

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

August 2, 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, August 2, 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 July 19, 2010, were approved as distributed by the Deputy City Clerk.

Deputy City Clerk announced that the various documents have been referred to the appropriate committees as shown on the August 2, 2010 Common Council agenda.

Proclamation by Mayor Nickels declaring August 1 through 7, 2010, as Clown Week in the City of Manitowoc.

Mayor Nickels introduced Wanda LeClair of Manitowoc International Relations Assn. who introduced the Kamagowa/Manitowoc students who participated in the exchange program.

Resolution (10-430) approving Redevelopment Authority of the City of Oshkosh, Wisconsin, Redevelopment Revenue Bonds, Series 2010 (Dermatology Associates of Wisconsin, S.C. Project), was referred to Finance Committee.

Finance Committee returned resolution (10-418) to approve Boundary Amendment Number One (1) to Tax Incremental Financing (TIF) District Number 10 Project Plan, recommending adoption of the resolution. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned resolution (10-416) to approve Boundary Amendment Number One (1) to Tax Incremental Financing (TIF) District No. 7 Project Plan, recommending adoption of the resolution. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned resolution (10-417) to approve Boundary Amendment Number One (1) to Tax Incremental Financing (TIF) District No. 9 Project Plan, recommending adoption of the resolution. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned resolution (10-415) to approve Boundary and Text Amendment Number One (1) to

Tax Incremental Financing (TIF) District No. 16 Project Plan, recommending adoption of resolution.

Moved by McMeans, seconded by Able, to accept the Committee's report.

Moved by Brey, seconded by Kadow, to amend the resolution to remove from the proposed amended boundaries of TIF 16 (i) all of Block 210 of the Original Plat; and (ii) all properties included in the amendment area located in Blocks 207 & 208 of the Original Plat.

Moved by Soeldner, seconded by Olson, to amend the resolution to remove section entitled Text Amendment No. 1, paragraphs 1, 2, 3 and 4 of Boundary Amendment No. One (1) and Text Amendment No. 1 to Tax Incremental Financing (TIF) District No. 16 Project Plan.

Moved by Soeldner, seconded by Olson, to withdraw their motion to amend the resolution.

Moved by Soeldner, seconded by Schema, to amend the resolution to remove a portion of paragraph 4 entitled Imputed Administrative Costs under section entitled Text Amendment No. 1 of Boundary Amendment No. One (1) and Text Amendment No. 1 to Tax Incremental Financing (TIF) District No. 16 Project Plan.

Upon a vote, the boundary amendment and the amendment to remove imputed administrative costs, were adopted by acclamation. Ayes, 9. Nays, 1.

Upon a vote, the resolution, as amended, was adopted by acclamation. Ayes, 9. Nays, 1.

Mayor declared the meeting open for a public hearing for construction progress of So. 10th Street in accordance with City of Manitowoc Citizen Participation Plan and the Wisconsin Dept. of Commerce Community Development Block Grant (CDBG) program.

Deputy Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on July 22 and July 28, 2010. (Proof of publication is on file in the City Clerk's office.)

Director of Public Works/City Engineer Valerie Mellon outlined the construction progress.

No interested parties appeared.

Mayor declared the public hearing closed. (A tape recording of the entire hearing is on file in the City Clerk's office.)

Mayor submitted the following appointment and requested Council confirmation:

Board of Public Works

Ald. Alex Olson

Mbr. Finance Committee

Term

1 yr. term expiring 4/18/11

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

Ordinance (10-428) to amend various sections of 14.03 of the Manitowoc Municipal Code regarding restricted animal species, 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 petition (10-348) for direct annexation from Donald and Audrey Olson, 5141 Edgewood Lane, for annexation of a 1.002 acre parcel of land abutting Edgewood Lane and W. Custer Street, as described therein and shown on the attached map, recommending approval of the petition. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned resolution (10-430) approving Redevelopment Authority of the City of Oshkosh, Wisconsin, Redevelopment Revenue Bonds, Series 2010 (Dermatology Associates of Wisconsin, S.C. Project), recommending adoption of the resolution. 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 and claim (10-317) of Jeannette Junk of June 11, 2010, Claim File No. 10-1046, recommending payment in the amount of \$295.00. 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 hold harmless agreement (10-433) with Holy Family Memorial Medical Center to conduct fire training activities at 2417 Liberty Place, as detailed therein, recommending adoption of the agreement. 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 report (10-429) of Public Property and Safety Committee relative to various traffic, parking and signage issues, recommending referral to Safety, Traffic & Parking Commission. 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 report (10-441) of Board of Public Works of July 28, 2010, regarding bids received for EECBG City Facilities Lighting Upgrade, Project WB-10-13, recommending approval of the low bid from Northern Metal and Roofing Co., Inc. in the amount of \$44,660.00. 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 report (10-437) of Board of Public Works of July 28, 2010, regarding bids for light fixtures, QM-10-7, recommending approval of the low bid from Orion Engineered Systems of Wisconsin in the amount of \$47,975.61. 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 report (10-438) of Board of Public Works of July 28, 2010, regarding quotes received for one new 2010 diesel tractor for Department of Public Works, Project QE-10-5, recommending

approval of the low bid from Brooks Tractor, Inc. in the amount of \$79,900.00 subject to receipt of 5% certified check to be delivered 8/3/10. 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 ambulance service agreement (10-436) with Manitowoc County Expo to provide ambulance service for the safety of activity participants and spectators at County Fair, recommending entering into the agreement. Motion by Brey, second by McMeans, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety, Public Utilities & Licensing and Parks & Recreation Committees returned special events request (10-427) 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 6, 7 & 8, 2010, 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 request according to City policy with the charge of \$150.00 for set up by the Parks and Recreation Dept. and the charge of \$439.84 for the Dept. of Public Works.

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

Moved by Brey, second by McMeans, and unanimously carried by acclamation to amend the DPW fee from \$439.84 to \$200.00. Ayes, 10. Nays, none.

Upon a vote, the special events request, as amended, was unanimously approved by acclamation. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned communication (10-390) of Wisconsin Department of Administration indicating that the proposed Olson annexation has been found to be in the public interest, recommending acceptance 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 returned resolution (10-412) creating Ward Number 41, population two, for the Interstate #15 Annexation Area and providing the boundary description therein, recommending adoption of the resolution. 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 (10-411) of Plan Commission relative to Olson; petition for direct annexation pursuant to s. 66.0217(2) Wis. Stats. for property on West Custer - Interstate #15, 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 returned ordinance (10-426) to amend Section 10.105(3) of the Municipal Code of the City of Manitowoc revising the hours of the street sweeping ban, recommending adoption of ordinance. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned ordinance (10-413) to annex certain territory from the Town of Manitowoc Rapids to the City of Manitowoc as part of the 9th Aldermanic District and the 17th, 18th, 22nd, 24th, 25th, 26th, 28th, 29th, 30th, 32nd, 36th, 38th, 39th, and 41st Wards of the City, recommending adoption of ordinance. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned resolution (10-042) to vacate a portion of So. 22nd Street containing 1,649 square feet, recommending adoption of resolution. 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 ordinance (10-043) amending Section 22.01 of the Municipal Code entitled "Official Map-Master Subdivision Plans" in an area located on South 22nd Street, recommending adoption of ordinance. 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 application (10-162) from Paul Reiser, for a change in zone from B-3 General Business District to C-1 Commercial District for property located at 2410 Marshall Street, 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 (10-440) of Board of Public Works of July 28, 2010, regarding bids received for ferric chloride for Wastewater Treatment Facility, Project QM-10-6, recommending awarding contract to low bidder, Kemira Water Solutions, Inc. in the amount of \$420/dry ton. 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 (10-442) of Board of Public Works of July 28, 2010, regarding bids received for 2010 Sanitary Sewer Construction, Project WS-10-12, recommending awarding contract to low bidder, Vinton Construction Company, in the amount of \$114,041.01. 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 (10-439) of Board of Public Works of July 28, 2010, regarding bids received for 2010 Tree Planting Project, QS-10-8, recommending awarding contract to low bidder, Bobbie's Marine Services, LLC, in the amount of \$12,270.76. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned special events request (10-432) from Manitowoc County Special Olympics to hold the 11th annual 5K run/walk at the Manitowoc County Fair on August 24, 2010 at 6:00 p.m., recommending awarding 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 report (10-434) of City Planner David Less relative to targeted brownfield

assessment activities at 1512 Washington Street, 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.

Public Utilities & Licensing Committee returned Change of Agent forms for Walgreen Co. (#21 Class "A" Retail Fermented Malt Beverage license) advising of change of agent to Kris Adams for the premises at 2702 Calumet Ave. effective immediately; applications #2-23, 26-28 for 2010-11 Temporary Operator's license; #14 for 2010-11 One Year Operator's license; #256-264 for 2010-12 Two Year Operator's license; #2-5 for Stock Car Races, Racing Exhibitions, Etc. Permit; recommending granting the various change of agent/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.

Committee of the Whole returned General City Claims (10-443) in the amount of \$973,455.89 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.

Common Council adjourned at 8:55 o'clock P.M. Ayes, 10. Nays, none.

Respectfully submitted

Deborah A. Neuser
Deputy City Clerk