

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

June 1, 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, June 1, 2009. 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 May 18, 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 June 1, 2009 Common Council agenda.

Presentation by Kathy Beer and Mark Pare of the Lakeshore Humane Society relative to their Free Roaming Feline Program and shelter costs.

Resolution (09-333) appointing Todd Blaser as Deputy Fire Chief for the City of Manitowoc and establishing a salary for the position, was referred to Personnel Committee.

Ordinance (09-335) to revise Section 14.07 of the Municipal Code correcting scrivener's errors within the Social Host Ordinance, was referred to Public Property & 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 ordinance (09-288) to annex territory known as Interstate #14 Annexation Area from the Town of Manitowoc Rapids to the City of Manitowoc, as part of the 9th Aldermanic District and 39th Ward, to be

zoned "R-4" Single and Two Family Residential District, as described therein and shown on the attached map, recommending adoption of ordinance. Motion by Sitkiewitz, second by Graunke, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned resolution (09-289) to create Ward 39, population 4, for the Interstate #14 annexation area, as described therein and shown on the attached map, and that Ward 39 be combined with Wards 17, 18, 22, 24, 25, 26, 28, 29, 30, 32, 36 and 38, for voting purposes and use a common polling place as established for the 9th Aldermanic District, recommending adoption of resolution. Motion by Sitkiewitz, second by Graunke, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned petition (09-264) for direct annexation from Michael A., Susan N. and Jennifer E. Jinks, 5100 W. Custer St., for annexation of a 1.09 acre parcel of land abutting W. Custer St., as described therein and shown on the attached map and report (09-294) of City Plan Commission recommending that the Council approve the petition as presented and adopt an annexation ordinance, recommending acceptance of report (09-294) and place on file and place petition (09-264) on file. Motion by Sitkiewitz, second by Graunke, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned communication (09-311) from Wis. Dept. of Administration indicating that they have reviewed the Jinks annexation and it does not appear to be against the public interest, recommending placing on file. Motion by Sitkiewitz, second by Graunke, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned communication (09-332) from Recreation & Parks Director Joe McLafferty requesting the use of room tax money to upgrade the Washington Park sign, recommending approval of request and referral to Plan Commission. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned communication (09-331) from Recreation & Parks Director Joe McLafferty requesting to make final payment to Horst Distributing in the amount of \$3,270.00 for beach grooming machine, recommending approval of the request. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned notice of claim and claim (09-280) from Howard Thielen of May 12, 2009, Claim No. 09-1019, recommending paying the claim in the amount of \$23.07. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks & Recreation Committee returned special events request (09-276) from Patricia Kohlman, Manitowoc County TEA Coordinator, to use Washington Park on 7/4/09 and 9/7/09 for a TEA Party Rally, 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 and Streets & Sanitation Committees returned special events request (09-320) from Lakeshore Humane Society to hold their annual Walk for Kindness on the route detailed therein on Saturday, September 26, 2009, 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.

Public Property & Safety Committee returned agreement (09-323) with County of Manitowoc relative to tower facility on City property located at the northeast corner of the intersections of So. 35th St. and Viebahn St. for the period January 1, 2009 to December 31, 2014 with option to renew for successive 5-year periods, recommending entering into agreement. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned communication (09-313) from Comcast advising that effective June 12, 2009, Comcast will no longer have the ability to provide City Hall with a signal feed from NBC affiliate WTMJ-TV in Milwaukee, recommending placing on file. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned special events request (09-322) from Elks Lodge No. 687 to extend their premises on July 4, 2009 for a picnic to benefit the Manitowoc Miracles and area Special Olympics and to allow the use of wristbands as an alternative to fencing in the bar area, recommending granting according to City policy. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned special events request (09-314) from Debra Andrusak, Skinny Dip Inn, 1107 S. 10th St., to have live music outside on June 14, 2009, from 4:00 p.m. to 9:00 p.m. and to extend their premise, as detailed therein, recommending granting according to City policy. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned application (09-295) from Patricia Roth, Manitowoc Coffee, of May 8, 2009, for Sidewalk Café Permit at 836 S. 8th Street, recommending granting the permit. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned public works petition (09-321) from Michael A. and Susan N. Jinks for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on West Custer Street, as described therein, and shown on the attached map, recommending acceptance of petition. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned communication (08-277) from Ronald F. DeMark requesting that the City vacate a proposed street east of 2014 Lexington Dr., 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 communication (09-267) from Keith Gauthier requesting an adaptive reuse conditional use permit for Clarkbridge Hall located at 1402 Clark St., formerly the "Old Vocational School", 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 request (09-334) from SMI as representatives of United One Credit Union for special permit for parking lot expansion in a residential district at 1126 S. 10th Street, 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 quit claim deed (09-326) from Richard L. & Darla J. Klassen for a parcel of land containing 13,791 square feet, more or less, to be used for Fleetwood Drive purposes, as described therein and shown on the attached sketch, 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 quit claim deed (09-327) from Richard L. & Darla J. Klassen for a parcel of land containing 28,576 square feet, more or less, to be used for Waldo Blvd. purposes, as described therein and shown on the attached sketch, 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 public works petition (09-324) from Richard L. and Darla J. Klassen for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting Fleetwood Dr., as described therein, and shown on the attached map, recommending acceptance of petition. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned public works petition (09-325) from Richard L. and Darla J. Klassen for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on Waldo Blvd., as described therein, and shown on the attached map, recommending acceptance of petition. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned communication (09-195) from Bartow Builders requesting an option of 10 years to pay back the street assessments from the improvements scheduled to take place in 2009 for Executive Estates Subdivision No. 7 due to the economic times, 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 communication (09-306) from First Reformed United Church of Christ requesting permission to hold CROP Walk on Saturday, October 3, 2009, from 9:00 a.m. to 12:00 p.m., with route detailed therein, recommending approving request according 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 (09-318) of the Board of Public Works of May 27, 2009, recommending 3rd and final payment to Green Bay Pipe and TV in the amount of \$1,351.24 for 2009 Televising Miscellaneous Sewers, WU-09-5, recommending payment of \$1,351.24. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (09-317) of the Board of Public Works of May 27, 2009, recommending 2nd and final payment to MSA Professional Services, Inc. in the amount of \$1,800.00 for Water Quality Pond Alternative Site Selection Analysis, recommending payment of \$1,800.00. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned agreement (09-329) relative to Hold Harmless Waiver of Liability, Assumption of Risk and Indemnification of the City of Manitowoc with Respect to Issuance of Building Permit to Ryan Kabelowsky to build a garage at 816 Forest Circle, recommending adoption 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 resolution (09-333) appointing Todd Blaser as Deputy Fire Chief for the City of Manitowoc and establishing a salary for the position, recommending adoption of resolution. 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 #21-23 for 2009-10 Class "A" Retail Fermented Malt Beverage license; #54-59 for 2009-10 "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license; #28-29 2009-10 Near Beer (Non-Intoxicating Beverage) license; #3 2009-10 One Year Operator's license; #58-73, 75-86 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.

Public Utilities & Licensing Committee returned application #425 2008-10 Two Year Operator's license recommending placing on file and refunding \$50.00 to applicant. 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 (09-336) in the amount of \$898,952.22 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 7:52 o'clock P.M.

Respectfully submitted

Jennifer Hudon
City Clerk

O:\wpdocs\COUNCIL\min06-01-09.wpd