

**COMMON COUNCIL**

**OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, August 15, 2011

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, August 15, 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 7:03 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 special session of July 28, 2011 and the regular session of August 1, 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 August 15, 2011 Common Council agenda.

Introduction of Jason Ring, MAVCB President.

Representatives from the Manitowoc Unit of the Manitowoc County Fish and Game Protective Association presented a \$2,500 check to Mayor Nickels for the Lincoln Park Cabin No. 1 project.

Resolution (11-555) to recall four streets laborers and one mechanic at Department of Public Works effective August 22, 2011, was referred to Committee of the Whole.

Resolution (11-553) to allow Municipal Judge to hire a retired employee on an intermittent basis for Municipal Court Clerk's extended absences and establishing a rate of pay, was referred to Committee of the Whole.

Resolution (11-556) to revise position description and to fill the vacant position of Parks Worker II, was referred to Committee of the Whole.

Resolution (11-554) establishing a pay rate for the incoming Rahr-West Art Museum Director and returning the Interim Director to his former position, was referred to Committee of the Whole.

Resolution (11-513) to install two ornamental street lights adjacent to 724 Woodridge Drive, was referred to Public Utilities and Licensing Committee.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of proposed change in zone from "P-1" Conservancy to "R-4" Single and Two Family Residential District for a portion of Lots 7, 8 and 9 in the Replat of Venture Estates Subdivision abutting Mapleleaf Court.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on August 1 and 8, 2011. (Proof of publication is on file in the City Clerk's office).

City Planner gave an overview of the zone change.

Doug Stahl, 1309 Fairmont Lane appeared to address the Council regarding the proposed zone change.

No other 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).

Ordinance (11-515) to amend Section 10.390 of the Municipal Code prohibiting parking in designated areas on South 21st Street, was referred to Public Property and Safety Committee.

Ordinance (11-514) to amend Section 3.270 of the Municipal Code to reflect the repealing of the Better Literature and Entertainment Committee and creation of the Transit Commission, was referred to Public Utilities and Licensing 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 request (11-552) from Police Chief Tony Dick to fill Clerk I and Clerk III position at Police Department. Motion by Brey, second by Olson to recommend approval of the requests and to refer to the Personnel Committee for their consideration. Ayes, 5. Nays, none.

Council President Able announced that notice is hereby given that the Common Council Committee of the Whole will adjourn to a closed session during recess of this meeting for the purpose of reviewing qualifications and establishing salary of Rahr-West Art Museum Director. The subject matter falls within 19.85(1)(c) of the Wisconsin Statutes, which authorizes the governmental body to convene in closed session for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

It was moved by McMeans, second by Olson and unanimously carried upon roll call to convene in closed session. Ayes, 10. Nays, none.

Committee of the Whole deliberated in closed session.

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

Recess.

Call back to order.

Committee of the Whole returned resolution (11-554) establishing a pay rate for the incoming Rahr-West Art Museum Director and returning the Interim Director to his former position, recommending approval of the resolution.

Motion by Able, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned petition (11-531) for direct annexation from Herzog, Eberhardt and Griesbach, for annexation of a 13.02 acre parcel of land east of CTH B and north of Woodridge Drive, as described therein and shown on the attached map, recommending referral to Plan Commission. 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 (11-553) to allow Municipal Judge to hire a retired employee on an intermittent basis for Municipal Court Clerk's extended absences and establishing a rate of pay, recommending

approval of the resolution. 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 (11-556) to revise position description and to fill the vacant position of Parks Worker II, recommending approval of the resolution. Motion by Able, second by Brey to accept the Committee's report. After a short discussion, it was moved by Kadow and seconded to table the resolution. Moved by Sladky, second by Brey to table the resolution until December 1. Ayes, 5. Nays, 4. Motion tabled until December 1.

Committee of the Whole returned resolution (11-555) to recall four streets laborers and one mechanic at Department of Public Works effective August 22, 2011, recommending approval of resolution. Moved by Able, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 1.

Committee of the Whole returned report (11-517) of City Planner David Less relative to 2010 Economic Development Corporation of Manitowoc County Financial Statement for year ending December 31, 2010, recommending placing on file. Motion by Able, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned special events request (11-511) from Roncalli High School to hold 44th Annual Cross Country Invite on September 10, 2011, as detailed therein, recommending granting request and waiving fees. 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 (11-509) to hold Garden Fair in Washington Park on Saturday, June 9, 2012, 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.

Public Property and Safety Committee returned ordinance (11-515) to amend Section 10.390 of the Municipal Code prohibiting parking in designated areas on South 21st Street, recommending adoption of the ordinance. Motion by Brey, second by Olson, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 9. Nays, none. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report and adopt the ordinance. Ayes, 9. Nays, none.

Public Property and Safety Committee returned request (11-552) from Police Chief Tony Dick to fill Clerk I and Clerk III position at Police Department, recommending approval of the requests and to refer to the Personnel Committee for their consideration. 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 (11-550) of Board of Public Works of August 10, 2011, regarding bids received for Union Park/Dale Street Park site grading, Project WS-11-15R, recommending accepting the bid from Holschbach Excavating, Inc. in the amount of \$41,375.45. Motion by Brey, second by Olson, and carried by acclamation to accept the Committee's report. Ayes, 5. Nays, 4.

