

COMMON COUNCIL

OFFICIAL JOURNAL

Kevin M. Crawford, Mayor

February 2, 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, February 2, 2009. Said meeting was duly called, noticed, held and conducted in the manner required by the Common Council and the pertinent Wisconsin Statutes.

In the absence of Mayor Kevin M. Crawford, the meeting was called to order at 7:00 p.m. by Acting Mayor Lee D. Thennes, who abstained from voting while acting as Mayor. On roll call the following members were present: Alderpersons Dave Soeldner, Eric Sitkiewitz, Rick Sieracki, James N. Brey, Christopher Able, Dean Graunke, Justin M. Nickels, Raymond T. Geigel, Thomas Frieder and Lee D. Thennes.

Absent: Mayor Kevin M. Crawford.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of January 19, 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 February 2, 2009 Common Council agenda.

Acting Mayor Lee D. Thennes presented a commendation to Pastor Steven and Phylis Miles on the 25th anniversary of the Resurrection Celebration Play.

Resolution (09-070) awarding the sale of \$6,225,000 General Obligation Corporate Purpose Bonds, Series 2009A, was referred to Finance Committee.

Resolution (09-071) awarding the sale of \$2,955,000.00 General Obligation Promissory Notes, Series 2009B, was referred to Finance Committee.

At the request of Acting Mayor Thennes, Mr. Bradley D. Viegut, representative of Robert W. Baird & Co., explained the final pricing summary of the 2009 bond issues and answered questions.

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

Finance Committee returned resolution (09-070) awarding the sale of \$6,225,000 General Obligation Corporate Purpose Bonds, Series 2009A., recommending adoption of the resolution. With a quorum present, it was moved by Brey, second by Sitkiewitz, and carried to accept the Committee's report. Ayes, 8. Nays, 1. Abstained, none. Alderperson Nickels voting nay. Acting Mayor declared the resolution adopted.

Finance Committee returned resolution (09-071) awarding the sale of \$2,955,000.00 General Obligation Promissory Notes, Series 2009B, recommending adoption of the resolution. With a quorum present, moved by Brey, second by Sitkiewitz, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, 0. Abstained, none. Acting Mayor declared the resolution adopted.

Acting Mayor declared the meeting open for a public hearing in the matter of a proposed change to the Official Map to eliminate and re-establish a portion of CTH "CR"/So. 42nd Street located south of Dewey Street and in the matter of a proposed vacation of a portion of the CTH "CR"/So. 42nd Street public right-of-way located south of Dewey Street.

City Planner David Less gave an overview of the proposed change to the Official Map and street vacation.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on January 12, 19 & 26, 2009. (Proof of publication is on file in the City Clerk's office.)

No interested parties appeared.

Acting Mayor declared the public hearing closed. (A tape recording of the entire hearing is on file in the City Clerk's office.)

Streets and Sanitation Committee returned ordinance (08-622) to amend Section 7.10 of the Manitowoc Municipal Code creating paragraph entitled "Obstruct Right-of-Way", recommending adoption of ordinance. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Acting 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, Acting 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.

At this time Mayor Crawford joined the meeting and Alderperson Thennes resumed voting responsibilities as Alderperson.

Call back to order.

At the request of Mayor Crawford, the entire assemblage stood for a moment of silence in commemoration of the late Paul Stitt, who was the owner of Natural Ovens.

Streets and Sanitation Committee returned communication (08-688) from Holy Family Convent of the Franciscan Sisters of Christian Charity, Inc. requesting a conditional use permit to operate a high-density residential on-site student housing unit relating to Silver Lake College, and report (09-072) of City Plan Commission recommending Council issue a 2009 CUP exclusively to SLC, as detailed therein, recommending acceptance of report (09-072) and place on file and place communication (08-688) on file. Motion by Frieder, second by Geigel, and unanimously carried to accept the

Committee's report. Ayes, 10. Nays, none.

