy Promotion Committee for MOO at the Zoo Event on July 17, 2011, including children's games and free ice cream treats, recommending granting request 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 concession stand agreement (11-440) from D'Angelo Cowley for sale of concessions at July 4th picnic, recommending granting request. Motion by Sladky, second by Kadow and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety and Streets and Sanitation Committees returned report (11-423) of City Plan Commission relative to proposed changes to Chapters 7, 15, 16 and 21 of the Municipal Code relating to streets, zoning, buildings and subdivisions, jointly 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 communication (11-433) from Police Chief Oscar Dick to fill opening for Clerk I position at the Police Department, 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 to whom was referred 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), returned same with report (11-425) recommending that Council place on file and no further action be taken, recommending acceptance of report (11-425) and place on file and place memo (11-330) on file. 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 ordinance (11-406) to amend Section 10.170 and create Section 10.230(15) of the Manitowoc Municipal Code to add a four-way stop at N. 21st and Rankin Street, recommending adoption of the ordinance. Motion by Brey, second by Olson, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 1.

Public Utilities and Licensing Committee returned sidewalk café permit application (11-449) from Patricia Roth, Manitowoc Coffee for 836 S. 8th Street, recommending granting the permit. Motion by Hennessey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing and Public Property & Safety Committees returned special events request (11-434) of Shoto Conservation Club requesting extension of noise ordinance until 11:30 p.m. and extension of the beer sales until midnight on Friday, August 26th and Saturday, August 27th, 2011 and extension of the noise ordinance until 11:00 p.m. and extend beer sales until 11:30 p.m. on August 23rd, 24th, 25th, and 28th, 2011, jointly recommending granting the request. Motion by Hennessey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee to whom was referred request (11-290) from Wisconsin Aluminum Foundry Co., Inc. for a vacation of a portion of S. 17th St., south of Clark St. and request (11-291) from Wisconsin Aluminum Foundry Co., Inc. for a change to the Official Map for a portion of S. 17th St., south of Clark St., returned same with report (11-421) of City Plan Commission recommending that Council approve resolution and ordinance for the vacation and Official Map amendment for a portion of S. 17th St., recommending acceptance of report (11-421) and place on file and place request (11-290) and request (11-291) on file. Motion by Brey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee to whom was referred communication (11-378) from Regional Real Estate to move an existing garage from Cato to 1911 Wild Oak Drive, returned same with report (11-420) of City Plan Commission recommending that Council approve the request for structure moving, as detailed therein, recommending acceptance of report (11-420) and adoption of recommendations and place communication (11-378) on file. Motion by Brey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (11-419) of City Plan Commission relative to annual review of special permits for fixed animated signs in the City, recommending acceptance of report and place on file. Motion by Brey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned special events request (11-432) from Special Olympics Wisconsin to hold 12th annual 5K run/walk on Tuesday, August 23, 2011, beginning at Manitowoc County Expo at 6:00 p.m., with map attached, recommending approval of request according to City policy. Motion by Brey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned amendment No. 1 (11-442) to consulting agreement with AECOM Technical Services for City Centre LLC dockwall improvements and dredging project, recommending approval of amendment #1. Motion by Brey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned application (11-446) from Hidden Hollow Condominiums LLC to amend the zoning ordinance district map from P-1 Conservancy District to R-4 Single and Two Family District for lots abutting Maple Leaf Court, as detailed therein, recommending referral to Plan Commission. Motion by Brey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (11-410) of Board of Public Works of June 15, 2011, regarding bids received for 2011 Televising Miscellaneous Sewers II, WU-11-13, recommending acceptance of bid from Great Lakes TV Seal, Inc. in the amount of \$43,819.01. Motion by Brey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned resolution (11-251) to vacate a portion of So. 21st Street between Flambeau St. and Summit St., recommending adoption of the resolution. Motion by Brey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned ordinance (11-252) amending Section 22.01 of the Municipal Code for a change in the Official Map in an area located along So. 21st Street between Flambeau St. and Summit St., recommending adoption of the ordinance. Motion by Brey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned 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, recommending adoption of ordinance. Motion by Brey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned resolution (11-328) to vacate a portion of So. 17th Street south of Clark St., recommending adoption of the resolution. Motion by Brey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned request (11-431) from Terra Interests, LLC to move a residential structure within the City limits, from 728 N. 4th St. to 725 N. 5th St., recommending referral to Plan Commission. Motion by Brey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee to whom was referred 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, returned same with report (11-422) of City Plan Commission recommending that Council approve resolution and ordinance for the vacation and Official Map amendment

for a portion of S. 21st St., recommending acceptance of report (11-422) and place on file and place communication (11-113) on file. Motion by Brey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee to whom was referred 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, returned same with report (11-424) of City Plan Commission recommending that Council grant a 2,500' location exception and approval of the CUP subject to attached conditions, recommending acceptance of report (11-424) and place on file and place request (11-304) on file. Motion by Brey, second by Sladky, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, none. Abstained, 1.

Streets and Sanitation Committee returned progress invoice (11-437) from Wisconsin Dept. of Transportation in the amount of \$7,564.20 for N. 21st Street Bridge Viaduct, Project No. 4991-02-71, recommending payment in the amount of \$7,564.20. Motion by Brey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned request (11-438) from Coldwell Banker for a special permit to extend parking lot into residential district to the north of office at 2406 Washington Street, recommending referral to Plan Commission. Motion by Brey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned special events request (11-441) from Holy Family Memorial to use right-of-way to place pink ribbons on banner light poles in downtown during October, 2011, recommending approval of the event according to City policy. Motion by Brey, second by Sladky, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, none. Abstained, 1.

Streets and Sanitation Committee returned communication (11-443) from Wisconsin Dept. of Natural Resources relative to their approval of floodplain zoning ordinance, recommending placing on file. Motion by Brey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned sidewalk privilege agreement (11-447) with Lynn Stueber for the purpose of placing a sign and overhang on the facade of Painting Pathways Clubhouse at 1226 Washington St., recommending entering into agreement. Motion by Brey, second by Sladky, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, none. Abstained, 1.

Streets and Sanitation & Public Property and Safety Committees returned special events request (11-418) from Rahr-West Art Museum to hold Sputnikfest on September 10, 2011, at Rahr-West and close a portion of Park Street, jointly recommending approval of the request according to City policy. Motion by Brey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing Committee returned #4 for Bowling Alley license; #14-20 for 2011-12 One Year Operator's license; #140-184, 186 for 2011-13 Two Year Operator's 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.

Committee of the Whole returned General City Claims (11-450) in the amount of \$719,266.18 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 Brey, report accepted. Ayes, 9. Nays, none.

Common Council adjourned at 7:57 p.m. Ayes, 9. Nays, none.

Respectfully submitted,

JENNIFER HUDON, City Clerk