

## COMMON COUNCIL

### OFFICIAL JOURNAL

Justin M. Nickels, Mayor

March 15, 2010

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, March 15, 2010. 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 7:02 p.m. and on roll call the following members were present: Alderpersons Jill Hennessey, Jason Sladky, Dean W. Graunke, Nicholas P. Levendusky, Scott McMeans, Christopher Able, James N. Brey, Raymond T. Geigel, Dave Soeldner and Eric J. Sitkiewitz.

Absent: None.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of March 1, 2010 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 March 15, 2010 Common Council agenda.

Presentation by Jamie Zastrow, Executive Director of Mainly Manitowoc, including Annual Report for 2009.

Resolution (10-137) with Three Year Harbor Development Statement of Intentions to be used by Wis. Dept. of Transportation for planning purposes only, was referred to Public Utilities & Licensing Committee.

Resolution (10-128) appointing Anthony Scherer as Interim Finance Director/Treasurer due to the retirement of Finance Director/Treasurer Brian Ruechel and establishing a salary, was referred to Personnel Committee.

Personnel Committee returned resolution (10-027) establishing nonrepresented employee compensation for 2010, recommending denial and placing on file. Motion by Able, second by Sitkiewitz, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Ordinance (10-127) amending Section 20.03 of the Municipal Code regarding hire or promotion of close relatives, was referred to Personnel 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.

Finance Committee returned resolution (10-099) authorizing various appropriations which were budgeted in 2009 for the departments listed therein to be carried forward into the respective 2010 departmental budgets effective as of December 31, 2009, recommending adoption of resolution.

Moved by Brey, second by Able, to accept the Committee's report.

Moved by Brey, second by Able, and unanimously carried to amend as follows: Remove the following items: City Attorney, \$61,577.00; Personnel/HR, \$18,893.00; City Clerk, \$1,100.00; Finance, \$1,700.00; Municipal Court, \$23,282.00; Buildings & Grounds, \$900.00; Police, \$33,231.00; Fire, \$82,305.00; Engineering, \$42,884.00; DPW, \$49,432.00; Evergreen Cemetery, \$3,234.00; Park & Recreation, \$166,493.00; Planning, \$12,000.00; Library, \$9,860.00. Ayes, 10. Nays, none.

Upon a vote, the Committee's recommendation to adopt the resolution, as amended, was unanimously carried. Ayes, 10. Nays, none.

Finance Committee returned Notice of Claim (10-085) of February 11, 2010, from Jeremiah Johnson, Fleet Claim No. 10-184 and Notice of Claim and Claim (10-089) from Jeremiah Johnson of February 18, 2010, Fleet Claim No. 10-184-1, recommending rescinding previous action (payment in the amount of \$1,307.99) and recommending payment of \$1,716.41. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned report (10-121) from Asst. City Attorney Kathleen M. McDaniel with Order Confirming Sale and Satisfying Judgment of Foreclosure re BAC Home Loans Servicing LP v. Hammersley et al, Case No. 09 CV 243, recommending acceptance of report and place on file. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned communication (10-130) from Wis. Dept. of Natural Resources approving variance for SAG-538, the former Lakeview Centre Mall site located at 828 Memorial Drive, recommending placing on file. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned amended summons & complaint (09-391) of BAC Home Loans Servicing, LP vs. Hammersley, et al, Case No. 09 CV 243, recommending placing on file. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned request (09-747) from Judge Steven R. Olson for Municipal Court software change, as detailed therein, recommending placing on file. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned communication (10-111) from Manitowoc Area Visitor & Convention Bureau to

consider a new animated sign, replacing the current signage, for the VIC at 4221 Calumet Ave., recommending referral to the Industrial Development Corporation. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks & Recreation and Streets & Sanitation Committees returned special events request (10-113) to hold 3rd Annual Carol Rose Wester Memorial Walk/Run utilizing various city streets and parks on Saturday, August 14, 2010, as detailed therein, jointly recommending granting of request according to current City policy. Motion by Geigel, second by Graunke and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks & Recreation Committee returned special events request (10-100) from Kenny's Athletic Klub for use of Citizen Park for annual softball tournament in July, 2010, and use of benches, tables and waste receptacles, recommending granting of request according to current City policy. Motion by Geigel, second by Graunke and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks & Recreation and Streets & Sanitation Committees returned special events request (10-096) from HFMMC to hold 2010 1st Annual No Cancer Bicycle Ride, utilizing Mariner's Trail, as detailed therein, on July 11, 2010, jointly recommending granting of request according to current City policy. Motion by Geigel, second by Graunke and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, none. Abstained, 1.

Parks & Recreation Committee returned special events request (10-114) for use of Washington Park and MetroStage on Thursday, April 15, 2010 from 4:00 p.m. to 8:00 p.m. for a TEA Party Rally, as detailed therein, recommending granting of request according to current City policy. Motion by Geigel, second by Graunke and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks & Recreation and Public Utilities & Licensing Committees returned special events request (10-060) from Holy Family Memorial to use Silver Creek Park and allow alcoholic beverages to be sold on July 17, 2010 from 11:00 a.m. to 6:00 p.m. for picnic, jointly recommending granting of request according to current City policy. Motion by Geigel, second by Graunke and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, none. Abstained, 1.

Parks & Recreation Committee returned communication (10-117) from Mr. & Mrs. Robert Duzeski wishing to donate a new drinking fountain to the City to replace existing fountain located at S. 8th and Quay Street, recommending acceptance of gift of a drinking fountain at 8<sup>th</sup> and Quay. Motion by Geigel, second by Graunke and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety and Streets & Sanitation Committees returned communication (10-103) from SMI on behalf of Christopher Allie requesting that the City quit claim a 22 foot strip of land along the west edge of the new cemetery land on Waldo Blvd., as detailed therein, and report (10-139) of City Plan Commission outlining their recommendations, jointly recommending placing communication (10-103) on file and acceptance of report (10-139) and place on file and adoption of recommendations. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report.

Ayes, 10. Nays, none.

Public Property & Safety Committee returned memo (10-131) from Dir. of Building Inspection, Jim Muenzenmeyer, requesting approval of new language for Parking Leases, recommending acceptance of report and place on file. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety Committee returned services contract (10-115) with Steven D. Mead, Electrical Inspector, to perform services as an independent contractor for a period of 2 years, recommending entering into agreement. Motion by Sitkiewitz, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 1.

Public Property & Safety Committee returned agreement (10-141) with Riederer Engineering for engineering services to replace the HVAC System at the Park and Recreation main building, recommending entering into agreement. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned resolution (10-137) with Three Year Harbor Development Statement of Intentions to be used by Wis. Dept. of Transportation for planning purposes only, recommending adopting the resolution. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned report (10-120) of City Clerk on 2010 Weights & Measures assessments for various businesses, as detailed therein, recommending approving the licenses and assessment. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none. No parties appeared to object to their assessments.

Public Utilities & Licensing Committee returned report (10-133) of City Plan Commission confirming its support for the Three Year Harbor Assistance Program Statement of Intentions (2010-2012), recommending accepting the report and place on file. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned audit (10-129) of financial statements of Manitowoc Housing Authority for the year ending June 30, 2009, recommending acceptance and placing on file. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned change order (10-126) relative to environmental consulting services with AECOM beyond services outlined in May 18, 2009 proposal, recommending approval of change order. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned declaration of dedication of property (10-063) for So. 10th Street purposes, recommending approval of report and acceptance of recommendations. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (10-138) of City Plan Commission recommending that Council approve and accept the declaration of dedication for So. 10<sup>th</sup> Street purposes. Motion by Soeldner, second by Geigel, and

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

Streets & Sanitation Committee returned report (10-136) of City Plan Commission relative to proposal to fill certain lands at Waldo Blvd. and Memorial Dr. on Elk's property, recommending denial of report and place on file. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (10-132) of City Plan Commission with easement modifications impacting Menard, Inc. property, 5120 Calumet Avenue, recommending acceptance of report, place on file and enter into agreement. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (10-125) of Board of Public Works of March 10, 2010, regarding quotes received for 2010 Ready-Mixed Concrete, QM-10-4, recommending awarding project to lowest responsive bidder, R & J Fricke, Inc. in the amount of \$130,980.00. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned special events request (10-119) to hold Rahr-2-Rahr Bike Ride on May 22, 2010 starting at 8:00 a.m. from Rahr-West Art Museum to Rahr Memorial School Forest and back utilizing City streets and Mariners Trail, as detailed therein, along with traffic control, recommending granting request subject to current City policy. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (10-124) of Board of Public Works of March 10, 2010, regarding bids received for 2010 Televising Miscellaneous Sewers I, WU-10-5, recommending awarding project to low bidder, Green Bay Pipe & TV, LLC in the amount of \$28,131.44. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (10-104) of Board of Public Works of February 24, 2010, regarding bids received for 2010 Remove & Replace Existing Sidewalks, Project WS-10-3, recommending awarding project to low bidder, H. Tod Culver, Inc., in the amount of \$103,214.45. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (10-135) of City Plan Commission with review of preliminary site plan for proposed Franklin School building expansion at 800 S. 35th Street, recommending acceptance of report and place on file. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned quit claim deed (10-094) from Town of Manitowoc for a parcel of land containing 1.1 acres more or less, to be used for Woodland Drive purposes, as described therein and shown on the attached sketch, and report (10-134) of City Plan Commission recommending that the Council approve and accept the

deed, recommending placing quit claim deed (10-094) on file and acceptance of report (10-134) and place on file. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned communication (10-116) from Finance Director/Treasurer Brian C. Ruechel informing of his intent to retire effective Friday, April 9, 2010, recommending acceptance and placing on file. Motion by Able, second by Sitkiewitz, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned applications #356-361 for 2009-11 Two Year Operator's license; recommending granting the various licenses, as shown on the committee's report. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned application #351 for 2009-11 Two Year Operator's license, recommending denial of the license, based upon the recommendations from the Chief of Police or designee. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned General City Claims (10-140) in the amount of \$1,258,872.11 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 Sitkiewitz, second by Graunke, report accepted. Ayes, 10. Nays, none.

Moved by Alderperson Sitkiewitz, seconded by Alderperson Graunke, and unanimously carried, Common Council adjourned at 8:05 o'clock P.M. Ayes, 10. Nays, none.

Respectfully submitted

Jennifer Hudon  
City Clerk