

COMMON COUNCIL

OFFICIAL JOURNAL

Kevin M. Crawford, Mayor

March 16, 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, March 16, 2009. Said meeting was duly called, noticed, held and conducted in the manner required by the Common Council and the pertinent Wisconsin Statutes.

Mayor Kevin M. Crawford called the meeting to order at 7:02 p.m. and 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 M. Frieder and Lee D. Thennes.

Absent: None.

Pledge of Allegiance.

Invocation.

Police Officer Jason Erickson was sworn by the City Clerk.

Minutes of the regular session of March 2, 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 March 16, 2009 Common Council agenda.

Resolution (09-176) approving the Three-Year Harbor Development Statement of Intentions for 2009, 2010 and 2011, was referred to Public Utilities & Licensing Committee.

Mayor submitted the following committee appointments and requested Council confirmation:

Rahr-West Art Museum Board

Tom Van Horn
(Pl. of H. Sumpter)
Simone Dorcas
(Pl. of A. Rea (Ruffin))

Term

Unexpired Term ending 6/1/09

Unexpired Term ending 6/1/09

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

Ordinance (09-183) creating section 14.321 of the Municipal Code regulating chronic nuisance properties in the City of Manitowoc was referred to Public Property & Safety 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.

Finance Committee returned Services Agreement (09-141) between City of Manitowoc and Mainly Manitowoc, Inc., recommending adoption of the agreement. Motion by Brey, second by Thennes and unanimously carried to substitute a new agreement in place of the original (09-141). The substitute contains several text changes to clarify the agreement. City Planner David Less explained the changes. Ayes, 10. Nays, none.

Motion by Brey, second by Thennes, and unanimously carried to accept the Committee's report recommending adoption of the substitute agreement. Ayes, 10. Nays, none.

Finance Committee returned agreement (09-177) between Wis. Dept. of Commerce, City of Manitowoc and Federal-Mogul Piston Rings, Inc. relative to grant funds to be utilized for the purpose of economic development, as detailed therein, recommending entering into the agreement. Motion by Brey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned Fleet Claim (09-123) of Dolores R. Berg received February 17, 2009, Fleet Claim No. 09-178, recommending paying the claim in the amount of \$1,828.55. Motion by Brey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned claim (09-095) from Trudy Strauss received February 5, 2009, Fleet Claim No. 09-177, recommending paying the claim in the amount of \$1,848.47. Motion by Brey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned request (09-170) from Recreation and Parks Director Joe McLafferty to direct purchase the supplies and materials for the Red Arrow Park & Conservancy Shoreline Stabilization project, recommending approval of the request and to place on file. Motion by Brey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned communications (09-165) and (09-166) from State of Wisconsin, Dept. of Natural Resources, amending grant agreements for properties at 1512 Washington St. and 828 Memorial Dr., recommending placing them on file. Motion by Brey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned communication (09-163) from David Ross, GetMOR Enterprises proposing a third option for the City's health care strategy, recommending placing on file. Motion by Brey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned professional services agreement (09-181) with NES Ecological

Services to assist with preparation of bid specifications and implementation of the Red Arrow Park & Conservancy Stabilization project, recommending entering into agreement and place on file. Motion by Geigel, second by Able and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety Committee returned indemnification agreement (09-182) with Orthopaedic Associates, Inc. allowing the Manitowoc Fire Dept. to utilize their building located at 914 State St. for purposes of conducting live fire training exercises prior to demolition, as well as burning of the structure at the conclusion of the training exercises, recommending entering into agreement. Motion by Sitkiewitz, second by Sieracki, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety Committee returned special events request (09-179) from Tom Drill for the use of the City Hall parking lot and various equipment for Showtime 2009 scheduled August 13 & 14, 2009, recommending granting request per City policy. Motion by Sitkiewitz, second by Sieracki, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned report (09-173) of City Plan Commission reviewing the Three Year Harbor Assistance Program Statement of Intentions for 2009-2011 and confirming its support for the Statement, recommending acceptance of report and place on file. Motion by Thennes, second by Graunke, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned report (09-158) of City Clerk on 2009 Weights & Measures assessments for various businesses, as detailed therein, recommending approving the weights and measures assessments. Motion by Thennes, second by Graunke, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Mayor asked if anyone was there to speak to the assessments. No interested parties appeared.

