

COMMON COUNCIL
OFFICIAL JOURNAL

Justin M. Nickels, Mayor

July 18, 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, July 18, 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.

Sr. Marcolette of Silver Lake College led the Pledge of Allegiance.

Invocation.

Minutes of the regular session of July 5, 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 July 18, 2011 Common Council agenda.

Resolution (11-479) providing that employees in the positions of Clerk I, Clerk II, Streets Laborer, Mechanic and ISF Billing/Parts Specialist in the Department of Public Works contribute 50% of the actuarially required Wisconsin Retirement System contribution and 12.5% of the employee health plan premium contribution effective July 17, 2011, was referred to Committee of the Whole.

Resolution (11-480) that the vacant position of Clerk Typist I in the Police Department be filled with a qualified internal or external candidate at the hourly rate as established in the current collective bargaining agreement between the City of Manitowoc and City of Manitowoc Employees Local 731, AFSCME, AFL-CIO, was referred to Committee of the Whole.

Resolution (11-478) that the Police Department position of Community Service Worker I be created to replace the current Parking Meter Attendant position, and the position of Community Service Worker II be created to replace the current Community Service Worker position, and that each newly created position be filled with a qualified internal or external candidate at the respective hourly rates as established in the current collective bargaining agreement between the City of Manitowoc and City of Manitowoc Employees Local 731, AFSCME, AFL-CIO, was referred to Committee of the Whole.

Parks and Recreation Committee returned report (11-461) of the Board of Public Works of July 13, 2011, recommending 1st and final payment to Bob Braun Excavating, LLC in the amount of \$7,124.00 for Lincoln Park Cabin #1 Excavation, recommending paying the invoice. Motion by Sladky, second by Kadow and unanimously carried to accept

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

Public Utilities and Licensing Committee returned request (11-455) from Don Murray, Rock-n-Blues Haus, to extend his licensed premise on Saturday, September 17, 2011, to back parking lot for charity Bluesfest from noon until 8:30 p.m., with map attached, recommending approval of the request. Motion by Hennessey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Ordinance (11-471) to amend the amended zone map of the City of Manitowoc for an area north of Mapleleaf Court and east of Indian Creek to be changed from "P-1" Conservancy District to "R-4" Single and Two Family District, 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 resolution (11-479) providing that employees in the positions of Clerk I, Clerk II, Streets Laborer, Mechanic and ISF Billing/Parts Specialist in the Department of Public Works contribute 50% of the actuarially required Wisconsin Retirement System contribution and 12.5% of the employee health plan premium contribution effective July 17, 2011, recommending approval of the resolution. Motion by Soeldner, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 1.

Committee of the Whole returned resolution (11-480) that the vacant position of Clerk Typist I in the Police Department be filled with a qualified internal or external candidate at the hourly rate as established in the current collective bargaining agreement between the City of Manitowoc and City of Manitowoc Employees Local 731, AFSCME, AFL-CIO, recommending approval of the position by a 2/3 vote. Motion by Able, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned resolution (11-478) that the Police Department position of Community Service Worker I be created to replace the current Parking Meter Attendant position, and the position of Community Service Worker II be created to replace the current Community Service Worker position, and that each newly created position be filled with a qualified internal or external candidate at the respective hourly rates as established in the current collective bargaining agreement between the City of Manitowoc and City of Manitowoc Employees Local 731, AFSCME, AFL-CIO, recommending a 2/3 vote to approve positions. Motion by Able, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned amendment no. 1 (11-481) to Tax Incremental Financing (TIF) Revenue Note to PBJC FEST TOO, LLC, recommending entering into agreement. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety, Public Utilities & Licensing and Parks & Recreation returned special events request (11-457) from Randy Heinzen, Chr., Lakeshore Weekend, requesting a variance of the sound and beverage ordinance for the annual Lakeshore Weekend event to be held on August 5, 6 & 7, 2011, until 12:00 midnight on Friday & Saturday, and permission to block off the access street to the boat launch north of the YMCA, and the use of various equipment, as detailed therein, recommending approval of the event according to City policy and to charge \$150.00 for set up by Parks and Recreation and to charge \$200.00 for setup by DPW. Motion by Brey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee, to whom was referred 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, returned same with report (11-470) of City Plan Commission recommending acceptance of report (11-470) and placing on file and placing communication (11-384) 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 (11-464) from Alderperson Jim Brey relative to "special enforcement area", 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 clinical affiliation agreement (11-472) for Health Occupations between Lakeshore Technical College and Manitowoc Fire Department, recommending entering into agreement. Motion by Brey, second by Olson, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 0. Abstained, 1.

Public Property and Safety Committee returned ordinance (11-435) to amend Chapter 10 of the Municipal Code to provide for traffic to stop at S. 21st and Grand Avenue, recommending adoption of 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 (11-370) from Steimle Birschbach for 2-hour parking on east side of N. 9th Street adjacent to their building, recommending instructing the City Attorney to draft an ordinance to create 2 hour parking on the east side of N. 9th St. south of Maritime Dr. to the Manitowoc River. Motion by Brey, second by McMeans, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, none. Abstained, 1.

Public Property and Safety Committee returned request (11-382) from Veteran Claim Appeals for refund of \$182.99 for leased parking space in N. 9th and Maritime Dr. parking lot, recommending refunding the amount of \$182.99. 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 agreement (11-465) for ambulance services for Village of Francis Creek for the period ending December 31, 2016, 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 (11-456) with Manitowoc County Expo for the period of August 23 - 28, 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.

Streets and Sanitation Committee returned special events request (11-359) from Apple Natural Health Clinic to hold Healthy Kids Manitowoc County Fun Day on August 6, 2011 with closure of Jay Street between S. 8th and S. 9th, recommending approval 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 no street access agreement (11-463) with WAFCO, LLC relative to Franklin Street, 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 (11-467) of City Plan Commission relative to Hidden Hollow Condominiums request to rezone parts of lots 7, 8 & 9 of the Replat of Venture Estates Subdivision abutting Mapleleaf Ct., 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 compliance maintenance annual report (11-474) of Supt. Wastewater Treatment Facility Brian Helminger for 2010, 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, to whom was referred request (11-431) from Terra Interests, LLC to move a residential structure within the City limits from 728 N. 4th St. to 725 N. 5th St., returned same with report (11-469) of City Plan Commission advising that the request has been terminated, recommending acceptance of report (11-469) and place on file and place request (11-431) 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 request (11-438) from Coldwell Banker for a special permit to extend parking lot into residential district to the north of office at 2406 Washington Street, returned same with report (11-468) of City Plan Commission recommending approval of 2011 Special Permit subject to the attached conditions, recommending acceptance of report (11-468) and place on file and place request (11-438) 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 (11-466) of City Plan Commission authorizing issuance of special permit for the construction of a fixed animated sign at Bill's Auto Sales' property at 3836 Calumet Ave., as detailed therein,

recommending acceptance of report and place on file. Motion by Soeldner, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 1.

Streets and Sanitation Committee returned request (11-460) from Keith Counard to move garage within City limits to property at 3813 Waldo Blvd., 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 (11-462) of the Board of Public Works of July 13, 2011, recommending 2nd and final payment to FOTH Infrastructure and Environment LLC in the amount of \$3,000.00 for Lakeside Blvd. - Bluff Stabilization, 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 #63 for "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage license; #21-25 for 2011-12 One Year Operator's license; #185, 187-210 for 2011-13 Two Year Operator's license; #3-7 Stock Car Races, Racing Exhibitions, Etc. permit; granting the various licenses, as shown on the committee's report. Motion by Hennessey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned application 46A for "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage license, recommending denial of the license based upon the recommendation from the Chief of Police or designee. Motion by Hennessey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned General City Claims (11-476) in the amount of \$2,002,120.02 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 Brey, report accepted. Ayes, 10. Nays, none.

Common Council adjourned at 8:00 p.m. Ayes, 10. Nays, none.

Respectfully submitted,

JENNIFER HUDON, City Clerk