Finance Committee returned communication (09-089) from City Clerk Jennifer Hudon recommending to rescind real estate taxes on parcel 670-001-000 in the amount of \$1,819.98, recommending rescinding taxes in the amount of \$1,819.98. Motion by Brey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned report (09-093) from NES Ecological Services relative to updated 2009 Red Arrow Beach erosion control project, recommending placing on file. Motion by Geigel, second by Able and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned appeal (09-061) from August D. Krieser relative to accessibility issues that exist at the Rahr-West Art Museum, recommending to rescind placement on file action (1/19/09 Council meeting) and refer back to Public Property and Safety Committee. Motion by Sitkiewitz, second by Sieracki, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation, Parks & Recreation and Public Utilities & Licensing Committees returned special events request (09-068) from Northeastern Wisconsin Great Lakes Sport Fishermen to hold the annual Salmon Derby at the Manitowoc Marina from Friday, July 3 through Sunday, July 5, 2009, use of various City equipment, and extension of the noise ordinance until 11:30 p.m. on Friday and Saturday nights, as detailed therein, jointly recommending granting according to current City policy. Motion by Graunke, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned communication (09-077) from Michael Best & Friedrich on behalf of Valley Mobile Shredding requesting rescinding an invoice dated 12/16/08 for rental of barricades for the reasons stated therein, recommending placing on file with invoice to be cut in half. Motion by Frieder, second by Geigel, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 1.

Streets and Sanitation Committee returned report (09-083) of Board of Public Works of January 28, 2009, regarding sidewalk privilege agreements for canopies and balconies at 2 N. 8th Street, recommending acceptance of report and place on file. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned report (09-084) of Board of Public Works of January 28, 2009, regarding bids received for 2009 Re-Lining Sewers, Project WS-09-7, recommending granting to low bidder, Visu-Sewer Clean & Seal, Inc. in the amount of \$124,303.00. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned report (09-085) of Board of Public Works of January 28, 2009, regarding bids received for 2009 Slurry Sealing Various Streets, Project WS-09-6, recommending granting to low bidder,

Struck & Irwin Paving, Inc. in the amount of \$48,991.65. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned report (09-086) of Board of Public Works of January 28, 2009, regarding bids received for 2009 Televising Miscellaneous Sewers I, Project WU-09-5, recommending granting to low bidder, Green Bay Pipe & TV, LLC in the amount of \$29,299.62. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned report (09-087) of Board of Public Works of January 28, 2009, regarding bids received for 2009 Concrete Paving Program, Project WS-09-1, recommending granting to low bidder, Vinton Construction Company in the amount of \$764,818.36. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned report (09-082) of the Board of Public Works of January 28, 2009, recommending 5th and final payment to Strand Associates, Inc. in the amount of \$388.21 for Smoke Testing Sanitary Sewers, recommending payment. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned report (09-081) of the Board of Public Works of January 28, 2009, recommending 6th and final payment to Vinton Construction in the amount of \$93,559.59 for 2008 Concrete Paving Program, WS-08-1, recommending payment. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned No Street Access Agreement (09-078) between Roy & Sharon Meier and City of Manitowoc relative to property on Packer Lane, recommending accept and place on file. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned consulting agreement (09-088) and authorization to proceed with AECOM Technical Services for stormwater management preliminary engineering project at N. 12th St. and Waldo Blvd., recommending entering into agreement. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned report (09-091) of City Planner recommending entering into Agreement between City of Manitowoc and Kindness Architecture & Planning, Inc. for waterfront planning grant project, as detailed therein, recommending acceptance of report and adoption of recommendations. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned communication (08-617) from Dennis Lochmann surrendering the Class "B" Retail Fermented Malt Beverage license and Class C Wine license for 1015 Washington Street, effective December 2, 2008 or upon issuance of new license; application 67 for "Class B" Retail Intoxicating Liquor & Fermented

Malt Beverage license; application 75 for 2008-09 One Year Operator's license; 369-373 for 2008-10 Two Year Operator's license; recommending acceptance of communication (08-617) and granting the various licenses, as shown on the committee's report. Motion by Graunke, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned General City Claims (09-090) in the amount of \$634,050.11 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 Nickels, second by Geigel, report accepted. Ayes, 10. Nays, none.

Upon motion by Thennes, second by Nickels, Common Council unanimously adjourned at 8:00 o'clock P.M. Ayes, 10. Nays, none.

Respectfully submitted

Jennifer Hudon
City Clerk