

**COMMON COUNCIL  
OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk  
Monday, September 19, 2011

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, September 19, 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 and Scott McMeans.

Absent: Alex J. Olson and Christopher Able.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of September 6, 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 September 19, 2011 Common Council agenda.

Resolution (11-612) to fill vacant positions of Clerk Typist I and Clerk Typist III, and the anticipated resulting vacancy in a second Clerk Typist I position at the Police Department, was referred to Committee of the Whole.

Resolution (11-640) to appoint replacements to vacant aldermanic seats for the remainder of the two-year term, was referred to Committee of the Whole.

Resolution (11-634) to vacate an unpaved public alley for utility purposes in an area north of Reed Avenue and east of N. 2nd Street, was referred to Streets and Sanitation Committee.

Mayor submitted the following re-appointments/appointments and requested Council confirmation:

Cable Television Commission  
Kate Reynolds  
Derek Muench (Pl. Jamie Lee)  
City Attorney Juliana Ruenzel

Term  
4 yr. term expiring 6/1/15  
4 yr. term expiring 6/1/14  
4 yr. term expiring 6/1/14

Cemetery Commission  
Ted Dirkman  
Jerry Waak  
John Bilka (Pl. of F. Radandt)

Term  
4 yr. term expiring 4/30/14  
4 yr. term expiring 4/30/14  
4 yr. term expiring 4/30/15

Citizens Advisory Committee  
Gerald Censky  
Gloria Wallace  
Linda Hunter  
June Kramer  
Charles Stangel  
Robert Elfner

Term  
3 yr. term expiring 6/1/14  
3 yr. term expiring 6/1/14  
3 yr. term expiring 6/1/13  
3 yr. term expiring 6/1/13  
3 yr. term expiring 6/1/13  
3 yr. term expiring 6/1/14

Citizens Physical & Sensory Disability Commission  
Claudia Halonen  
Connie Kocian

Term  
3 yr. term expiring 6/1/14  
3 yr. term expiring 6/1/14

Crime Prevention Committee

Mary Schilder  
Annie Short  
Jay Skinner  
Dalton Hermans

Term

Indefinite  
Indefinite  
Indefinite  
Indefinite

Board of Electrical Examiners

James Check  
Mark DeZeeuw  
Leroy Zill

Term

2 yr. term expiring 6/30/13  
2 yr. term expiring 6/30/13  
2 yr. term expiring 6/30/13

Library Board

Jill Hennessey (Aldersperson Repr.) (Pl. of M. Kadow)  
Linda Hunter (Pl. of J. Pfeffer)  
Ralph Sczygelski

Term

Unexpired term expiring 7/1/13  
3 yr. term expiring 7/1/14  
3 yr. term expiring 7/1/14

Police and Fire Commission

Paul Blashka  
Kate Reynolds

Term

5 yr. term expiring 4/30/16  
5 yr. term expiring 4/30/15

Recreation Board

Thomas Kuenzi

Term

2 yr. term expiring 6/1/13

Sustainable Manitowoc Committee

Erik Hoyer (Pl. J. Glowaski)

Term

3 yr. term expiring 2/15/14

Wastewater Treatment Facility Board

Gregg Wolf (Commercial Representative)

Term

3 yr. term expiring 6/1/14

Zoological Board

Doug Koch  
Brian Schulz  
Edward Vetting  
Ray Geigel (Pl. R. Berres)

Term

1 yr. expiring 6/1/12  
1 yr. expiring 6/1/12  
1 yr. expiring 6/1/12  
1 yr. expiring 6/1/12

Ad Hoc Committee to Evaluate 2-Way Streets on 8<sup>th</sup> & 10<sup>th</sup>

Steve Gallimore – Skana Aluminum Co.  
Barb Broehm – Manitowoc Coffee  
Ron Kaminski – Kaminski & Pozorski Law Offices  
Matt Schliesman, Exec. Dir., Capitol Civic Centre  
Cathy Karl – Heart & Homestead  
Tony Fodden – Mainly Manitowoc  
Mayor Justin M. Nickels (Chair)  
Director of Public Works Valerie Mellon  
Streets & Sanitation Committee Chair David Soeldner  
Finance Committee Chair Scott McMeans  
District 3 Aldersperson Christopher Able  
Ex. Dir. Mainly Manitowoc Jamie Zastrow

Term

Indefinite  
Indefinite  
Indefinite  
Indefinite  
Indefinite  
Indefinite  
Indefinite  
Indefinite  
Indefinite  
Indefinite  
Indefinite

Motion by Soeldner, second by Brey and unanimously carried to confirm the Mayor's appointments. Ayes, 7.  
Nays, none.

