

COMMON COUNCIL
OFFICIAL JOURNAL

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, August 1, 2011

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, August 1, 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 Jason Sladky, Dave Soeldner, Allan Schema, Lee Thennes, Jill Hennessey, Matt Kadow, James N. Brey, Scott McMeans, Alex J. Olson and Christopher Able.

Absent: None.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of July 18, 2011, were approved as distributed by the City Clerk.

Deputy City Clerk announced that the various documents have been referred to the appropriate committees as shown on the August 1, 2011 Common Council agenda.

Mr. John Cress introduced Japanese students visiting Manitowoc from Kamogawa.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of proposed changes to Chapters 7, 15, 16 and 21 of the Code.

City Planner David Less gave an overview of the various changes to the Code.

Deputy City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on July 18 and July 25, 2011. (Proof of publication is on file in the City Clerk's office).

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).

Resolution (11-506) re-organization of Finance Department, was referred to Committee of the Whole.

Ordinance (11-497) to amend Section 10.490 of the Municipal Code extending two hour parking on N. 9th Street between Maritime Drive and the Manitowoc River, 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.

During recess, Public Property and Safety Committee held a discussion relative to communication (11-493) from Lt. Paul Schermetzler with proposed changes to parking signage near Washington Jr. High School and St. Francis School. Motion by Brey, second by Able to recommend that Council accept the changes.

Call back to order.

Committee of the Whole returned resolution (11-506) re-organization of Finance Department, recommending adoption of the resolution. Motion by Able, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 2.

Committee of the Whole returned ordinance (11-427) amending Section 1.020 of the Municipal Code, entitled, "Aldermanic District Boundaries", recommending adoption of the ordinance. Motion by Able, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance and Parks & Recreation Committees returned communication (11-208) from Recreation and Zoo Supervisor Jeremy Crees regarding request from Bandits Baseball regarding their purchase of a concession stand building at Municipal Field, jointly recommending Parks and Rec Department to make payment to the Bandits organization \$9,933 less \$3,000 annual lease payment – 2011. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned notice of claim and claim (11-364) of Yorkshire Lane Apartments, Claim File No. 11-1069, recommending payment of claim in the amount of \$634.83. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned notice of claim and claim (11-459) of Mike Burda dated July 12, 2011, Claim File No. 11-1071, recommending denial of the claim. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned notice of claim and claim (11-454) of Barbara R. Kopetsky dated July 6, 2011, Fleet Claim File No. 11-199, recommending denial of the claim. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned Notice of Claim and Claim (11-453) of Gordon Bartelme dated July 6, 2011, Claim File No. 11-1070, recommending denial of the claim. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned concession stand agreement (11-498) with RSVP Volunteer Center for use of concession stand at Washington Park on August 14, 2011, recommending

granting request. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks & Recreation and Streets & Sanitation Committees returned special events request (11-490) from Manitowoc Professional Police Assn. to hold MPPA Police Chase 4 mile run/walk on October 8, 2011, utilizing streets and parks, with waiver of fee request attached, jointly recommending granting request. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (11-415) from Hmong Community Center, Inc. requesting approval for Hmong Manitowoc Pre-New Year Festival celebration to be held at Silver Creek Park on August 27-28, 2011, from 7:00 a.m. to 7:00 p.m. with Waiver of Fees attached, recommending granting request with following conditions: 1) \$15 per vendor fee to be paid and 2) All security deposits to be paid. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (11-503) from Make-A-Wish Foundation of Wisconsin to hold a walk/run on Mariners Trail on October 1, 2011, recommending granting request. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (11-504) from Alzheimer's Association for use of Mariners Trail on September 24, 2011 from 9:00 a.m. to noon, recommending granting request. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (11-473) from Manitowoc Lincoln Baseball to hold 9U Baseball Tournament at Citizen Park on August 13 & 14, 2011, with concession stand agreement and waiver of fee request attached, recommending granting request and waiver of fees. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned communication (11-475) from Vanderheyden Electric requesting refund of electrical permit fee, recommending denial of the request. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned ambulance agreement (11-486) with Manitowoc Lincoln High School for period August 2, 2011 thru December 31, 2011, recommending entering into agreement. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned agreement (11-484) for Ambulance Services with Town of Manitowoc Rapids for the period ending December 31, 2016, recommending entering into agreement. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned communication (11-493) from Lt. Paul Schermetzler with proposed changes to parking signage near Washington Jr. High School and St. Francis School, recommending placing document on file, to authorize the change of placing the adult crossing

guard to N. 14th and Menasha Blvd. and to instruct the City Attorney's office to draft amendments to the proper ordinances to comply with the requests. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned ordinance (11-430) to amend various sections of Chapters 7, 15 and 16 of the Municipal Code, recommending adoption of the ordinance. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned 2011 Urban Mass Transit Operating Assistance Contract (11-488) with State of Wisconsin, Department of Transportation, recommending entering into the agreement. Motion by Hennessey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned 2011 Small Urban Operating Assistance Contract (11-489) with State of Wisconsin, recommending entering into the agreement. Motion by Hennessey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned amendment no. 1 (11-495) with Somerville for A/E services for Transit Transfer facility for additional design modifications, recommending entering into change order agreement. Motion by Soeldner, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 1.

Streets and Sanitation Committee returned amendment no. 2 (11-494) with AECOM for City Centre LLC Dockwall Improvements and Dredging project to provide additional construction monitoring services, 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 ordinance (11-429) to amend various sections of Chapter 21 of the Municipal Code related to subdivisions, recommending adoption of ordinance. 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 (11-496) from Wisconsin Aluminum Foundry for conditional use permit pursuant to Section 15.370(27) to allow for the construction of an addition to WAF, 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 contract (11-491) with Seiler Bros. Construction to repair the erosion washout of the embankment at the S. 41st and Custer Street pond at a cost of \$6,220.00, 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 no street access agreement (11-485) with Gaterman Mfg Co., Inc. relative to their property abutting Franklin Street, 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 temporary construction easement (11-505) with Canadian National Railway, 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 no street access agreement (11-463) with WAFCO, LLC relative to Franklin Street, recommending rescinding Council action of 7/18/11 and 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 report (11-500) of the Board of Public Works recommending the special assessments for 2010 street improvements for concrete paving, concrete paving reconstruction, asphaltic concrete resurfacing, sanitary sewers and storm sewers, 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, 10. Nays, none.

Public Utilities and Licensing Committee returned #1-10 for Temporary Operator's license; #26-36 for 2011-12 One Year Operator's license; #211-218 for 2011-13 Two Year Operator's license; Transfer of license #14 Eugene V. Lambries to PMS LLC, Stacey VanderBloomen, Agent, for the premise located at 2 Maritime Dr. eff. 8/2/11; 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, 10. Nays, none.

Public Utilities and Licensing Committee returned communication (11-499) from William L. Lambries, Personal Representative of the Estate of Eugene V. Lambries, to transfer tavern license of Eugene Lambries to PMS, LLC, recommending acceptance. Motion by Hennessey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned General City Claims (11-501) in the amount of \$495,028.74 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, 10. Nays, none.

Common Council adjourned at 8:10 p.m. Ayes, 10. Nays, none.

Respectfully submitted,

Deborah A. Neuser, Deputy City Clerk