

## COMMON COUNCIL

### OFFICIAL JOURNAL

Justin M. Nickels, Mayor

September 08, 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 Tuesday, September 8, 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, Nicholas P. Levendusky, Scott McMeans, Christopher Able, James N. Brey, Raymond T. Geigel, Dave Soeldner and Eric J. Sitkiewitz.

Absent: Alderperson Dean W. Graunke.

Pledge of Allegiance.

Invocation.

City Clerk announced that the various documents have been referred to the appropriate committees as shown on the September 8, 2009 Common Council agenda.

Resolution (09-516) supporting and encouraging adoption of both Senate Bill 273 and Assembly Bill 401, an energy plan for Wisconsin, was referred to Committee of the Whole.

Kevin M. Crawford, Vice President of Business Development & Governmental Affairs, Orion Energy Systems, gave a brief presentation on the Apollo Solar Light Pipe using the sun to effectively light specific work areas and asking the Council to support the resolution.

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

Committee of the Whole returned resolution (09-516) supporting and encouraging adoption of both Senate Bill 273 and Assembly Bill 401, an energy plan for Wisconsin, recommending adoption of resolution. Motion by Sitkiewitz, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Minutes of the regular session of August 17, 2009, were approved as distributed by the City Clerk.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of a proposed change in zone from "C-1" Commercial District to "I-1" Light Industrial District, in an area located at 2410 N. Rapids Rd.

Notice of the hearing was published in the Herald-Times-Reporter on August 25 and September 1, 2009. (Proof of publication is on file in the City Clerk's office.)

City Planner David Less gave an overview of the proposed change in zone.

The following persons appeared to address the Council regarding the proposed change in zone:

Jeff Kopidlansky, JBA Precision, 1906 Franklin St., Manitowoc and

Don Schanke, 4816 Plank Rd., Manitowoc.

No other interested parties appeared.

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

Public Property & Safety Committee returned communication (09-330) from Dana Bongle requesting a reduction in ambulance invoice 281149 for 4/20/08 services for his wife and daughter, recommending to deny the request. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Mayor requested Council confirmation to disband the following Ad Hoc Committee formed in 2003:

**Aquatic Center Development (Ad Hoc)**

Motion by Sitkiewitz, second by Geigel, and unanimously carried to confirm the Mayor's recommendation. Ayes, 9. Nays, none.

Ordinance (09-507) to switch yield signs to stop signs on Hamilton St. at So. 22nd St. and to create Sections 10.10(51) (e) and (f) and 10.10(109) (e) and (f) regarding parking around Jackson School, 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 notice of claim and claim (09-487) of August 14, 2009, from Paul R. Blashka, Fleet Claim No. 09-180, recommending payment of the claim in the amount of \$768.11. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned notice of claim and claim (09-345) of Jerome Zipperer dated May 30, 2009, Claim File No. 09-1022, recommending denial of the claim. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned report (09-521) of City Planner David Less recommending that the Council approve the subordination request of First Equipment Business Finance subject to the consent and approval from the Dept. of Commerce, as detailed therein, recommending acceptance of report and adoption of recommendations. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned request (09-525) of First Equipment Business Finance regarding modification and collateral subordination for Orion Energy Systems, Ltd. and Great Lakes Energy Technologies, LLC., recommending placing on file. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned notice of claim and claim (09-239) received April 20, 2009 from USPS, Fleet Claim No. 09-179, recommending approval of the claim in the amount of \$3,277.25. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks & Recreation and Streets & Sanitation Committees returned request (09-463) for Special Events Privilege from Manitowoc Sunrise Rotary Club to use sidewalks and streets for Run for Your Life, 5K Run/2K Walk at and near Lincoln Park on October 31, 2009, jointly recommending granting request according to current City policy. Motion by Geigel, second by Soeldner and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks & Recreation Committee returned special events request (09-517) from Sunrise Optimist Club to hold Art in the Park on Saturday, October 3, 2009 from 10:00 a.m. to 2:00 p.m. in Washington Park, recommending granting of request according to current City policy. Motion by Geigel, second by Soeldner and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing Committee returned 2009 Small Urban Operating Assistance Contract (09-509) between the City of Manitowoc and the State of Wisconsin, American Recovery and Reinvestment Act of 2009, for Maritime Metro Transit, as detailed therein, recommending entering into contract. Motion by Soeldner, second by Able and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing Committee returned 2009 Section 5311 Capital Assistance Contract (09-511) between the City of Manitowoc and the State of Wisconsin, for Maritime Metro Transit, as detailed therein, recommending entering into contract. Motion by Soeldner, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property & Safety Committee returned communication (09-411) from Marie Hawkins relative to changing the curfew hours, recommending placing on file. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property & Safety Committee returned ordinance (09-419) amending Section 16.35(b) Fences and Hedges, recommending adoption of ordinance. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property & Safety Committee returned request (09-444) from Municipal Judge Steven R. Olson to approve a resolution raising the deposit for Operating After Revocation to a forfeiture of \$225 plus costs, recommending placing on file. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property & Safety Committee returned communication (09-445) from Michael & Toni Duvall requesting a

“silent crossing ordinance” relative to the noise level of trains passing through the City in the early morning hours, recommending placing on file. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee’s report. Ayes, 9. Nays, none.

Public Property & Safety Committee returned resolution (09-457) implementing fees for vehicle clean up spills, recommending adoption of resolution. Motion by Sitkiewitz, second by Brey, and carried by acclamation to accept the Committee’s report. Ayes, 6. Nays, 3.

Public Property & Safety Committee returned special events request (09-497) from Saucy’s Sports Bar relative to outdoor music playing from 5:00 pm to 10:00 pm in their outdoor beer garden on September 12, 2009, recommending granting request per City policy. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee’s report. Ayes, 9. Nays, none.

Public Property & Safety Committee returned ambulance service agreement (09-503) with Manitowoc Lincoln High School for the period August 21, 2009 through December 31, 2009, recommending entering into agreement. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee’s report. Ayes, 9. Nays, none.

Public Property & Safety Committee returned ambulance service agreement (09-504) with Roncalli High School for the period August 21, 2009 through December 31, 2009, recommending entering into agreement. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee’s report. Ayes, 9. Nays, none.

Public Property & Safety Committee returned ambulance service agreement (09-508) with Manitowoc County Expo for the period August 25, 2009 through August 30, 2009, recommending entering into agreement. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee’s report. Ayes, 9. Nays, none.

Public Property & Safety Committee returned communication (09-514) from Director of Building Inspection/Facilities Manager Jim Muenzenmeyer to consider an offer from the family of Attorney Archie Muchin to donate a commemorative bench to be placed at City Hall, recommending granting of request. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee’s report. Ayes, 9. Nays, none.

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 referral to Plan Commission. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee’s report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned communication (09-421) of Wayne R. Popp, WRP Properties, LLC requesting a temporary access easement over an unimproved right of way on S. 21st Street, recommending placing on file. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee’s report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned communication (09-433) of S. M. I., as representatives of the Doneff

Company, owners of Custer Village Apartments, requesting revisions to easements to facilitate construction of new apartment buildings and garages, recommending placing on file. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned agreement (09-452) to terminate Ayers sidewalk privilege agreement at 770 N. 18th St., recommending entering into agreement and place on file. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

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 referral to Plan Commission. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned report (09-505) of the Board of Public Works of August 26, 2009, recommending 12th and final payment to FOTH Infrastructure and Environment LLC in the amount of \$413.09 for Rapids Rd. Outfall, recommending payment of invoice. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned report (09-506) of the Board of Public Works of August 26, 2009, recommending 4th and final payment to AECOM for Stormwater Management Engineering for N. 12th & Waldo Blvd. Storm Study in the amount of \$1,558.04, recommending payment of invoice. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned report (09-502) of the Board of Public Works of August 12, 2009 regarding request to reduce assessment for resurfacing at 1816 Nagle Ave., recommending approval of Board of Public Works action. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned report (09-501) of the Board of Public Works of August 12, 2009 regarding repair and assessment of storm sewer lateral at 826 So. 19th St., recommending approval of Board of Public Works action. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned report (09-473) of Board of Public Works of August 12, 2009, regarding bids received for Evergreen Cemetery Chapel, Project WB-09-18, recommending not awarding bid and place on file. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned communication (09-312) from Harvey Krish requesting a reduced assessment for resurfacing of street in front of 1816 Nagle Avenue, recommending placing on file. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned 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 referral to Plan Commission. Motion by Soeldner, second by Geigel, and unanimously carried to accept

the Committee's report. Ayes, 9. 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 referral to Plan Commission. Motion by Soeldner, second by Geigel, and carried by acclamation to accept the Committee's report. Ayes, 7. Nays, 2.

Streets & Sanitation Committee returned report (09-515) of Board of Public Works of July 29, 2009 and August 26, 2009 on 2008 Special Assessments, recommending acceptance of report. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Personnel Committee returned labor agreement (09-493) with City of Manitowoc Transit Employees, Teamsters Local No. 662 for the period 2008-2009, recommending approval of the agreement. Motion by Able, second by Sitkiewitz, and unanimously carried to accept the Committee's report. Ayes, 9. 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, recommending referral to Plan Commission. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing Committee returned applications #27 for Class "A" Retail Fermented Malt Beverage license; #50 for Temporary Class "B" Beer license; #33 Near Beer (Non-Intoxicating Beverage) license; #37-39 for 2009-10 Temporary Operator's license; #37-42 for 2009-10 One Year Operator's license; #261-279 for 2009-11 Two Year Operator's license; #4-6 Stock Car Races, Racing Exhibitions, Etc. Permit; recommending granting the various licenses, as shown on the committee's report. Motion by Soeldner, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned General City Claims (09-524) in the amount of \$4,452,816.50 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 Geigel, report accepted. Ayes, 9. Nays, none.

Moved by Alderperson Sitkiewitz, seconded by Alderperson Geigel, and unanimously carried, Common Council adjourned at 8:06 o'clock P.M.

Respectfully submitted

Jennifer Hudon  
City Clerk