

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

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, November 21, 2011

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, November 21, 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, 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 November 7, 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 21, 2011 Common Council agenda.

Resolution (11-785) to approve the filling of a vacant Operator position at the Wastewater Treatment Facility, was referred to Personnel Committee.

Ordinance (11-764) to amend Section 10.410(1) of the Municipal Code regulating parking from December 1 to March 31, was referred to Public Property and Safety Committee.

Ordinance (11-772) to amend Section 10.750 of the Municipal Code regulating heavy traffic in the City of Manitowoc, 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.

Call back to order.

Finance Committee returned communication (11-762) from Moody's Investors Service advising of an assignment of rating of A1 with a negative outlook to Manitowoc, 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.

Finance Committee returned communication (11-688) from Jeffery Beyer, Manitowoc County Director of Public Works, relative to sale of tax foreclosed real estate at 2406 S. 14th Street, and report (11-779) of City Plan Commission, recommending placing communication (11-688) on file and no further action be taken, recommending acceptance of communication (11-688) and place on file and acceptance of report (11-779) 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 communication (11-766) from City Assessor Sarah Hoppe to rescind 2009 and 2010 personal property taxes on parcel 000-132-860 due to closure of business in 2008, recommending rescinding

tax assessments for 2009 (\$102.44) and 2010 (\$118.68). Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned agreement (11-765) with Heidi Satori for purchase of pygmy goats for the Lincoln Park Zoo, recommending approving the purchase. 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 (11-752) of the Board of Public Works of November 9, 2011, recommending 4th and final payment to David Katers LLC in the amount of \$6,537.19 for Lincoln Park Cabin #1 Site Preparation, WO-11-11, recommending paying the bill. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned report (11-767) of Board of Public Works regarding bids received for demolition of the existing and the construction of the new Intermodal Transfer Station, Project WB-11-10R, recommending award of bid for the construction of the new Intermodal Transfer Station to the lowest bidder, Hamann Construction Company in the amount of \$1,345,760.00. Motion by Hennessey, second by Kadow, and carried by acclamation to accept the Committee's report. Ayes, 7. Nays, 3.

Public Utilities and Licensing Committee returned communication (11-774) from Transit Manager Derek Muench relative to agency fares for Maritime Metro Transit paratransit services, recommending approval of the request to set agency fee equal to the cost of the trip. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned ordinance (11-772) to amend Section 10.750 of the Municipal Code regulating heavy traffic in the City of Manitowoc, 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, 10. Nays, none. Motion by Brey, second by Olson, report accepted and ordinance adopted. Ayes, 10. Nays, none.

Public Property and Safety Committee returned ordinance (11-764) to amend Section 10.410(1) of the Municipal Code regulating parking from December 1 to March 31, 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, 10. Nays, none. Motion by Brey, second by Olson, report accepted and ordinance adopted. Ayes, 10. Nays, none.

Public Property and Safety Committee returned request (11-717) from Dermatology Associates of Wisconsin to extend the curb line along the south side of the building bordering the City owned parking lot, recommending denial of the request and place on file. 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 (11-770) from Deputy City Engineer Greg Minikel relative to the installation of pedestrian crossing signs at both of the intersections on Western Avenue near Holy Family Hospital, 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 communication (11-739) from Dermatology Associates to sublease leased parking spots in N. 9th and Maritime lot and make their leased spots available to the public, as detailed therein, recommending denial of the request and place on file. 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 (11-768) from Dan and Pauline Burton expressing their concerns relative to parking on Shady Lane, 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 (11-771) from Bernard Starzewski to eliminate loading zone in front of 928 So. 12th Street along with two hour parking in the 900 block of So. 12th Street, 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.

Streets and Sanitation Committee returned request (11-775) from Don Murray, Rock-N-Blues Haus, 939 S. 8th Street to have holiday music on corner of S. 8th and Washington prior to the Christmas parade, recommending approval of request. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned memorandum (11-769) from Dir. Public Works/Engineer/Parks & Recreation Valerie Mellon relative to reduction of snow shoveling assessment for Manitowoc Baptist Church, parcel no. 000-199-010, recommending acceptance of reduced assessment. Motion by Soeldner, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 7. Nays, 3.

Streets and Sanitation Committee returned ordinance (11-631) amending the amended zone map of the City of Manitowoc in an area south of Wisconsin Ave. and west of N. 11th Street to be changed from "B-2" Neighborhood Business District to "B-3" General Business District, 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 quit claim deed (11-716) from Lakeshore Mini Storage, LLC to City of Manitowoc for Johnston Drive purposes, and report (11-780) of City Plan Commission recommending that Council approve and accept the deed, recommending approval and acceptance of quit claim deed (11-716) and acceptance of report (11-780) and place on file. 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, and report (11-776) of City Plan Commission recommending that the Council grant the exception, as detailed therein, recommending placing communication (11-721) on file and acceptance of report (11-776) and place on file. 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 conditional use to allow for clinic as accessory use and skilled nursing facility and RCAC, recommending placing on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Report (11-777) of City Plan Commission recommending that the Council amend the CUP (Shady Lane) to allow for clinic, as detailed therein, recommending acceptance of report (11-777) and place on file. Motion by Soeldner, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, none. Abstained, 2.

Streets and Sanitation Committee returned agreement (11-786) of Vacation of Alley for Utilities between the City and Michael Arendt, 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 report (11-781) of City Plan Commission relative to vacation for portion of alley and Official Map amendment in Reed Lawn Subdivision, 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.

Streets and Sanitation Committee returned resolution (11-634) to vacate an unpaved public alley for utility purposes in an area north of Reed Avenue and east of N. 2nd Street, recommending adoption of resolution. 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 (11-635) amending Section 22.010 of the Municipal Code entitled "Official Map - Master Subdivision Plans" in an area located between Lot 4 and Lot 9, Block 6 of Reed Lawn Subdivision, 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 report (11-782) of City Plan Commission relative to request to rezone property at 940 N. 11th Street, 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.

Streets and Sanitation Committee returned report (11-751) of the Board of Public Works of November 8, 2011, recommending 1st and final payment to Underwater Inspectors LLE in the amount of \$7,000.00 for Professional Services for Underwater Bridge Inspection, QO-11-2, 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 (11-778) of City Plan Commission recommending that Council place sidewalk privilege agreement (11-720) on file and redraft same, as detailed therein, recommending acceptance of report, place on file and adoption of recommendations. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned resolution (11-785) to approve the filling of a vacant Operator position at the Wastewater Treatment Facility, recommending approval of resolution. Motion by Able, second by Schema, and unanimously carried by roll call vote to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned #1-3 for Pawnbroker's license; #49 for 2011-12 One Year Operator's license; #266-280 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 (11-784) in the amount of \$699,368.68 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 8:24 p.m. Ayes, 10. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk