

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

December 21, 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, December 21, 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.

Minutes of the regular session of December 7, 2009 and the adjourned session of November 23, 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 December 21, 2009 Common Council agenda.

Mike Andrastek and Judy Kocian presented Lakeshore Holiday Parade trophies.

Resolution (09-721) to create Ward 40, population 0, for the Woodland Dr. No. 2 annexation area, as described therein and shown on the attached map, and that Ward 40 be combined with Wards 3, 4 and 21, for voting purposes and use a common polling place as established for the 2nd Aldermanic District, was referred to Committee of the Whole.

Resolution (09-731) amending the City of Manitowoc Comprehensive Position Classification and Compensation Plan repealing a section of the Overtime Compensation Policy concerning employees in Pay Ranges 1 to 6, was referred to Personnel Committee.

Personnel Committee returned resolution (09-660) recommending a one and one-half percent wage increase for School Crossing Guards and Rahr-West Art Museum Security Guards, recommending approval of resolution. Motion by Able, second by Sitkiewitz, and carried by acclamation to accept the Committee's report. Ayes, 6. Nays, 4.

Mayor submitted the list of persons to be appointed to serve as election officials in the City of Manitowoc for the ensuing two year term from 1/1/10 to 12/31/11. (Detailed list on file in the City Clerk's office.)

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

An ordinance (09-720) to annex territory known as Woodland Dr. No. 2 Annexation Area from the Towns of Manitowoc and Two Rivers to the City of Manitowoc, as part of the 2nd Aldermanic District and 40th Ward, to be zoned "I-2" Heavy Industrial Zoning District, as described therein and shown on the attached map, was referred to Committee of the Whole.

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.

Mayor submitted the list of persons to be appointed to serve as special voting deputies in the City of Manitowoc for the ensuing two year term from 1/1/10 to 12/31/11. (Detailed list on file in the City Clerk's office.)

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

Committee of the Whole returned ordinance (09-720) to annex territory known as Woodland Dr. No. 2 Annexation Area from the Towns of Manitowoc and Two Rivers to the City of Manitowoc, as part of the 2nd Aldermanic District and 40th Ward, to be zoned "I-2" Heavy Industrial Zoning District, as described therein and shown on the attached map, recommending adoption of ordinance. Motion by Sitkiewitz, second by Graunke, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 10. Nays, none. Motion by Sitkiewitz, second by Graunke, report accepted and ordinance adopted. Ayes, 10. Nays, none.

Committee of the Whole returned communication (09-595) from Manitowoc County Corporation Counsel regarding the County's Lakeshore Humane Society Service Contract proposal, as detailed therein, recommending placing on file. Motion by Sitkiewitz, second by Graunke, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned communication (09-718) from Wisconsin Dept. of Administration indicating they have reviewed the Great Lakes Energy Technologies Annexation and found that it is not against the public interest, recommending acceptance and place on file. Motion by Sitkiewitz, second by Graunke, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole, to whom were referred petition (09-678) for Direct Annexation by unanimous approval from Michael J. Potts, Manager, Great Lakes Energy Technologies LLC, 2210 Woodland Dr., for annexation of a 1.40 acre parcel of land abutting Woodland Drive, as described therein and shown on the attached map, and report (09-722) of City

Plan Commission recommending that the Council approve the petition as presented and adopt an annexation ordinance, returned same recommending acceptance of report (09-722) and place on file and acceptance of petition (09-678) and place on file. Motion by Sitkiewitz, second by Graunke, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned resolution (09-721) to create Ward 40, population 0, for the Woodland Dr. No. 2 annexation area, as described therein and shown on the attached map, and that Ward 40 be combined with Wards 3, 4 and 21, for voting purposes and use a common polling place as established for the 2nd Aldermanic District, recommending acceptance of resolution. Motion by Sitkiewitz, second by Graunke, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned notice of claim and claim (09-637) from Greg Comstock - Rollaire of October 30, 2009, Claim File No. 09-1032, recommending payment of \$688.00. 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 (09-674) from Mary Kaufman of December 1, 2009, Claim File No. 09-1035, recommending payment of \$160.00. 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 & claim (09-499) from Bradley J. Olivera of September 1, 2009, Claim File No. 09-1029, recommending payment of \$2,600.00. 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 (09-715) from Manitowoc Sunrise Rotary to hold Lobster Fest in Washington Park on Saturday, September 11, 2010 including the sale of food and alcohol and providing entertainment, as well as waive the rental fees for the day of the stage and park, as detailed therein, recommending approval 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 special events request (09-711) to hold Brady Johnson Memorial Baseball Blast on May 21, 2010, at Municipal Baseball Field, recommending approval 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 resolution (09-677) outlining the charges for transportation and care by the Fire Department Rescue Ambulance effective January 1, 2010, recommending approval of resolution. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee, to whom were referred quit claim deed (09-689) from Great Lakes Energy Technologies, LLC for a parcel of land containing 0.45 acres more or less, to be used for Woodland Drive purposes, as described therein and shown on the attached sketch, and report (09-725) of City Plan Commission recommending Council

approve and accept the deed, returned same recommending acceptance of report (09-725) and place on file and acceptance of deed (09-689) 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 were referred sidewalk privilege agreement (09-675) with Harold K. Salzberg and Cheryl C. Stewart for the purpose of maintaining a fence on the right-of-way located at 3104 Waldo Blvd., and report (09-723) of City Plan Commission recommending that agreement be placed on file as a replacement will be resubmitted to Council, returned same recommending acceptance of report (09-723) and place on file and placing agreement (09-675) 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 (09-724) of City Plan Commission approving temporary storage of fill or related materials by Dermatology Associates on City-owned property, recommending acceptance of report and place on file. Motion by Soeldner, second by Geigel, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 0. Abstained, 2.

Streets & Sanitation Committee, to whom were referred 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, and report (09-728) of City Plan Commission recommending approval of the conditional use permit subject to the attached conditions, returned same recommending acceptance of report (09-728) and place on file and place request (09-656) 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 (09-727) of City Plan Commission relative to Allie request to rezone a portion of the former Rahr Farm Property, recommending Council adopt the ordinance to effectuate the proposed rezoning. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned ordinance (09-553) to amend the amended zone map in an area located south of Michigan Avenue, southeast of Winnetka Court, and north of the Manitowoc River, 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 report (09-730) of City Plan Commission relative to proposed modifications to collateral arrangement in TIF District 6 for City Centre LLC property, recommending acceptance of report and adoption of recommendations. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned request (09-710) from WWTF Superintendent Brian Helmingier objecting to special assessments of \$28,369.84 levied to WWTF for 2008 asphalt replacement and new sidewalks abutting sludge

storage lagoons located adjacent to Michigan Ave., 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 (09-726) of City Plan Commission relative to request from Dewey Properties for execution of Affidavit to remove setback limitations from certified survey map for property in Harbor Town Center, 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 report (09-719) of Board of Public Works of December 2, 2009, regarding bids received for Wastewater Treatment Facility Raw Wastewater Fine Screening, Project WB-09-21, recommending awarding contract to lowest responsive bidder (The Price Erecting Company) in the amount of \$678,715.00. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned ordinance (09-679) to adopt the 2009 City of Manitowoc Comprehensive Plan, 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 agreement (09-712) with Menard, Inc. for stormwater management facility maintenance at 5120 Calumet Ave., 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 communication (09-713) from Paul M. Steinbrecher to reconsider issue of developers maintaining stormwater ponds, 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 (09-729) of City Plan Commission outlining multiple issues to be resolved related to Tony's Pizza property at 2204 Washington Street, recommending that Planner, Attorney and Building Inspector be authorized to work with property owner to clarify all relevant issues, as detailed therein, recommending acceptance of report and adoption of recommendations. 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 #65 for "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage license; #5 for Commercial Garbage Haulers license; #6 for Pawnbrokers license; #50-51 for 2009-10 One Year Operator's license; #320-323 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 (09-732) in the amount of \$1,336,519.90 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 7:42 o'clock P.M. Ayes, 10. Nays, none.

Respectfully submitted

Jennifer Hudon
City Clerk