

COMMON COUNCIL
OFFICIAL JOURNAL

Justin M. Nickels, Mayor

Jennifer Hudon, City Clerk

Monday, October 3, 2011

The Common Council of the City of Manitowoc, Wisconsin, met in regular session at the Council Chambers in City Hall, on Monday, October 3, 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 7:03 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: None.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of September 19, 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 October 3, 2011 Common Council agenda.

Mike Reed, Director of Bay Beach Wildlife Sanctuary, presented Mayor Nickels with City of Manitowoc Bird City designation.

Mayor Nickels introduced Greg Vadney as the new Rahr-West Art Museum Director.

Plaques of appreciation were given to Amy Fricke-Weigel, Lt. Paul Schermetzler and MPO/Paramedic Jason Pielhop for their work in developing the exhibit at the Rahr-West Art Museum.

Mayor asked for nominations in addition to the four candidates that applied for the position of District 1 Alderperson. There being none, nominations were closed.

Candidates for District 1 Alderperson, Collin Braunel, Linda Gratz, Todd Holschbach and Nicholas Levendusky, introduced themselves and answered questions.

Moved by Alderperson Brey, second by Alderperson Olson, and carried by acclamation to appoint the District 1 Alderperson to a term ending April 15, 2013. Ayes, 5. Nays, 4.

Upon roll call vote, Braunel received 5 votes, Holschbach received 4 votes, Levendusky received 0 votes and Gratz received 0 votes. Collin Braunel was declared appointed as District 1 Alderperson and took his oath of office and assumed the seat of District 1 Alderperson.

Resolution (11-667) of support for the Great Lakes Basin Fish Habitat Partnership and approval of the pursuit of GLBFHP grant funds by the Bay Lakes Regional Planning Commission for the Silver Creek Fish Passage/Habitat Restoration project, was referred to Finance Committee.

Resolution (11-666) of support for the Great Lakes Basin Fish Habitat Partnership and approval of the pursuit of GLBFHP program grant funds by the Wisconsin Waterfowl Association for projects advanced within the City and its extraterritorial limits, was referred to Finance Committee.

Resolution (11-663) to accept the recommendation of WisDOT to not re-bid the Maritime Metro Transit Transfer Facility project and to accept the low bid of Mike Koenig Construction, pending architectural review, and proceed with the construction of the transfer facility, was referred to Committee of the Whole.

Parks and Recreation Committee returned request (11-648) from United States National Defense Corps. to waive fee for rental of Silver Creek Fieldhouse on October 29 & 30, 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 request (11-668) from Heart-a-Rama for waiver of fee for use of Lincoln Park Fieldhouse on March 12, 2012 for ticket sales, 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 report (11-656) of the Board of Public Works of September 28, 2011, recommending 3rd and final payment to Seiler Bros Construction in the amount of \$11,995.51 for Lincoln Park Zoo Remove and Replace Walkways, WS-11-12, recommending payment of invoice. 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 (11-643) from Wisconsin School Psychologists Association to hold Mariner's Trail walk on October 28, 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.

Streets and Sanitation Committee returned communication (11-547) from Manitowoc Elks Lodge to hold button drive on October 21 & 22, 2011 to benefit Police Department canine unit, 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 joint construction agreement (11-569) with Manitowoc County for the purpose of joint City/County construction work on portion of CTH B between Waldo Blvd. and Albert Dr., recommending entering into contract. 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 (11-477) for waiver of snow removal assessment incurred while resident was hospitalized on parcel #220-012-250, recommending denial and 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 communication (11-571) from Mary Bloom asking to set aside invoice for grass cutting, recommending denial and placing on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10.Nays, none.

Ordinance (11-671) amending section 3.560 of the Manitowoc Municipal Code describing duties of the Director of Parks and Recreation, was referred to Parks and Recreation and Personnel Committees.

Ordinance (11-673) amending Section 6.120 of the Manitowoc Municipal Code regarding lighting fires, was referred to Public Property and Safety Committee.

Ordinance (11-672) amending section 10.390 of the Manitowoc Municipal Code regulating parking on N. 4th 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.

Committee of the Whole returned resolution (11-663) to accept the recommendation of WisDOT to not re-bid the Maritime Metro Transit Transfer Facility project and to accept the low bid of Mike Koenig Construction, pending architectural review, and proceed with the construction of the transfer facility, with a minority report recommending adoption of the resolution and approval of the bid. Motion by Able, second by Kadow, to accept the Committee's report. Ayes, 3. Nays, 7. Motion failed.

Committee of the Whole returned communication (11-651) from Mayor Justin M. Nickels submitting his veto of resolution (11-640) to appoint replacements to vacant aldermanic seats for the remainder of the two-year term, recommending placing on file. Motion by Able, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none. Veto sustained.

Committee of the Whole returned statement of intent (11-665) between Riverland Ag Corp and City of Manitowoc, recommending acceptance of agreement and placing on file. Motion by Able, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned applications (11-644) of Collin Braunel, (11-645) of Linda Gratz, (11-646) of Todd Holschbach and (11-647) of Nicholas Levendusky for District 1 Alderperson, recommending placing the documents on file. Motion by Able, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned communication (11-579) from Alderman Allan Schema (District 9) addressing safety concerns at the corner of Expo Drive and Vista Road, recommending denying request and place 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 (11-519) from Manitowoc Public Schools requesting the creation of a special no parking/no stopping/no standing zone in the 700 block of N. 4th Street on the east side of the road in front of Madison School, recommending ordinance change to have no parking, no stopping and no standing on east side of N. 4th St. from St. Clair St. to 100' north during school hours with the exception that drop-offs be permitted from 7:45 a.m. to 8:30 a.m. 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 (11-672) amending section 10.390 of the Manitowoc Municipal Code regulating parking on N. 4th Street, recommending adoption of the ordinance. Motion by Brey, second by Olson, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 10. Nays, none. Motion by Brey, second by Olson, report accepted and ordinance adopted. Ayes, 10. Nays, none.

Public Property and Safety Committee returned request (11-565) from Lori Schroeder for four-way stop sign at the intersection of S. 10th and Dewey Streets, recommending following Safety, Traffic & Parking Commission recommendation of: install or repaint crosswalk pavement markings for all four legs of the intersection; install

“pedestrian crossing” signs (one sign for each crosswalk); install or repaint the stop bars on Dewey St.; and install a “stop ahead” sign for eastbound traffic on Dewey St. Motion by Brey, second by McMeans, and carried by acclamation to accept the Committee's report. Ayes, 9.Nays, 1.

Public Property and Safety Committee returned communication (11-104) from Sharon Strouf expressing concerns as to public safety in the City of Manitowoc, recommending following the Safety, Traffic & Parking Commission recommendation of: repaint the existing crosswalk pavement markings at the intersections of N. 3rd, N. 5th, N. 6th and N. 7th and Reed Avenue; install “pedestrian crossing” signs at each of the existing crosswalks (N. 3rd, N. 5th, N. 6th & N. 7th and Reed Avenue) with one sign to be placed for each direction; and install two 25 mph speed limit signs for westbound traffic on Reed Avenue. 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 (11-669) from Mark Eberhardt for agricultural lease to continue to farm land in City's street right-of-way, recommending approval of the request and instructs the City Attorney to draft the necessary 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 report (11-657) of the Board of Public Works of September 28, 2011, recommending 7th and final payment to AECOM in the amount of \$914.37 for Broadway Bridge Slope and Sheetpile Wall Evaluation, recommending payment. 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 (11-655) of the Board of Public Works of September 28, 2011, recommending 1st and final payment to Green Bay Pipe and TV in the amount of \$50,170.70 for 2011 Televising Miscellaneous Sewers II, WU-11-13, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10.Nays, none. (*Note: Action rescinded 10/17/11*).

Streets and Sanitation & Parks and Recreation Committees returned special events request (11-652) from Festival Foods relative to Turkey Trot on November 24, 2011 beginning at 8:00 a.m. and requesting partial street closures beginning and ending at Red Arrow Park, as detailed therein, jointly 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 request (11-653) from TLC Homes for conditional use permit to operate a day service program serving disabled adults at 5151 Expo 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 report (11-659) of Board of Public Works of September 28, 2011, relative to sidewalk privilege agreement for retaining wall along So. 20th Street next to Garfield Gardens, recommending acceptance of report. 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 (11-662) of Board of Public Works of September 28, 2011, regarding bids received for Broadway Street Bridge Repairs, Project WS-11-17, recommending awarding project to low bidder, Zenith Tech, Inc. in the amount of \$306,596.97. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10.Nays, none.

Public Utilities and Licensing Committee returned #57 (Beer) and #6 (Wine) for Temporary Class “B” Retail license; #44 for 2011-12 One Year Operator’s license; Reconsideration and approval of #237 and 248-251 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, 10.Nays, none.

Public Utilities and Licensing Committee returned application #63B for 2011-12 “Class B” Retail Intoxicating Liquor & Fermented Malt Beverage license, recommending denial of the license based upon the recommendations from the Chief of Police or designee. Motion by Hennessey, second by Soeldner, and unanimously carried to accept the Committee’s report. Ayes, 10.Nays, none.

Committee of the Whole returned General City Claims (11-664) in the amount of \$1,413,961.31 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.

Mayor submitted the following appointments and requested Council confirmation:

<u>Finance Committee</u>	<u>Term</u>
Ald. Collin Braunel (Pl. of L. Thennes)	Unexpired term ending 4/16/12
 <u>Public Utilities & Licensing Committee</u>	 <u>Term</u>
Ald. Collin Braunel (Pl. L. Thennes) Ald. Dave Soeldner, appointed Vice Chair	Unexpired term ending 4/16/12
 <u>Personnel Committee</u>	 <u>Term</u>
Ald. Collin Braunel (Pl. L. Thennes)	Unexpired term ending 4/16/12

Motion by Able, second by Schema, and carried by acclamation to confirm the Mayor’s appointments. Ayes, 9.Nays, 1.

Common Council adjourned at 9:11 p.m. Ayes, 10.Nays, none.

Respectfully submitted,

Jennifer Hudon, City Clerk