

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

August 17, 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, August 17, 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 7:02 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 August 3, 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 August 17, 2009 Common Council agenda.

Resolution (09-490) to clarify the role of the Manitowoc Sustainability Committee, was referred to Committee of the Whole.

Resolution (09-489) to increase the deposit for Operating After Revocation, was referred to Public Property & Safety Committee.

Resolution (09-482) authorizing submittal of an application with the U. S. Environmental Protection Agency Brownfields Assessment Grant Program for community wide services for brownfield site assessments and associated activities, was referred to Streets & Sanitation Committee.

Personnel Committee returned resolution (09-418) regarding withdrawal from post-employment health plan for Manitowoc Professional Police Association Local No. 20, recommending adoption of the resolution. Motion by Able, second by Sitkiewitz, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned resolution (08-531) regarding Performance Evaluation Review Committee review of 2007 performance of non-represented personnel and recommendations regarding merit adjustments retroactive to 2008, recommending placing on file. Motion by Able, second by Sitkiewitz, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Mayor submitted the following appointments and requested Council confirmation:

Library Board

Ralph Sczygelski
(Pl. of Sue Gust)
Sandra Diedrich
(Pl. of L. Halvorsen)

Term

Unexpired term ending 7/1/11

Unexpired term ending 7/1/11

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

10. Nays, none.

Mayor submitted the following appointments and requested Council confirmation:

Safety, Traffic & Parking Commission: Ralph Kramer and Matt Kadow.

Moved by Sitkiewitz, second by Graunke to confirm the Mayor's appointments.

Moved by Brey, second by Soeldner and unanimously carried to amend the motion to separate the appointees and vote on each appointment. Ayes, 10. Nays, none.

Moved by Sitkiewitz, second by Graunke and unanimously carried to confirm the Mayor's appointment of Ralph Kramer, Place of H. Brixius, for a 3-yr. term expiring 6/1/12 on the Safety, Traffic & Parking Commission. Ayes, 10. Nays, none.

Moved by Sitkiewitz, second by Graunke to confirm the Mayor's appointment of Matt Kadow on the Safety, Traffic & Parking Commission. Ayes, 1. Nays, 9. Motion failed.

Mayor submitted the following appointment and requested Council confirmation:

Police and Fire Commission

Term

Ron Kossik
(Pl. of S. Rhodes)

5 yr. term expiring 4/30/14

Moved by Sitkiewitz, second by Graunke to confirm the Mayor's appointment. Ayes, 1. Nays, 9. Motion failed.

Ordinance (09-483) amending the amended zone map for property north of Plank Rd. and west of N. Rapids Rd. to be changed from "C-1" Commercial District to "I-1" Light Industrial District, 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.

Call back to order.

Committee of the Whole returned resolution (09-490) to clarify the role of the Manitowoc Sustainability Committee, 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 report (09-464) of City Planner David Less enclosing copy of Economic Development Corporation of Manitowoc County and the Related Foundation combined financial statements for 2008, 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 notice of claim (09-236) received April 16, 2009, from Gimbel, Reilly, Guerin & Brown representing Brian Swetlik, recommending denial of the claim and place on file. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety Committee returned resolution (09-489) to increase the deposit for Operating After Revocation, recommending adoption of resolution. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety Committee returned communication (09-475) from Abundant Life Hearing & Health, 2525 Washington St., requesting "Senior Parking Only" for their elderly patients, recommending referral to Safety, Traffic & Parking. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned request (09-467) to add outside fenced in area to tavern license for Mustang Sally's Ultra Lounge, recommending granting the request. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned resolution (09-482) authorizing submittal of an application with the U. S. Environmental Protection Agency Brownfields Assessment Grant Program for community wide services for brownfield site assessments and associated activities, recommending introduction and adoption of resolution. Motion by Geigel, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned communication (09-488) from Kerscher & Bucha Law Offices on behalf of Ruzek, Inc., 734 N. 8th St., requesting a conditional use permit for the continued operation of a vehicle repair business with accompanying wrecker service, 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 report (09-486) of City Plan Commission relative to communication of S. M. I., as representatives of the Doneff Company, owners of Custer Village Apartments, requesting revisions to easements to facilitate construction of new apartment buildings and garages recommending Council approve the release and vacation of the easements, subject to the conditions stated in the report. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (09-485) of City Plan Commission relative to request to rezone property at 2410 N. Rapids Rd., recommending that the City Clerk call for a public hearing on the rezoning and refer back to Plan Commission for final consideration and recommendation, recommending acceptance of report, place on file, with City 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 (09-481) of City Plan Commission relative to termination of Ayers sidewalk privilege agreement at 770 N. 18th St., recommending that the Council approve entering into the 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 (09-479) of City Plan Commission authorizing issuance of special permit for the construction of a fixed animated sign at Culver's property at 4201 Calumet 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.

Streets & Sanitation Committee returned report (09-478) of City Plan Commission recommending modification of temporary access easement over unopened street by Merwynn Trade Group before entering into such 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 (09-477) of City Plan Commission relative to annual compliance review of conditional use permit of Tracy and Dan Kaderabek d/b/a Boatworx, Inc. for production of bio diesel at 500 So. 16th Street recommending termination of the CUP because company has relocated, 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 quit claim deed (09-465) from James F. Prowls and Kathryn M. Prowls

for a parcel of land containing .159 acres more or less, to be used for South 34th Street 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 report (09-476) of City Plan Commission relative to annual compliance review of conditional use permit of LVR Properties LLC for the operation of a recycling facility at 901 So. 17th Street, 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 public works petition (09-466) from James F. and Kathryn M. Prowls for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on So. 34th Street, as described therein, and shown on the attached map (Parcel Nos. 836-103-050 & 836-103-060), recommending acceptance with copy to be sent to Director of Public Works. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (09-460) of the Board of Public Works of August 12, 2009, recommending 1st and final payment to Jim Fisher, Inc. in the amount of \$20,532.83 for 2009 New Sidewalk Construction, Project WS-09-2, 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 (09-461) of the Board of Public Works of August 12, 2009, recommending 4th and final payment to McMahon Engineers in the amount of \$5,025.00 for South 30th Street Pond Design, 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 (09-462) of the Board of Public Works of August 12, 2009, recommending 5th and final payment to K & L Construction, Inc. in the amount of \$9,778.45 for North Rapids Road Detention Pond, Project WU-08-15, 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 agreement (09-492) for Sanitary Sewer Smoke Testing Services between City and Strand Associates, Inc. relative to 40th and Archer Lift Station, 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 (09-472) of Board of Public Works of August 12, 2009, regarding quotes received for ferric chloride for Wastewater Treatment Facility, Quote QM-09-8, recommending awarding bid to low

bidder, Kemira Water Solutions, Inc. for their alternate bid of \$406/dry ton (33-36%). Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned permanent easement (09-474) granted by Charles and Kelly Pech to the City for municipal purposes of a storm sewer, 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 communication (09-468) from SMI on behalf of Menard, Inc. requesting revisions to easements as detailed in attachment for property located at 5120 Calumet Ave. to facilitate construction of a new storage building and expansion of storage lot, 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 report (09-484) of City Planner David Less relative to submittal of application to U. S. Environmental Protection Agency for 2010 brownfield assessment grant funding, recommending acceptance of report and adoption of recommendations. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (09-480) of City Plan Commission relative to communication of Wayne R. Popp, WRP Properties, LLC requesting a temporary access easement over an unimproved right of way on S. 21st Street recommending that the Council authorize the City Attorney to negotiate and prepare the easement document, as detailed therein, recommending acceptance of report and adoption of recommendations. 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 #17-36 for 2009-10 Temporary Operator's license; #33-36 for 2009-10 One Year Operator's license; #247-260 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 (09-491) in the amount of \$5,421,903.95 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.

08/17//09

48

Moved by Alderperson Sitkiewitz, seconded by Alderperson Graunke, and unanimously carried, Common Council adjourned at 7:55 o'clock P.M.

Respectfully submitted

Jennifer Hudon
City Clerk

O:\wpdocs\COUNCIL\min08-17-09.wpd