

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

June 15, 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 15, 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 June 1, 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 15, 2009 Common Council agenda.

Presentation by Kindness Architecture + Planning, Inc. - Scott Kindness presented Manitowoc Riverwalk Concept Designs.

Presentation by Jamie Zastrow, Executive Director of Mainly Manitowoc, with Annual Report for 2008.

Resolution (09-342) authorizing Mayor Nickels as the City's officer in charge at the City picnic on July 4, 2009, to be held at Silver Creek Park (*changed to Washington Park*), was referred to Committee of the Whole.

Resolution (09-346) recognizing the importance of the 2010 Census and agreeing to form a Complete Count Committee and to promote the Census to assure that all residents of our community are counted, was referred to Committee of the Whole.

Resolution (09-348) appointing Mayor Justin M. Nickels as the authorized representative for the purpose of filing applications for financial assistance from State of Wisconsin Environmental Improvement Fund, was referred to Finance Committee.

Resolution (09-366) to enter into Amendment No. 1 to contract with Bay Lakes Regional Planning Commission to extend the completion date to September 30, 2009 for Transportation Development Plan 2008-2012 for Maritime Metro Transit System dated 1/21/08, was referred to Streets & Sanitation Committee.

Ordinance (09-372) to amend Section 10.1015 of the Municipal Code establishing parking restrictions for the

purpose of street sweeping, 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.

During recess, Committee of the Whole held a discussion relative to resolution (09-342) authorizing Mayor Nickels as the City's officer in charge at the City picnic on July 4, 2009, to be held at Washington Park. Motion by Brey, second by Geigel to amend the resolution from "Washington Park" to "Silver Creek Park". Ayes, 3. Nays, 8. Motion failed.

Call back to order.

Committee of the Whole returned communication (09-309) from Mark Pare and Kathy Beer of Lakeshore Humane Society with concerns regarding pets, recommending placing on file. Motion by Sitkiewitz, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned resolution (09-346) recognizing the importance of the 2010 Census and agreeing to form a Complete Count Committee and to promote the Census to assure that all residents of our community are counted, recommending adoption of resolution. Motion by Sitkiewitz, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned resolution (09-342) authorizing Mayor Nickels as the City's officer in charge at the City picnic on July 4, 2009, to be held at Washington Park, recommending adoption of resolution. Motion by Sitkiewitz, second by Graunke, and carried by acclamation to accept the Committee's report. Ayes, 7. Nays, 3.

Finance Committee returned resolution (09-348) appointing Mayor Justin M. Nickels as the authorized representative for the purpose of filing applications for financial assistance from State of Wisconsin Environmental Improvement Fund, recommending adoption of the resolution. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks & Recreation and Streets & Sanitation Committees returned special events request (09-352) from Kim and Tom Martell, Party Pizzazz, requesting to sell novelties at the 4th of July picnic and fireworks; 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.

Parks & Recreation and Streets & Sanitation Committees returned special events request (09-357) from Manitowoc Professional Police Association to host the 7th Annual MPPA Police Chase 4 Mile Run/Walk fundraiser on October 10, 2009 starting and ending at Silver Creek Park, as detailed therein, jointly 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.

Public Property & Safety Committee returned request (09-347) from Lee Troullier to purchase parcels 448-002-000 and 448-019-000 from the City in the Manitowoc Industrial Park, recommending referral to Industrial Development Corporation. 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 (09-368) of City Plan Commission relative to proposed land sale to Lee Troullier and modification of easement in Manitowoc Industrial Park, recommending that Council sell the subject parcel as detailed therein, 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 and Finance Committees returned request (09-341) from Fire Chief William P. Manis II to replace public safety boat that is not repairable and use funds as detailed therein, jointly recommending granting of request. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety Committee returned ordinance (09-335) to revise Section 14.07 of the Municipal Code correcting scrivener's errors within the Social Host Ordinance, 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 special events request (09-338) from Saucy's Sports Bar relative to outdoor music playing from 6:00 pm to 10:00 pm in their outdoor beer garden on July 3, 2009, recommending granting of request per City policy. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned special events request (09-339) from Debra Andrusak, Skinny Dip Inn, to extend their premise on June 21 and July 12, 2009 with bands scheduled to play from 4:00 pm to 10:00 pm., recommending granting the request. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned 2009 Urban Mass Transit Operating Assistance Contract (09-350) between the City of Manitowoc and the State of Wisconsin, for Maritime Metro Transit, as detailed therein, recommending entering into the contract. Motion by Graunke, second by Soeldner, 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; and 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, along with report (09-369) of City Plan Commission recommending that Council approve, accept and record the deeds, recommending acceptance of report (09-369) and place on file and acceptance of deeds (09-326) and (09-327) 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 (09-373) from Rachel Muchin Young on behalf of Manitowoc City Center Association to have sidewalk sales on Saturday, June 27, 2009 (River Rendezvous) and Saturday, July 11, 2009 (Krazy Daze), recommending granting request subject to City policy. Closure of Franklin Street permitted on July 11 only. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned resolution (09-366) to enter into Amendment No. 1 to contract with Bay Lakes Regional Planning Commission to extend the completion date to September 30, 2009 for Transportation Development Plan 2008-2012 for Maritime Metro Transit System dated 1/21/08, recommending adoption of resolution. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (09-371) of City Plan Commission with their annual review of special permits for fixed animated signs with recommendations 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.

Streets & Sanitation Committee returned temporary access easement agreement (09-283) on unimproved right-of-way to Mike Check Builders for property located at 2727 Red Fox Lane, along with report (09-370) of City Plan Commission recommending that the Council not approve the original agreement but authorize the City Attorney to negotiate and prepare a replacement document with the current property owner as detailed therein, recommending acceptance of report (09-370) and adoption of recommendations and not to accept agreement (09-283) 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 (09-367) of City Plan Commission recommending that the Council allow the construction of the parking lot 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.

Streets & Sanitation Committee returned report (09-358) of Board of Public Works of June 10, 2009, regarding bids for 2009 Relay of Sanitary Sewers and New Storm Sewers, Project WU-09-10, recommending acceptance of report and award to lowest bidder, Feaker & Sons Co., Inc. in the amount of \$285,715.57. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned communication (09-375) from Dir. of Public Works/City Engr. Valerie Mellon recommending Council to move forward with bidding the Evergreen Cemetery Chapel project and transferring the

funds, 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 consulting agreement (09-363) and Authorization to Proceed with AECOM Technical Services, Inc. to conduct a Phase II Environmental Site Assessment within the Flambeau Street right of way and the adjacent private property located at 2418 S. 18th St., 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 agreement (09-354) with AECOM Technical Services, Inc. for 2009 Illicit Discharge Detection and Elimination Outfall Screening, 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 2008 Compliance Maintenance Annual Report (09-365) as required by Ch. NR208 of the Wis. Administrative Code, 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 (09-362) of the Board of Public Works of June 10, 2009, recommending 4th and final payment to Ronet Construction in the amount of \$13,228.13 for 2008 New and Relay Sewers, Project WU-08-13, 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 (09-361) of the Board of Public Works of June 10, 2009, recommending 2nd and final payment to Steinbrecher Meneau, Inc. in the amount of \$8,737.00 for Design of Clay Pit Road Detention Pond, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned special events request (09-344) from Barbara Bundy-Jost of Rahr-West Art Museum to hold Sputnikfest on September 11 & 12, 2009 and to close portions of Park Street and N. 8th Street, as detailed therein, 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 (09-360) of Board of Public Works of June 10, 2009, regarding bids for Clay Pit Road Detention Pond, Project WU-09-19, recommending acceptance of report and award to low bidder, Wisconsin Earthworks in the amount of \$148,464.52. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (09-359) of Board of Public Works of June 10, 2009, regarding bids for 2009 Televising Miscellaneous Sewers II, Project WU-09-14, recommending acceptance of report and award to low bidder, Green Bay Pipe & TV, LLC in the amount of \$45,399.42. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned communication (09-374) from Manitowoc Lodging Assoc., LLP advising of a change of agent to Robert Scheiner for the premises at 101 Maritime Dr., application #24 for 2009-10 Class "A" Retail Fermented Malt Beverage license; #38, 60-62 for 2009-10 "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license; #9 Pawnbroker, Second-Hand dealer, Flea Market license; #4 Mobile Home Park license; #30 2009-10 Near Beer (Non-Intoxicating Beverage) license; #4-9 2009-10 One Year Operator's license; #74, 87-151 2009-11 Two Year Operator's license; recommending acceptance of communication (09-374) and 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 (09-376) in the amount of \$3,262,047.99 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 8:50 o'clock P.M.

Respectfully submitted

Jennifer Hudon
City Clerk