Public Utilities & Licensing Committee returned resolution (09-176) approving the Three-Year Harbor Development Statement of Intentions for 2009, 2010 and 2011, recommending adoption of the resolution. Motion by Thennes, second by Graunke, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned special events request (09-178) from First Lutheran Church relative to 12th Annual Shanty Town to be held on April 18, 2009, recommending granting according to current City policy. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned special events request (09-159) from Joseph Metzen, Education Director, Rahr-West Art Museum Board for bike safety and ride event on June 13, 2009, as detailed therein, recommending granting according to current City policy. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (09-169) of Board of Public Works regarding bids received for 2009 Concrete Paving Reconstruction, WS-09-8, recommending granting to low bidder, Vinton Construction Company in the amount of \$786,298.71. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (09-168) of Board of Public Works regarding bids received for 2009 Epoxy Pavement Marking Program, WS-09-9, recommending granting to low bidder, Brickline, Inc. in the amount of \$36,253.60. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned easement (09-175) from Aurora Medical Group, Inc. for the Dewey Street/County CR Project for utility and traffic signal purposes, recommending referral to Plan Commission. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned communication (09-161) from Walter J. Specht requesting permission to sell American flag pins and give out 4" x 6" flags on Memorial Day, as detailed therein, recommending granting according to current City policy. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned communication (09-160) from Veterans of Foreign Wars Otto Oas Post No. 659 Ladies Auxiliary requesting permission to hold their poppy sale on Friday and Saturday, May 15 & 16, 2009, recommending granting according to current City policy. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned communication (09-162) from David Naidl requesting permission to erect three crosses on the southeast hillside of Evergreen Cemetery from April 4 through April 13, 2009, recommending granting according to current City policy. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned communication (09-131) from Felician Village requesting a conditional use permit to relocate their Community Based Residential facilities to a new location at 1600 So. 18th Street within the Felician Village campus, and report (09-174) of City Plan Commission recommending the Council grant the CUP to Felician Village, Inc. and St. Mary's Home for the Aged, Inc., subject to the attached conditions, as detailed therein, recommending acceptance of report (09-174) and place on file and place communication (09-131) on file. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned communication (09-136) from Ancient Rites Tattoo & Body Piercing, LLC requesting a conditional use permit to relocate their business to a new location at 1802 Washington Street, and

report (09-172) of City Plan Commission recommending that the Council issue a 2009 CUP exclusively to Scott and Kristine Zahn d/b/a Ancient Rites Tattoo & Body Piercing, LLC for operation of a tattoo and body piercing establishment at 1802 Washington St., subject to the attached conditions, recommending acceptance of report (09-172) and place on file and place communication (09-136) on file. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (09-171) of City Plan Commission relative to request for exception to 2,500' separation requirement for establishment of a 32-bed CBRF at 1600 S. 18th St., recommending that Council grant the siting exception as to Felician Village, Inc. and St. Mary's Home for the Aged, Inc. 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 applications #393-402 for 2008-10 Two Year Operator's license; recommending granting the various licenses, as shown on the committee's report. Motion by Thennes, second by Graunke, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned General City Claims (09-180) in the amount of \$1,829,804.39 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 Thennes, second by Nickels, report accepted. Ayes, 10. Nays, none.

Moved by Alderperson Thennes, seconded by Alderperson Nickels, and unanimously carried, Common Council adjourned at 7:39 o'clock P.M.

Respectfully submitted

Jennifer Hudon
City Clerk