

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

August 3, 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 3, 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 7:00 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.

EDC Report by Ken Stubbe, Exec. Director, Economic Development Corp.

Minutes of the regular session of July 20, 2009, were approved as distributed by the Deputy City Clerk.

Deputy City Clerk announced that the various documents have been referred to the appropriate committees as shown on the August 3, 2009 Common Council agenda.

Resolution (09-457) implementing fees for vehicle clean up spills, was referred to Public Property & Safety Committee.

Streets & Sanitation Committee returned communication (09-284) from Jeff Leifer and Greg Wolff to hold a Freedom Walk on July 4, 2009, in support of "open carry" in the state of Wisconsin, 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 (09-351) from Patricia Roth, on behalf of Manitowoc City Center Association, requesting permission for use of sidewalks and various City equipment for Krazy Daze on Saturday, July 11, 2009, as well as the closing of Franklin St. between 7th and 8th and the use of Burger Park, recommending granting 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 petition (09-315) from vendors of the 2009 Manitowoc Farmers' Market opposing the closing of Quay Street on Saturday, June 27, 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 special events request (09-307) from Jeff Leifer to hold a Freedom Walk

on July 4, 2009, from 9:00 a.m. to 11:00 a.m. with route 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.

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 comprehensive annual financial report (09-443) including Auditors' Reports for the City of Manitowoc for the year ended December 31, 2008, along with the Management Letter, prepared by Schenck & Associates, recommending placing on file. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks & Recreation Committee returned special events request (09-448) to hold the 2010 Garden Fair in Washington Park on June 12, 2010 from 10:00 a.m. to 3:30 p.m., recommending granting of request according to current City policy. Motion by Geigel, second by Graunke and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety Committee returned ordinance (09-422) creating Sections 10.061(26m)(c) and Section 10-065 of the Municipal Code relative to a stop sign in the alley between Park Row Boulevard and North 21st Street, recommending adoption of ordinance. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety Committee returned ambulance service agreement (09-455) with Metz Martial Arts Academy for August 8, 2009 event, recommending entering into agreement. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing and Streets & Sanitation Committees returned special events request (09-453) from Shooter Malone's, 901 Buffalo St. to close Buffalo St. between N. 9th and N. 10th Streets, extend their licensed premise to serve alcohol outside from 10:00 a.m. until 10:00 p.m. and have live music outside from 6:00 p.m. to 10:00 p.m. on September 19, 2009, jointly recommending granting the request according to City policy. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned agreement (09-452) to terminate Ayers sidewalk privilege agreement at 770 N. 18th St., 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 (09-454) of the Board of Public Works recommending not to rescind snow removal bill for property owned by The Manitowoc Company on Quay St., recommending acceptance of report. 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 (09-449) with Merwynn Trade Group on the unimproved right-of-way at 3813 Dewey St. to pave with bituminous the access across So. 39th St. to Dewey St., 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 the following reports and recommended approval: report (09-440) of the Board of Public Works of July 29, 2009, recommending 1st and final payment to Brickline, Inc. in the amount of \$36,388.48 for 2009 Epoxy Pavement Marking Program, WS-09-9; report (09-441) of the Board of Public Works of July 29, 2009, recommending 1st and final payment to Struck & Irwin Paving, Inc. in the amount of \$48,085.89 for 2009 Slurry Sealing Various Streets, WS-09-6; and report (09-442) of the Board of Public Works of July 29, 2009, recommending 1st and final payment to SMI in the amount of \$6,680.00 for Evergreen Cemetery Open Air Chapel Design. Motion by Soeldner, second by Geigel, 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 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 agreement (09-456) for Professional Services with McMahon for native vegetative landscape design and construction at So. 30th St. Storm Water Pond, 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 amendment no. 1 (09-446) with MSA relative to design of So. 41st and Custer St. Stormwater Detention Pond, recommending entering into agreement. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned change of agent forms for Kwik Trip #491 (Lic. #3) advising of change of agent to Jeanette R. Austin for the premises at 2103 S. 42nd St. effective immediately; change of agent forms for Kwik Trip #611 (Lic. #4) advising of a change of agent to Donald J. Ziegler for the premises at 2102 Washington St. effective immediately; change of agent forms for Manitowoc Lodging Assoc. LLP (Lic. #49) to Mike Shriver for the premises at 101 Maritime Dr. effective immediately; #5-16 for 2009-10 Temporary Operator's license; #27-29 & 31-32 for 2009-10 One Year Operator's license; #227-230 & 232-246 for 2009-11 Two Year Operator's license; recommending acceptance of the various changes of agents and 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.

Public Utilities & Licensing Committee returned application #30 for 2009-10 One Year Operator's license and application #231 for 2009-11 Two Year Operator's license, recommending denial of the licenses based upon recommendations from the Chief of Police or designee. 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 (09-458) in the amount of \$1,151,804.74 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 7:43 o'clock P.M.

Respectfully submitted

Deborah Neuser
Deputy City Clerk