

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

January 18, 2010

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, January 18, 2010. 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 7:09 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 January 4, 2010 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 January 18, 2010 Common Council agenda.

City Clerk administered oath of office to new police officer, Michael T. Laabs.

Resolution (10-003) authorizing the issuance and sale of approximately \$10,615,000 General Obligation Refunding Bonds, Series 2010B, was referred to Committee of the Whole.

At the request of Mayor Nickels, Mr. Steven G. Kornetzke, representative of Robert W. Baird & Co., explained the summary of refinancing and final pricing summary.

Mayor declared a brief recess to allow for Committee to obtain signatures and then called the meeting back to order.

Finance Committee returned resolution (10-003) authorizing the issuance and sale of approximately \$10,615,000 General Obligation Refunding Bonds, Series 2010B, recommending adoption of the resolution. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none. Resolution was declared adopted.

Resolution (10-026) supporting the request of funds by Bay-Lake Regional Planning Commission of funds and assistance available from the USEPA under the Great Lakes Restoration Initiative Program, was referred to Finance Committee.

Resolution (10-008) establishing election officials' salary for 2010 elections, was referred to Public Utilities &

Licensing Committee.

Resolution (10-002) amending resolution adopted December 21, 2009, outlining the charges for transportation and care by the Fire Department Rescue Ambulance effective January 1, 2010, was referred to Public Property & Safety Committee.

Resolution (10-027) establishing nonrepresented employee compensation for 2010, was referred to Personnel Committee.

Personnel Committee returned resolution (09-731) amending the City of Manitowoc Comprehensive Position Classification and Compensation Plan repealing a section of the Overtime Compensation Policy concerning employees in Pay Ranges 1 to 6, recommending approval. 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:

Crime Prevention Committee - Term expiring 8/31/10:

Collin D. Chase, Manitowoc Lutheran High Student
Rebecca R. Hodous, Roncalli High School Student

Moved, seconded and unanimously carried to separate the appointments. Ayes, 10. Nays, none.

Motion by Sitkiewitz, second by Graunke and unanimously carried to confirm the Mayor's appointment of Collin D. Chase. Ayes, 10. Nays, none.

Motion by Sitkiewitz, second by Graunke and unanimously carried to confirm the Mayor's appointment of Rebecca R. Hodous. Ayes, 10. Nays, none.

Mayor submitted the following appointment and requested Council confirmation:

Crime Prevention Committee - Indefinite Term

Sgt. Bruce Jacobs, Law Enforcement Officer (Place of Steve Eckley)

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

Mayor submitted the following appointment and requested Council confirmation:

Manitowoc Area Visitor & Convention Bureau Board:

Ald. Nicholas Levendusky - 3 year term expiring 1/1/2013 (Place of Ald. Eric Sitkiewitz)

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

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 resolution (10-026) supporting the request of funds by Bay-Lake Regional Planning Commission of funds and assistance available from the USEPA under the Great Lakes Restoration Initiative Program, 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 Committee returned agreement (10-004) with Look Creative, LLC for Aquatic Center Sign and Decorative Structure Agreement, recommending entering into agreement. Motion by Geigel, second by Graunke and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety Committee returned appeal (09-061) from August D. Krieser relative to accessibility issues that exist at the Rahr-West Art Museum, 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 resolution (10-002) amending resolution adopted December 21, 2009, outlining the charges for transportation and care by the Fire Department Rescue Ambulance effective January 1, 2010, recommending adoption of resolution. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned resolution (10-008) establishing election officials' salary for 2010 elections, recommending adoption of resolution. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned ordinance (09-748) to create Section 18.02(5) stating the electrical codes adopted by the City of Manitowoc, recommending adoption of ordinance. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned communication (09-733) from residents of N. 10th Street objecting to Maritime Metro Transit Route #2 utilizing wholly residential street, 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 vehicle lease (10-019) with Assist-to-Transport, LLC for six vehicles to be used to provide specialized transportation services, as detailed therein, for the 2010 calendar year, recommending entering into the agreement. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned agreement (10-007) for 2010 specialized transportation master agreement extension with Assist-to-Transport, LLC to extend original agreement dated January 2, 2007 for the year 2010, recommending entering into agreement. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned first amendment (10-006) to Paratransit Service Agreement with Manitowoc County for a renewal period ending December 31, 2010, recommending entering into agreement. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned agreement (10-028) between City of Manitowoc and Manitowoc Professional Police Association, Local #20, for the period from 2010 through 2012, recommending approval of the contract. Motion by Able, second by Sitkiewitz, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 2.

