

## COMMON COUNCIL

### OFFICIAL JOURNAL

Justin M. Nickels, Mayor

July 6, 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, July 6, 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 7:10 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, Dave Soeldner and Eric J. Sitkiewitz.

Absent: Alderperson Raymond T. Geigel.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of June 15, 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 July 6, 2009 Common Council agenda.

Mayor Nickels presented a proclamation to Recreation and Parks Director Joe McLafferty recognizing July as Parks and Recreation Month in the City of Manitowoc and urging all citizens of Manitowoc to celebrate Parks and Recreation month. Joe McLafferty summarized the Parks and Recreation activities throughout the summer.

Resolution (09-382) declaring intent to use Clean Water Fund Loan proceeds for reimbursement of eligible project costs relative to Wastewater Treatment Facility Raw Wastewater Fine Screening project, as detailed therein, was referred to Finance Committee.

Resolution (09-396) supporting Wisconsin Harbor Assistance Program Grant Application for rehabilitation of a section of the south bank of Manitowoc River, was referred to Public Utilities & Licensing Committee.

Mayor submitted the following appointment and requested Council confirmation:

Performance Evaluation Review Committee  
Finance Director/Treas. Brian Ruechel

Term  
1 yr. term ending 5/3/10

Motion by Sitkiewitz, second by Graunke and unanimously carried to confirm the Mayor's appointment. 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.

Finance Committee returned waiver & release of Claims (09-386) between Karl C. Puestow and City of Manitowoc, as detailed therein, recommending acceptance of the agreement and place on file. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned resolution (09-382) declaring intent to use Clean Water Fund Loan proceeds for reimbursement of eligible project costs relative to Wastewater Treatment Facility Raw Wastewater Fine Screening project, as detailed therein, recommending adoption of the resolution. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned report (09-383) of City Planner David Less recommending consent and approval of subordination from Wis. Dept. of Commerce relative to CDBG-ED grant contract - Orion Energy Systems, Inc., recommending acceptance of report and adoption of the recommendations. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned communication (09-394) from County Treasurer Cheryl M. Duchow enclosing public notice of tax foreclosure In Rem 2009 for properties located in the City of Manitowoc, recommending referral to the Plan Commission. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned communication (09-384) from Cold Stone Creamery requesting tax forgiveness relative to 2008 delinquent personal property tax, recommending placing on file. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. 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 placing on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned report (09-407) of the Board of Public Works of July 1, 2009, recommending 2nd and final payment to Visu-Sewer Clean & Seal, Inc. in the amount of \$16,137.90, Project WU-09-7, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report.

Ayes, 9. Nays, none.

