

**COMMON COUNCIL**  
**OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Tuesday, September 6, 2011

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Tuesday, September 6, 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, Jill Hennessey, Matt Kadow, James N. Brey, Scott McMeans, Alex J. Olson and Christopher Able.

Absent: Alderperson Lee Thennes.

Invocation.

Minutes of the regular session of August 15, 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 September 6, 2011 Common Council agenda.

Resolution (11-577) joining in the National Moment of Remembrance of the 10<sup>th</sup> Anniversary of September 11, 2001, was referred to Committee of the Whole.

Resolution (11-597) to amend resolution no. 10-412 changing all references from Ward 41 of the 9<sup>th</sup> Aldermanic District to Ward 21 pursuant to the requirements in 2011 Wisconsin Act 39, was referred to Committee of the Whole.

Resolution (11-598) to amend resolution no. 11-428 revising the boundary description for Supervisory District #9, Ward #18 and creating Ward 21 pursuant to the requirements in 2011 Wisconsin Act 39, was referred to Committee of the Whole.

Resolution (11-599) to create Ward 22, population 0, for the North 8<sup>th</sup> Street No. 3 annexation area, as described therein and shown on the attached map, and that Ward 22 be combined with Wards 3 & 4, for voting purposes and use a common polling place as established for the 2nd Aldermanic District, was referred to Committee of the Whole.

Resolution (11-564) authorizing submission of an application for funding from the Wisconsin Dept. of Transportation Facilities Economic Assistance and Development Program to improve the transportation infrastructure of the City Centre So. 16<sup>th</sup> St. manufacturing campus, was referred to Finance Committee.

Ordinance (11-592) to amend ordinance no. 10-413 changing all references from Ward 41 of the 9<sup>th</sup> Aldermanic District to Ward 21 pursuant to the requirements in 2011 Wisconsin Act 39, was referred to Committee of the Whole.

Ordinance (11-593) to annex territory known as North 8th Street No. 3 Annexation Area from the Town of Manitowoc to the City of Manitowoc, as part of the 2nd Aldermanic District and 22nd Ward, to be zoned "R-4" Single and Two Family Residential District, "R-5" Low Density Multiple Family Residential District, "R-6" Multiple Family Residential District and "P-1" Conservancy District, as described therein and shown on the attached map, was referred to Committee of the Whole.

Ordinance (11-562) to amend Section 10.490 of the Municipal Code regulating two-hour parking on the east side of North 9th Street from the Manitowoc River to Maritime Drive, was referred to Public Property and Safety Committee.

Ordinance (11-566) to adjust rates for sewer service charges effective September 1, 2011, 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, a motion was made by Mayor Nickels, second by Alderperson Kadow to change the last paragraph of resolution (11-577) substituting the words "church bells" in place of "emergency sirens/sirens". After a friendly amendment request, it was moved by Mayor Nickels, second by Alderperson Kadow to "request" that church bells will sound. Ayes, 10.Nays, none. Motion, as amended, carried.

Call back to order.

Committee of the Whole returned resolution (11-577) joining in the National Moment of Remembrance of the 10th Anniversary of September 11, 2001, recommending approval of the resolution, as amended. Motion by Soeldner, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 8.Nays, 1.

Committee of the Whole returned resolution (11-597) to amend resolution no. 10-412 changing all references from Ward 41 of the 9th Aldermanic District to Ward 21 pursuant to the requirements in 2011 Wisconsin Act 39, recommending approval of the resolution. Motion by Able, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9.Nays, none.

Committee of the Whole returned ordinance (11-592) to amend ordinance no. 10-413 changing all references from Ward 41 of the 9th Aldermanic District to Ward 21 pursuant to the requirements in 2011 Wisconsin Act 39, recommending approval of the ordinance. Motion by Able, second by Soeldner, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 9.Nays, none. Motion by Able, second by Soeldner, report accepted and ordinance adopted. Ayes, 9.Nays, none.

Committee of the Whole returned resolution (11-598) to amend resolution no. 11-428 revising the boundary description for Supervisory District #9, Ward #18 and creating Ward 21 pursuant to the requirements in 2011 Wisconsin Act 39, recommending approval of the resolution. Motion by Able, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9.Nays, none.

Finance Committee returned resolution (11-564) authorizing submission of an application for funding from the Wisconsin Dept. of Transportation Facilities Economic Assistance and Development Program to improve the transportation infrastructure of the City Centre So. 16th St. manufacturing campus, recommending adoption of the resolution. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9.Nays, none.

Parks and Recreation Committee returned communication (11-580) from College Glen Developers LLP, the owners of Silveridge Subdivision, relative to City Park development, recommending referral to Plan Commission.

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 (11-585) of the Board of Public Works of August 31, 2011, regarding bids received for 2011 Mariner's Trail – Walkway Replacement, Project WS-11-16, recommending awarding to lowest eligible bidder, Stone Creek Contractors, LLC in the amount of \$32,774.00. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 9.Nays, none.

Parks and Recreation Committee returned vendor agreement (11-602) with Tim F. Becker d/b/a H P Enterprises for space at Lincoln Park on September 18, 2011, 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 vendor agreement (11-591) with The Pancake Bros. for space at Lincoln Park on September 18, 2011, 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 vendor agreement (11-603) with Brandt Buses, Inc. for shuttle service at Lincoln Park on September 18, 2011, 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 (11-559) with Roncalli High School for space at Lincoln Park on September 10, 2011, 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 (11-604) from Lincoln Park Zoological Society to hold Breakfast with the Bison at Lincoln Park on September 18, 2011 from 10 a.m. to 1 p.m., recommending granting request with waiver of 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 (11-601) from First Lutheran Church requesting use of playground across from Cabin 2 in Lincoln Park to set up bounce house on September 11, 2011, as part of their church picnic, 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 (11-583) from Sunrise Optimists to hold Art in the Park in Washington Park on October 1, 2011, with waiver of fee request 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.

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 rescinding the action of 8/15/11 and place 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 (11-562) to amend Section 10.490 of the Municipal Code regulating two-hour parking on the east side of North 9th Street from the Manitowoc River to Maritime Drive, 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, report accepted and ordinance adopted. Ayes, 9.Nays, none.

Streets and Sanitation Committee returned ordinance (10-043) amending Section 22.01 of the Municipal Code entitled "Official Map-Master Subdivision Plans" in an area located on South 22nd Street, 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 resolution (10-042) to vacate a portion of So. 22nd Street containing 1,649 square feet, recommending adoption of resolution.Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes,9.Nays, none.

Public Property and Safety Committee returned quit claim deed (11-581) from City of Manitowoc to Anthony J. Burgarino, for property being a part of So. 22nd Street, recommending approval of the quit claim deed.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 closing statement (11-582) between City and Anthony J. Burgarino for sale of 825 square feet of land abutting So. 22nd Street, recommending acceptance of report and place 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 request (11-565) from Lori Schroeder for four-way stop sign at the intersection of S. 10th and Dewey Streets, 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 communication (11-579) from Alderman Allan Schema (District 9) addressing safety concerns at the corner of Expo Drive and Vista Road, 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 report (11-590) of the Board of Public Works of August 31, 2011, recommending 1st and final payment to Klein Asphalt Inc. in the amount of \$5,200.80 for N. 9th Street/Maritime Dr. Parking Lot repair for fire lane, recommending payment in the amount of \$5,200.80. 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 (11-551) from Alderperson James Brey, Chair of Public Property & Safety Committee, relative to whether or not to move Parks and Recreation Department to City Hall, recommending placing on file. Motion by Brey, second by Olson, and carried by acclamation to accept the Committee's report. Ayes,8. Nays, 1.

Public Property and Safety Committee returned report (11-587) of the Board of Public Works of August 31, 2011, regarding quotes received for one new 2011 wheel loader with 4-yard bucket for the Department of Public Works, QE-11-8, recommending acceptance of bid from Aring Equipment Company Inc. in the amount of \$177,435.00 for new in-stock unit and bucket attachment in the amount of \$13,263.00 for a total of \$190,698.00. Motion by Brey, second by Olson, and carried by acclamation to accept the Committee's report. Ayes,8.Nays, 1.

