

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

February 21, 2011

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, February 21, 2011. 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 and Dave Soeldner.

Absent: Alderperson Allan Schema.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of February 7, 2011 and the adjourned session of February 14, 2011, 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 21, 2011 Common Council agenda.

Resolution (11-094) to approve the attached Three Year Harbor Development Statement of Intentions (2011-2013), was referred to Public Utilities & Licensing Committee.

Ordinance (11-077) to amend Section 1.03(2) of the Municipal Code changing the location of the voting place for the Second Aldermanic District, was referred to Public Utilities and Licensing Committee.

Ordinance (11-091) to amend Section 15.05 of the amended zone map for an area located north of Custer Lane, west of the Canadian National Rail Road and east of Springhill Drive, 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.

Committee of the Whole returned communication (11-097) from Mayor Nickels vetoing the Council's action on

resolution (11-066) regarding a mandatory ten unpaid furlough days for non-represented employees or a reduction in wages equivalent to 80 hours of furlough time adopted February 14, 2011. Moved by Alderperson Soeldner, seconded by Alderperson Brey and carried by 2/3rds vote to override the veto. Ayes, 7. Nays, 2.

Committee of the Whole returned communication (11-071) from Mayor Nickels vetoing the Council's action on resolution (11-069) regarding reorganization of Parks and Recreation Department and Department of Public Works adopted February 7, 2011. Moved by Alderperson Soeldner, seconded by Alderperson Brey and carried by 2/3rds vote to override the veto. Ayes, 8. Nays, 1.

Committee of the Whole returned communication (11-098) from Mayor Nickels vetoing the Council's action on resolution (11-070) regarding 29 union employees being laid off and receiving 30 day notice, adopted February 14, 2011. Moved by Alderperson Soeldner, seconded by Alderperson Brey and carried by 2/3rds vote to override the veto. Ayes, 7. Nays, 2.

Moved by Alderperson Soeldner, seconded by Alderperson Brey and unanimously carried to place veto documents (11-066), (11-097) and (11-098) on file. Ayes, 9. Nays, none.

Committee of the Whole returned resolution (11-020) amending Council Rule 2 changing Co-Chairperson to Vice-Chairperson (removed by amendment: and having the Council President make committee appointments subject to the approval of the Common Council), recommending adoption of the rule (as amended). Motion by Soeldner, second by Able and unanimously carried by 2/3rds vote to adopt the rule (resolution). Ayes, 9. Nays, none.

Personnel Committee returned resolution (10-648) to implement a hiring freeze of all current or future vacant City employment positions for 2011, to include full, part-time and temporary positions with vacancies being filled with approval by 2/3 vote of the Common Council, recommending placing on file. Motion by Soeldner, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned report (11-079) of City Attorney Juliana Ruenzel with copy of Summons and Complaint attached to place documents relating to MRE of Manitowoc LLC v. City of Manitowoc et al, Case No. 09 SC 672 on file, recommending acceptance of report and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned report (11-065) of Asst. City Attorney Kathleen McDaniel to place documents relating to Mercedes M. Wilda v. Shoreline Leasing et al, Case No. 09 CV 387, on file, recommending acceptance of report and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned communication (10-111) from Manitowoc Area Visitor & Convention Bureau to consider a new animated sign, replacing the current signage, for the VIC at 4221 Calumet Ave., recommending placing 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 special events request (11-072) to hold Manitowoc County Civil War Round Table event at Washington Park on April 16, 2011, 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, 9. Nays, none.

Parks & Recreation, Public Utilities & Licensing and Streets & Sanitation Committees returned special events request (11-068) from Kiwanis Club of Greater Manitowoc to hold car show in Washington Park on August 7, 2011 including street closures, alcohol in the park and waiver of fees, as detailed therein, jointly recommending approval of request 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 notice (11-005) from Manitowoc County Public Works Dept. relative to sale of parcel no. 000-287-190, and report (11-083) of City Plan Commission, recommending that the Council place notice on file and no further action be taken, recommending acceptance of report (11-083) and place on file and place notice (11-005) on file. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned report (11-089) of City Planner David Less requesting authorization for City Planner to continue to act as the City's agent in administering all aspects of the 2011 Farmers' Market program and approval of the Agreement for Management Services, as detailed therein, recommending acceptance of report and adoption of recommendations. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned resolution (11-094) to approve the attached Three Year Harbor Development Statement of Intentions (2011-2013), recommending adoption of resolution. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned report (11-086) of City Plan Commission relative to three year harbor assistance program statement of intentions (2011-2013), recommending acceptance of report and place on file. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned statement of canvassers (11-078) of election returns for February 15, 2011 Election in District 1 for Alderperson, recommending acceptance of report and place on file. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned ordinance (11-077) to amend Section 1.03(2) of the Municipal Code changing the location of the voting place for the Second Aldermanic District, recommending adoption of the ordinance. Motion by Hennessey, second by Sladky, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 9. Nays, none. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none. Ordinance adopted.

Public Utilities and Licensing Committee returned communication (11-082) from Nilaksh Kothari, General Manager MPU, attaching 2009 annual report of Great Lakes Utilities, recommending acceptance of report and place on file. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (10-359) of Dir. of Public Works/City Engineer Valerie Mellon requesting unimproved right-of-way access agreement for parcel 719-005-010 at 3608 Menasha Ave., 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 quit claim deed (11-055) from Sack Realty, LLC to the City of Manitowoc for N. Rapids Road purposes, and report (11-087) recommending that Council approve and accept the quit claim deed and record same, recommending acceptance of report (11-087) and place on file and accept quit claim deed (11-055) 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 (11-095) of property for Michigan Avenue purposes from City of Manitowoc, 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 report (11-090) of City Plan Commission recommending that Council call for a public hearing on proposed rezoning for property located at Custer Street owned by Steven Kratz, 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, 9. Nays, none.

Streets and Sanitation Committee returned report (11-088) of City Plan Commission recommending that Council adopt the ordinance to effectuate the changes relative to the City-wide rezoning of lands annexed into the City, 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 (11-081) of Board of Public Works of February 16, 2011, regarding bids received for 2011 Televising Miscellaneous Sewers I, Project WU-11-5, recommending awarding project to low bidder Green Bay Pipe & TV, LLC in the amount of \$33,911.89. 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 (11-092) of the Board of Public Works of February 16, 2011, recommending 4th and final payment to Vinton Construction in the amount of \$44,243.80 for Sanitary Sewer Relay, WU-10-8, 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 (11-093) of the Board of Public Works of February 16, 2011, recommending 4th and final payment to Vinton Construction in the amount of \$5,710.53, for Sanitary Sewer Construction,

WU-10-12, 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 (11-084) of City Plan Commission supporting the redesign of So. 21st Street and revision to preliminary plat and outlining steps to be taken by subdivider, 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 (11-085) of City Plan Commission recommending to Council that two special permits for fixed animated signs at Leonard Lane and 2406 Washington Street be terminated for the reasons 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 ordinance (10-694) to amend the amended zone map of the City of Manitowoc, as detailed therein, recommending adoption of ordinance. 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 (11-080) of Board of Public Works of February 16, 2011, regarding bids received for 2011 New Sidewalk Construction and Removing & Replacing Existing Sidewalk, Project WS-11-3, recommending awarding project to low bidder, A & M Concrete & Construction in the amount of \$149,589.73. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing Committee returned amended #56 for "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage (change of officers); #362-365 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.

Committee of the Whole returned General City Claims (11-096) in the amount of \$9,659,689.99 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.

Common Council adjourned at 8:08 p.m.

Respectfully submitted

Jennifer Hudon
City Clerk