

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

June 20, 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 20, 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, Lee Thennes Jill Hennessey, Matt Kadow, James N. Brey, Scott McMeans, Alex J. Olson and Christopher Able.

Absent: None.

Pledge of Allegiance.

Invocation.

Minutes of the adjourned session of May 31, 2011 and the regular session of June 6, 2011, were approved as distributed by the City Clerk.

City Clerk administered oath of office to Police Officer Miranda Lea Benthien.

City Clerk administered oath of office to Officer Jason Koenig on behalf of police dog Uly.

City Clerk announced that the various documents have been referred to the appropriate committees as shown on the June 20, 2011 Common Council agenda.

Resolution (11-404) creating the Ad-Hoc Committee to evaluate 2-way streets on 8th and 10th in the City of Manitowoc, was referred to Committee of the Whole.

Resolution (11-375) authorizing implementation of grant awards through U.S. Environmental Protection Agency for community wide services for brownfield site assessments and associated activities, was referred to Finance Committee.

Non-Represented Personnel Salary and Benefit Resolution (11-409) to rescind portions of Council document number 11-187, the Non-Represented Personnel Salary and Benefit Resolution, adopted by the Common Council on March 28, 2011, with regard to the Non-Represented Police and Fire Personnel, was referred to Personnel Committee.

Personnel Committee returned communication (11-340) from Valerie Mellon, Dir. of Public Works/City Engineer/Dir. of Parks & Rec., recommending a change to the rate of pay for seasonal employees working the July 4th picnic, recommending addition of the wage rate. Motion by Able, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of proposed change to the Official Map to remove a portion of So. 17th Street, south of Clark Street.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on May 30, June 6 and June 13, 2011. (Proof of publication is on file in the City Clerk's office).

City Planner David Less gave an overview of both the "Official Map" street to be eliminated and street to be vacated noting all ownership rights and responsibilities, including maintaining, repairing and replacement of the utilities as well as the land over, under and through the vacated right-of-way shall be the sole responsibility of WAFCO, LLC.

Elizabeth Neuser, 2308 S. 11th Street addressed the Council relative to the street vacation.

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

Mayor submitted the following appointments and requested Council confirmation:

<u>Sustainable Manitowoc Committee</u>	<u>Term</u>
Kelly Eskew	3 Yr. Term expiring 2/15/14
Tony Fodden	3 Yr. Term expiring 2/15/14

Moved by Able, second by Soeldner and unanimously carried to confirm the Mayor's appointments. Ayes, 10.

Nays, none.

Mayor submitted the following appointment and requested Council confirmation:

<u>Municipal Tree Commission</u>	<u>Term</u>
Mike Penckofer (Pl. N. Levendusky)	2 year term expiring 6/1/12

Moved by Soeldner, second by Sladky and carried by acclamation to confirm the Mayor's appointment. Ayes, 9.

Nays, none. Abstained, 1.

Mayor submitted the following appointments and requested Council confirmation:

<u>Board of Ethics</u>	<u>Term</u>
Doris Hartman	3 year term expiring 6/1/14
Jim Muenzenmeyer	3 year term expiring 6/1/14
Kerry Trask	3 year term expiring 6/1/14

Moved by Able, second by Soeldner and unanimously carried to confirm the Mayor's appointments. Ayes, 10.

Nays, none.

Mayor submitted the following appointments and requested Council confirmation:

<u>Diversity Advisory Council</u>	<u>Term</u>
Ben Cress	3 year term expiring 6/1/12
Arlene Guzman	3 year term expiring 6/1/12
Pastor Faiveng Her	3 year term expiring 6/1/12
Faye Malek	3 year term expiring 6/1/12
Cris Muldrow	3 year term expiring 6/1/12
Harold Sumpter	3 year term expiring 6/1/12
Allison Sumpter	3 year term expiring 6/1/12
May Lo Vang	3 year term expiring 6/1/12
Tom Wall	3 year term expiring 6/1/12
NyiaLong Yang	3 year term expiring 6/1/12
Ginny Zipperer	3 year term expiring 6/1/12

Moved by Able, second by Soeldner and unanimously carried to confirm the Mayor's appointments. Ayes, 10.

Nays, none.

Mayor submitted the following appointments and requested Council confirmation:

<u>S.O.S. Committee</u>	<u>Term</u>
Jamie Zastrow	Indefinite
Greg Buckley	Indefinite
Doug Schwalbe	Indefinite
June Kraemer	Indefinite
Norma Bishop	Indefinite
Kathleen Galas	Indefinite
Jerry Powalisz	Indefinite
Connie Loden	Indefinite
Dolly Stokes	Indefinite
Karen Szyman	Indefinite

Moved by Able, second by Soeldner and unanimously carried to confirm the Mayor's appointments. Ayes, 10.

Nays, none.

Ordinance (11-406) to amend Section 10.170 and create Section 10.230(15) of the Manitowoc Municipal Code to add a four-way stop at N. 21st and Rankin Street, 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.

Public Utilities & Licensing Committee returned Findings of Fact Conclusions of Law and Recommendation (11-376) regarding the application of Patrick R. Brooks, d/b/a Bullpen Sports Bar for renewal of liquor license, recommending acceptance (denial of the license). No interested parties appeared. Motion by Hennessey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned resolution (11-404) creating the Ad-Hoc Committee to evaluate 2-way streets on 8th and 10th in the City of Manitowoc, recommending approval of the resolution. Motion by Able, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned resolution (11-375) authorizing implementation of grant awards through U.S. Environmental Protection Agency for community wide services for brownfield site assessments and associated activities,

recommending adoption of resolution 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 (11-383) of City Planner David Less relative to consideration to consent to collateral subordination relative to Orion Energy Systems, 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.

Parks and Recreation Committee returned request (11-391) from Ann Barbeau to allow her sons to sell worms at the lake, recommending granting request. Motion by Sladky, second by Kadow and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (11-362) from Faith Church to hold Family Movie Night on July 8, 2011 at Washington Park, and waiver of fees for Metro Stage, recommending granting request subject to City policy. Motion by Sladky, second by Kadow and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned request (11-381) from Anna Hebert for assistance with passes to Family Aquatic Center, recommending placing on file. Motion by Sladky, second by Kadow and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (11-356) from United Way to hold 2011 Campaign Kickoff Concert in Washington Park and use of barricades on August 14, 2011, recommending granting request subject to City policy. Motion by Sladky, second by Kadow and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (11-357) from Party Pizazz to sell novelties at 4th of July picnic and fireworks, recommending granting request subject to City policy. Motion by Sladky, second by Kadow and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned farm animal loan agreements (11-393), (11-394), (11-395), (11-396), (11-397), (11-398), (11-399) and (11-400) from various individuals for loan of farm animals for the Big Red Barn at the Zoo for the 2011 season, recommending acceptance and place on file. Motion by Sladky, second by Kadow and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (11-363) from Friends of Mariners Trail to hold fun run on Mariner's Trail on July 16, 2011, recommending granting request per City policy. Motion by Sladky, second by

Kadow and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (11-390) from the Daughters of Union Veterans to hold picnic in Union Park on July 9, 2011, recommending placing on file. Motion by Sladky, second by Kadow and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (11-403) from New Beginnings Church to hold block party on July 16, 2011 at Pulaski Park, recommending granting request per City policy. Motion by Sladky, second by Kadow and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned concession stand agreements (11-385), (11-386), (11-387) and (11-388) with Lates, O'Connor Concessions, Tim F. Becker d/b/a HP Enterprises and Party Pizazz for July 4th picnic in Washington Park, recommending approval of agreements per City policy. Motion by Sladky, second by Kadow and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned Business Associate Agreement (11-408) with LGTC and Provider Transportation Packet for non-emergency medical transportation, recommending entering into the agreement. Motion by Brey, second by Olson and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned ambulance service agreement (11-373) between Combat USA and Manitowoc Fire Department for event on July 2, 2011, recommending entering into the agreement. Motion by Brey, second by Olson and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned ambulance service agreement (11-374) between Roncalli High School and Manitowoc Fire Department for period August 19, 2011 to December 31, 2011, recommending entering into the agreement. Motion by Brey, second by Olson and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned 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, recommending adoption of the ordinance. Motion by Brey, second by Olson and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned request (11-379) from Fraternal Order of Eagles to have bands play on their grounds for their annual picnic on August 13, 2011, recommending approval of the request according to City policy. Motion by Brey, second by Olson and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, none. Abstained, 1.

Public Property and Safety Committee returned communication (11-384) from County Treasurer Cheryl Duchow enclosing public notice of tax foreclosure In Rem 2011 for properties located in the City of Manitowoc, recommending referral to Plan Commission. Motion by Brey, second by Olson and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned special events request (11-392) from Replay Bar & Grill to include music outdoors for special event on June 17-18, 2011 until 9:00 p.m., recommending approval of the request according to City policy. Motion by Brey, second by Olson and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned report (11-411) of City Clerk Jennifer Hudon on parking leases entered into during the period of June 1, 2010, through May 31, 2011, recommending placing on file. Motion by Brey, second by Olson and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned communication (11-279) from Alderwoman Jill Hennessey requesting a yield sign to be placed at S. 21st Street and Grand Avenue, recommending placing on file and to instruct the City Attorney to draft an ordinance for traffic to stop at the corner of So. 21st Street and Grand Ave. Motion by Brey, second by Olson, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned recommendation (11-413) from Dir. of Public Works/City Engineer/Parks & Recreation Valerie Mellon to rescind award of contract for Lincoln Park Cabin #1 Site Preparation and Utility Construction, Project No. WO-11-11, to JM & Sons Excavating (not low responsive bidder), recommending rescinding award. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned recommendation (11-414) from Dir. of Public Works/City Engineer/Parks & Recreation Valerie Mellon to award contract for Lincoln Park Cabin #1 Site Preparation and Utility Construction, Project No. WO-11-11, to David Katers LLC, recommending awarding contract. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned professional service agreement (11-372) with AECOM for Design Engineering Services for Broadway Street Bridge, Retaining Wall and Roadway Slope Repair, 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 contract (11-371) with Klein Asphalt, Inc. for asphalt repair and striping

of N. 9th and Maritime Drive parking lot, 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 communication (11-378) from Regional Real Estate to move an existing garage from Cato to 1911 Wild Oak Drive, 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 special events request (11-355) from First Reformed United Church of Christ to hold annual CROP Walk on Saturday, October 1, 2011, with maps attached, 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 (11-377) from Laurie Sickinger expressing concerns of street flooding in the area of Ash and Elder Drive, recommending placing 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 special events request (11-360) from Rahr-West Art Museum to hold 911 Remembrance Ceremony on September 11, 2011, and requesting the closure of Park Street between N. 8th and N. 10th, 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 reports (11-365), (11-366), (11-367), (11-368) and (11-369) of the Board of Public Works of June 15, 2011, recommending final payments to Fahrner Asphalt Sealers in the amount of \$2,122.56 for 2010 Slurry Sealing, WS-10-6; Green Bay Pipe and TV in the amount of \$2,617.71 for 2011 Televising Miscellaneous Sewers, WU-11-5; Mead & Hunt in the amount of \$1,884.80 for professional services to administer the CDBG project for S. 10th St.; Robert E. Lee & Associates in the amount of \$4,745.51 for inspection of the 40th Street and Archer lift station; and Strand Associates in the amount of \$2,391.03 for sanitary sewer capacity analysis update, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned Non-Represented Personnel Salary and Benefit Resolution (11-409) to rescind portions of Council document number 11-187, the Non-Represented Personnel Salary and Benefit Resolution, adopted by the Common Council on March 28, 2011, with regard to the Non-Represented Police and Fire Personnel, recommending approval of the amended resolution. Motion by Able, second by Schema, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned #8 for 2011-12 Combination Class "A" Retail Intoxicating Liquor

& Fermented Malt Beverage license; #6 for 2011-12 Class "B" Retail Fermented Malt Beverage license; #14, 58-61 for 2011-12 "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license; #2 for 2011-12 "Class C" Retail wine license; #5-13 for 2011-12 One Year Operator's license; #414, 416-419 for 2010-12 Two Year Operator's license; #80-139 for 2011-13 Two Year Operator's license; #2 for Stock Car Races, Racing Exhibitions, Etc. permit; 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. However, Alderperson Olson abstained from voting on #417 2010-11 Two Year Operator's license.

Committee of the Whole returned General City Claims (11-405) in the amount of \$3,846,933.16 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, 10. Nays, none.

Moved by Olson, second by McMeans and unanimously carried Common Council adjourned at 8:26 p.m. Ayes, 10. Nays, none. Mayor Nickels noted the next Council meeting will be on Tuesday, July 5, 2011.

Respectfully submitted,

JENNIFER HUDON, City Clerk