Ordinance (11-641) to amend Section 14.330(3) and create Section 14.330(4) of the City of Manitowoc Municipal Code regarding concealed weapons, was referred to Public Property and Safety Committee.

Ordinance (11-642) amending Section 6.120 of the Manitowoc Municipal Code regarding lighting fires, was referred to Public Property and Safety Committee.

Ordinance (11-631) amending the amended zone map of the City of Manitowoc in an area south of Wisconsin Ave. and west of N. 11th Street to be changed from "B-2" Neighborhood Business District to "B-3" General Business District, was referred to Streets and Sanitation Committee.

Ordinance (11-635) amending Section 22.010 of the Municipal Code entitled "Official Map – Master Subdivision Plans" in an area located between Lot 4 and Lot 9, Block 6 of Reed Lawn Subdivision, was referred to Streets and Sanitation Committee.

Ordinance (11-637) amending the amended zone map of the City of Manitowoc in an area east of Johnston Drive and north of Albert Drive from "R-5" Low Density Multiple-Family District and "R-6" Multiple-Family District to "I-1" Light Industrial 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 petition (11-531) for direct annexation from Herzog, Eberhardts and Griesbach, for annexation of a 13.02 acre parcel of land east of CTH B and north of Woodridge Drive, as described therein and shown on the attached map, and report (11-627) of City Plan Commission recommending that Council approve the Petition and adopt an annexation ordinance, recommending acceptance of report (11-627) and place on file and place petition (11-531) on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Committee of the Whole returned resolution (11-640) to appoint replacements to vacant aldermanic seats for the remainder of the two-year term, recommending adoption of resolution. Motion by Soeldner, second by Sladky, and carried by acclamation to accept the Committee's report. Ayes, 5. Nays, 2.

Committee of the Whole returned resolution (11-599) to create Ward 22, population 0, for the North 8th Street No. 3 annexation area, as described therein and shown on the attached map, and that Ward 22 be combined with Wards 3 & 4, for voting purposes and use a common polling place as established for the 2nd Aldermanic District, recommending adoption of resolution. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Committee of the Whole returned resolution (11-612) to fill vacant positions of Clerk Typist I and Clerk Typist III, and the anticipated resulting vacancy in a second Clerk Typist I position at the Police Department, recommending adoption of resolution. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Committee of the Whole returned ordinance (11-593) to annex territory known as North 8th Street No. 3 Annexation Area from the Town of Manitowoc to the City of Manitowoc, as part of the 2nd Aldermanic District and 22nd Ward, to be zoned "R-4" Single and Two Family Residential District, "R-5" Low Density Multiple Family Residential District, "R-6" Multiple Family Residential District and "P-1" Conservancy District, as described therein

and shown on the attached map, recommending adoption of ordinance. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Finance Committee returned amended claim (11-595) of Patrick B. Knorr dated September 2, 2011, Fleet Claim File No. 11-200-1 and notice of claim and claim (11-584) of Patrick B. Knorr dated August 31, 2011. Fleet Claim File No. 11-200, recommending payment of the claim in the amount of \$2,112.95. Motion by McMeans, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Finance Committee returned notice of claim and claim (11-508) of Gerald Hebel dated August 5, 2011, Claim File No. 11-1073, recommending denial of the claim and place on file. Motion by McMeans, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Finance Committee returned notice of claim and claim (11-502) of Zachary J. Nikolai dated July 19, 2011, Claim File No. 11-1072, recommending denial of the claim and place on file. Motion by McMeans, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Finance Committee returned answer and affirmative defenses (10-421) relative to Investors Community Bank Plaintiff, v. Schuette Building LLC and Thomas D. Hansen and John W. Raettig Defendants, and W-1 Management, LLC and City of Manitowoc and John Doe and Jane Doe, Added Defendants, recommending placing on file. Motion by McMeans, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none

Parks and Recreation & Streets and Sanitation Committees returned special events request (11-611) from Manitowoc Sunrise Rotary to hold sixth annual run/walk event at and near Lincoln Park on October 15, 2011, with route attached, jointly recommending granting request per City policy. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Parks and Recreation Committee returned communication (11-193) from Peter Holm, RRMAF Committee, submitting plans for new Ron Rubick Municipal Athletic Field entrance and memorial, recommending placing on file. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Parks and Recreation Committee returned vendor agreement (11-626) with Manitowoc County Dairy Promotion Committee for Haunted Barn event at Lincoln Park on October 21, 22 & 28, 2011, recommending granting request per City policy. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Parks and Recreation & Streets and Sanitation Committees returned special events request (11-622) from MCCA to hold Harvestfest and the 26th annual Manitowalker in downtown Manitowoc on Saturday, October 1, 2011, as detailed therein, jointly recommending granting request per City policy. Motion by Sladky, second by Kadow, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Public Property and Safety Committee returned request (11-616) from Roseann Brennan relative to balance of ambulance invoice, recommending placing on file. Motion by Brey, second by McMeans and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Public Property and Safety Committee returned service agreement (11-638) for technical support with TriTech Emergency Medical Systems, recommending entering into the agreement. Motion by Brey, second by McMeans and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Public Property and Safety Committee returned leasehold mortgage (11-624), security agreement and financing statement by City Centre, LLC in favor of M & I Marshall & Ilsley Bank for the dockwall riverfront improvement project. Motion by Brey, second by McMeans and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Public Property and Safety Committee returned collateral assignment (11-623) of ground lease by City Centre, LLC and M & I Marshall & Ilsley Bank for dockwall riverfront improvement project, recommending assignment of ground lease. Motion by Brey, second by McMeans and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Public Property and Safety Committee returned report (11-586) of the Board of Public Works of August 31, 2011, regarding bids received for demolition of the existing and the construction of the new Intermodal Transfer Station, Project WB-11-10, recommending placing report (11-586) on file and rebid with the following ten alternates: 1) Remove light tubes; 2) Remove exterior clocks; 3) Remove lending library; 4) Remove architectural brackets; 5) Remove Fire Dept. sump pit/pumper pad; 6) Substitute concrete brick in lieu of clay brick; 7) Substitute CMU interior partitions in lieu of burnished block; 8) Substitute cast stone/split-face CMU in lieu of limestone (exterior); 9) Substitute shingled roof in lieu of metal roof; and 10) Provide security rough-in only (no cameras). Motion by Brey, second by McMeans and carried by acclamation to accept the Committee's report. Ayes, 5. Nays, 2.

City Clerk read a report from Public Utilities & Licensing Committee indicating they went on record at their meeting of September 19, 2011, unanimously recommending the nomination of David Diedrich to serve as a member of the Manitowoc Public Utilities Commission, for a five-year term from October 1, 2011 through September 30, 2016 (place of David Diedrich).

It was moved by Hennessey, second by Sladky, to nominate David Diedrich as a member of the Manitowoc Public Utilities Commission. Motion by Hennessey, second Sladky and unanimously carried to close nominations and cast a unanimous ballot in favor of David Diedrich. Motion carried unanimously. Ayes, 7. Nays, none.

Public Utilities and Licensing Committee returned ordinance (11-514) to amend Section 3.270 of the Municipal Code to reflect the repealing of the Better Literature and Entertainment Committee and creation of the Transit Commission, recommending adoption of the ordinance. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Streets and Sanitation Committee returned temporary access easement agreement (11-618) with Rodger D. Whiteside, Jr. for access at 1021 N. 8th Street, recommending entering into agreement. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Streets and Sanitation Committee returned request (11-619) from Jonathan & Cheryl Saunders, Lake Breeze Salon, for an extension of the November 15, 2011, deadline to create a parking lot in a residential zoning district, recommending referral to Plan Commission. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Streets and Sanitation & Public Utilities and Licensing Committees returned special events request (11-610) from Michael Pearson, Shoot The Bull, to hold Downtown Manitowoc Halloween Bash on October 29, 2011, closing off a portion of Buffalo Street between N. 8th and N. 9th and extending their licensed premise for sale of alcohol (drawing attached), recommending approval subject to City policy. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Streets and Sanitation Committee returned special events request (11-615) from Midwest LLC to sell balloons and Christmas novelties along the Christmas parade route on November 23, 2011, recommending approval of request subject to City policy. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Streets and Sanitation Committee returned report (11-629) of City Plan Commission recommending that Council approve and accept the following documents: Permanent Easement (11-557) from Holiday House of Manitowoc County, Inc. for the purpose of a bus shelter on Meadow Lane; Permanent Easement (11-563) from Matthias and Charlotte Wagner to be utilized for an existing storm sewer system; Quit Claim Deed (11-525) from Eberhardt, Herzog et al for N. 8th Street purposes; Quit Claim Deed (11-526) from Eberhardt, Herzog, et al for unnamed street (Homestead Rd.) east of CTH B and north of Woodridge Drive; Quit Claim Deed (11-530) from Eberhardt, Herzog et al for Keegan Drive purposes, recommending acceptance of report and place on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Streets and Sanitation Committee returned report (11-636) of City Plan Commission of September 19, 2011, relative to request to rezone property at 2424 Johnston Dr. from "R-5" Low Density Multiple-Family District and "R-6" Multiple-Family District to "I-1" Light Industrial District, recommending that Council instruct the Clerk to call for public hearing and upon completion adopt a rezoning ordinance, 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, 7. Nays, none.

Streets and Sanitation Committee returned report (11-632) of City Plan Commission of September 19, 2011, relative to request to rezone property at 940 N. 11th St. from "B-2" Neighborhood Business District to "B-3" General Business District, recommending that Council instruct the Clerk to call for public hearing and upon completion refer back to Plan Commission, 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, 7. Nays, none.

Streets and Sanitation Committee returned report (11-633) of City Plan Commission of September 19, 2011, relative to vacation of portion of an alley and Official Map amendment in an area located north of Reed Avenue and east of N. 2nd Street with recommendations attached, 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, 7. Nays, none.

Streets and Sanitation Committee returned correction instrument (11-510) for Doneff's Custer Village Subdivision revising easements in the area of a proposed 16 unit apartment building on Expo Dr., and report (11-630) of City Plan Commission recommending that Council approve, as detailed therein, recommending acceptance of report (11-630) and adoption of recommendations and acceptance of correction instrument (11-510) and place on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Streets and Sanitation Committee returned communication (11-558) from Lamar Outdoor Advertising to renew lease for signs on Hwy. 42 (Waldo Blvd.) and at the carferry for an additional five-year term, with report (11-628) of City Plan Commission recommending that Council approve the third and final renewal under the Lease for an additional 5 years commencing November 1, 2011, as detailed therein, recommending acceptance of report (11-628)

and adoption of recommendations and place communication (11-558) on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Streets and Sanitation Committee returned Permanent Easement (11-557) from Holiday House of Manitowoc County, Inc. for the purpose of a bus shelter on Meadow Lane; Permanent Easement (11-563) from Matthias and Charlotte Wagner to be utilized for an existing storm sewer system; Quit Claim Deed (11-525) from Eberhardt, Herzog et al for N. 8th Street purposes; Quit Claim Deed (11-526) from Eberhardt, Herzog, et al for unnamed street (Homestead Rd.) east of CTH B and north of Woodridge Drive; Quit Claim Deed (11-530) from Eberhardt, Herzog et al for Keegan Drive purposes, recommending approval and acceptance of deeds and easements. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Streets and Sanitation Committee returned ordinance (11-566) to adjust rates for sewer service charges effective September 1, 2011, recommending adoption of ordinance. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Streets and Sanitation Committee returned application (11-018) from Steven Kratz for a change in zone from R-4, Single and Two Family District, to B-3, General Business District, for property located at Custer Street, recommending placing on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Streets and Sanitation Committee returned permanent easement (10-656) by Holiday House of Manitowoc County to the City for area north of Meadow Lane and west of Riverview Drive, recommending placing on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Personnel Committee returned grievance procedures (11-613) for employee termination, discipline and workplace safety, recommending approval and place on file. Motion by Schema, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Personnel Committee returned policy (11-614) for Family, Medical and Military Leave, recommending approval and place on file. Motion by Schema, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Public Utilities and Licensing Committee returned #56 (Beer) and #4 (Wine) for Temporary Class "B" license; #37 2011-12 Temporary Operator's license; #43 for 2011-12 One Year Operator's license; #238-247 for 2011-13 Two Year Operator's license; granting the various licenses, as shown on the committee's report. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Public Utilities and Licensing Committee returned application #237 for 2011-13 Two Year Operator's license, recommending denial of the license. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 7. Nays, none.

Committee of the Whole returned General City Claims (11-639) in the amount of \$932,753.12 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, 7. Nays, none.

Moved by Sladky, second by Soeldner, and unanimously carried, Common Council adjourned at 8:04 p.m.  
Ayes, 7. Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk