

COMMON COUNCIL
OFFICIAL JOURNAL

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, February 20, 2012

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, February 20, 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 7:03 p.m. and on roll call the following members were present: Alderpersons Jason Sladky, Dave Soeldner, Allan Schema, Collin Braunel, Matt Kadow, James N. Brey, Scott McMeans, Alex J. Olson and Christopher Able.

Absent: Alderperson Jill Hennessey.

Pledge of Allegiance.

Invocation.

City Clerk announced that the various documents have been referred to the appropriate committees as shown on the February 20, 2012 Common Council agenda.

Mark Ring and Connie Loden presented Annual Report from the Manitowoc County Economic Development Corp.

Resolution (12-118) to accept two WDNR Urban Nonpoint Source and Stormwater Management Grant Awards for the calendar year 2012-2013, was referred to Finance Committee.

Resolution (12-117) to not accept two WDNR Urban Nonpoint Source and Stormwater Management Grant Awards for the calendar year 2012-2013, was referred to Finance Committee.

Resolution (12-107) to approve Three Year Harbor Development Statement of Intentions for 2012-2014 relative to improvements of the Manitowoc harbor and river, was referred to Public Utilities and Licensing Committee.

Resolution (12-109) accepting preliminary plat of Silveridge Subdivision No. 3, as detailed therein, was referred to Streets and Sanitation Committee.

Resolution (12-108) implementing a hiring freeze for 2012 and vacant positions for 2012 to be filled with approval by 2/3 vote of the Common Council, was referred to Personnel Committee

Mayor requested Council confirmation to dissolve the following ad hoc committee:

Internal Strategic Fiscal Planning Committee (Ad Hoc)

Motion by Able, second by Soeldner, and unanimously carried to confirm the dissolution of the committee. Ayes, 9. Nays, none.

Mayor requested Council confirmation to change the name of the 2-Way Downtown Street Committee to "Downtown Streetscape Committee". Motion by Able, second by Soeldner, and unanimously carried to confirm the committee's name change. Ayes, 9. Nays, none.

Mayor requested Council confirmation to create a "Brownfields Advisory Committee" and submitted the following appointments:

Brownfields Advisory Committee

Dr. Erik Hoyer, Silver Lake College

Karen Szyman, Ex. Dir. Chamber of Manitowoc Co.

Rich Hoerth, LTC

Connie Loden, Economic Dev. Corp.

Term

Indefinite

Indefinite

Indefinite

Indefinite

Norma Bishop, Wis. Maritime Museum	Indefinite
David Diedrich, Investors Community Bank	Indefinite
Attorney Terence P. Fox	Indefinite

Motion by Able, second by Soeldner, and unanimously carried to confirm the Mayor’s appointments. Ayes,

9. Nays, none.

Mayor submitted the following appointments and requested Council confirmation:

<u>Harbor Commission</u>	<u>Term</u>
Fred Radandt (Pl. J. Culley)	3 yr. term expiring 6/1/14
<u>Board of Electrical Examiners</u>	<u>Term</u>
Al Backhaus, Lic. Plant Electrician (Pl. J. Sommers)	2 yr. term expiring 6/30/13
<u>Committee on Aging</u>	<u>Term</u>
Beatrice Dornaus-Lau Don Duchon (Pl. of Bridenhagen)	3 year term expiring 6/1/14
<u>Municipal Tree Commission</u>	<u>Term</u>
Glen Pfeffer	2 year term expiring 6/1/12
Todd Holschbach	2 year term expiring 6/1/12
Rick Schwarz	2 year term expiring 6/1/12
<u>Sustainable Manitowoc Committee</u>	<u>Term</u>
Paul Braun	3 yr. term expiring 2/15/15
Jon Reisenbuechler	3 yr. term expiring 2/15/15
<u>Safety, Traffic & Parking Commission</u>	<u>Term</u>
Cathy Mertens Paulson (Pl. J. Zimmer)	3 yr. term expiring 6/1/14

Motion by Able, second by Soeldner and carried by acclamation to confirm the Mayor’s appointments. Ayes,

8. Nays, 1.

Ordinance (12-106) to create Section 11.010(8)(c) and Section 11.010(10)(e) of the Manitowoc Municipal Code regulating hours when intoxicated liquor and fermented malt beverages can be sold by retailers, 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.

Call back to order.

Finance Committee returned claim (12-055) of Holy Family Memorial Medical Center for Recovery of Unlawful Taxes, recommending denial of claim. Motion by Able, second by Kadow, and carried by acclamation to accept the Committee's report. Ayes, 7. Nays, 1. Abstained, 1.

Finance Committee returned communication (12-052) from Northland Associated on behalf of College Glen Developers LLP, the owners of Silveridge Subdivision agreeing to begin construction of the park per attached park design with conditions contained therein, recommending denial and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned report (12-122) of Board of Public Works of February 15, 2012, recommending 8th and final payment to Valders Building Supply in the amount of \$900.00 for Lincoln Park Cabin #1 Material Only, WB-11-14, recommending payment. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned agreement (12-104) with Manitowoc Public School District re baseball field maintenance, recommending entering into agreement. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned contract (12-127) with Bartolotta Fireworks Company, Inc. to produce and perform a pyrotechnic display as detailed therein on March 16, 2012, recommending entering into contract. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned resolution (12-107) to approve Three Year Harbor Development Statement of Intentions for 2012-2014 relative to improvements of the Manitowoc harbor and river, recommending adoption of resolution. Motion by Soeldner, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned report (12-105) of Deputy City Planner relative to Three Year Harbor Development Statement of Intentions 2012-2014, recommending placing on file. Motion by Soeldner, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned report (12-114) of City Plan Commission confirming its support of the Three Year Harbor Assistance Program Statement of Intentions for 2012-2014, recommending acceptance of report and place on file. Motion by Soeldner, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned report (12-112) from MPU Commission highlighting the 2011 activities of Great Lakes Utilities, recommending placing on file. Motion by Soeldner, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned resolution (12-118) to accept two WDNR Urban Nonpoint Source and Stormwater Management Grant Awards for the calendar year 2012-2013, recommending adoption of resolution. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned Resolution (12-117) to not accept two WDNR Urban Nonpoint Source and Stormwater Management Grant Awards for the calendar year 2012-2013, recommending adoption of resolution. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned resolution (12-109) accepting preliminary plat of Silveridge Subdivision No. 3, as detailed therein, recommending adoption of resolution. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. 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, and report (12-115) of City Plan Commission recommending that Council approve the temporary permit subject to conditions stated therein, recommending acceptance of report (12-115) and adoption of recommendations and placing communication (12-

066) on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. 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, and report (12-110) of City Plan Commission recommending that Council approve the preliminary plat, subject to the attached conditions, recommending acceptance of report (12-110) and place on file and place communication 12-063) on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. 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, and report (12-116) of City Plan Commission recommending that Council approve and accept the amendment, recommending acceptance of report (12-116) and adoption of recommendations and acceptance of amendment (12-079). Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (12-126) of Board of Public Works of February 15, 2012, regarding bids received for 2012 Slurry Sealing Various Streets, Project WS-12-6, recommending awarding bid to lowest responsive bidder, Fahrner Asphalt Sealers, LLC in the amount of \$43,880.97. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (12 101) of City Plan Commission authorizing issuance of special permit for the construction of a fixed animated sign at 3624 Calumet Avenue as detailed therein, recommending acceptance of report and place on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. 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, and report (12-119) of City Plan Commission recommending that Council approve and accept the Declaration of Dedication, recommending acceptance of report (12-119) and place on file and acceptance of document (12-088). Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (12-125) of Board of Public Works of February 15, 2012, regarding bids received for 2012 Re-Lining Sanitary Sewers, Project WU-12-7, recommending awarding bid to lowest responsive bidder, Visu Sewer, Inc. in the amount of \$138,527.75. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (12-124) of Board of Public Works of February 15, 2012, regarding bids received for Televising Miscellaneous Sewers I, Project WU-12-5, recommending awarding bid to lowest responsive bidder, Green Bay Pipe & TV, LLC in the amount of \$31,848.10. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (12-102) of Streets and Sanitation Committee relative to communication (12-072) of Theresa Guerin requesting access to property at 4111 Custer Street, which was referred from the Board of Public Works, recommending property owner pay only the original assessment amount of \$11,831.68 and waiving all of the interest payments, recommending acceptance of report and adoption of recommendations, with document to be placed on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned communication (12-072) of Theresa Guerin requesting access to property at 4111 Custer Street, which was referred from the Board of Public Works, recommending placing on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned communication (12-111) from Wisconsin Dept. of Administration stating they do not object to final plat of Popp Subdivision No. 3, recommending referral to Plan Commission. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. 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 and quit claim deed (12-080) from Richard Wenzel, General Durable Power of Attorney for Ann A. Wenzel for property located at Spruce Drive, and report (12-120) of City Plan Commission recommending that Council approve and accept the deeds, recommending acceptance of report (12-120) and place on file and acceptance of deeds (12-078) and (12-080). Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (12-121) of Board of Public Works of February 15, 2012, recommending 2nd and final payment to Vinton Construction Company in the amount of \$1,938.22 for 2011 Asphaltic Concrete Paving Program, WS-11-4, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Personnel Committee returned ordinance (11-823) amending Section 20.010(1) and (2) of the Municipal Code relating to City-Employee Relationship, recommending approval of the ordinance. Motion by Able, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned change of agent forms from Kwik Trip, 2819 Meadow Ln. and Wal-Mart, 4115 Calumet Ave.; #318-324 and 326-327 for 2011-13 Two Year Operator's license; granting the various licenses, as shown on the committee's report. Motion by Soeldner, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned application #325 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 Soeldner, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned General City Claims (12-093) in the amount of \$10,740,748.49 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, 9. Nays, none.

Common Council adjourned at 7:55 p.m. Ayes, 9. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk