

COMMON COUNCIL
OFFICIAL JOURNAL

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, November 7, 2011

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, November 7, 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 7:05 p.m. and on roll call the following members were present: Alderpersons Jason Sladky, Dave Soeldner, Allan Schema, Collin Braunel, 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 October 17, 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 November 7, 2011 Common Council agenda.

Mayor presented proclamation to Liz Werdermann, GIS Technician, declaring National GIS Day on November 16, 2011 with Geography Awareness Week being November 14-20.

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 vacation of an "alley for utilities" and corresponding change to the Official Map for an "alley for utilities" in Block 6 of Reed Lawn Subdivision.

City Planner David Less gave an overview of the vacation and Official Map change in the area located north of Reed Avenue, east of N. 2nd Street and west of City lands.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on October 17, 24 and 31, 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 (11-736) authorizing the issuance and sale of \$6,690,000 Taxable General Obligation Refunding Bonds, was referred to Finance Committee.

Resolution (11-726) that a primary election be held on February 21, 2012 if three or more candidates file nomination papers for a City office, was referred to Public Utilities and Licensing Committee.

Resolution (11-727) setting the wage rates for the 2012 Election Board, 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, Brad Viegut, Director, Robert W. Baird & Co., spoke to the committee regarding the refinancing and answered questions.

During recess, Public Property and Safety Committee held a discussion relative to accident (clean up) recovery fee. Motion by McMeans, second by Able, and unanimously carried, to recommend to the Finance Committee inclusion in the 2012 budget and to adopt the fee schedule as proposed by the Fire Chief with a sunset of the fee structure at the end of 2012. Ayes, 5. Nays, none.

During recess, Public Property and Safety Committee held a discussion relative to ordinance (11-711) amending Section 6.120 of the Manitowoc Municipal Code regarding lighting fires. Motion by Able, second by Hennessey, to amend the ordinance under Section 7 to include a \$25 permit fee. Discussion followed. Ayes, 2. Nays 3. Motion fails.

Motion by McMeans, second by Able, and unanimously carried to recommend amending the ordinance to remove [Section 1 (3)] paragraph 7 "A permit is required for all fire pits in the City of Manitowoc." Ayes, 5. Nays, none.

During recess, Committee of the Whole held a discussion relative to ordinance (11-699) to create Section 3.270(3) of the Municipal Code to limit the term of non-elected board, commission and committee appointments. Motion by Brey, second by Kadow, and unanimously carried to place the ordinance on file. Discussion followed. Ayes, 11. Nays, none.

Call back to order.

Committee of the Whole returned communication (11-743) from Nilaksh Kothari, General Manager, Manitowoc Public Utilities with information relating to Manitowoc Public Utilities, recommending placing on file. Motion by Brey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned ordinance (11-699) to create Section 3.270(3) of the Municipal Code to limit the term of non-elected board, commission and committee appointments, recommending placing on file. Motion by Able, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned resolution (11-736) authorizing the issuance and sale of \$6,690,000 Taxable General Obligation Refunding Bonds, recommending adoption of the resolution and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned claim (11-677) of Lynn Groeschel and Steven Kaczecka dated October 7, 2011 relative to itemized statement of relief sought, Claim No. 09-1026-1, recommending denial of the claim and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned notice of injury (09-494) from Lynn S. Groeschel and Steven Kaczecka, of August 24, 2009, Claim File No. 09-1026, recommending denial of the claim and place on file. 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 (09-751) from Jeanette Kakuk of December 30, 2009, Claim File No. 09-1038, recommending placing on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned communication (11-731) from Lakeshore Technical College advising that the 2011 tax levy amount for the City of Manitowoc is \$2,870,298.00, recommending placing on file. Motion by

McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned communication (11-732) from Manitowoc Public School District advising that the 2011 tax levy amount for the City of Manitowoc is \$15,275,125.00, recommending placing on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned comprehensive annual financial report (11-728) including Auditors' Reports for the City of Manitowoc for the year ended December 31, 2010, along with the Management Letter, prepared by Schenck & Associates, recommending acceptance of report and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (11-401) from D'Angelo Cowley to sell inflatable and light-up novelty items at this summer's Park and Recreational events, recommending placing on file. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned report (11-702) of City Plan Commission outlining the Commission's six-point recommendation relative to City Park development by College Glen Developers LLP, the owners of Silveridge Subdivision, recommending adopting Plan Commission Report with the removal of (*Recommendation*) 3 (iv) regarding funding in 2012. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned request (11-725) from Izaak Walton League of America for special fee of \$300.00 for rental of Lincoln Park Cabin #1 for their 2012 monthly meetings, 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 (11-733) from Co-Chair of Brutal Wear Open Tennis Tournament to schedule dates for 2012 tennis tournaments at Lincoln Park courts, recommending granting request with \$350.00 fee 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 contract (11-741) with JAG Outdoor Advertising, Inc. for placement of an outdoor sign at the Lincoln Park Zoo, recommending entering into agreement. 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 ordinance (11-711) amending Section 6.120 of the Manitowoc Municipal Code regarding lighting fires, recommending adoption of the ordinance with an amendment to remove [*Section 1 (3)*] paragraph 7 "A permit is required for all fire pits in the City of Manitowoc." Motion by Brey, second by Olson, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 1.

Public Property and Safety Committee returned communication (11-742) from Jim Brey, Chair of Public Property and Safety, relative to accident recovery fee, recommending to the Finance Committee inclusion in the 2012 budget and to adopt the fee schedule as proposed by the Fire Chief with a sunset of the fee structure at the end of 2012. Motion by Brey, second by Olson, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 2.

Public Property and Safety, Parks and Recreation, Streets and Sanitation and Public Utilities and Licensing Committees returned special events request (11-718) from Tom Drill for the use of the City Hall parking lot and various equipment for Showtime 2012 scheduled August 8 & 9, 2012; jointly recommending approval of the request

according to City policy at the time of the event. Motion by Sladky, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned communication (11-734) from Federal Mogul expressing safety concerns in the area of a crosswalk between their parking lot and facility, recommending referral to Safety, Traffic & Parking Commission. 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 request (11-740) from Nichols Electric for refund of duplicate electrical permit, recommending approval 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 request (11-680) from Dir. Public Works/Engineer/Parks & Recreation Greg Minikel, with proposed changes to Section 10.750 (Heavy Traffic Routes) of the Municipal Code, recommending approving truck route designations as proposed by Engineering with attention paid to the overnight parking/salting of So. 16th Street. This recommendation includes removal of the Grand Ave. designation as a truck route. 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 (11-692) from Alderperson Jim Brey addressing citizen concerns relative to lack of stop bars and crosswalks on the north side of Viebahn Street at S. 18th St., S. 21st St., S. 23rd St. and S. 30th St., recommending placing on file. Motion by Brey, second by Olson, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 1.

Public Utilities and Licensing Committee returned communication (11-735) from City Clerk Jennifer Hudon requesting permission to distribute identical checks from the Schuette, Wernecke, Wilda & Rank reserve fund in the amount of \$300.00 to five area agencies, recommending approval of the distribution of funds. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned resolution (11-727) setting the wage rates for the 2012 Election Board, recommending adoption of the resolution. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned resolution (11-726) that a primary election be held on February 21, 2012 if three or more candidates file nomination papers for a City office, recommending adoption of the resolution. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned extended delayed assessment agreement (11-715) with Robert Eberhardt and June Carstens for sanitary sewer improvements in the amount of \$19,106.62 (Parcel No. 835-401-010), 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 special events request (11-719) from Krauth Vending to sell novelties at the Christmas Parade and St. Patrick's Day Parade, recommending approval. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned sidewalk privilege agreement (11-720) with KB Brothers LLC for the purpose of placing a concrete retaining wall along S. 20th Street in the right-of-way located at 2000 Clark St., 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 communication (11-721) from Homes for Independent Living of Wisconsin LLC to operate a CBRF at 4705 Whitetail Ct. and requesting that the City grant a location exception to the 2,500' spacing requirement to establish a CBRF at this location, 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 quit claim deed (11-716) from Lakeshore Mini Storage, LLC to City of Manitowoc for Johnston Drive purposes, 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 report (11-729) of Board of Public Works of October 26, 2011, recommending 1st and final payment to Holschbach Excavating, Inc. in the amount of \$43,142.68 for Union Park/Dale Street Park Site Grading, WS-11-15R, recommending payment. 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 (11-730) of Board of Public Works of October 26, 2011, recommending assessing fee of \$24.00 per foot for sanitary sewer hookup at 1919 E. Spruce Dr. (parcel no. 809-404-030), recommending acceptance of report. 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 (11-747) to amend 1986 Temporary Access Easement Agreement Over Unopened Street with Ann Wenzel on East Spruce Drive, 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 request (11-748) from Shady Lane for a conditional use permit to allow for clinic as accessory use and skilled nursing facility and RCAC, recommending referral to Plan Commission. Motion by Soeldner, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, none. Abstained, 1.

Public Utilities and Licensing Committee returned #47-48 for 2011-12 One Year Operator's license; #257-265 for 2011-13 Two Year Operator's license; granting the various licenses, as shown on the committee's report. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned General City Claims (11-744) in the amount of \$1,946,268.12 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.

Moved by Olson, second by Able, Common Council adjourned at 9:09 p.m. Ayes, 10. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk