

**COMMON COUNCIL
OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, December 19, 2011

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, December 19, 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 December 5, 2011, and the special session of December 6, 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 December 19, 2011 Common Council agenda.

Resolution (11-821) to approve revised land sale credit policy relative to the Manitowoc I-43 Industrial Park, was referred to Public Property and Safety Committee.

Resolution (11-822) setting charges for transportation and care by the Fire Department Rescue Ambulance, effective January 1, 2012, was referred to Public Property and Safety Committee.

Resolution (11-831) to approve the filling of the vacant Finance Director/Treasurer position through hiring at will, employment contract or contract for services, was referred to Personnel Committee.

Mayor submitted the following appointment and requested Council confirmation:

Board of Public Works
Ald. Jason Sladky
(Pl. D. Soeldner)

Term

Unexpired term ending 4/16/12

Ordinance (11-828) to amend, repeal and recreate various sections of Chapter 10 of the Manitowoc Municipal Code entitled "Traffic Regulations", was referred to Public Property and Safety Committee.

Ordinance (11-823) amending Section 20.010(1) and (2) of the Municipal Code relating to City-Employee Relationship, was referred to Personnel 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, Finance Committee held a discussion relative to communication (11-812) from Mainly Manitowoc requesting extension of their current services agreement with the City expiring on December 31, 2011. Jamie Zastrow of Mainly Manitowoc spoke to the committee asking the City to reconsider their match of \$1 for every

\$4 raised privately, and go back to a match of \$1 for every \$2 raised privately.

Moved by Able, second by Olson, to change the match from \$1 for every \$4 raised privately to \$1 for every \$3 raised privately. Alderperson Olson offered a friendly amendment for a \$40,000.00 cap which was accepted by Alderperson Able. Ayes, 4. Nays, none. Abstained, 1.

Also during recess, Mayor and Acting Finance Director gave presentation of general fund analysis and estimated budget shortfall for period ending December 31, 2011.

Call back to order.

Alderperson Brey returned recommendation of Ad Hoc Committee to Determine Structure of City Government, recommending adoption of the organizational plan. Ayes, 7. Nays, 3. Motion carried.

Finance Committee returned communication (11-812) from Mainly Manitowoc requesting extension of their current services agreement with the City expiring on December 31, 2011, recommending changing the agreement in 2012 to a match of \$1 for every \$3 raised, with a maximum of \$40,000. Motion by McMeans, second by Able, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 1. Abstained, 1.

Finance Committee returned request (11-810) from Council President Able asking Mayor to give presentation relative to deficits in 2011 budget at December 19th Council meeting, recommending approving request 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 memo (11-816) from City Assessor relative to amended 2011 statement of personal property from General Electric Capital Corporation, recommending refunding the amount of \$8,335.67 and placing 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 communication (11-829) from Zoo Board members addressing concerns relative to Lincoln Park Zoo personnel, recommending placing on file. 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 communication (11-813) from Ricky Skarvan, Jr. to appeal decision to deny his taxi driver license, recommending acceptance of report and scheduling of meeting, date to be determined. 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 report (11-824) of Manitowoc Industrial Development Corporation relative to land sale policies, recommending acceptance of report 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 (11-815) from Alderperson Schema attaching request from George Kapitz to purchase City land abutting his property at corner of 35th and Division Streets, recommending referral to Plan 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 Joint Powers Agreement (11-818) between Manitowoc County Joint Dispatch Center and City of Manitowoc effective March 1, 2012 for one year, recommending adoption of the 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 resolution (11-822) setting charges for transportation and

care by the Fire Department Rescue Ambulance, effective January 1, 2012, recommending adoption of the resolution. 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 resolution (11-821) to approve revised land sale credit policy relative to the Manitowoc I-43 Industrial Park, recommending adoption of the resolution. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned temporary access easement agreement right-of-way Encroachment (11-814) with Tower Tavern Real Estate LLC to allow patrons to park perpendicular on north side of Park Street and allow parking across existing sidewalk area, 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 (11-819) of the Board of Public Works of December 14, 2011, recommending 4th and final payment to Vinton Construction in the amount of \$7,878.71 for Concrete Curb and Gutter and Sidewalk, WS-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 (11-820) of the Board of Public Works of December 14, 2011, recommending 4th and final payment to Vinton Construction in the amount of \$6,020.24 for 2011 Concrete Paving, WS-11-1, 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 (11-825) of Manitowoc Industrial Development Corporation relative to wetland delineation report for property in Manitowoc I-43 Industrial Park at the southwest corner of Dufek Dr. and West Dr., 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 (11-826) of City Plan Commission relative to annual compliance review of conditional use permit of Great Lakes Energy Technologies LLC/Orion Energy Systems for small wind energy system, 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 (11-783) of City Plan Commission relative to request for temporary access easement agreement over unopened street at 1919 E. Spruce Drive, recommending acceptance of report and adoption of recommendations. 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 (11-690) to create Section 7.280(1)(4) of the Municipal Code regarding alley assessments, 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 special events request (11-483) from Aurora Medical Center to hold "Monster Dash" 5K run/walk on October 29, 2011, with route attached, recommending placing on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned resolution (11-831) to approve the filling of the vacant Finance Director/Treasurer position through hiring at will, employment contract or contract for services, recommending approval of the resolution. Motion by Able, second by Schema, and unanimously carried to accept the Committee's

report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned #46C & 64 for "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage license; 38A for change of officers/agent for "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage license; #1-4 for 2012 Commercial Garbage Haulers license; #5 for 2011 Mobile Home Park license; #1 for 2012 Mobile Home Park license; #286-287 for 2011-13 Two Year Operator's license; #1 for 2012 Stock Car Races, Racing Exhibitions, Etc. permit; 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 (11-827) in the amount of \$939,723.78 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, 10. Nays, none.

Moved by Olson, second by Able, and unanimously carried, Common Council adjourned at 8:12 p.m. Ayes, 10. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk