

## COMMON COUNCIL

### OFFICIAL JOURNAL

Justin M. Nickels, Mayor

September 21, 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, September 21, 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 7:14 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.

City Clerk announced that the various documents have been referred to the appropriate committees as shown on the September 21, 2009 Common Council agenda.

Minutes of the regular session of September 8, 2009, were approved as distributed by the City Clerk.

Mayor Nickels presented Certificate of Recognition in memory of Arlene Turgasen to Rex and Becky Williams and Attorney Jean Willis.

Proclamation by Mayor Nickels declaring the week of October 10 - 17, 2009 as Money Smart Week and urging all citizens to inform themselves of the benefits of financial literacy and prosperous financial management.

Resolution (09-556) authorizing 1.5 percent across the board salary increase for non-represented employees retroactive to 7/1/09, was referred to Personnel Committee.

Motion by Brey, second by Geigel, and carried by acclamation to reconsider resolution (09-457) implementing fees for vehicle clean up spills. Ayes, 9. Nays, 1.

Motion by Brey, second by Geigel, and unanimously carried to refer resolution (09-457) implementing fees for vehicle clean up spills back to Public Property & Safety Committee. Ayes, 10. Nays, none.

City Clerk presented report from Public Utilities & Licensing Committee, unanimously recommending the nomination of Daniel R. Hornung to serve as a member of the Manitowoc Public Utilities Commission, for a five year term from October 1, 2009, through September 30, 2014 (place of Daniel R. Hornung).

It was moved by Graunke, second by Soeldner, to nominate Daniel R. Hornung as a member of the Manitowoc Public Utilities Commission. Motion by Graunke, second by Soeldner and unanimously carried to close nominations and

cast a unanimous ballot in favor of Daniel R. Hornung. Ayes, 10. Nays, none.

Mayor submitted the following committee appointments and requested Council confirmation:

**Zoological Board**

Brian Schulz

**Term**

1 Yr. term expiring 6/1/10

**Wisconsin Maritime Museum**

Ald. Nicholas Levendusky  
(Pl. of Ald. Able)

**Term**

1 Yr. term expiring 4/19/10

Moved by Sitkiewitz, second by Geigel, and unanimously carried to confirm the Mayor's appointments. Ayes, 10. Nays, none.

Ordinance (09-555) to amend, repeal and recreate various sections of Chapter 6 of the Manitowoc Municipal Code, entitled "Fire Department and Fire Protection", was referred to Public Property & Safety Committee.

An ordinance (09-553) to amend the amended zone map in an area located south of Michigan Avenue, southeast of Winnetka Court, and north of the Manitowoc River, 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.

Personnel Committee returned resolution (09-556) authorizing 1.5 percent across the board salary increase for non-represented employees retroactive to 7/1/09, recommending adoption of the resolution. Motion by Able, second by Geigel, to accept the Committee's report. Motion failed on tie vote. Ayes, 5. Nays, 5. The tie vote was broken by Mayor Nickels who voted aye. Committee's report was accepted. Ayes, 6. Nays, 5.

Personnel Committee returned labor agreement (09-558) with City of Manitowoc Police Department Employees, Law Enforcement Employee Relations Division of the Wisconsin Professional Police Association for the period 2009-2010, recommending approval of the contract. Motion by Able, second by Sitkiewitz, and carried by acclamation to accept the Committee's report. Ayes, 6. Nays, 4.

Finance Committee returned settlement agreement (09-539) between Central Brown County Water Authority and City of Manitowoc to address settling and pavement damage at the intersection of Johnston Dr. and Magnolia Ave. in the amount of \$36,706.00, recommending entering into the agreement. 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 (09-495) from Howard Thielen of August 26, 2009, Claim

File No. 09-1027, recommending denial of the claim. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned communication (09-543) from Jim Reif Builders, Inc. requesting a refund for duplicate building permit #17152, recommending refund for building permit #17152 in the amount of \$56.00. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned claim (09-496) from Sentry Insurance in behalf of their insured, Peter Hendricks, of August 25, 2009, Claim File No. 09-1028, recommending denial of the claim. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (09-533) from National Alliance of Mental Illness Manitowoc Co. to hold candlelight vigil on Sunday, October 4, 2009 in Washington Park and to waive fee of \$50.00 for use of bandshell, recommending granting of request and placing on file. Motion by Geigel, second by Graunke and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned communication (09-529) from Manitowoc City Center Association relative to \$100 invoice for rental of bandshell for Krazy Daze, recommending placing on file. Motion by Geigel, second by Graunke and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned amendment no. 1 (09-528) to Agreement between City of Manitowoc and The Manitowoc Public School District dated August 17, 1998, to rename the facility "Ron Rubick Municipal Athletic Field", recommending acceptance of agreement and place on file. Motion by Geigel, second by Graunke and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety Committee returned standard operating guidelines (09-531) to process ambulance bills in order to collect fees for service for the Manitowoc Fire Department, 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 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 placing on file. 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 (09-532) of Manitowoc Industrial Development Corporation recommending Council approve the land sale at \$9,500/acre 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 Utilities & Licensing Committee returned first amendment (09-530) to Water Purchase and Sale Contract by and between The Central Brown County Water Authority and The Manitowoc Public Utilities and the City of Manitowoc,

recommending entering into the contract. 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 (09-526) from Tower Tavern to extend their licensed premise on October 3, 2009 to include their fenced-in parking lot with music playing until 10:00 p.m., 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 report (09-552) of City Plan Commission relative to City of Manitowoc; Geographic Information System (GIS) Needs Assessment with key findings detailed therein and recommending adoption of this plan as guidance for GIS-related investments over the next five (5) years, recommending acceptance of report, adoption of plan 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 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, recommending adoption of ordinance. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned special events request (09-527) from Angels Glows requesting permission to sell light-up novelties during the Christmas parade, recommending granting request consistent with 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 special events request (09-534) from Lincoln High School Student Senate to hold the annual Homecoming Parade on Saturday, October 3, 2009, from Lincoln High School to Municipal Field, as detailed therein, recommending approval of 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 (09-544) of City Plan Commission recommending Council approve and accept the deed and easements as detailed therein, with Clerk to record same, 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 (09-536) of the Board of Public Works of September 16, 2009, recommending 3rd and final payment to OMNNI Associates in the amount of \$1,220.00 for Dewey Street Corridor Traffic Study, recommending paying invoice in amount of \$1,220.00. 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 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 permanent easement (09-474) granted by Charles and Kelly Pech to the City for municipal purposes of a storm sewer, recommending acceptance 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 (09-554) of City Plan Commission relative to Lattrell/Hartfield; Request for an Adaptive Reuse Conditional Use Permit Under Section 15.37(29) of the Manitowoc Municipal Code for 424 N. 7th (Conversion of Former Church to a Restaurant/Banquet Facility) and 418 N. 7th Street - Annual Compliance Review recommending the Council take action to accept the Plan Commission's report and acceptance of the recommendations contained 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 (09-542) over unopened street between City of Manitowoc and Gary D. Retzak and Lynn P. Retzak, recommending referral to Plan Commission. Motion by Soeldner, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (09-547) of City Plan Commission, to whom was referred 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 Council approve a Conditional Use Permit to Ruzek, Inc., 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 (09-548) of City Plan Commission relative to request (09-522) from Van Horn Automotive Group to allow for temporary sale of used automobiles from the Holiday Inn parking lot on October 19 through October 29, 2009, recommending denial of the request for the reasons stated 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 (09-549) of City Plan Commission relative to 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 execution of requested revisions, 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.

Streets & Sanitation Committee returned report (09-550) of the City Plan Commission recommending a change

in zone from C-1 Commercial District to I-1 Light Industrial District for property located at 2410 N. Rapids Rd., 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 (09-551) of City Plan Commission, to whom was referred application (09-513) from Christopher C. Allie for a change in zone from P-1 Conservancy District to R-2 Single Family District for property located at 3415 Michigan Ave., as detailed therein, recommending Council instruct City Clerk to call for public hearing on October 19, 2009, as detailed therein, recommending acceptance of report, place on file, with 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 (09-545) of City Plan Commission, to whom was referred request (09-523) from Coldwell Banker TREG, Inc. to extend their parking lot into a residential zoning district directly to the north of their existing office at 2406 Washington St., recommending approval subject to the conditions stated in the report, recommending acceptance of report and place on file. Motion by Soeldner, second by Geigel, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 2.

Streets & Sanitation Committee returned request (09-523) from Coldwell Banker TREG, Inc. to extend their parking lot into a residential zoning district directly to the north of their existing office at 2406 Washington St., recommending acceptance and place on file. Motion by Soeldner, second by Geigel, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 2.

Streets & Sanitation Committee returned permanent easement (09-500) from Spartech CMD, LLC for the municipal purposes of a storm sewer, over and under the property described therein, recommending acceptance 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 (09-510) from Shawna Voigt and J. Dwayne Woodside for a conditional use permit at 904 S. 8th St., Ste. 1, for the use of a tattoo studio, and report (09-546) of City Plan Commission recommending Council approve the Conditional Use Permit subject to the attached conditions, recommending acceptance of report (09-546) and place on file and placing request (09-510) 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 special events request (09-540) from Manitowoc City Center Association to have sidewalk sales on Saturday, October 3, 2009, for Oktoberfest as well as closing Franklin St. between 7th and 8th Streets and the use of various City equipment, recommending approval of request subject to City policy. 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 #43 for 2009-10 One Year Operator's license; #280-

284 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.

Streets & Sanitation Committee returned application (09-450) from Anthony M. Hoffman, Sr. for a change in zone from C-1 Commercial District to I-1 Light Industrial District for property located at 2410 N. Rapids Rd., as detailed therein, 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 (09-488) 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 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 (09-522) from Van Horn Automotive Group to allow for temporary sale of used automobiles from the Holiday Inn parking lot on October 19 through October 29, 2009, 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 (09-468) 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 placing on file. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned General City Claims (09-557) in the amount of \$2,217,550.65 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 8:27 o'clock P.M.

Respectfully submitted

Jennifer Hudon  
City Clerk