

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

November 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, November 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 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.

City Clerk announced that the various documents have been referred to the appropriate committees as shown on the November 16, 2009 Common Council agenda.

Minutes of the regular session of November 2, 2009, were approved as distributed by the City Clerk.

City Clerk administered oath of office to Police Officer John R. Musial.

City Clerk administered oath of office to Fire Fighter Kevin Wilke.

On behalf of Showtime '09, Tom Drill, Mary Shulander and Cathy Delain presented various groups with checks from proceeds of the event.

Mayor declared the meeting open for a public hearing in the matter of the General City budget of proposed 2009 levy for 2010, in the amount of \$12,275,249.00 including the Manitowoc Public Library, with \$1,015,297.00 in proposed tax incremental financing.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on November 1, 2009. (Proof of publication is on file in the City Clerk's office.)

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.)

Resolution (09-639) providing for primary election on February 16, 2010, if three or more candidates file nomination papers for a city office, was referred to Public Utilities & Licensing Committee.

Resolution (09-659) authorizing the submittal of an application with the Wis. Dept. of Commerce Blight Elimination

and Brownfield Redevelopment program for assessment and contamination in Block 175 of Original Plat, was referred to Streets & Sanitation Committee.

Resolution (09-661) authorizing a stormwater management facility maintenance agreement with Manitowoc Lutheran High School, for property located at 4045 Lancer Circle, was referred to Streets & Sanitation Committee.

Resolution (09-660) recommending a one and one-half percent wage increase for School Crossing Guards and Rahr-West Art Museum Security Guards, was referred to Personnel Committee.

Mayor submitted the following appointments and requested Council confirmation:

Crime Prevention Committee

Cooper Schmidt
(Student, Lincoln High School)

Term

1 yr. term exp. 8/31/10

Joint Dispatch Board

William P. Manis II, Fire Chief
Oscar Dick, Police Chief (Alternate)

Term

Indefinite
Indefinite

And Mayor requested Council confirmation to rescind the appointment of Derek Muench to the Cable Television Commission and reinstate Jamie Lee to that Commission for a term ending 6/1/10.

Motion by Sitkiewitz, second by Graunke and unanimously carried to confirm the Mayor's appointments. Ayes, 10. Nays, none.

Ordinance (09-666) to amend various sections of Chapter 10 of the Municipal Code relating to parking on York Street, 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.

Committee of the Whole returned communication (09-642) from Municipal Judge Steven R. Olson requesting a change in the term of office for Municipal Judge from two years to four years, recommending placing on file. Motion by Sitkiewitz, second by Graunke, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned communication (09-644) from Manitowoc Public School District advising that the 2009 tax levy amount for the City of Manitowoc is \$14,300,959.00, 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 (09-640) from City Assessor Sarah Hoppe relative to 2009 commercial assessment ratio, recommending delaying this project until more is known about unified assessment districts. Motion by

Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned special events request (09-665) from March of Dimes - March for Babies to use Mariner's Trail on May 1, 2010 from 7:00 a.m. to 12:00 p.m., 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 and Recreation Committee returned special events request (09-634) from Colleen G. Kalt to hold Manitowoc/Two Rivers Community Walk on April 24, 2010 along Mariner's Trail, 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 (09-666) to amend various sections of Chapter 10 of the Municipal Code relating to parking on York Street, recommending adoption of ordinance. Motion by Sitkiewitz, second by Brey, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 10. Nays, none. Motion by Sitkiewitz, second by Brey, report accepted and ordinance adopted. Ayes, 10. Nays, none.

Public Property & Safety Committee returned ordinance (09-627) to amend various sections of Chapter 10 of the Manitowoc Municipal Code relative to angle parking and 2 hour parking on a portion of York Street, 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 Utilities & Licensing Committee returned resolution (09-639) providing for primary election on February 16, 2010, if three or more candidates file nomination papers for a city office, recommending adopting the resolution. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned request (09-656) from Orion Energy Systems for a conditional use permit for a 115-foot wind turbine to be located at 2210 Woodland 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 to whom was referred release of easement (09-587) to Spartech CMD, LLC for storm sewer purposes east of So. 30th Street and north of Division St. and quit claim deed (09-592) from Northland Associates, LLC for a parcel of land to be used for Twin Ponds Drive, returned same with report (09-667) of City Plan Commission recommending that Council accept Quit Claim Deed from Northland Associates and Release of Easement from Spartech, recommending acceptance of report (09-667) and place on file and acceptance of deed (09-592) and easement (09-587) 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 to whom was referred communication (09-632) from Spencer's Total Auto Repair & Towing LLC and Ruzek, Inc. jointly requesting assignment of a conditional use permit recently issued expressly to Ruzek,

Inc. to Spencer's Total Auto Repair & Towing LLC at 734 N. 8th Street, returned same with report (09-668) of City Plan Commission recommending that Council approve the assignment of the conditional use permit at 734 N. 8th Street to Dwayne Radaj d/b/a Spencer's Total Auto Repair & Towing, LLC, as detailed therein, recommending acceptance of report (09-668) and place on file and acceptance of communication (09-632) 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 ordinance (09-565) to amend Section 7.32 of the Manitowoc Municipal Code relative to assessment for seal coating of streets, recommending adoption of ordinance. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned communication (09-594) from Ralph Kracht and Edward Mahloch relative to abandoned culvert under their driveway approach at 4015/4019 Custer Street, recommending to place on file and direct Engineering Department to regularly inspect culvert and remedy as appropriate. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned agreement (09-641) for stormwater management facility maintenance with Merwynn Trade Group, LLC for property located south of Dewey Street and east of So. 30th Street, 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 (09-643) to contract with State of Wisconsin Dept. of Transportation and AECOM Technical Services for No. 21st Street Bridge (Viaduct) project, 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 (09-647) of the Board of Public Works of November 11, 2009, recommending 4th and final payment to Feaker and Sons in the amount of \$14,808.34 for Relay Sanitary Sewers and New Storm Sewer, WU-09-10; report (09-648) of the Board of Public Works of November 11, 2009, recommending 2nd and final payment to Green Bay Pipe and TV in the amount of \$24,767.27 for Televising Miscellaneous Sewers II, WU-09-14; report (09-649) of the Board of Public Works of November 11, 2009, recommending 3rd and final payment to Schaus Roofing & Mechanical Contractors in the amount of \$3,893.50 for Senior Center HVAC, WB-09-13; report (09-650) of the Board of Public Works of November 11, 2009, recommending 4th and final payment to Seiler Brothers Construction in the amount of \$32,834.77 for 2009 Remove & Replace Existing Sidewalks, WS-09-3; report (09-651) of the Board of Public Works of November 11, 2009, recommending 3rd payment (98%) to Vinton Construction in the amount of \$143,195.49 for 2009 Concrete Paving Reconstruction, WU-09-8; report (09-652) of the Board of Public Works of November 11, 2009, recommending 3rd payment (98%) to Vinton Construction in the amount of \$61,662.79 for 2009 Asphaltic Concrete Paving Program, WS-09-4; report (09-653) of the Board of Public Works of November 11, 2009, recommending 3rd payment (98%)

to Vinton Construction in the amount of \$166,107.86 for 2009 Concrete Paving Program, WS-09-1; and report (09-654) of the Board of Public Works of November 11, 2009, recommending 3rd and final payment to Wisconsin Earthworks, LLC in the amount of \$42,434.78 for Clay Pit Road Detention Pond, WU-09-19; 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 report (09-658) of City Planner David Less relative to environmental testing and assessment work to be performed on City-owned land in Block 175 of Original Plat, recommending acceptance of report and adoption of recommendations. Motion by Soeldner, second by Geigel, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, none. Abstained, 1.

Streets & Sanitation Committee returned sidewalk privilege agreement (09-664) with Frances G. DeGrand, 831 Sequoia Ct., for fence in City's right-of-way, 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 request (09-662) from Tony Bugarino, Tony's Pizza, relative to four foot overhang on garage in City right-of-way, 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 resolution (09-659) authorizing the submittal of an application with the Wis. Dept. of Commerce Blight Elimination and Brownfield Redevelopment program for assessment and contamination in Block 175 of Original Plat, recommending adoption of resolution. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned resolution (09-661) authorizing a stormwater management facility maintenance agreement with Manitowoc Lutheran High School, for property located at 4045 Lancer Circle, recommending adoption of resolution. 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 #1 for Commercial Garbage Haulers license; #48 for 2009-10 One Year Operator's license; #304-308 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 (09-670) in the amount of \$1,567,394.82 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.

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Moved by Alderperson Sitkiewitz, seconded by Alderperson Graunke, and unanimously carried, Common Council adjourned at 8:00 o'clock P.M. to Monday, November 23, 2009, at 6:00 p.m. Ayes, 10. Nays, none.

Respectfully submitted

Jennifer Hudon
City Clerk

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