

## COMMON COUNCIL

### OFFICIAL JOURNAL

Justin M. Nickels, Mayor

August 16, 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, August 16, 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 7:03 p.m. and on roll call the following members were present: Alderpersons Jill Hennessey, Scott McMeans, James N. Brey, Christopher Able, Matt Kadow, Jason Sladky, Alex J. Olson, Nicholas P. Levendusky, Allan Schema and Dave Soeldner.

Absent: None.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of August 2, 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 August 16, 2010 Common Council agenda.

Mayor Nickels presented 2011 Parks Initiative.

Resolution (10-476) authorizing the submittal of an application with the United States Environmental Protection Agency Brownfields Assessment Grant Program for community-wide services for brownfield site assessments and associated activities in the City of Manitowoc, was referred to Finance Committee.

Resolution (10-464) supporting the application for Tiger II Grant Funding in the amount of \$16 million to allow for the completion of the re-powering of the S.S. Badger vessel, was referred to Finance Committee.

Resolution (10-461) establishing nonrepresented employee compensation for 2010, was referred to Personnel Committee.

At the request of Mayor Nickels, Tom Karman of Schenck & Associates then gave a brief presentation to the Council regarding the 2009 CAFR/Management Letter.

Finance Committee returned comprehensive annual financial report (10-460) including Auditors' Reports for the City of Manitowoc for the year ended December 31, 2009, along with the Management Letter, prepared by Schenck & Associates, recommending acceptance of report and place 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 agreement (10-475) with Citizens for Skateboarding to complete the

construction work of the entrance and donor wall in Dewey Street Park at the X-Sports Complex, recommending approval. Motion by Levendusky, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (10-487) from Roncalli High School to use Municipal Field area and concession stand on September 28, 2010 and waiver of fees, recommending approval of request subject to City policy. Motion by Levendusky, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (10-489) from Roncalli High School to hold Cross Country Invitational at Lincoln Park on September 11, 2010 and waiver of fees, recommending approval of request subject to City policy. Motion by Levendusky, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (10-459) from Manitowoc Lincoln Baseball to host youth baseball tournament at Citizen Park Diamond #2 along with waiver of fees on August 14 & 15, 2010, recommending approval of request subject to City policy. Motion by Levendusky, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (10-490) from Roncalli High School to hold cross country conference meet at Lincoln Park on October 14, 2010 and waiver of fees, recommending approval of request subject to City policy. Motion by Levendusky, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (10-444) from Marion Parworth to hold Garden Fair in Washington Park on June 11, 2011, recommending approval of request subject to City policy. Motion by Levendusky, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (10-462) from Manitowoc-Two Rivers YMCA to use Lakeview Park for YMCA flag football, as detailed therein, recommending approval of request subject to City policy. Motion by Levendusky, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (10-463) from United Way of Manitowoc County, Inc. for use of bandshell and various City equipment on August 19, 2010, recommending approval of request subject to City policy with \$150.00 fee. Motion by Levendusky, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned request (10-471) from Manitowoc Professional Police Assn. to waive reservation fee for Silver Creek Fieldhouse on October 9, 2010 for MPA Police Chase, recommending approval of request

subject to City policy with fee waived. Motion by Levendusky, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Ordinance (10-493) to create Section 8.11(9) and (10) of the Manitowoc Municipal Code regulating unauthorized disposal of human and animal remains on City property, was referred to Public Property and Safety Committee.

Ordinance (10-457) to amend Section 26.07 of the Municipal Code amending the penalty for contempt in Municipal Court, was referred to Public Property and Safety 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.

Committee of the Whole returned report (10-458) of City Planner David Less relative to 2009 Economic Development Corporation of Manitowoc County Financial Statement for year ending December 31, 2009, 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.

Finance Committee returned resolution (10-464) supporting the application for Tiger II Grant Funding in the amount of \$16 million to allow for the completion of the re-powering of the S.S. Badger vessel, recommending adoption of the resolution. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned report (10-480) of City Planner David Less relative to proposal for preparation of application to U. S. Environmental Protection Agency for brownfields assessment grants, fiscal year 2011 grant competition, 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 resolution (10-476) authorizing the submittal of an application with the United States Environmental Protection Agency Brownfields Assessment Grant Program for community-wide services for brownfield site assessments and associated activities in the City of Manitowoc, recommending adoption of the resolution. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned report (10-454) of TIF Joint Review Board relative to review of Tax Incremental Financing (TIF) Boundary and Text Amendment No. One to TIF District No. 10, recommending acceptance of report 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 report (10-455) of TIF Joint Review Board relative to review of Tax Incremental Financing (TIF) Boundary and Text Amendment No. One to TIF District No. 9, recommending acceptance of report 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 report (10-456) of TIF Joint Review Board relative to review of Tax Incremental Financing (TIF) Boundary and Text Amendment No. One to TIF District No. 7, recommending acceptance of report 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 report (10-453) of TIF Joint Review Board relative to review of Tax Incremental Financing (TIF) Boundary and Text Amendment No. One to TIF District No. 16, recommending acceptance of 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 notice of claim and claim (10-097) from Maritime Plumbing of February 23, 2010, Case No. 10-1039, recommending denial of the claim. Motion by McMeans, second by Able, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, none. Abstained, 1.

Finance Committee returned notice of claim (10-203) and claim from Justin P. Massart, Claim File No. 10-1042, recommending payment of the claim (\$462.19) per Attorney's recommendation. 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 (10-269) and claim of May 18, 2010, from Norman H. Reichard, Claim File No. 10-1043, recommending payment of the claim (\$89.25). Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned report (10-474) of City Planner David Less relative to proposed 2010 Cher-Make Sausage Co. bond issue, recommending acceptance of report and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned communication (10-391) from Kevin Neelis, Heritage Real Estate offering properties for possible sale to the City of Manitowoc, recommending placing on file. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned report (10-483) of City Plan Commission recommending no further action be taken on Heritage Real Estate's request for City to acquire certain properties in downtown Manitowoc, recommending acceptance of report and place on file. Motion by Brey, second by McMeans, and unanimously carried to

accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned ordinance (10-428) to amend various sections of 14.03 of the Manitowoc Municipal Code regarding restricted animal species, recommending adoption of the ordinance. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned report (10-484) of City Plan Commission relative to County Treasurer's communication advising of multiple parcels of real estate located in the City that are in the process of foreclosure, recommending acceptance of report and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned ordinance (10-043) amending Section 22.01 of the Municipal Code entitled "Official Map-Master Subdivision Plans" in an area located on South 22nd Street, recommending rescinding Council action of August 2, 2010 (and referring back to Streets and Sanitation Committee). 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 (10-042) to vacate a portion of So. 22nd Street containing 1,649 square feet, recommending rescinding Council action of August 2, 2010 (and referring back to Streets and Sanitation Committee). Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation & Public Utilities and Licensing Committees returned special events request (10-473) from Shooter Malones to close portion of Buffalo Street and extend alcohol premise on September 28, 2010, as detailed therein, jointly recommending approving 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 utility easement (10-467) from Peter C. Allie for the purpose of constructing, maintaining, repairing and replacing utilities relative to sanitary sewer interceptor relay at Manitowoc River south of Michigan Avenue, 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 utility easement (10-466) from Peter C. Allie and Stacey C. Culligan for the purpose of constructing, maintaining, repairing and replacing utilities relative to sanitary sewer interceptor relay at Manitowoc River east of N. 39th Street, 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 quit claim deed (10-468) to Christopher C. Allie and Christine A. Allie for 22' wide strip at Evergreen Cemetery - West, 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 quit claim deed (10-469) from Christopher C. Allie to City of Manitowoc

for .675 acre parcel north of Michigan Avenue, 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 & Parks and Recreation Committees returned special events request (10-448) from Manitowoc Public School District to have Grand Ave. between So. 23rd and So. 21st Streets blocked off on Saturday, October 9, 2010, from 11:00 a.m. to 2:00 p.m. for Lincoln Homecoming Parade with limited access to Municipal Field SE lot, jointly 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 communication (10-401) from S M I as representatives of Holy Family Memorial Medical Center for an amendment to their conditional use permit to expand an existing parking lot in a R-3 zone, located west of the Western Avenue site with Liberty Place, Riverview Drive, and Meadow Lane being the north, east, and south boundaries, and report (10-477) of City Plan Commission relative to the request recommending Council approve the CUP, recommending placing communication (10-401) on file and acceptance of report (10-477) 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 declarations of restrictions (10-470) Underground Services by David K. Gratz for parcel no. 745-001-010, 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 special events request (10-449) from Barbara Bundy-Jost of Rahr-West Art Museum to hold Sputnikfest on September 10 & 11, 2010 and to close portions of Park Street and N. 8th Street, as detailed therein, recommending approving request subject to departmental requirements. 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 (10-445) from Stock's Harley Davidson/Manitowoc Humane Society to hold Walk for Kindness on September 25, 2010, as 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, 10. Nays, none.

Streets and Sanitation Committee returned report (10-479) of City Plan Commission relative to annual compliance review of conditional use permit issued to Shawna Voigt at 904 So. 8th Street for a tattoo and body piercing operation, 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 quit claim deed (10-387) from Kenneth J. Noskowiak, Roger J. Noskowiak, Kathy A. Schrank, Karen M. Knapp and Lois J. Brandl to the City of Manitowoc for S. 19th Street purposes; quit claim deed (10-388) from Kenneth J. Noskowiak and Christine Noskowiak to the City of Manitowoc for S. 15th Street purposes; quit claim deed (10-400) from David V. Olson and Audrey Olson to the City of Manitowoc for street purposes,

as shown on the attached map, (Parcel No. 010-026-011-007.00); and report (10-485) of City Plan Commission recommending that the Council approve and accept quit claim deeds, recommending acceptance of deeds (10-387), (10-388) and (10-400) and place on file and acceptance of report (10-485) 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 (10-486) of City Plan Commission relative to request from First Presbyterian Church for animated sign at 502 N. 8th Street, 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 (10-482) of City Plan Commission relative to annual compliance review of conditional use permit issued to Dwayne Radaj for the operation of a motor vehicle wrecker service at 734 N. 8th Street, 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 (10-478) of City Plan Commission relative to annual compliance review of conditional use permit issued to Larry Van Akkeren for a recycling operation at 901 So. 17th St., 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 (10-481) of City Plan Commission relative to review of Evergreen Cemetery Expansion - Section X, 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.

Public Utilities & Licensing Committee returned amended forms for Capitol Civic Centre (#50 "Class B Retail Intoxicating Liquor & Fermented Malt Beverage license) advising of change of agent & officers for the premises at 913 S. 8<sup>th</sup> St., effective immediately; communication and change of agent forms from Ultra Mart Foods LLC (#6 Combination "Class A" Retail Intoxicating Liquor & Fermented Malt Beverage license) advising of change of agent to Rodger Derocha for premises at 3300 Calumet Ave.; applications #25 for Class "A" Retail Fermented Malt Beverage license; #60 for "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license; #24-25, 29-32 for 2010-11 Temporary Operator's license; #16-18 for 2010-11 One Year Operator's license; #265-27i2 for 2010-12 Two Year Operator's license; #6 for Stock Car Races, Racing Exhibitions, Etc. Permit; recommending granting the various change of agent/licenses, as shown on the committee's report. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned General City Claims (10-491) in the amount of \$5,076,189.68 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, 10. Nays, none.

Common Council adjourned at 8:00 o'clock P.M. Ayes, 10. Nays, none.

Respectfully submitted

Jennifer Hudon  
City Clerk

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