

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

June 6, 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, June 6, 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 Jason Sladky, Dave Soeldner, Allan Schema, Jill Hennessey, Matt Kadow, James N. Brey, Scott McMeans, Alex J. Olson and Christopher Able.

Absent: Alderperson Lee Thennes.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of May 16, 2011, were approved as distributed by the City Clerk.

City Clerk administered oath of office to Firefighter/Paramedic Tyler Kiel followed by a badge ceremony.

Resolution (11-334) authorizing Mayor Nickels as the City's officer in charge at the City picnic on July 4, 2011, to be held at Washington Park, was referred to Committee of the Whole.

Resolution (11-342) approving the hiring of five seasonal employees who are close relatives to Department Heads or supervisory personnel for the Parks and Recreation Dept., was referred to Committee of the Whole.

Resolution (11-354) creating an Ad-Hoc Committee named Save Our Ship (S.O.S.) to build awareness and support of the S.S. Badger, was referred to Committee of the Whole.

Public Property and Safety Committee returned communication (11-197) from Karl Koch, Sr. regarding traffic traveling the wrong way on N. 8th Street, recommending placing 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 ordinance (11-195) to amend Section 16.070(1) of the Manitowoc Municipal Code regarding demolition of buildings, recommending adoption of ordinance. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Ordinance (11-353) amending Section 16.150(15)(3), Responsibilities of Owners Relating to the Maintenance of Nondwelling Structures, Fences, and Premises, to include birds, was referred to Public Property and Safety Committee.

City Clerk announced that the various documents have been referred to the appropriate committees as shown on the June 6, 2011 Common Council agenda.

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.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of proposed changes to Chapter 15 of the Code to amend and update the City's floodplain zoning requirement under Section 15.490.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on May 23 and May 30, 2011. (Proof of publication is on file in the City Clerk's office).

City Planner David Less gave an overview of the City-initiated change to portions of the text of Chapter 15 of the Municipal Code controlling the regulation of development within flood plains, including the adoption of new Flood Insurance Rate Maps and a new Flood Insurance Study as required by the Federal Emergency Management Administration (FEMA) and Wisconsin DNR standards pursuant to Chapter NR116 Wis. Admin. Code as to remain compliant with federal and state standards under Title 44 of the Code of Federal Regulations and N116 of the Wis. Admin. Code. The primary changes under the new ordinance as compared to the current City flood plain ordinance are as follows: Incorporates by reference the 17 affected Flood Insurance Rate Map (FIRM) panels for the City of Manitowoc which have an effective date of August 2, 2011, and are specifically identified as: 55071C0189D, 55071C0193D, 55071C0213D, 55071C0284D, 55071C0301D, 55071C0302D, 55071C0303D, 55071C0304D, 55071C0306D, 55071C0307D, 55071C0308D, 55071C0309D, 55071C0311D, 55071C0312D, 55071C0316D, 55071C0317D, 55071C0326D including the Index 55071CIND0A, dated August 2, 2011; with corresponding profiles that are based on the Flood Insurance Study (FIS) - 55071CV000A, with an effective date of August 2, 2011.

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.)

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 resolution (11-342) approving the hiring of five seasonal employees who are close relatives to Department Heads or supervisory personnel for the Parks and Recreation Dept., recommending approval of resolution. After Clerk read the names of the proposed employees, it was moved by Able, second by Soeldner, and on roll call vote, the following members voted aye: Sladky, Soeldner, Hennessey, Kadow, Brey, McMeans, Olson and Able. Alderperson Schema abstained. Ayes, 8. Nays, none. Abstained, 1. Committee's report was accepted.

Committee of the Whole returned resolution (11-354) creating an Ad-Hoc Committee named Save Our Ship (S.O.S.) to build awareness and support of the S.S. Badger, recommending approval of resolution. Motion by Able, second

by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned resolution (11-334) authorizing Mayor Nickels as the City's officer in charge at the City picnic on July 4, 2011, to be held at Washington Park, recommending approval of resolution. Motion by Able, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned memo (11-314) from Dir. of Public Works/City Engineer/Dir. of Parks & Rec. Valerie Mellon to move \$7,551 from Dept. of Public Works budget to Parks Department account for Marina summer help, recommending approval of transferring \$7,551 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 resolution (11-297) to authorize the appropriate City officers to act as signatories on behalf of the City of Manitowoc relative to bank requirements, recommending adoption of the resolution 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 (11-341) from Greg Minikel, Dep. Dir. of Public Works/City Eng'r/Parks & Rec., to authorize the expenditure for additional work for proposed fire lane in N. 9th St. and Maritime Dr. parking lot within the TIF 16 District, as detailed therein, recommending approval of use of \$10,000 for proposed work 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 (11-338) from Dir. of Public Works/Parks & Recreation/City Eng'r Valerie Mellon to transfer funds to the Broadway Street Bridge Slope Repair Project for an emergency repair, as detailed therein, recommending approving the request for transfer of funds of \$150,000 and \$25,000 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 notice of claim and claim (11-333) from Mary Lou Rulseh of May 17, 2011, Claim No. 11-1067, recommending payment of the claim in the amount of \$480.32. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned contract (11-344) with Scenic Landscape Company for removal and replacement of donor bricks that abut sections of existing walkways at Lincoln Park Zoo, recommending entering into the contract per City policy. Motion by Sladky, second by Kadow and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned special events request (11-349) from Big Brothers Big Sisters of Manitowoc Co. to use Silver Creek Fieldhouse and soccer field along with waiver of fees for same, recommending granting request with waiver of fees but deposit still required. Motion by Sladky, second by Kadow and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, none. Abstained, 1.

Parks and Recreation Committee returned special events request (11-348) from Manitowoc County Youth Hockey Association to use Rheaume Park on Sundays during the summer, recommending granting request per City policy. 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 architect/engineering services contract (11-352) with Somerville for preliminary design services, fundraising assistance and remodeling/addition design services to the Rahr-West Art Museum, recommending entering into the agreement. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned communication (11-206) from Robert Madison, Mad about Music, requesting two hour parking on the north side of Wisconsin Ave. from 11th Street west, as detailed therein, recommending placing on file. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned communication (11-337) from Mona Moen requesting a no parking zone on the east side of N. 21st Street during the months of May through September, recommending placing on file. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned special events request (11-336) from Wagner's RV Center Inc. for waiver of the noise ordinance for Campfest Customer Appreciation Campout at the County Expo, September 9 - 11, 2011, recommending approval of the request. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned request (11-246) from Fire Chief William P. Manis II to create a loading zone and fire lane on the east side of the No. 9th St. and Maritime Dr. parking lot, as detailed therein, recommending placing on file. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned ordinance (11-327) to amend various sections of Chapter 15 of the Municipal Code relative to new Flood Insurance Rate Maps and Flood Insurance Study, recommending adoption of the ordinance. 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 communication (11-347) from Jennifer Hogan, President, Friends of the Rahr-West Art Museum, submitting resignation from the committee and expressing concerns, recommending placing document on file. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation & Streets and Sanitation Committees returned special events request (11-345) from Manitowoc City Center Association to hold sidewalk sales on June 25 & 26, 2011 in conjunction with River Rendezvous and on July 8 & 9, 2011 for Krazy Daze along with closure of Quay St. parking lot on July 9th and the use of various City equipment, jointly recommending approval subject to City policy. Motion by Sladky, second by Soeldner and unanimously

carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned special events request (11-339) from Dave Nickels, Manitowoc Track Club, requesting to hold 5K run in honor of Ron Rubick on Saturday, August 6, 2011, as detailed therein, recommending approval 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 special events request (11-346) from St. Francis of Assisi Parish to close N. 14th Street between Waldo Blvd. and Menasha Ave. on August 12 & 13, 2011, for annual fish boil, recommending approval subject to departmental requirements. 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 (11-350) from Disabled American Veterans requesting permission to hold their annual Forget-Me-Not drive on July 22 & 23, 2011, recommending approval 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 application (11-189) to amend the zone map of the City of Manitowoc from "R-2" Single Family District to "B-3" General Business District for property located at 200 E. Waldo Blvd. (Elk's Lodge 687), recommending placing on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing Committee returned #5 & #6 Change of Agents for 2010-11 Class "A" Retail Fermented Malt Beverage license; #25 for 2011 Class "A" Retail Fermented Malt Beverage license; #56-57 for 2011 "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license; #4 for Mobile Home Park license; #2-4 for 2011-12 One Year Operator's license; #402-413, 415 for 2010-12 Two Year Operator's license; #35-79 for 2011-13 Two Year Operator's license; accepting the change of agents and 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 (11-351) in the amount of \$850,980.59 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.

Moved by Able, second by Olson and unanimously carried Common Council adjourned at 7:55 p.m. Ayes, 9. Nays, none.

Respectfully submitted,

JENNIFER HUDON, City Clerk

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