

COMMON COUNCIL
OFFICIAL JOURNAL

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, February 6, 2012

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, February 6, 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 7:05 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 January 16, 2012, 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 February 6, 2012 Common Council agenda.

Mayor presented proclamation proclaiming April 29, 2011 as Arbor Day in the City of Manitowoc since the City of Manitowoc has been recognized as TREE CITY USA by the National Arbor Day Foundation.

Mayor presented proclamation proclaiming February 11, 2012 as "2-1-1 Day" in the City of Manitowoc to United Way representative Laurie Crawford.

Presentation of Jaycee awards to Manitowoc Fire Department and Manitowoc Police Department.

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 change in zone from "I-1" Light Industrial District to "R-4" Single and Two Family District, in an area located at 1919 Spruce Drive.

Notice of the hearing was published in the Herald-Times-Reporter on January 23 & 30, 2012. (Proof of publication is on file in the City Clerk's office.)

City Planner David Less gave an overview of the proposed change in zone

No interested parties appeared.

Mayor declared the public hearing closed. (A tape recording of the entire hearing is on file in the Clerk's office.)

Resolution (12-059) to adopt two Promissory Notes representing Five Million Dollar loan from Manitowoc Public Utilities to balance the 2011 budget, was referred to Finance Committee.

Resolution (12-069) to install one, 100 Watt Open Bottom style high pressure sodium street light at the intersection of South 18th and Flambeau Streets, was referred to Public Utilities & Licensing.

Resolution (12-084) establishing a complete streets policy, was referred to Streets and Sanitation.

Ordinance (12-085) amending Section 14.020(2) governing restricted species, was referred to Public Property and Safety.

Ordinance (12-082) Amending Section 10.610 regarding parking penalties for winter parking ban and snow emergency parking, was referred to Public Property and Safety.

Ordinance (12-083) to amend the Deposit Schedule for the Manitowoc Municipal Code, Section 10.610

parking Penalties, was referred to Public Property and Safety.

Ordinance (12-087) to amend Section 10.490 regarding two hour parking on Maritime Drive between N 8th and N 10th Streets, was referred to Public Property and Safety.

Ordinance (12-086) creating Section 11.010(8)(c) and 11.010(10)(e) regulating hours of sale for intoxicating liquors and fermented malt beverages was referred to Public Utilities & Licensing.

Ordinance (12-070) amending various sections of Chapter 12 of the Manitowoc Municipal Code regarding water main extension and assessment policy was referred to Public Utilities and Licensing.

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 (12-089) of ad hoc committee on City Structure, recommending accepting the report and 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 resolution (12-059) to adopt two Promissory Notes representing Five Million Dollar loan from Manitowoc Public Utilities to balance the 2011 budget, recommending adoption of the resolution and place on file. Motion by McMeans, second by Able, to accept the Committee's report. After discussion, it was moved by Soeldner, second by Brey, to table the matter. Motion failed on a tie vote. Ayes, 5. Nays, 5. Upon vote on the original motion: Ayes, 5. Nays, 5. The tie vote was broken by Mayor Nickels who voted aye. Committee's report was accepted. Ayes, 6. Nays, 5.

Finance Committee returned resolution (12-051) to adopt two Promissory Notes representing a Five Million Dollar loan from Manitowoc Public Utilities to balance the 2011 budget, 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 (12-021) from Manitowoc Public Utilities relative to proposed \$5.0 Million Promissory Note with City with Promissory Note and Promissory Note, Release and Discharge attached, recommending 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 (12-061) of the Friends of Citizens Park Recreation Center for use of the Mariner's Train on May 19, 2012, recommending granting request per City policy. 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 (12-030) from Friends of Citizen Park to hold events at Citizen Park building on 3/24/12, 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, 10. Nays, none.

Parks and Recreation Committee returned request (12-053) from Friends of Citizen Park Recreation Center for waiver of fees for use of Citizen Park recreation building on April 21, 2012, recommending granting request per City policy. 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 communication (12-037) from Mayor Nickels on behalf of Flower Gallery relative to leased parking stalls in the N. 9th and Maritime Drive parking lot, recommending placing 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 (12-081) from Mayor Nickels requesting the City to close Jay Street between 7th and 8th on Friday, March 16th from 4:30 p.m. - 9:00 p.m., 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 communication (11-793) from Zorica Dent, Z's Wisconsin Cheese Store, relative to parking on Jay Street, recommending denial of the request and place on file. Motion by Brey, second by Hennessey, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 2.

Public Property and Safety Committee returned agreement (12-067) for ambulance services between the Manitowoc County Expo and the City of Manitowoc Fire Department for January 28, 2012, recommending entering into agreement. 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 resolution (12-069) to install one, 100 Watt Open Bottom style high pressure sodium street light at the intersection of South 18th and Flambeau Streets, recommending approval 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 findings of fact, conclusions of law and final determination (12-074) in the Matter of Taxicab License Application of Ricky J. Skarvan, recommending acceptance. 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 special events request (21-076) to extend the licensed premise at the Happy Hour Tavern, close part of the street and allow bands on Saturday, June 23, 2012 from noon until 10p.m., recommending approval of request. 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 ordinance (12-086) creating Section 11.010(8)(c) and 11.010(10)(e) regulating hours of sale for intoxicating liquors and fermented malt beverages, recommending placing on file. Motion by Hennessey, second by Soeldner, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 10. Nays, none. Motion by Hennessey, second by Soeldner, report accepted and ordinance placed on file. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned report (12-056) of the Board of Public Works for 3rd and final payment in the amount of \$112,102.09 to Zenith Tech Inc. for Broadway Bridge repairs. (Contingent on receipt of Final Lien Waiver), 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 (12-058) of the Board of Public Works for 2nd and Final payment in the amount of \$12,850.82 to Michels Corporation for Re-Lining Sanitary Sewers project, 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 (12-057) of the Board of Public Works for 2nd and Final payment in the amount of \$1,939.40 to Stone Creek Contractors for the Mariners Trail Walkway Reed Ave to Magnolia Ave. Project, 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 declaration of dedication (12-088) of City of Manitowoc owned property, 20' strip of land adjacent to 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 ordinance (12-031) amending the amended zone map of the City of Manitowoc for property north of Assessor's Plat No. 2, west of Woodland Drive and south of the Canadian National Railroad tracks from "I-1" Light Industrial District to "R-4" Single and Two Family Residential District, recommending adoption of the 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 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 placing 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 public works petition (12-077) from Richard Wenzel, General Durable Power of Attorney for Ann A. Wenzel for property abutting Woodland Drive, recommending approval of petition. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned public works petition (12-075) from Richard Wenzel, General Durable Power of Attorney for Ann A. Wenzel for property abutting Spruce Drive, recommending approval of petition. 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 (12-068) of Midwest LLC to sell balloons and novelties at the St. Patrick's Day parade route on March 17, 2012, recommending granting 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 special events request (12-060) of Kathie Bundy, Parade Coordinator for permission to hold the 14th annual St. Patrick's Day parade in the City of Manitowoc, recommending granting 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 quit claim deed (12-078) from Richard Wenzel, General Durable Power of Attorney for Ann A. Wenzel for property located on Woodland 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 amendment no.1 to the Temporary Access Easement Agreement (12-079) over unopened street between City of Manitowoc and Ann A. Wenzel, 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 (12-080) from Richard Wenzel, General Durable Power of Attorney for Ann A. Wenzel for property located at 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 communication (12-063) from S.M.I. as representatives of the Northland Associates/College Glen Developers, owners of Silveridge Subdivision No. 3, requesting approval of the preliminary and final plat of said subdivision, 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 (12-066) from R. Turner Construction LLC requesting to build a new garage in an erosion control area for Rich Krueger at Ravine 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.

Personnel Committee returned memorandum of agreement (12-090) between the City of Manitowoc and Local 368, IAFF to modify the terms of the 2011-2012 collective bargaining agreement, recommending entering into agreement. Motion by Able, second by McMeans, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 1.

Personnel Committee returned tentative agreement (12-091) between the City of Manitowoc and Local 368, IAFF for a 2013-2014 collective bargaining agreement, recommending approval of the agreement. Motion by Able, second by McMeans, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 1.

Public Utilities and Licensing Committee returned #38 for 2011-12 Temporary Operator's license; #305-317 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 (12-071) in the amount of \$1,204,413.27 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 9:20 p.m. Ayes, 10. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk