

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

October 19, 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, October 19, 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 7:05 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.

Deputy City Clerk announced that the various documents have been referred to the appropriate committees as shown on the October 19, 2009 Common Council agenda.

Minutes of the regular session of October 5, 2009, were approved as distributed by the Deputy City Clerk.

Mayor Nickels presented a proclamation to Denise Larson, Lakeshore Ta Quon Do, declaring October 19 - November 2, 2009 as "15 Days of Kindness" in the City of Manitowoc, encouraging everyone to participate in spreading kindness.

Mayor Nickels and Fire Chief Manis presented Lifesaving Award to Michaela M. Thomas for saving her grandmother's life on August 18, 2009.

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 "P-1" Conservancy District to "R-2" Single Family District, in an area located south of Michigan Avenue, southeast of Winnetka Court and north of the Manitowoc River.

Notice of the hearing was published in the Herald-Times-Reporter on October 5 and 12, 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.

No 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.)

Mayor Nickels gave presentation on 2010 Executive Budget.

Mayor read the 2009 executive budget submittal letter and copies were distributed to Council members.

Initial Resolution (09-588) regarding Industrial Development Revenue Bond Financing to benefit Dermatology Associates of Wisconsin, S. C., was referred to Finance Committee. Information with respect to the job impact of the project was available.

Resolution (09-598) authorizing the issuance and ESTABLISHING PARAMETERS FOR THE Sale of not to exceed \$25,000,000 City of Manitowoc Electric Power System Refunding Revenue Bonds, Series 2009, was referred to Finance Committee.

Resolution (09-621) relative to Application for the Wisconsin Coastal Management Grant Program for restoration and preservation of Little Manitowoc River and Pond, was referred to Parks and Recreation Committee.

Resolution (09-620) implementing vehicle clean up oil dry charge, was referred to Public Property & Safety Committee.

Mr. Bradley Viegut of Robert W. Baird & Co. addressed the Council relative to this financing issue.

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

Finance Committee returned resolution (09-598) authorizing the issuance and ESTABLISHING PARAMETERS FOR THE Sale of not to exceed \$25,000,000 City of Manitowoc Electric Power System Refunding Revenue Bonds, Series 2009, recommending adoption of the resolution. With a quorum present, it was moved by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none. Abstained, none. Mayor Nickels declared the resolution adopted.

Finance Committee returned Initial Resolution (09-588) regarding Industrial Development Revenue Bond Financing to benefit Dermatology Associates of Wisconsin, S. C., recommending adoption of the resolution. With a quorum present, it was moved by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none. Abstained, none. Mayor Nickels declared the resolution adopted.

Public Property & Safety Committee returned 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, recommending adoption of ordinance. Motion by Sitkiewitz, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 1.

Personnel Committee returned ordinance (09-581) establishing employee residency requirements, recommending approval of amended ordinance. Moved by Sitkiewitz, second by Hennessey to accept the Committee's report.

Moved by Sitkiewitz, second by Hennessey, and unanimously carried to amend the ordinance as follows: "(f) Exemption. Any employee currently employed as a department head by the City of Manitowoc . . ." Ayes, 10. Nays, none.

Upon a vote, the ordinance, as amended, was adopted by acclamation. Ayes, 7. Nays, 3.

Ordinance (09-597) to amend various sections of Chapter 10 relating to parking on N. 18th Street and a four-way stop at N. 4th and Huron Streets, 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 communication (09-589) from Lynda R. Templen, Whyte Hirschboeck Dudek, S.C. containing a good faith estimate of the legal fees which will be paid from the bond proceeds relative to Initial Resolution (09-588) regarding Industrial Development Revenue Bond Financing to benefit Dermatology Associates of Wisconsin, S. C., recommending placing on file. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned communication (09-617) from Manitowoc County Emergency Services Division relative to public facility damage from 2008 flooding, recommending acceptance and place on file. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned notice of claim and claim (09-518) from Kevin Crawford of September 4, 2009, Claim File No. 09-1030, recommending payment of \$175.00. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned capital improvement plan (09-569) for the years 2009-2013, recommending adoption of the Capital Improvement Plan (2009-2013). Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks & Recreation Committee returned resolution (09-621) relative to Application for the Wisconsin Coastal Management Grant Program for restoration and preservation of Little Manitowoc River and Pond, recommending entering into the agreement and place on file. Motion by Geigel, second by Graunke and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks & Recreation Committee returned request (09-615) by Wisconsin Maritime Museum to host a part of their Maritime History Ghost Walk on October 9, 16, 23 & 30, 2009 at 7:00 and 8:30 at Shipbuilders Park, recommending granting 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.

Parks & Recreation Committee returned communication (09-614) from Beatie Dornaus-Lau requesting permission to serve beer at 90th birthday party at Senior Center, 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 Utilities & Licensing Committee returned report (09-605) of Community Development Authority requesting Council approval for a three year funding commitment through the City/CDA housing revolving loan fund, as detailed therein, recommending accepting the report and 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 (09-591) with Assist-to-Transport for six vehicles to be used to provide specialized transportation services, as detailed therein, for the 2010 - 2011 calendar years, recommending entering into the lease agreement. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety Committee returned resolution (09-457) implementing fees for vehicle clean up spills, recommending not to adopt and place 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 (09-620) implementing vehicle clean up oil dry charge, recommending adoption of resolution. Motion by Sitkiewitz, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 6. Nays, 4.

Public Property & Safety Committee returned offer to purchase agreement (09-585) for property on So. 10th Street for a storm water pond, and report (09-608) of City Plan Commission recommending that the parcel be acquired by the City, subject to the terms and conditions of an accepted Offer to Purchase, recommending acceptance of report (09-608) and place on file and entering into agreement (09-585). Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned special events request (09-559) from Manitowoc/Two Rivers YMCA to hold first annual Festival Foods Turkey Trot on Thursday, November 26, 2009, from 8:30 a.m. to 10:30 a.m. with run to start and end at Festival Foods, recommending approving request subject to additional information contained in 10/13/09 correspondence, and consistent with 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 report (09-600) of the Board of Public Works of October 14, 2009, recommending 6th and final payment to Vinton Construction in the amount of \$23,787.53 for South 10th Street Sanitary Sewer Relay, WU-09-11, 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 communication (09-570) from Eric G. Nycz, 1437 Hazelwood Dr.,

contesting an invoice for brush removal on June 4, 2009, in the amount of \$32.75, 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 report (09-599) of the Board of Public Works of October 14, 2009 relative to assessing Wastewater Treatment Facility for asphalt paving on Michigan Ave. (parcel no. 823-102-010), 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 report (09-603) of the Board of Public Works of October 14, 2009 relative to communication from Rick Pecore requesting adjustments to three special assessments on Packer Lane side of his property, 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 no street access agreement (09-593) with Terry M. & Cynthia J. Rhodes and no street access agreement (09-596) with Suzanne Kapinos to forego 2008 concrete paving special assessments on Spring Street, recommending entering into the agreements and 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 report (09-604) of the Board of Public Works of October 14, 2009 relative to communication from Sarah Blashe, regarding a portion of her fence which is in the City right-of-way at 1112 Huron Street, 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 quit claim deed (09-592) from Northland Associates, LLC for a parcel of land to be used for Twin Ponds Drive, 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 (09-606) of Community Development Authority advising the Council that a Certificate of Appropriateness has been granted to Dermatology Associates relative to their redevelopment project in downtown Manitowoc. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned communication (09-590) from Krauth Vending requesting permission to sell novelties along the parade route at the Christmas Parade on November 25, 2009, recommending granting of 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 temporary access easement agreement (09-542) over unopened street between City of Manitowoc and Gary D. Retzak and Lynn P. Retzak, and report (09-607) of City Plan Commission recommending Council approve the access easement, as detailed therein, recommending acceptance of report (09-607)

and place on file and enter into agreement (09-542). Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned release of easement (09-587) to Spartech CMD, LLC for storm sewer purposes east of So. 30th Street and north of Division 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 (09-609) of City Plan Commission approving the 2009 Comprehensive Plan and instructing the City Clerk to call for a public hearing, as detailed therein, recommending acceptance of report, place on file, and Clerk to call for public hearing. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (09-602) of the Board of Public Works of October 14, 2009 relative to communication from Eric Nycz disputing invoice for brush pickup at 1437 Hazelwood Dr., 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 report (09-601) of the Board of Public Works of October 14, 2009 relative to communication from Paul Goswitz regarding receipt of assessment invoice and due date, 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 report (09-610) of City Plan Commission approving the location and revised architectural design of the proposed chapel in Evergreen Cemetery and recommending Council approval, 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 proposal (09-622) from AECOM Technical Services, Inc. for Broadway Bridge Slope and Sheetpile Wall Evaluation project with Consulting Agreement and Authorization to Proceed attached, 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 (09-611) of City Plan Commission requesting Council's acceptance of attached Manitowoc Riverwalk Master Plan and Design Guidelines, as detailed therein, recommending acceptance of report, place on file and adoption of plan. 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 #10 for Pawnbroker's license; #46 for 2009-10 One Year Operator's license; #293-297 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 (09-619) in the amount of \$2,450,063.23 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.

Motion by Brey, second by Able, and unanimously carried to call for the public hearing on the proposed General City Budget to be held on Monday, November 16, 2009, at 7:10 p.m. Ayes, 10. Nays, none.

Moved by Alderperson Sitkiewitz, seconded by Alderperson Graunke, and unanimously carried, Common Council adjourned at 9:10 o'clock P.M.

Respectfully submitted

Deborah Neuser
Deputy City Clerk