

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

February 1, 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, February 1, 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 7:04 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 January 18, 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 February 1, 2010 Common Council agenda.

Resolution (10-036) awarding the sale of \$5,850,000 Taxable General Obligation Corporate Purpose Bonds, Series 2010A (Build America Bonds - Direct Payment), was referred to Finance Committee.

At the request of Mayor Nickels, Mr. Bradley D. Viegut, director of Robert W. Baird & Co., explained results of competitive bids and final pricing summary on the bond issue.

Finance Committee returned resolution (10-036) awarding the sale of \$5,850,000 Taxable General Obligation Corporate Purpose Bonds, Series 2010A (Build America Bonds - Direct Payment), recommending adoption of the resolution. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none. Resolution was declared adopted.

Resolution (10-042) to vacate a portion of So. 22nd Street containing 1,649 square feet, was referred to Streets & Sanitation Committee.

Mayor submitted the following appointment and requested Council confirmation:

Crime Prevention Committee - Indefinite Term:

Kelly M. Peterson (Pl. of Hartl)

Motion by Sitkiewitz, second by Graunke and unanimously carried to confirm the Mayor's appointment. Ayes, 10. Nays, none.

Ordinance (10-044) to amend Section 3.15(1) of the Municipal Code establishing members of the Citizens Physical & Sensory Disability Commission, was referred to Public Property & Safety Committee.

Ordinance (10-052) creating various sections of Chapter 10 of the Municipal Code relating to U-turns and parking, was referred to Public Property & Safety Committee.

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, was referred to Streets & Sanitation 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 (10-048) from City Assessor Sarah Hoppe to rescind 2009 personal property taxes of \$69.66 on parcel #000-918-121, recommending rescinding the 2009 (duplicate) personal property tax in the amount of \$69.66. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned communication (10-047) from City Assessor Sarah Hoppe to rescind 2009 personal property taxes of \$204.89 on parcel #000-317-402, recommending rescinding the 2009 personal property doamaged tax in the amount of \$204.89. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned communication (10-049) from City Assessor Sarah Hoppe to rescind 2009 personal property taxes of \$204.89 on parcel #000-917-726, recommending rescinding the 2009 personal property doamaged tax in the amount of \$204.89. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned amended summons and complaint (09-014) of Wells Fargo Bank, N.A. v. Schroeder, City of Manitowoc and Capital One Bank, Case No. 08-CV-662, 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 (09-300) from PHH Mortgage Corporation vs. Gosz & City of Manitowoc, Case No. 09-CV-0197, 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 report (10-055) of City Planner David Less relative to Collateral Assignment of

Development Agreement with Dermatology Associates of Wisconsin, recommending acceptance of report and place on file. Motion by Brey, second by Able, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, none. Abstained, 2.

Parks & Recreation Committee returned special events request (10-009) for Manitowoc Jaycees to hold Quadrathlon on August 15, 2010, 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 Committee returned contractor agreement (09-703) with Look Creative, LLC for fabrication of various signs, as detailed therein, recommending placing on file. Motion by Geigel, second by Graunke and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none. (*Agreement (10-004) with Look Creative, LLC entered into on 1/18/2010*).

Public Property & Safety Committee returned ordinance (10-044) to amend Section 3.15(1) of the Municipal Code establishing members of the Citizens Physical & Sensory Disability Commission, recommending adoption of ordinance. Motion by Sitkiewitz, second by Brey and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 10. Nays, none. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks & Recreation Committee returned special events request (10-050) from The Crossing Pregnancy Support Services to use Mariners Trail on Saturday, May 15, 2010 for a Walk for Life fundraiser, 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 (10-051) from Kiwanis Club of Greater Manitowoc to use Washington Park on August 7 & 8, 2010 for 28th Annual Car Show and requesting waiver of alcohol in park, 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.

Streets & Sanitation Committee returned communication (10-056) from Kathie Bundy, St. Patrick's Day Parade Coordinator, requesting permission to hold the annual St. Patrick's Day Parade on Friday, March 12, 2010, following the route described therein, with fireworks to follow, as in the past, recommending approval of request subject to 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 communication (10-040) from Drews-Bleser Post No. 88 requesting permission to use certain streets for the annual Memorial Day Parade on Monday, May 31, 2010, beginning 9:00 a.m. and in case of inclement weather, the use of the Citizen Park Building for the ceremonies, recommending approving 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 request (09-662) from Tony Bugarino, Tony's Pizza, relative to four foot overhang on garage in City right-of-way, recommending placing 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 (10-054) of City Planner David Less relative to Construction Staging Area License Agreement with Miron Construction Co. for Dermatology Associates of Wisconsin redevelopment project, recommending acceptance of report, place on file, and adoption of agreement. Motion by Soeldner, second by Geigel, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, none. Abstained, 2.

Streets & Sanitation Committee returned agreement (10-053) with Aero-Metric for photogrammetric orthophoto imaging services, as detailed therein, recommending entering 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 release (10-034) of Easement to R & J Property Management for a portion of an existing storm sewer easement, recommending referral to Plan Commission. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned permanent utility easement (10-038) from Garceau Properties LLC for storm sewer to drain from So. 41st St. into stormwater pond at So. 41st and Custer, recommending referral to Plan Commission. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned ordinance (09-699) to amend Section 16.07 regarding demolition of buildings, recommending approval (adoption) of the ordinance. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned ordinance (09-741) to amend Section 25.05(8) of the Municipal Code to adjust rates for sewer service charges effective January 1, 2010, recommending approval of new rate structure. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none. Ordinance adopted.

Public Utilities & Licensing Committee returned applications #53 for 2009-10 One Year Operator's license; #337-344 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.

Committee of the Whole returned General City Claims (10-058) in the amount of \$983,620.46 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.

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Moved by Alderperson Sitkiewitz, seconded by Alderperson Graunke, and unanimously carried, Common Council adjourned at 7:42 o'clock P.M. Ayes, 10. Nays, none.

Respectfully submitted

Jennifer Hudon
City Clerk

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