

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

October 4, 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, October 4, 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 September 20, 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 October 4, 2010 Common Council agenda.

Mayor Justin M. Nickels proclaims the month of October, 2010 as National Disability Employment Awareness Month. Two representatives from Holiday House accepted the proclamation.

Parks and Recreation Committee returned communication (10-502) from 2 Man Golf League with suggestions to improve Lincoln Park, recommending placing on file. Motion by Levendusky, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned communication (10-538) from Manitowoc Zoological Board and Lincoln Park Zoological Society with concerns regarding Lincoln Park Zoo and requesting City to fill Parks and Recreation Director's position as soon as possible, recommending placing on file. Motion by Levendusky, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel and PERC Committees returned resolution (10-461) establishing nonrepresented employee compensation for 2010, recommending approval as amended, and referral to Council. Motion by Able, second by Hennessey, to accept the Committees' report. Ayes, 5. Nays, 5. The tie vote was broken by Mayor Nickels who voted aye. Committees' report was accepted. Ayes, 6. Nays, 5.

Ordinance (10-557) to create Section 8.15(1) of the Municipal Code creating a Park Donation Fund, was referred to Parks and Recreation Committee.

Ordinance (10-548) to amend Section 26.01(2) of the Municipal Code changing the term of office for Municipal Judge from two to four years, 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.

Finance Committee returned communication (10-559) from U. S. Coast Guard relative to payment of special assessments assessed against their property at 404, 406 and 408 N. Lake Street, recommending approval of City Attorney's advisement 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 communication (10-555) from City Assessor Sarah Hoppe relative to personal property palpable error on parcel no. 000-191-874 and recommending partial tax refunds for the years 2009 and 2010, recommending refund of partial tax payments per recommendation from City Assessor. Motion by McMeans, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned Amendment No. 1 (10-550) to Display Case Agreement with Green Construction LLC for installation of a display case at Lincoln Park Zoo, recommending approval of document. Motion by Levendusky, second by Sladky and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committees returned report (10-562) of Public Property and Safety Committee relative to N. 7th and Maritime intersection and N. 8th and Maritime intersection, recommending approval of the two items and place on file. 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 2010 Section 5311 Capital Assistance Contract (10-551) with State of Wisconsin to provide financial assistance to surface public transportation systems operating in areas other than urbanized areas, recommending adoption of the contract. Motion by Hennessey, second by Sladky, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned report (10-563) of the Board of Public Works relative to request for sidewalk privilege agreement for the purpose of constructing an additional concrete slab adjacent to driveway at 1718 Nagle Avenue, recommending acceptance and enter 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 progress invoice (10-556) from Wisconsin Dept. of Transportation in the amount of \$363,183.63 for North 21st Street Bridge (Viaduct), Project No. 4991-02-71, 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 special events request (10-549) from Yo-Yo Balloons to sell balloons and Christmas novelties along the Christmas Parade route on November 24, 2010, 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 report (10-552) of the Board of Public Works of September 29, 2010, recommending 18th and final payment to Water Technology, Inc. in the amount of \$3,248.58, 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 (10-553) of the Board of Public Works of September 29, 2010, recommending 6th (95%) payment to Vinton Construction in the amount of \$688,288.71, 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 stormwater management facility maintenance agreement (10-565) with Merwynn Trade Group, LLC for property located south of Dewey Street and east of So. 39th Street, recommending entering into the 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 stormwater management facility maintenance agreement (10-554) with St. Mary's Home for the Aged, Inc. and Felician Village, Inc. for property located south of Division Street and east of So. 21st Street, recommending entering into the agreement. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned surrender letter from My Holdings LLC, Patrick Young, Agent, surrendering the "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage license for premises at 1144 S. 21st St. to Kristen S. Remiker effective upon issuance of license to new applicant; #25 for Class "A" Retail Fermented Malt Beverage license; #58A for "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license; #51 for Temporary Class "B" Beer license; #8 for Temporary Wine license; #28-33 for 2010-11 One Year Operator's license; #294-299 for 2010-12 Two Year Operator's license; recommending acceptance of surrender and 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.

Committee of the Whole returned General City Claims (10-564) in the amount of \$763,978.50 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, and unanimously carried, Common Council adjourned at 7:50 o'clock P.M. Ayes, 10. Nays, none.

Respectfully submitted

Jennifer Hudon

City Clerk