Public Property and Safety Committee returned agreement (11-568) for ambulance services with Village of Kellnersville for term ending December 31, 2016, 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 Utilities and Licensing Committee returned supporting documents (11-600) for transfer of assets from Sailboats, Inc. to Manitowoc Marina, LLC. recommending placing on file. Motion by Hennessey, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 9.Nays, none.

Public Utilities and Licensing Committee returned first amendment (11-607) to Marina Lease Agreement commencing April 1, 2000 between Sailboats, Inc. and City of Manitowoc, recommending entering into the amended lease agreement. Motion by Hennessey, second by Kadow, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays,1.

Public Utilities and Licensing Committee returned pre-closing agreement (11-606) between Sailboats, Inc. and Manitowoc Marina, LLC relative to the assignment of the Manitowoc Marina Lease Agreement, as detailed therein, recommending entering into agreement. Motion by Hennessey, second by Kadow, and carried by acclamation to accept the Committee's report. Ayes, 8.Nays, 1.

Public Utilities and Licensing Committee returned assignment of lease and consent (11-608) of the Manitowoc Marina Lease Agreement to Manitowoc Marina, LLC, recommending entering into the assignment of lease and consent. Motion by Hennessey, second by Kadow, and carried by acclamation to accept the Committee's report. Ayes, 8.Nays, 1.

Streets and Sanitation Committee returned temporary access easement agreement (11-578) over unimproved right-of-way with Habitat for Humanity, Inc., 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 service agreement (11-605) with Montgomery Associates for Little Manitowoc River restoration, 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 special events request (11-594) from Lincoln High School Student Senate Advisor requesting permission for parade on Saturday, October 8, 2011, as detailed therein, 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 report (11-589) of the Board of Public Works of August 31, 2011, recommending 1st and final payment to Struck & Irwin Paving, Inc. in the amount of \$44,699.89 for 2011 Slurry Sealing, Project WS-11-6, 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 report (11-588) of the Board of Public Works of August 31, 2011, recommending 1st and final payment to Seiler Bros. Construction, Inc. in the amount of \$6,220.00 for 41st and Custer Street pond repair, 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 application (11-561) to Amend Zoning Ordinance from "B-2" Neighborhood Business District to "B-3" General Business District for property at 940 N. 11th St., 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 communication (11-558) from Lamar Outdoor Advertising to renew lease for signs on Hwy. 42 (Waldo Blvd.) and at the carferry for an additional five-year term, 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 temporary access easement agreement (11-560) over unopened street with Popp Enterprises, LLC for street purposes, 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 temporary access easement agreement (11-567) over unimproved right-of-way with Oak Park Developers for street purposes, 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 permanent easement (11-563) from Matthias and Charlotte Wagner to be utilized for an existing storm sewer system, 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 permanent easement (11-557) from Holiday House of Manitowoc County, Inc. for the purpose of a bus shelter on Meadow Lane, 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 & Public Utilities and Licensing Committees returned special events request (11-507) from Courthouse Pub to hold anniversary celebration on September 18, 2011 to include closure of a portion of Washington Street, along with an outdoor band and beer and wine tent enclosure in parking lot, as detailed therein, jointly recommending granting request to close Washington Street between S. 7<sup>th</sup> and S. 8<sup>th</sup>. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9.Nays, none.

Streets and Sanitation Committee returned agreement (11-609) for sanitary sewer smoke testing services with Strand Associates, Inc., recommending entering into agreement. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9.Nays, none.

Public Utilities and Licensing Committee returned #34-36 for 2011-12 Temporary Operators license; #40-42 for 2011-12 One Year Operator's license; #226-236 for 2011-13 Two Year Operator's license; granting the various licenses, as shown on the committee's report. Motion by Hennessey, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 9.Nays, none.

Committee of the Whole returned General City Claims (11-596) in the amount of \$1,583,981.90 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 Sladky, second by Soeldner, Common Council adjourned at 7:57 p.m. Ayes, 9.Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk