

## COMMON COUNCIL

### OFFICIAL JOURNAL

Justin M. Nickels, Mayor

July 6, 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 Tuesday, July 6, 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 7:00 p.m. and on roll call the following members were present: Alderpersons Jill Hennessey, Scott McMeans, James N. Brey, Christopher Able, Matt Kadow, Jason Sladky, Alex J. Olson, Nicholas P. Levendusky, Allan Schema and Dave Soeldner.

Absent: None.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of June 21, 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 July 6, 2010 Common Council agenda.

Parks and Recreation Committee returned display case agreement (10-356) with Green Construction LLC for the construction of a display case suitable for displaying exhibits of educational interest at the Lincoln Park Zoo in its Educational Building, with the entire project being funded through the Lincoln Park Zoological Society, recommending entering into agreement. Motion by Levendusky, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks & Recreation and Streets & Sanitation Committees returned special events request (10-354) from Autism Society of the Lakeshore requesting approval for fund raising walk starting and ending at Lincoln Park Fieldhouse on September 25, 2010, as detailed therein, jointly recommending approval of request subject to City policy. Motion by Levendusky, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (10-364) from Hmong Community Center, Inc. requesting approval for Hmong Manitowoc Pre-New Year Festival celebration to be held at Silver Creek Park on September 11 and 12, 2010 from 7:00 a.m. to 7:00 p.m., recommending approval of request subject to City policy. Motion by Levendusky, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned report (10-355) of Bay-Lake Regional Planning Commission of Maritime Metro Transit Development Program (TDP) for 2010-2014, recommending adoption of the report and place on

file. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned ordinance (10-202) to amend Section 11.01(10) of Manitowoc Municipal Code regarding the license area for the sale of "Class A" Intoxicating Liquor, recommending denial of the ordinance change and place on file (not to adopt). Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Mayor requested Council confirmation to dissolve the following ad hoc committee:

**Skate Park Committee**

Motion by Soeldner, second by Brey, and unanimously carried to confirm the dissolution of the committee. Ayes, 10. Nays, none.

Mayor submitted the following appointments and requested Council confirmation:

<b><u>Manitowoc International Relations Assn.</u></b>	<b>Term</b>
John Cress	Indefinite
Jason Pielhop	Indefinite
Lori Denk	Indefinite
Karen Szyman	Indefinite
Lisa Foster	Indefinite
Bob LeClair	Indefinite
Jennifer Garvin-Cress	Indefinite
Anne Brogan	Indefinite

Moved by Soeldner, second by Brey to confirm the Mayor's appointments. Ayes, 10. Nays, none.

Mayor submitted the following appointments and requested Council confirmation:

<b><u>Wastewater Treatment Facility Board</u></b>	<b>Term</b>
Gary Underwood	3 yr. term expiring 6/1/13
Scott Mertens	3 yr. term expiring 6/1/13
Dave Luckow	3 yr. term expiring 6/1/13

Moved by Soeldner, second by Brey to confirm the Mayor's appointments. Ayes, 10. Nays, none.

Mayor submitted the following appointment and requested Council confirmation:

<b><u>Manitowoc Sustainability Committee</u></b>	<b>Term</b>
Ald. Matt Kadow	1 yr. term expiring 4/18/11

Moved by Soeldner, second by Brey to confirm the Mayor's appointment. Ayes, 10. Nays, none.

Mayor submitted the following 2010-11 Standing Committee appointments and requested Council confirmation:

FINANCE	PARKS AND RECREATION
Scott McMeans, Chr.	Nicholas Levendusky, Chr.
Christopher Able, Co-Chr.	Jason Sladky, Co-Chr.
Matthew Kadow	Christopher Able
Alex Olson	David Soeldner
Allan Schema	Matthew Kadow

PUBLIC PROPERTY AND SAFETY

James Brey, Chr.  
Scott McMeans, Co-Chr.  
Jill Hennessey  
Nicholas Levendusky  
Alex Olson

PUBLIC UTILITIES AND LICENSING

Jill Hennessey, Chr.  
Jason Sladky, Co-Chr.  
James Brey  
Matt Kadow  
David Soeldner

STREETS AND SANITATION

Dave Soeldner, Chr.  
James Brey, Co-Chr.  
Nicholas Levendusky  
Jason Sladky  
Allan Schema

PERSONNEL

Christopher Able, Chr.  
Jill Hennessey, Co-Chr.  
Scott McMeans  
Allan Schema  
Alex Olson

Moved by Able, second by Levendusky, to confirm the Mayor's appointments. Ayes, 5. Nays, 5. The tie vote was broken by Mayor Nickels who voted aye. Standing Committee appointments were confirmed. Ayes, 6. Nays, 5.

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 on Public Utilities and Licensing, to whom was referred findings of facts, conclusions of law and recommendation (10-371) of Public Utilities & Licensing Committee recommending to deny application no. 54 for 2010-12 Two Year Operator's license of Cesar Alvarez, for reasons stated therein, returned same recommending acceptance of committee's report. Mayor asked for input from either the applicant or Deputy Police Chief. No one offered testimony. Upon motion of Alderperson Hennessey, seconded by Alderperson Sladky, Committee's report was unanimously accepted. Ayes, 10. Nays, none.

Finance Committee returned report (10-370) of City Planner David Less relative to Great Lakes Energy Technologies, LLC/Orion Energy Systems, Inc. with proposed Intercreditor Agreement attached, recommending acceptance of the report and adoption of recommendations. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned report (10-376) of Manitowoc Industrial Development Corporation relative to Great Lakes Energy Technologies, LLC/Orion Energy Systems, Inc., review of Intercreditor Agreement and request for collateral adjustment, 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.

Finance Committee returned report (10-379) of Manitowoc Industrial Development Corporation relative to

Manitowoc Area Visitor & Convention Bureau proposed allocation of room tax for animated sign at 4221 Calumet Ave., recommending acceptance of report 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 (10-375) of Manitowoc Industrial Development Corporation relative to Economic Development Corporation of Manitowoc County consideration of future funding (2011-2013) Services Agreement, recommending acceptance of report 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 notice of claim (10-309) of State Farm Mutual Automobile Insurance Company relative to October 9, 2003 incident involving their insured Beth Dodge, Fleet Claim No. 10-189, recommending approval of claim in the amount of \$1,496.51. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned report (10-367) of City Planner David Less with fully executed Intergovernmental Agreement attached stating multi-jurisdictional cooperation by and between Redevelopment Authority of the City of Oshkosh and the City of Oshkosh and the Community Development Authority of the City of Manitowoc and the City of Manitowoc, recommending acceptance of the report and place on file. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned report (10-380) of Public Property and Safety Committee recommending approval of an additional canine unit, recommending approval of the Committee's report. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned communication (10-360) from Lt. Steve Eckley, Manitowoc Police Department requesting the establishment of the Police/Fire Chaplain Program, recommending approval of creating the Chaplain program for the Manitowoc Police and Fire Departments. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned ordinance (10-324) to create and amend various sections in Chapter 10 of the Manitowoc Municipal Code relative to traffic and parking, recommending adoption of the ordinance. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned ordinance (10-323) to amend Section 11.01(10)(d) regarding intoxicating liquor sales, with a minority report recommending adoption of ordinance. Motion by Hennessey, second by Sladky to accept the Committee's report.

Moved by Hennessey, second by McMeans to amend the ordinance to add the words "locally manufactured" before the words "frozen pizza". Ayes, 3. Nays, 7. Motion to amend the ordinance failed.

Upon a vote of the Committee's recommendation to adopt the ordinance. Ayes, 8. Nays, 2. Mayor declared the

ordinance adopted.

Public Utilities and Licensing Committee returned 2010 Urban Mass Transit Operating Assistance Contract (10-358) between the City of Manitowoc and the State of Wisconsin, Department of Transportation, for Maritime Metro Transit, as detailed therein, recommending entering into the contract. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned 2010 Small Urban Operating Assistance Contract (10-357) between the City of Manitowoc and the State of Wisconsin, Department of Transportation, for Maritime Metro Transit, as detailed therein, recommending entering into the contract. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned amendment (10-377) to 2008 Section Small Urban Operating Assistance Contract between the City of Manitowoc and the State of Wisconsin, Department of Transportation, for Maritime Metro Transit, as detailed therein, recommending entering into the amended contract. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned amendment (10-378) to 2009 Section Small Urban Operating Assistance Contract between the City of Manitowoc and the State of Wisconsin, Department of Transportation, for Maritime Metro Transit, as detailed therein, recommending entering into the amended contract. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned communication (10-275) from Festival Foods attaching petitions from over 1100 citizens asking for a change to the Section 11.01(10) of the Municipal Code regarding alcohol sales, recommending adoption of the report and place on file. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing and Streets & Sanitation Committees returned special events request (10-373) from Tower Tavern to close off street and extend their licensed premise to include area of dead-end street at 602 N. Water Street, jointly recommending approval of the request. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing and Streets & Sanitation Committees returned communication (10-365) from Wisconsin Public Service relative to proposal to combine its two distribution stations along Middle Rd. and Hessel Ct. into a single upgraded facility on W. Custer St., jointly recommending approving request subject to coordination with appropriate City departments. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned public works petition (10-362) from Merwynn Trade Group, LLC for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on

So. 39th Street, as described therein, and shown on the attached map (Parcel No. 836-301-065), 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 (10-259) from Manitowoc Eagles Aerie 706 requesting a conditional use permit for 823 Hamilton Street, Manitowoc, WI, recommending placing on file. Motion by Soeldner, seconded, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, none. Abstained, 1.

Streets and Sanitation Committee returned communication (10-154) from Geoffrey S. Wolf to hold a Freedom Walk on July 4, 2010, in support of "open carry" in the state of Wisconsin, 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 report (10-359) of Dir. of Public Works/City Engineer Valerie Mellon requesting unimproved right-of-way access agreement for parcel 719-005-010 at 3608 Menasha Ave., recommending referral to City Attorney for drafting of 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 public works petition (10-361) from Merwynn Trade Group, LLC for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on Un-Named Street, as described therein, and shown on the attached map (Parcel No. 836-301-065), 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 request (10-363) from Manitowoc County Domestic Violence Center requesting a conditional use permit for property located at 300 E. Reed Ave., 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 (10-368) of City Planner David Less requesting approval of Amendment No. 3 to TIF Performance Agreement with Manitowoc Place, LLC, 204 N. 8th St. relative to release of interest in assignment of life insurance proceeds, recommending acceptance of report and adoption of recommendations. 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 (10-372) from Bay-Lake Regional Planning Commission submitting City of Two Rivers 20-Year Comprehensive Plan, 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 State/Municipal Agreement (10-369) for highway improvement project at intersection of Rapids Rd. and Broadway St., recommending entering into agreement. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned communication (10-366) from Wisconsin Professional Police Association advising

of commencement of bargaining for successor agreement, recommending placing on file. Motion by Able, second by Hennessey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned applications #31 (beer) and #3 (wine) for Temporary Class "B" license; #7-13 for 2010-11 One Year Operator's license; #155, 206-234, 239-240, 242-243 for 2010-12 Two Year Operator's license; recommending 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.

Public Utilities and Licensing Committee returned change of agent forms from Capitol Civic Centre, Inc. advising of change of agent to Peggy Krey for the premises located at 913 S. 8<sup>th</sup> Street effective 6/29/10, recommending acceptance. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned #9 for 2009 Class "B" Retail Fermented Malt Beverage license and communication (10-122) from Norma Escamilla Coronado, surrendering the Class "A" Retail Fermented Malt Beverage license for 2205-2207 Marshall Street in favor of a Class "B" Beer license to same applicant, effective upon issuance of new license, recommending placing on file. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned General City Claims (10-381) in the amount of \$901,185.78 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, 10. Nays, none.

Moved by Sladky, seconded by Kadow, and unanimously carried, Common Council adjourned at 8:12 o'clock P.M. Ayes, 10. Nays, none.

Respectfully submitted

Jennifer Hudon  
City Clerk