Streets & Sanitation Committee returned request (10-013) on behalf of AJBL, Ltd. and Anthony J. Bugarino to establish a parking lot in a residential zoning district directly to the north of Tony's Pizza business, 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 to whom was referred request (09-754) from Larry's Hauling, Inc. to extend their conditional use permit at 901 S. 16th Street, returned same with report (10-024) of City Plan Commission recommending that the Council approve a new conditional use permit to LVR Properties LLC/Larry's Hauling, Inc. for operation of a recycling facility at 901 S.17th Street, recommending acceptance of report (10-024) and place on file and place request (09-754) 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 progress invoice (10-010) from Wisconsin Dept. of Transportation in the amount of \$4,849.56 for N. 21st Street Bridge (Viaduct), Project No. 4991-02-00, recommending payment of \$4,849.56. 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 (10-005) from DAW Buildings, LLC for permanent paving, sidewalks, storm and sanitary sewers, water and other public utilities to be installed on property abutting on York Street, as described therein, and shown on the attached map (Parcel Nos. 000-175-030, 000-175-040, 000-175-060, 000-175-061, 000-175-105 and 000-175-106). Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned amendment no. 1 (10-030) to City of Manitowoc DPW Service Building Washbay Design Scope of Services dated December 30, 2009, 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 (10-023) of the City Plan Commission indicating they have conducted their annual review of Community Living Arrangements (CLA's) and recommending that the Council approve the associated licenses for these facilities for 2010, 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 (10-022) of City Plan Commission authorizing issuance of a special

permit for the construction of a fixed animated sign at Popp Enterprise development at 50 Maritime Drive, subject to the conditions 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 (10-021) of City Plan Commission authorizing issuance of special permit for the construction of a fixed animated sign at Holy Family Memorial property on So. 21st Street at Clay Pit Rd., subject to the conditions as detailed therein, 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, 9. Nays, none. Abstained, 1.

Streets & Sanitation Committee returned report (10-016) of the Board of Public Works of January 13, 2010, recommending 3rd payment (98%) in the amount of \$27,261.32 for South 30th Street Detention Pond, WU-09-20, 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 (10-014) of the Board of Public Works of January 13, 2010, recommending 4th and final payment to Vinton Construction in the amount of \$10,987.07 for 2009 Asphaltic Concrete Paving, WS-09-4, 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 (10-015) of the Board of Public Works of January 13, 2010, recommending 4th and final payment to Vinton Construction in the amount of \$19,446.99 for 2009 Concrete Paving, WS-09-1, 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 progress invoice (10-012) from Wisconsin Dept. of Transportation in the amount of \$117.12 for S. 8th St., Madison St. to Washington St., Project 4347-04-00, 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 progress invoice (10-011) from Wisconsin Dept. of Transportation in the amount of \$17.61 for S. 8th St., Madison St. to Washington St., Project 4347-04-71, 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 (10-025) of City Plan Commission with their recommendations as detailed therein, relative to Tony Burgarino, Tony's Pizza, request to allow four foot overhang on garage in City right-of-way, 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 #28 for Class "A" Retail Fermented Malt Beverage license; #52 for 2009-10 One Year Operator's license; #327-336 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 (10-029) in the amount of \$8,609,437.88 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 8:13 o'clock P.M. Ayes, 10. Nays, none.

Respectfully submitted

Jennifer Hudon
City Clerk