Public Property and Safety Committee returned 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, recommending adoption of the ordinance. 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 agreement (11-516) for ambulance services with the Village of Cleveland, recommending entering into the agreement. 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 (11-519) from Manitowoc Public Schools requesting the creation of a special no parking/no stopping/no standing zone in the 700 block of N. 4th Street on the east side of the road in front of Madison School, recommending referral to Safety, Traffic and Parking 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 request (11-545) from Matthew Kouba for refund of duplicated electrical permit fee, recommending refunding the amount of \$25.00. 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 (11-546) from Schnell Electric for refund of duplicated electrical permit fee, recommending refunding the amount of \$25.00. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned communication (11-543) from Manitowoc County Planning & Zoning Department advising of public hearing concerning moratorium for large wind farms submitted by Townships of Mishicot and Two Creeks, recommending placing on file. 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 resolution (11-513) to install two ornamental street lights adjacent to 724 Woodridge Drive, recommending adoption of the resolution. 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 (11-496) from Wisconsin Aluminum Foundry for conditional use permit pursuant to Section 15.370(27) to allow for the construction of an addition to WAF, returned same with report (11-537) of City Plan Commission recommending Council issue and grant to WAF a CUP pursuant to attached conditions, recommending acceptance of report (11-537) and place on file and place request (11-496) 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 (11-534) of City Plan Commission authorizing issuance of special permit for the construction of a fixed animated sign at Coldwell Banker property at 2406 Washington Street, as detailed therein, 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, to whom was referred request (11-460) from Keith Counard to move garage within City limits to property at 3813 Waldo Blvd., returned same with report (11-536) of City Plan Commission recommending Council to approve the structure move, subject to conditions stated therein, recommending acceptance of report (11-536) and place on file and place request (11-460) 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 (11-533) of City Plan Commission advising that compliance review of conditional use permit of Domestic Violence Center produced no negative findings, 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 report (11-548) of City Plan Commission advising that compliance review of conditional use permit of Lakeshore Interfaith Hospitality Network for adaptive reuse of property at 1110 S. 10th Street produced no negative findings, recommending acceptance of report and 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 application (11-544) from Lakeshore Mini Storage for a change in zone from R-5 Low Density Multiple Family District to I-1 Light Industrial District for property located at 2424 Johnston Drive, 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 (11-535) of City Plan Commission advising Council proceed with city-initiated vacation and Official Map proceeding to correct problems with private improvements existing in area east of N. 2nd Street, Block 6, Reed Lawn Subdivision, 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 report (11-540) of City Plan Commission advising that compliance review of conditional use permit of Eagles Club property at 823 Hamilton Street produced no negative findings, recommending acceptance of report and place on file. Motion by Olson, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none. Abstained, 1.

Streets and Sanitation Committee returned report (11-541) of City Plan Commission advising that compliance review of conditional use permit of Candy Apple Tattoo property at 904 S. 8th Street produced no negative findings, 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 report (11-539) of City Plan Commission advising that compliance review of conditional use permit of Larry's Hauling property at 901 S. 17th Street produced no negative findings, 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 report (11-538) of City Plan Commission advising that compliance review of conditional use permit of Spencer's Total Auto Repair & Towing property at 734 N. 8th Street produced no negative findings, 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 ordinance (11-471) to amend the amended zone map of the City of Manitowoc for an area north of Mapleleaf Court and east of Indian Creek to be changed from "P-1" Conservancy District to "R-4" Single and Two Family District, 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 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 Mapleleaf Court, as detailed therein, 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 report (11-549) of Board of Public Works of August 10, 2011, regarding quotes received for ferric chloride for Wastewater Treatment Facility, Project QM-11-6, recommending

acceptance of the bid from Kemira Water Solutions, Inc. in the amount of \$460.00 per dry ton. Motion by Brey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned correction instrument (11-510) for Doneff's Custer Village Subdivision revising easements in the area of a proposed 16 unit apartment building on Expo Dr., 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 sidewalk privilege agreement (11-512) with William J. Bero, DDS, S. C. for the purpose of placing improvements consisting of a brick façade at 2102 Marshall St., recommending entering into the agreement. Motion by Brey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned public works petition (11-528) from Eberhardt, Herzog and Griesbach for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on an unnamed east-west street, as described therein, and shown on the attached map (Parcel Nos. 108-007-000 & 108-008-000), recommending acceptance of the petition. Motion by Brey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned public works petition (11-529) from Eberhardt, Herzog and Griesbach for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on Keegan Drive, as described therein, and shown on the attached map (Parcel No. 108-008-000), recommending acceptance of the petition. 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 (11-520) to consulting agreement with AECOM for Broadway Bridge slope and sheetpile wall evaluation, recommending approval of the amendment. 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 (11-523) of the Board of Public Works of August 10, 2011, recommending 1st and final payment to Brickline, Inc. in the amount of \$53,088.50 for 2011 Epoxy Pavement Marking Program, Project WS-11-9, recommending payment of \$53,088.50. 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 (11-524) of the Board of Public Works of August 10, 2011, recommending 2nd and final payment to Northeast Asphalt, Inc. in the amount of \$44,430.03 for 2010 Asphaltic Concrete Paving Program, WS-10-4, recommending payment of \$44,430.03. Motion by Brey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned quit claim deed (11-525) from Eberhardt, Herzog et al for N. 8th Street purposes, recommending referral to the 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 quit claim deed (11-526) from Eberhardt, Herzog, et al for unnamed street east of CTH B and north of Woodridge Drive, 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 quit claim deed (11-530) from Eberhardt, Herzog et al for Keegan Drive purposes, recommending referral to the 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 public works petition (11-527) from Eberhardt, Herzog and Griesbach for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on North 8th Street, as described therein, and shown on the attached map (Parcel No. 108-007-000), recommending acceptance of the petition. Motion by Brey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned #11-33 for 2011-12 Temporary Operator's license; #37-39 for 2011-12 One Year Operator's license; #219-225 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 (11-542) in the amount of \$6,624,221.46 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, 8. Nays, none. Abstained, 1.

Common Council adjourned at 8:41 p.m. Ayes, 9. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk