

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

June 21, 2010

Jennifer Hudon, City Clerk

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, June 21, 2010. 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 Jill Hennessey, James N. Brey, Christopher Able, Matt Kadow, Jason Sladky, Alex J. Olson, Nicholas P. Levendusky, Allan Schema and Dave Soeldner.

Absent: Alderperson Scott McMeans.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of June 7, 2010, 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 June 21, 2010 Common Council agenda.

Resolution (10-322) authorizing Mayor Nickels as the City's officer in charge at the City picnic on July 4, 2010, to be held at Washington Park, was referred to Committee of the Whole.

Resolution (10-321) approving Redevelopment Authority of the City of Oshkosh, Wisconsin Redevelopment Revenue Bonds, Series 2010 (Dermatology Associates of Wisconsin, S. C. Project), was referred to Finance Committee.

Moved by Alderperson Brey to reconsider report (10-276) of City Planner David Less relative to request from Economic Development Corporation of Manitowoc County recommending supporting the EDCMC. Motion failed for lack of a second. (Alderperson Brey did not vote on the original motion and therefore per Robert's Rules cannot motion for reconsideration).

Mayor declared the meeting open for a public hearing for the proposed issuance of Redevelopment Authority of the City of Oshkosh, Wisconsin Redevelopment Revenue Bonds, Series 2010 (Dermatology Associates of Wisconsin, S. C. Project) in an aggregate principal amount not to exceed \$5,000,000.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on June 7, 2010. (Proof of publication is on file in the City Clerk's office.)

Lisa Lange, of Whyte Hirschboeck Dudek, S. C., bond counsel, outlined the bond issue.

No interested parties appeared.

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

Mayor Nickels requested that the name of the Maritime Metro Transit Transportation Development Program Review Committee be changed to Transit Commission.

Moved by Soeldner, second by Brey to confirm the Mayor's recommendation. Ayes, 9. Nays, none.

Mayor submitted the following appointments and requested Council confirmation:

<u>Harbor Commission</u>	Term
James Anderson	3 yr. term expiring 6/1/12
Peter Allie	3 yr. term expiring 6/1/13

Moved by Soeldner, second by Brey to confirm the Mayor's appointments. Ayes, 9. Nays, none.

Mayor submitted the following appointment and requested Council confirmation:

<u>Rahr-West Art Museum Board</u>	Term
Eric Sitkiewitz (Pl. of N. Hallock)	3 yr. term expiring 6/1/13

Moved by Soeldner, second by Brey to confirm the Mayor's appointment. Ayes, 9. Nays, none.

Ordinance (10-324) to create and amend various sections in Chapter 10 of the Manitowoc Municipal Code relative to traffic and parking, was referred to Public Property and Safety Committee.

Ordinance (10-323) to amend Section 11.01(10)(d) regarding intoxicating liquor sales, was referred to Public Utilities and Licensing Committee.

Finance Committee returned resolution (10-321) approving Redevelopment Authority of the City of Oshkosh, Wisconsin Redevelopment Revenue Bonds, Series 2010 (Dermatology Associates of Wisconsin, S. C. Project), recommending approval of the bonds. Motion by Able, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

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.

Committee of the Whole returned petition (10-348) for direct annexation from Donald and Audrey Olson, 5141 Edgewood Lane, for annexation of a 1.002 acre parcel of land abutting Edgewood Lane and W. Custer Street, as described therein and shown on the attached map, recommending referral to Plan Commission. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned communication (10-306) from Lakeshore Interfaith Hospitality Network

of Manitowoc County advising City as owner of Washington Park of their intent to occupy the former St. Boniface Rectory building, recommending placing on file. Motion by Levendusky, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation and Streets and Sanitation Committees returned special events request (10-334) from Party Pizzazz to sell hats, beads, glow products and other novelties at 4th of July picnic and fireworks, jointly recommending approval subject to City policy. Motion by Levendusky, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned special events request (10-346) from Debbie Seehafer to hold Manitowoc County Open Tennis tournament at Lincoln Park tennis courts on July 30 - August 1, 2010, recommending approval subject to City policy. Motion by Levendusky, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned quote (10-328) from Titan Public Safety Solutions for TiPSS software for Municipal Court, recommending acceptance of proposals and place on file. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned quote (10-327) from Titan Public Safety Solutions for data conversion for Municipal Court to TiPSS Courts file format, recommending acceptance of proposal and place on file. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned report (10-319) of City Clerk Jennifer Hudon on parking leases entered into during the period of June 1, 2009, through May 31, 2010, recommending acceptance of report and place on file. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned professional service agreement (10-335) with Tarlton Inspections, Inc. to implement the environmental and fire safety provisions of COMM 10 relating to storage tank system review and inspection, recommending entering into the professional service agreement. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned communication (10-182) from August Krieser, Citizens Physical & Sensory Disability Commission, recommending Copps be presented with a certificate of accessibility for the accessibility features of their parking area and store, recommending granting request. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned revised constitution (10-313) and by-laws of Crime Prevention Committee, recommending approval of the constitution of the Manitowoc Crime Prevention Committee and place on file. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned lease agreement (10-350) with City Centre LLC and City of Manitowoc for the operation and maintenance of the approved project property, recommending entering into the lease agreement. Motion by Brey, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned special events request (10-333) from Jim Bialek, Dugout Bar, for extension of alcohol license premise to hold 20th anniversary party in their parking lot at 4117 Broadway St., recommending granting the request. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned special events request (10-318) from The Fat Seagull resubmitting their request to close a portion of Quay Street on Saturday, July 31st for a one-year in business celebration, recommending approval of request subject to City policy. 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 (10-351) of City Planner David Less with recommended action steps relative to renegotiation of the lease agreement between the City and Maritime Lodging Associates LLP d/b/a Best Western Lakefront Hotel, recommending acceptance of report and adoption of recommendations. 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 (10-336) of City Planner David Less relative to Notice of Public Hearing pursuant to Section 66.1105(4)(h)(1) and (4)(a) Wis. Stats. regarding boundary and text amendment no. 1 to Tax Incremental Financing District No. 16 and boundary amendment no. 1 to TIF Districts No. 7, 9 and 10, 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 special events request (10-320) from St. Francis of Assisi Parish to have N. 14th St. closed between Waldo Blvd. to Menasha Ave. on August 6 & 7, 2010 for annual Fish Boil/Pizza Party, recommending approval of request subject to City policy. 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 (10-329) of Board of Public Works of June 16, 2010 regarding bids received for 2010 Televising Miscellaneous Sewers II, Project WS-10-11, recommending awarding to low bidder, Northern Pipe Equipment, Inc. in the amount of \$45,690.05. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned special events request (10-332) from First Reformed United Church of Christ to hold CROP Walk on Saturday, October 2, 2010, from 9:00 a.m. to 12:00 p.m., with routes detailed therein, recommending approval of request subject to City policy. 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 (10-330) of the Board of Public Works of June 16, 2010, recommending 4th and final payment to AECOM in the amount of \$1,680.00 for Flambeau St. Contamination Phase II Investigation, Invoice No. 37032254, recommending payment. 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 (10-331) of the Board of Public Works of June 16, 2010, recommending 3rd and final payment to Specht Electric Communications in the amount of \$13,303.86 for Family Aquatic Center CCTV, Project WB-09-17, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned Compliance Maintenance Annual Report (10-337) of Supt. Wastewater Treatment Facility Brian Helminger for 2009 as required by Ch. NR208 of the Wis. Administrative Code, 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 special events request (10-315) from Manitowoc Track Club to hold 2nd Annual Ron Rubick Run on Saturday, August 7, 2010, as outlined therein, recommending approval of request subject to City policy. 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 (10-344) relative to Lakeshore Interfaith Hospitality Network request for conditional use permit for adaptive reuse of property at 1110 S. 10th Street for transitional housing services, recommending that the Council issue the CUP subject to the attached conditions, 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 report (10-341) of City Plan Commission relative to Great Lakes Energy Technologies, LLC/Orion Energy Systems, Inc. request for conditional use permit for small wind energy system on Woodland Drive recommending approval of the CUP as detailed therein, recommending acceptance of report, adoption of recommendations 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 report (10-342) of City Plan Commission relative to house moving application from Ellen S. Reinertson to move a home to the corner lot on Pine and N. 9th Streets, recommending that the Council approve the request subject to conditions stated therein, recommending acceptance of report, adoption of recommendations 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 communication (10-267) from Radosevich, Mozinski, Cashman & Olson, LLP in behalf of Lakeshore Interfaith Hospitality Network requesting a conditional use permit for former St. Boniface Rectory building, 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 report (10-347) of City Plan Commission relative to annual review of special permits for fixed animated signs, recommending acceptance of report, adoption of recommendations 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 progress invoice (10-338) from Wisconsin Dept. of Transportation in the amount of \$6,641.77 for North 21st Street Bridge (Viaduct), Project No. 4991-02-00, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned request (10-304) from Ellen S. Reinertson to move a home to the corner lot on Pine and N. 9th Streets, as detailed therein, 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 report (10-343) of City Plan Commission relative to Manitowoc Eagles Aerie #706 request for conditional use permit for location of private club and lodges and fraternal organizations, recommending Council approval of the CUP subject to the attached conditions, recommending acceptance of report and place on file. Motion by Soeldner, second by Hennessey, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, none. Abstained, 1.

Streets and Sanitation Committee returned communication (10-232) from Orion Energy Systems for conditional use permit for 176.5 foot wind turbine to be located at 2210 Woodland Dr., 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 (10-326) from Manitowoc Public School District to move a 24' x 30' garage from 721 Green St. to the north parking lot of Lincoln High School (1433 S. 8th St.), 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 Release (10-352) of Easement to MTM Real Estate, LLC of a 10' wide drainage easement across property located west of South 41st Street between Clipper Dr. and Expo Dr., 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 sidewalk privilege agreement (10-353) with DAW Buildings, LLC for the purpose of placing brick facade covering their existing building at 8th and York Streets in the right-of-way of their

property at 801 York Street, recommending entering into agreement. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing Committee returned application #4 for 2010 Mobile Home Park license, recommending granting. Motion by Hennessey, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing Committee returned applications #22, 23 & 24 for 2010-11 Class "A" Retail Fermented Malt Beverage; #5 & 6 for Class "B" Retail Fermented Malt Beverage license; #59, 61-63 for "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license; #2 & 3 for 2010-11 "Class C" Retail Wine license; #28-30 for for 2010-11 Near Beer license; #2-6 for 2010-11 One Year Operator's license; #403-405 for 2009-11 Two Year Operator's license; #122-154, 156-205 for 2010-12 Two Year Operator's license; recommending granting the various licenses, as shown on the committee's report. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned communication (10-325) from Disabled American Veterans to conduct annual forget-me-not fund drive on July 23 & 24, 2010, recommending approval of request subject to City policy. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned General City Claims (10-349) in the amount of \$3,471,857.12 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 Soeldner, second by Brey, report accepted. Ayes, 9. Nays, none.

Finance Committee returned report (10-345) of City Planner David Less relative to release of interest in assignment of life insurance related to historic Manitowoc Place project, recommending acceptance of report and adoption of recommendations. Motion by Able, seconded and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Common Council adjourned at 8:02 o'clock P.M. noting the next Council meeting will be on Tuesday, July 6, 2010. Ayes, 9. Nays, none.

Respectfully submitted

Jennifer Hudon
City Clerk