Streets & Sanitation Committee returned report (09-406) of the Board of Public Works of July 1, 2009, recommending 33rd and final payment to AECOM in the amount of \$747.99 for Professional Services for the Newton Gravel Pit, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned communication (09-401) from Lakeshore Unitarian Universalist Fellowship requesting a conditional use permit to operate a church at 620 Park Street, recommending referral to Plan Commission. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation and Parks & Recreation Committees returned special events request (09-378) from Manitowoc Track Club to hold a 5K run in honor of former Lincoln High football coach Ron Rubick on August 8, 2009 beginning at Lincoln High parking lot and finishing at Municipal Field with map of race course attached, jointly recommending granting request subject to City policy. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned amendment no. 2 (09-385) to Professional Services Agreement dated December 9, 2008, between City of Manitowoc and AECOM Technical Services, Inc. for Stormwater Management Facility Design North 12th St. and Waldo Blvd., recommending approval of amendment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned communication (09-377) from Felician Village requesting a conditional use permit to relocate St. Mary's Nursing Home from its current location at 2005 Division St. to a new location at 1635 S. 21st St. and to expand The Court at 1903 Division St., recommending referral to the Plan Commission. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned progress invoice (09-398) from Wisconsin Dept. of Transportation in the amount of \$30,312.40 for 8th Street - Madison St. - Washington St., Project No. NH 2008018, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned progress invoice (09-399) from Manitowoc County Highway Commission in the amount of \$19,646.36 for Custer Street - Alverno Rd. - Vista Rd., Project No. STP 2004149, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned progress invoice (09-397) from Wisconsin Dept. of Transportation in the amount of \$13,182.20 for Madison Street - 10th St. - 8th St., Project No. TP 2008019, recommending payment. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned report (09-403) of Board of Public Works of July 1, 2009, regarding bids received for So. 30th Street Detention Pond, Project WU-09-20, recommending awarding to low bidder, Fred Radandt Sons, Inc., in the amount of \$400,534.67. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation and Public Property & Safety Committees returned special events request (09-379) from St. Francis of Assisi to close N. 14th St. between Menasha Ave. and Waldo Blvd. on August 7 & 8, 2009 for their annual fish boil and pizza party, jointly recommending granting request subject to City policy. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned report (09-402) of Board of Public Works of July 1, 2009, regarding quotes received for two new 2010 1-ton single rear wheel regular cab 4 x 4 pick up trucks with plows for Dept. of Public Works, Quote QE-09-5R, recommending awarding to low quoter, Horn Ford, in the amount of \$57,068.00. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property & Safety Committee returned ordinance (09-372) to amend Section 10.1015 of the Municipal Code establishing parking restrictions for the purpose of street sweeping, recommending adoption of ordinance. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property & Safety Committee returned report (09-380) of City Clerk Jennifer Hudon on parking leases entered into during the period of June 1, 2008, through May 31, 2009, recommending acceptance of report and place on file. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property & Safety Committee returned copy (09-387) of County's Resolution terminating joint dispatch agreements and stating intent to enter into new dispatch agreements, recommending placing on file. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property & Safety Committee returned special events request (09-405) from Global Youth Leadership Institute to set up and sleep in 7 or 8 tents on public land between the Manitowoc River and Best Western Lakefront Hotel overnight on Monday, July 13, 2009, as detailed therein, recommending granting of request per City policy. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing Committee returned communication (09-353) from Francis G. Holly on behalf of the Manitowoc County Expo/Fair entertainment pavilion purveyors requesting that they be allowed to extend live band music performance until 11:30 p.m. with beer sales ending at midnight on Friday and Saturday of the County Fair again this year; and for the remaining nights of the Fair to have music performances until 11:00 p.m., with beer sales ending at 11:30 p.m., recommending granting the request. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing Committee returned resolution (09-396) supporting Wisconsin Harbor Assistance Program Grant Application for rehabilitation of a section of the south bank of Manitowoc River, recommending adopting the resolution. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing Committee returned special events request (09-356) from The Fat Seagull to have a band outside in their parking lot for their grand opening on Saturday, July 25, 2009 from 12:00 noon through 10:00 pm., recommending granting the request. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned communication (09-275) from Manitowoc Public School District and Felician Village requesting a change to make So. 21st Street a one-way street going south from Division St. to Grand Ave., recommending referral to Safety, Traffic & Parking Commission. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned communication (09-312) from Harvey Krish requesting a reduced assessment for resurfacing of street in front of 1816 Nagle Avenue, recommending referral to Board of Public Works. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned communication (09-319) from Mark Balaban of North Valley Subdivision asking the committee to reconsider his prior request to postpone the paving of Albert Drive, recommending placing on file. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Personnel Committee returned communication (09-389) from Wisconsin Professional Police Assn. wishing to commence bargaining for successor agreement for Manitowoc Police Dept. Employees Assn., recommending acceptance and placing on file. Motion by Able, second by Sitkiewitz, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Personnel Committee returned labor agreement (09-409) between City of Manitowoc and City of Manitowoc Firefighters International Association of Firefighters Local 368, AFL-CIO, recommending approval. Motion by Able, second by Sitkiewitz, and carried by acclamation to accept the Committee's report. Ayes, 5. Nays, 3. Abstained, 1.

Public Utilities & Licensing Committee returned application #63 for 2008-09 "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license; #34 for 2009-10 Temporary Class "B" license; #1 for 2009-10 Temporary Operator's license; #10-23 for 2009-10 One Year Operator's license; #426 for 2008-10 Two Year Operator's license; #152-210 for 2009-11 Two Year Operator's license; recommending placing application #63 for 2008-09 "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license on file 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, 9. Nays, none.

Committee of the Whole returned General City Claims (09-410) in the amount of \$1,290,433.51 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, 9. Nays, none.

Moved by Alderperson Sitkiewitz, seconded by Alderperson Graunke, and unanimously carried, Common Council adjourned at 8:06 o'clock P.M.

Respectfully submitted

Jennifer Hudon  
City Clerk