

COMMON COUNCIL

OFFICIAL JOURNAL

Kevin M. Crawford, Mayor

March 2, 2009

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, March 2, 2009. Said meeting was duly called, noticed, held and conducted in the manner required by the Common Council and the pertinent Wisconsin Statutes.

Mayor Kevin M. Crawford called the meeting to order at 7:04 p.m. and on roll call the following members were present: Alderpersons Dave Soeldner, Eric Sitkiewitz, Rick Sieracki, James N. Brey, Christopher Able, Dean Graunke, Justin M. Nickels, Raymond T. Geigel, and Lee D. Thennes.

Absent: Ald. Thomas Frieder.

Pledge of Allegiance.

Invocation.

At the request of Mayor Crawford, the entire assemblage stood for a moment of silence in commemoration of the late Ed Grimm, who was formerly on the Common Council as well as a County Board member.

Minutes of the regular session of February 16, 2009, 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 March 2, 2009 Common Council agenda.

Mike Stollfus of O'Donahue & Associates, Inc. and Joseph Holt of Auxiant gave a brief presentation on Health Savings Accounts and distributed a handout.

Resolution (09-129) authorizing various appropriations which were budgeted in 2008 for the departments listed therein to be carried forward into the respective 2009 departmental budgets effective as of December 31, 2008, was referred to Finance Committee.

Resolution (09-138) authorizing the Mayor and Clerk to enter into the Mutual Aid Box Alarm System Agreement, was referred to Public Property & Safety Committee.

Resolution (09-147) authorizing assessments for special decorative Christmas lighting on non-residential properties abutting Eighth St. from Washington St. to Chicago St., on Washington St. from So. 8th St. to So. 12th St. and in the Harbor Town Center (Dewey Street from N. Rapids Rd. to Calumet Ave. and Harbor Town Ln. from Dewey St. to S. 41st St.), as detailed therein, for the 2008-09 Christmas season, was referred to Streets & Sanitation Committee. Mayor submitted the following committee appointments and requested Council confirmation:

Cable Television Commission

Mark Seidl
(Pl. of M. Cumming)
Jerry C. Diederichs

Term

Term ending 6/1/12

Term ending 6/1/12

Moved by Thennes, second by Nickels and unanimously carried to confirm the Mayor's appointments. Ayes,

9. Nays, none.

Mayor submitted the following appointments and requested Council confirmation:

Expo Grounds & Market Analysis Committee

Ald. Dean Graunke

Term

Term ending 4/20/09

River Corridor & Downtown Ad Hoc Committee

Ald. Chris Able

Term ending 4/20/09

Moved by Thennes, second by Nickels and unanimously carried to confirm the Mayor's appointments. Ayes,

9. Nays, none.

Mayor requested Council confirmation to disband the following Ad Hoc Committee formed in 1993:

Visitor Information Center Technical Committee (Ad Hoc)

Moved by Thennes, second by Nickels and unanimously carried to confirm the Mayor's recommendation. Ayes,

9. Nays, none.

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.

Mayor submitted the following committee appointment and requested Council confirmation:

Cable Television Commission

City Attorney Juliana Ruenzel
(Pl. of J. Wyss)

Term

Term ending 6/1/10

Moved by Thennes, second by Nickels and unanimously carried to confirm the Mayor's appointments. Ayes,

9. Nays, none.

Committee of the Whole returned communication (09-127) from Mayor's Administrative Assistant Tina Prigge submitting her resignation effective April 20, 2009, recommending acceptance and place on file. Motion by Thennes, second by Nickels, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned communication (09-101) from Repeat Performance Resale Store requesting property tax exemption status for their non-profit resale store at 4341 Enterprise Ct., recommending placing on file.

Motion by Brey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned communication (09-128) from City Clerk recommending to rescind taxes on duplicate tax parcel #000-917-875 in the amount of \$19.98, recommending rescinding taxes in the amount of \$19.98.

Motion by Brey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned claims (08-057) and (08-058) for Excessive Tax Under Wis. Stat. 74.37 and 74.35 from Holy Family Memorial, Inc. for parcel #817-304-010, 333 Reed Ave., recommending denial of the claims. Motion by Brey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned claim (09-023) from Lakeside Foods, Inc. filed January 8, 2009, Claim File No. 09-1014, recommending payment of claim in the amount of \$5,322.50. Motion by Brey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned claim (09-075) from Luis R. Morales received January 27, 2009, Fleet Claim No. 09-176, recommending denial of the claim. Motion by Brey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned claim (09-035) from Allen Jennings filed January 12, 2009, Fleet Claim File No. 09-174, recommending denial of the claim. Motion by Brey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned claim (09-034) from Rick & Renee Charlton filed January 9, 2009, Fleet Claim File No. 09-173, recommending denial of the claim. Motion by Brey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned resolution (09-129) authorizing various appropriations which were budgeted in 2008 for the departments listed therein to be carried forward into the respective 2009 departmental budgets effective as of December 31, 2008, recommending adoption of the resolution. Motion by Brey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing Committee returned canvass (09-126) of the Municipal Election held on February 17, 2009, recommending acceptance and place on file. Motion by Thennes, second by Graunke, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks & Recreation Committee returned communication (09-144) from Chris Tadych and Amanda Meissner requesting permission to hold wedding ceremony at Red Arrow beach on June 6, 2009, as detailed therein, recommending granting of request upon rental of the Parks' open air shelter. Motion by Geigel, second by Able and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks & Recreation Committee returned communication (09-146) from Girl Scout Troop 8099/8225 leader Melanie Johnson requesting permission to hold sock-hop fundraiser at Citizen Park Gym on April 18, 2009, as detailed

therein, recommending granting of request according to current City policy, with a waiver of half of the rental fee. Motion by Geigel, second by Able and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks & Recreation Committee returned communication (09-145) from Phi Theta Kappa at UW Manitowoc requesting permission to hold disc golf tournament at Silver Creek Park on April 25, 2009 from 10:00 a.m. to 4:00 p.m., as detailed therein, recommending granting of request according to current City policy, with a waiver of half the fee for the use of the open air shelter. Motion by Geigel, second by Able and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property & Safety Committee returned communication (09-125) from Seiler Bros. Construction expressing their opposition to placing signal lights at the corner of So. 35th and Dewey Streets, recommending placing on file. Motion by Sitkiewitz, second by Sieracki, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property & Safety Committee returned petition (08-686) signed by residents of the City of Manitowoc requesting adoption of laws protecting citizens and children from sex offenders, recommending placing on file. Motion by Sitkiewitz, second by Sieracki, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property & Safety Committee returned communication (09-130) from Roger Vander Logt expressing concerns regarding the proposed sex offender ordinance, recommending placing on file. Motion by Sitkiewitz, second by Sieracki, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property & Safety Committee returned resolution (09-138) authorizing the Mayor and Clerk to enter into the Mutual Aid Box Alarm System Agreement, recommending entering into agreement. Motion by Sitkiewitz, second by Sieracki, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned petition (08-681) from residents residing on Remiker Lane asking that the permit for Premier Lawncare to use Remiker Lane for business purposes be stopped, recommending placing on file. Motion by Geigel, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned resolution (09-147) authorizing assessments for special decorative Christmas lighting on non-residential properties abutting Eighth St. from Washington St. to Chicago St., on Washington St. from So. 8th St. to So. 12th St. and in the Harbor Town Center (Dewey Street from N. Rapids Rd. to Calumet Ave. and Harbor Town Ln. from Dewey St. to S. 41st St.), as detailed therein, for the 2008-09 Christmas season, recommending acceptance of resolution and place on file. Motion by Geigel, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 7. Nays, 2. Alderpersons Able and Graunke voting nay.

Streets & Sanitation Committee returned report (09-133) of Board of Public Works of February 25, 2009, regarding bids received for Family Aquatic Center, Project WB-09-16, recommending placing on file. Motion by Geigel, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned contract (09-135) with OMNNI Associates to perform engineering services in connection with the Dewey Street Corridor Traffic Study, recommending acceptance and place on file. Motion by Geigel, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned declaration of dedication of property (09-053) for 2.48 acres of land for Quay Street and South Lakeview Drive purposes, recommending acceptance of document and place on file. Motion by Geigel, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned communication (09-124) from Plumbing Inspector recommending rescinding the storm sewer connection fee invoice for 1669 Atlanta Circle in the amount of \$500.00, recommending rescinding sewer connection fee and place on file. Motion by Geigel, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned communication (09-131) from Felician Village requesting a conditional use permit to relocate their Community Based Residential facilities to a new location at 1600 So. 18th Street within the Felician Village campus, recommending referral to Plan Commission. Motion by Geigel, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned communication (09-136) from Ancient Rites Tattoo & Body Piercing, LLC requesting a conditional use permit to relocate their business to a new location at 1802 Washington Street, recommending referral to Plan Commission. Motion by Geigel, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned report (09-142) of the Board of Public Works of February 25, 2009, recommending 7th and final payment to Vinton Construction in the amount of \$229,674.40 for 2008 Concrete Paving Reconstruction, WS-08-8, recommending payment. Motion by Geigel, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned report (09-143) of the Board of Public Works of February 25, 2009, regarding special assessments for dust palliatives on parcel 808-301-016, recommending denial of request to rescind the bill and place on file. Motion by Geigel, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing Committee returned applications #1 for 2009-10 One Year Operator's license; #380-392 for 2008-10 Two Year Operator's license; recommending granting the various licenses, as shown on the committee's report. Motion by Thennes, second by Graunke, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned General City Claims (09-148) in the amount of \$504,445.15 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 Thennes, second by Nickels, report accepted. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned the following agreements: Sidewalk Privilege Agreement (09-150) with Osuld Torrison River Front Condos, LLC for balcony at 2 North 8th St., parcel no. 000-183-201; Sidewalk Privilege Agreement (09-151) with Osuld Torrison River Front Condos, LLC for balcony at 2 North 8th St., parcel no. 000-183-202; Sidewalk Privilege Agreement (09-152) with Osuld Torrison River Front Condos, LLC for balcony at 2 North 8th St., parcel no. 000-183-203; Sidewalk Privilege Agreement (09-153) with Osuld Torrison River Front Condos, LLC for balcony at 2 North 8th St., parcel no. 000-183-301; Sidewalk Privilege Agreement (09-154) with Osuld Torrison River Front Condos, LLC for balcony at 2 North 8th St., parcel no. 000-183-302; Sidewalk Privilege Agreement (09-156) with Triple SSS Investments, LLC for a handicap access ramp at 2 North 8th Street, parcel nos. 000-183-108, 000-183-002 and 000-183-167; Sidewalk Privilege Agreement (09-155) with Triple SSS Investments, LLC for awnings at various locations at 2 North 8th Street, parcel nos. 000-183-104, 000-183-108, 000-183-002 and 000-183-167, recommending entering into the agreements (09-150) thru (09-156). Motion by Geigel, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Common Council adjourned at 8:25 o'clock P.M.

Respectfully submitted

Jennifer Hudon
City Clerk