

## COMMON COUNCIL

### OFFICIAL JOURNAL

Justin M. Nickels, Mayor

February 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, February 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 7:00 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 February 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 February 15, 2010 Common Council agenda.

Mayor Justin M. Nickels and Deputy City Planner Paul Braun presented Site Plan Development Awards of Excellence for various building projects during 2009.

Kenneth Stubbe, Executive Director, Economic Development Corporation of Manitowoc County gave a brief presentation of the 2009 annual report.

Resolution (10-073) that seal coating be placed on the streets listed therein in 2010, and assessments be made against the abutting property owners for the cost on a front foot basis, was referred to Streets and 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 notice of claim and claim (10-035) from Richard Bouril of December 11, 2009, Fleet Claim File 09-183, recommending payment of claim in the amount of \$863.10. Motion by Brey, second by Able, and

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

Finance Committee returned communication (10-065) of Attorney John F. Mayer enclosing summary decision of Wis. Court of Appeals relative to Knauer v. Mayor Kevin Crawford, et al dismissing the appeal, 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 memorandum (10-033) from Asst. City Attorney Kathleen McDaniel relative to Wells Fargo Bank v. Schroeder, et al, Case no. 08-CV-662 with Order Confirming Sale attached, 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 memorandum (10-041) from Asst. City Attorney Kathleen McDaniel relative to PHH Mortgage Corp. v. Gosz, et al, Case No. 09-CV-197 with Order Confirming Sale attached, 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 report (10-074) of Deputy City Planner Paul Braun summarizing the City's payments to Mainly Manitowoc, recommending acceptance of the 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 claim (10-031) from Jeanette Kakuk of December 30, 2009, Claim File No. 10-1038-1, recommending denial of the claim. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks & Recreation, Streets & Sanitation and Public Property & Safety Committees returned special events request (10-062) from Tom Chermak requesting the use of Washington Park for Metro Jam Weekend, June 18 & 19, 2010, the use of the Metro Stage, a waiver of rules prohibiting alcohol beverages to be consumed in the park for the weekend, closing So. 11th & So. 12th Street for a portion of the weekend, and City employees to help with the Children's Area and for setup and preparation of the event, as detailed therein, recommending granting 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 proposal (09-702) from Riederer Engineering for engineering services for the replacement of the HVAC system in the Parks and Recreation building at 930 N. 18th St., 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.

Public Property & Safety Committee returned ordinance (10-052) creating various sections of Chapter 10 of the Municipal Code relating to U-turns and parking, recommending adoption of ordinance. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety Committee returned 2009 Annual Report (10-068) of Department of Building Inspection,

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 report (10-087) of City Planner, David Less, requesting authorization for City Planner to continue to act as the City's agent in administering all aspects of the 2010 Farmers' Market program and approval of the Agreement for Management Services, as detailed therein, recommending acceptance of report and adoption of recommendations. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned report (10-084) from Nilaksh Kothari, General Manager, reporting 2009 highlights of activities of Great Lakes Utilities, a municipal electric company, with 2008 annual report attached, recommending 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 report (10-070) of the Board of Public Works of February 10, 2010, recommending 10th and final payment to Vinton Construction in the amount of \$122,952.97 for 40th and Archer Street Lift Station, WU-08-10, recommending payment. 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, and report (10-078) of City Plan Commission recommending that the Council approve permanent utility easement with one correction to be made, recommending acceptance of easement (10-038) and place on file and acceptance of report (10-078) 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 request (10-013) on behalf of AJBL, Ltd. and Anthony J. Bugarino to establish a parking lot in a residential zoning district directly to the north of Tony's Pizza business, and report of City Plan Commission (10-075) which notes that the issuance of a special permit is consistent with the plan and land use for this area, recommending placing request (10-013) on file and acceptance of report (10-075) 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 (10-083) of Board of Public Works of February 10, 2010, regarding bids received for 2010 Relining Sewers, Project WU-10-7, recommending acceptance of report and award to lowest bidder, Insituform Technologies in the amount of \$155,456.50. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned sidewalk privilege agreement (10-086) between City and Sarah A. Blashe for the purpose of maintaining a fence on City right-of-way, 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 report (10-079) of City Plan Commission relative to proposed City-initiated vacation and Official Map amendment for a portion of So. 22nd Street asking Council to instruct the City Clerk to call for the required public hearing, as detailed therein, recommending acceptance of report, place on file, with Clerk to call for public hearing. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (10-081) of the Board of Public Works relative to communication from Mr. Otek Sign & Textile on behalf of Parker Hannifin Corp. to place signs in City right-of-way, recommending Council grant the request, as detailed therein, with City Attorney to draft Sidewalk Privilege Agreement, 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 report (10-082) of Board of Public Works of February 10, 2010, regarding bids received for 2010 Slurry Sealing Various Streets, Project WS-10-6, recommending acceptance of report and award to low bidder, Fahrner Asphalt Sealers in the amount of \$42,468.33. 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, and report (10-076) of City Plan Commission recommending approval of the Release with one correction to be made, recommending acceptance of easement (10-034) and place on file and acceptance of report (10-076) 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 ordinance (09-700) to amend Section 7.09(6) requiring sidewalks, recommending adoption of ordinance. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation, Parks & Recreation and Public Utilities & Licensing Committees returned special events request (10-061) from Northeastern Wisconsin Great Lakes Sport Fishermen to hold the annual Salmon Derby at the Manitowoc Marina from Friday, July 2 through Monday, July 5, 2010, use of various City equipment, permission to sell fermented beverages until 11:30 p.m. and extension of the noise ordinance until 11:30 p.m. on Friday, Saturday and Sunday nights, as detailed therein, jointly recommending granting 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 report (10-071) of the Board of Public Works of February 10, 2010, recommending 5th and final payment to Strand Associates, Inc. in the amount of \$223.46 for Smoke Testing Sanitary Sewers, Invoice #0076522, recommending payment. 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 (10-069) from Amvets Post 99 to use Conroe Street for 2010 Gravity Hill Derby on June 19, 2010, 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 report (10-080) of Board of Public Works recommending Council adopt ordinance (09-700) amending section 7.09(6), recommending acceptance of report. 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 (10-067) from First Lutheran Church advising they will be hosting 13th Annual Shanty Town on April 24, 2010 and requesting city equipment to be donated, as detailed therein, recommending approval 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 declaration of dedication of Property (10-063) for So. 10th Street purposes, 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 special events request (10-059) from Midwest LLC (Yo-Yo Balloons) to sell balloons and St. Patrick's Day novelties along the St. Patrick's Day parade route on March 12, 2010, recommending approval of 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 (10-072) of the Board of Public Works of February 10, 2010, recommending 6th and final payment to Mead & Hunt, Inc. in the amount of \$3,400.00 for professional services to prepare CDBG application for S. 10th Street, Invoice #215009, recommending payment. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (10-077) of City Plan Commission authorizing issuance of special permit for the construction of a fixed animated sign at Rob's Market property at 2330 Menasha Ave., as detailed therein, 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.

Public Utilities & Licensing Committee returned applications #54-55 for 2009-10 One Year Operator's license; #345-348 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 (10-088) in the amount of \$9,667,172.07 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 7:44 o'clock P.M. Ayes, 10. Nays, none.

Respectfully submitted

Jennifer Hudon  
City Clerk

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