

**COMMON COUNCIL
OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Tuesday, January 3, 2012

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Tuesday, January 3, 2012. 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 19, 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 January 3, 2012 Common Council agenda.

Resolution (12-009) implementing GASB Statement #54, fund balance reporting and governmental fund type definitions, was referred to Finance Committee.

Resolution (12-018) amending fees for Evergreen Cemetery, was referred to Streets and Sanitation Committee.

Resolution (12-005) authorizing the 2012 City-wide sidewalk construction and repair program, providing for the appropriate notices to be sent, and special assessments to be levied, as detailed therein, was referred to Streets and Sanitation Committee.

Resolution (12-006) that dust palliatives be placed on the streets listed therein in 2012 and the assessments be made against the abutting property owners for the cost on a front foot basis, was referred to Streets & Sanitation Committee.

Resolution (12-007) that seal coating be placed on the streets listed therein in 2012, and assessments be made against the abutting property owners pursuant to Section 7.32 of the Municipal Code, was referred to Streets and Sanitation Committee.

Resolution (12-008) that certain infrastructure improvements listed therein be included in the 2012 Public Works Program, and assessments be made against the abutting property owners, per foot, per side, was referred to Streets and Sanitation Committee.

Ordinance (12-017) to amend Section 25.05(8) of the Municipal Code to adjust rates for sewer service charges effective January 1, 2012, 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.

Call back to order.

Finance Committee returned report (12-013) of City Planner regarding Satisfaction and Termination of Various Indentures, Revenue Agreement, and Mortgage, Security Agreement and Assignment of Leases and Rents related to Series 1979, Series 1985 and Series 1994 Industrial Revenue Bonds issued by the City to Dow Canvas Products, Inc. n/k/a Dowco, Inc., recommending acceptance of report and adoption of recommendations. 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 (11-705) of October 14, 2011 and claim (11-712) of October 17, 2011 from Donald Goeke, Jr., Claim File Nos. 11-1076 and 11-1076-1, recommending payment of the claim in the amount of \$841.58. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned resolution (12-009) implementing GASB Statement #54, fund balance reporting and governmental fund type definitions, recommending adoption of the resolution 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 request (12-019) from Steve Steeno to place memorial bench for Perla Arostegui in lower Schuette Park, as detailed therein, recommending granting request per final approval from Parks Department. 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 (12-011) from Manitowoc Co. Fish & Game Protective Assn. for the use of Lincoln Park Cabin #1 on the first Thursday of the month, as detailed therein, at a cost of \$300, recommending entering into agreement for 2012 at \$300.00 annual rate. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned ordinance (11-671) amending section 3.560 of the Manitowoc Municipal Code describing duties of the Director of Parks and Recreation, recommending adoption of the ordinance. 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 report (11-800) of Board of Public Works of November 30, 2011 relative to quotes for two (2) new full-size four-door automobiles (Police squads) for the Police Department, recommending awarding of the bid to Ewald Chevrolet Buick for the amount of \$45,990.00. 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 (11-734) from Federal Mogul expressing safety concerns in the area of a crosswalk between their parking lot and facility, 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 o

Ordinance (11-828) to amend, repeal and recreate various sections of Chapter 10 of the Manitowoc Municipal Code entitled "Traffic Regulations", recommending adoption of the ordinance. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned report (12-003) on 2012 Weights & Measures assessments for various businesses, as detailed herein, recommending adoption of the assessments. Motion by Hennessey, second by Soeldner, to accept the Committee's report. Mayor asked if anyone objects to the

assessments. No one objected. Upon a vote, Ayes, 10. Nays, none. Motion carried.

Public Utilities and Licensing Committee returned contract (12-015) with Seehafer Broadcasting Corp. relative to advertising on WOMT for term ending December 31, 2014, recommending entering into the agreement. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned resolution (12-005) authorizing the 2012 City-wide sidewalk construction and repair program, providing for the appropriate notices to be sent, and special assessments to be levied, as detailed therein, 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 resolution (12-006) that dust palliatives be placed on the streets listed therein in 2012 and the assessments be made against the abutting property owners for the cost on a front foot basis, 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 resolution (12-007) that seal coating be placed on the streets listed therein in 2012, and assessments be made against the abutting property owners pursuant to Section 7.320 of the Municipal Code, 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 resolution (12-008) that certain infrastructure improvements listed therein be included in the 2012 Public Works Program, and assessments be made against the abutting property owners, per foot, per side, 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 (12-017) to amend Section 25.050(8) of the Municipal Code to adjust rates for sewer service charges effective January 1, 2012, recommending adoption of the ordinance. Motion by Soeldner, second by Brey, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 10. Nays, none. Motion by Soeldner, second by Brey, report accepted and ordinance adopted. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned resolution (12-018) amending fees for Evergreen Cemetery, 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 application (12-016) from Donald C. Popp for change in zone from I-1 Light Industrial District to R-4 Single and Two Family District for property at 1919 E. Spruce Dr., 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 special events request (12-004) from Leukemia & Lymphoma Society to hold Scenic Shore 150 bike tour on July 21 & 22, 2012, recommending approval of request subject to City policy. 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 placing on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned #1 (beer) and #2 (wine) Class "B" Retail Fermented Malt Beverage license; #2 2012 Mobile Home Park license; #50 for 2011-12 One Year Operator's license; #289-296 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 carried by acclamation to accept the Committee's report. Ayes, 9. Nays, none. Abstained, 1.

Public Utilities & Licensing Committee returned application #288 for 2011-13 Two Year Operator's license, recommending denial of the license based upon the recommendations from the Chief of Police or designee. Motion by Hennessey, second by Soeldner, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, none. Abstained, 1.

Committee of the Whole returned General City Claims (12-010) in the amount of \$688,378.04 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.

Common Council adjourned at 7:35 p.m. Ayes, 10. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk