

## COMMON COUNCIL

### OFFICIAL JOURNAL

Justin M. Nickels, Mayor

November 1, 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, November 1, 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, 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 October 18, 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 November 1, 2010 Common Council agenda.

City Clerk administered oath of office for new firefighters Richard Barbier and Eric Rebedew followed by a badge ceremony.

Initial Resolution (10-591) regarding industrial development revenue bond financing for Salm Partners, LLC, was referred to Finance Committee. Information with respect to the job impact of the project will be available at the time of consideration of the Initial Resolution.

Resolution (10-582) authorizing Manitowoc Public Utilities to install one, 250 watt, Cobra head style, non-ornamental, high pressure sodium street light at the intersection of So. 23rd and Flambeau Streets, was referred to Committee on Public Utilities and Licensing.

Resolution (10-583) authorizing Manitowoc Public Utilities to replace three existing, 250 watt, non-ornamental street lights with three each, 70 watt ornamental street lights in the 800 block of York Street, was referred to Committee on Public Utilities and Licensing.

Resolution (10-607) to eliminate the Vehicle Allowance for the Mayor and City Engineer, was referred to Personnel Committee.

Resolution (10-606) restricting City employees from taking city vehicles home overnight on a daily basis, was referred to Personnel Committee.

Ordinance (10-590) to amend Section 10.101(1) of the Manitowoc Municipal Code regarding parking regulated December 1 to March 31 was referred to Public Property & Safety Committee.

Ordinance (10-604) to amend Section 15.05 of the amended zone map of the City of Manitowoc to provide that certain Erosional Hazard Areas of land are amended, as detailed therein, was referred to Streets and Sanitation Committee.

Ordinance (10-603) to amend Section 22.01 of the Municipal Code relative to Erosion Hazard Area on Official Map, 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 initial resolution (10-591) regarding industrial development revenue bond financing for Salm Partners, LLC, recommending adoption of resolution. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned report (10-600) of City Planner David Less relative to Services Agreement between City of Manitowoc, City of Two Rivers and City of Kiel and Economic Development Corporation of Manitowoc County, 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 (10-383) of Deborah S. Kerr of July 8, 2010, Claim File No. 10-1047, recommending denial of the claim. 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 (10-521) of September 13, 2010, from Larry Dehne, Claim File No. 10-1055, recommending denial of the claim. 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 (10-452) from Richard A. Yanda of August 9, 2010, Claim File No. 10-1052, recommending denial of the claim. 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 (10-488) from Janet Dokey of August 13, 2010, Claim File No. 10-1053, recommending denial of the claim. 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 (10-446) from Maple Ventures, LLC of August 4, 2010, Claim File No. 10-1050, recommending denial of the claim. 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 (10-447) from Maple Ventures, LLC of August 4, 2010, Claim File No. 10-1049, recommending denial of the claim. 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 (10-547) of September 23, 2010, from Manitowoc Properties, Claim File No. 10-1056, recommending denial of the claim. 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 ordinance (10-570) revising Section 10.061(93) and to create Section 10.104 (48c) of the Manitowoc Municipal Code regarding traffic and parking on streets, recommending adoption of the ordinance. 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 (10-548) to amend Section 26.01(2) of the Municipal Code changing the term of office for Municipal Judge from two to four years, recommending adoption of the ordinance. 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 (10-580) to amend Section 3.32 of the Manitowoc Municipal Code changing the term of office of members of the Code Review Committee, recommending adoption of the ordinance. 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 communication (10-592) from Paul Schermetzler, Community Policing Lieutenant, to move the adult crossing guard from the intersection of S. 14th and Flambeau to the north entrance of Monroe School with a new crosswalk to be placed as detailed therein, recommending approval of the request and place on file. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned resolution (10-582) authorizing Manitowoc Public Utilities to install one, 250 watt, Cobra head style, non-ornamental, high pressure sodium street light at the intersection of So. 23rd and Flambeau Streets, recommending adoption of the resolution. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned request (10-587) from Cheryl and Jon Saunders, Lake Breeze Salon, 1201 So. 13th Street, to construct a parking lot in a residential zoning district per Chapter 15.43(11) of the Municipal Code, 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 utility easement (10-585) to Manitowoc Public Utilities for the purpose of constructing, maintaining, repairing and replacing electrical utility facilities, 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 report (10-594) of the Board of Public Works of October 27, 2010, recommending 4th and final payment to Lake Shore Cleaners, Inc. in the amount of \$9,338.58 for So. 30th St. Pond Native Vegetation Landscaping, Inv. #21808, 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 (10-593) of the Board of Public Works of October 27, 2010, recommending 3rd (95%) payment to H Tod Culver, Inc. in the amount of \$45,459.66 for 2010 Remove & Replace Existing Sidewalks, WS-10-3, 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 (10-595) of the Board of Public Works of October 27, 2010, recommending 10th and final payment to Quasius Construction Inc. in the amount of \$68,198.68 for Family Aquatic Center, WB-09-16R, 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 application (10-589) for amendment to zoning ordinance district map from Lake Breeze Salon, 1201 S. 13th St., for change in zone from R-7 Central Residence to B-2 Neighborhood Business District, 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 report (10-598) of the Board of Public Works of October 27, 2010, recommending 2nd (95%) payment to Vinton Construction in the amount of \$150,457.31 for So. 41st St./Custer St. Pond, WU-10-10, 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 (10-596) of the Board of Public Works of October 27, 2010, recommending 7th (95%) payment to Vinton Construction in the amount of \$428,783.91 for 2010 Concrete Paving & Reconstruction & So. 10th St. Pond, WS-10-1, 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 (10-597) of the Board of Public Works of October 27, 2010, recommending 2nd (95%) payment to Vinton Construction in the amount of \$235,304.20 for 2010 Sanitary Sewer Relay, WU-10-8, 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 service agreement (10-584) for underground facilities locating and marking with Excel Underground LLC for the period January 1, 2011 thru December 31, 2012, 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 progress invoice (10-586) from Wisconsin Dept. of Transportation in the amount of \$66,502.62 for N. 21st Street Bridge (Viaduct), Project No. 4991-02-71, 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, to whom was referred communication (10-544) from Kummer, Lambert and Fox LLP requesting removal of restriction contained in a 1977 land contract for property sold by the City to Michael J. Dickey, returned same with report (10-605) of City Plan Commission recommending that Council remove the restriction by signing a Quit Claim Deed to the current property owner, recommending acceptance of report (10-605) and adoption of recommendations and placing communication (10-544) 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, to whom was referred permanent utility easement (10-524) from Airgas - North Central, Inc. for an area located west of So. 41st Street and north of Clipper Drive, returned same with report (10-602) of City Plan Commission recommending that the Council approve and accept the easement, recommending acceptance of report (10-602) and place on file and accept easement (10-524) 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 (10-601) of City Plan Commission relative to the need for an Official Map amendment and Comprehensive Zoning Map Amendment to make Erosion Hazard Areas the same and identical on both maps, recommending acceptance of report, place on file, with Clerk to call for public hearing. 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 (10-599) of the Board of Public Works of October 27, 2010, recommending 2nd (95%) payment to Vinton Construction in the amount of \$77,046.77 for 2010 Sanitary Sewer Construction, WU-10-12, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned #310-316 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, 10. Nays, none.

Committee of the Whole returned General City Claims (10-608) in the amount of \$1,010,590.82 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.

Moved by Able, seconded by Kadow, and unanimously carried, Common Council adjourned at 7:50 p.m to Monday, November 8, 2010, at 5:00 p.m. to introduce the General City Budget.

Respectfully submitted

Jennifer Hudon

City Clerk