



City of Manitowoc

900 Quay Street
Manitowoc, WI 54220
www.manitowoc.org

Meeting Minutes

Plan Commission

Wednesday, January 25, 2017

6:00 PM

Council Chambers

I. CALL TO ORDER

The Meeting of the City Plan Commission was called to order by Chairman Nickels at 6:02 PM.

II. ROLL CALL

Present: 9 - Jim Brey, Dave Diedrich, Daniel Hornung, Mayor Nickels, Dan Koski, Jim Muenzenmeyer, Dennis Steinbrenner, Dennis Steinbrenner and Peter Dorner

Staff Present: Nic Sparacio, Paul Braun, Tyler Caulum, Lisa Mueller

Others Present: Troy Flentje, Seth Flentje, Bobbie Flentje, Peter Allie, Alex Allie, Gary Stolp, Dennis Wejrowski, James Lindeman, Timothy Terp, Carl Knutson

III. APPROVAL OF MINUTES

[17-0074](#) Approval of the Minutes of the November 30, 2016 Meeting.

**Moved by Diedrich, seconded by Steinbrenner, that the Minutes be approved.
The motion carried by the following vote:**

Aye: 8 - Alderperson Brey, Member Diedrich, Member Hornung, Mayor Nickels, Member Koski, Member Muenzenmeyer, Member Steinbrenner and Member Dorner

IV. PUBLIC INFORMATIONAL HEARINGS

[17-0075](#) PC 3 - 2017: Knutson / Terp, 2020 Dufek Drive: Request for a Conditional Use Permit for an Open Sales Lot Pursuant to 15.270(3)g

P. Braun explained to the Commission that Timothy Terp and Carl Knutson own a vacant piece of property at the northwest corner of Calumet Avenue and Dufek Drive and are requesting the issuance of a Conditional Use Permit (CUP) for the establishment of an Open Sales Lot pursuant to section 15.270(3)g of the Municipal Code.

P. Braun stated that the Common Council's recently adopted new zoning code allows the outside sale of product on a lot in a B-3 General Business zoning district after the issuance of a CUP. The current owners purchased the property in 2007 and removed a barn at that time. In 2008, they began renting space to individuals for the sale of their vehicles and in 2015 storage sheds started to be sold on the property. This property use

resulted in some complaints, which led to the discovery of the incorrect zoning for both the vehicle and shed sales.

P. Braun provided background information regarding the future land use map, surrounding zoning and lot dimensions. He stated that the property is currently for sale and because of the high traffic counts and visibility of the lot he believes the highest and best use is not an open sales lot. He continued to state that in his conversations with the owners they also realize that an open sales lot is not the best long-term use for the lot.

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P. Braun provided background information regarding the future land use map, surrounding zoning and lot dimensions. He stated that the property is currently for sale and because of the high traffic counts and visibility of the lot he believes the highest and best use is not an open sales lot. He continued to state that in his conversations with the owners they also realize that an open sales lot is not the best long-term use for the lot.

P. Braun stated that notices were mailed to property owners within 200' of the subject property and that staff received some comments from Gary Stolp who owns the properties to the north and west of the subject property. P. Braun stated that G. Stolp voiced concerns with vehicles parked in the right-of-way, visibility to his business, garbage dumped on the site, gravel in the parking area and access onto to W. Frontage Road. P. Braun concluded his comments.

Mayor Nickels asked the Commissioners if they had any questions.

D. Hornung asked if there have been any citations issued against the property. P. Braun stated that no citations were issued because of the on-going discussions at the staff, Plan Commission and Common Council

levels regarding the possible amendment to the Zoning Code to allow the use as a CUP.

D. Koski commented that he looked into the question regarding access to W. Frontage Road directly from the subject property. From what he could find, wooden posts around the cul de sac were a WisDOT requirement to prevent "cut-thru" traffic. J. Brey asked if preventing access directly to W. Frontage Road was a condition. P. Braun stated no because at the time the conditions were drafted staff wasn't sure if access could be controlled.

D. Diedrich asked if a parking area for more than 5 vehicles has to be hard surfaced in concrete or asphalt, and if the CUP is allowing up to 5 vehicles, will the lot then have to be hard surfaced? P. Braun replied that the CUP is not requiring a hard surface, but if the owners decide to have 5 vehicles, then the lot technically is supposed to be hard surfaced per the Municipal Code. P. Braun continued to state that the Commission could lower the number of vehicles allowed on the property to 4.

The Commission also discussed the idea of having a percentage of lot coverage as a condition but it was determined that would be difficult to administer and regulate.

Mayor Nickels opened the meeting up to input from the public.

G. Stolp, the owner of the lots north and west of the subject property commented that he doesn't have a problem with the proposal, but all businesses even open sales lots, should pay taxes on their property if they are benefiting from sales and creating competition for other businesses selling sheds. He is also concerned that if the sheds are left unlocked squatters could use them.

Carl Knutson, one of the property owners stated that he would have no issue with placing some of the sheds in a location to prevent vehicles from using the lot as a cut-thru to W. Frontage Road.

Mayor Nickels closed the public hearing portion of the meeting and asked the Commission if there were anymore comments or questions.

The Commission discussed the following draft conditions:

1. Compliance with the terms and conditions of the CUP shall be reviewed by the Plan Commission and Common Council in January, 2018.
2. The Open Sale Hours for the operation shall be between 7am -

7pm, Monday - Sunday.

3. All exterior lighting from the CUP area shall be contained to the site and shall not filter over the property lines onto adjoining properties.
4. In the event the property comprising the CUP Area is sold or leased to a party other than an entity in which Carl Knutson or Timothy Terp has a controlling interest, the CUP shall then terminate effective the date of conveyance.
5. The Property is limited to a maximum of 8 storage sheds and 5 vehicles at any single time. Vehicles include automobiles, trucks, trailers, campers, RV's, and boats.
6. Product sold or stored on the site shall be setback at least 15 feet from the residential use along the west property line and setback at least 10 feet from the north property line. There shall also be a 100' x 70' vision triangle located at the northeast corner of the Owners parcel; the attached CUP map depicts this area. The intent of the above described vision triangle is to maintain the site vision to the business to the north.
7. The storage of any materials, junk, debris, garbage or inoperable vehicles is prohibited on the subject property.
8. All products displayed on the Property shall not be placed in the right-of-way or in the vision triangles. Product shall be displayed, placed, and located in an orderly fashion.
9. This CUP shall automatically terminate on January 1, 2020. The intent of this CUP is to encourage the owners to redevelop the property for a higher and better use but temporarily provides the owners with an interim use. The owners shall have to reapply for a CUP after the termination date.

The Commission determined that the 7am - 7pm hours of operation condition could be changed to dawn to dusk. The Commission also discussed decreasing the number of vehicles allowed on the site to be decreased from 5 to 4. Mayor Nickels stated that he would like condition #9 be decreased from 3 years to 1 year to encourage the owners to redevelop or sell the property; the owners would have to reapply for a CUP each year.

Discussion continued regarding condition #7 regarding debris and garbage on the site and condition #9 regarding the termination date.

Moved by Nickels, seconded by Muenzenmeyer, to revise condition #5 to read,

"The property is limited to a maximum of 8 storage sheds and 4 vehicles..." The motion to revise condition # 5 was approved.

Aye: 8 - Alderperson Brey, Member Diedrich, Member Hornung, Mayor Nickels, Member Koski, Member Muenzenmeyer, Member Steinbrenner and Member Dorner

Discussion continued on the number and size of sheds that would be kept on the site.

Moved by Diedrich, seconded by Dorner, to approve the Conditional Use Permit for the establishment of an Open Sales Lot in a B-3 General Business Zoning District located at 2020 Dufek Drive, and to revise condition #2 to read, "Hours of Operation shall be from dawn to dusk" and to revise condition #9 to read, "CUP shall automatically terminate on January 1, 2018..." This motion was discussed, and an amendment to the motion was proposed.

Moved by Brey, seconded by Steinbrenner, to amend the motion to approve the Conditional Use Permit by revising condition #9 to read, "CUP shall automatically terminate on January 1, 2019..." The motion to amend failed by the following vote:

Aye: 4 - Alderperson Brey, Member Koski, Member Muenzenmeyer and Member Steinbrenner

Nay: 4 - Member Diedrich, Member Hornung, Mayor Nickels and Member Dorner

The discussion returned to the original motion to approve the Conditional Use Permit with the following conditions:

1. Compliance with the terms and conditions of the CUP shall be reviewed by the Plan Commission and Common Council in January, 2018.
2. The Open Sale Hours for the operation shall be between dawn and dusk, Monday - Sunday.
3. All exterior lighting from the CUP area shall be contained to the site and shall not filter over the property lines onto adjoining properties.
4. In the event the property comprising the CUP Area is sold or leased to a party other than an entity in which Carl Knutson or Timothy Terp has a controlling interest, the CUP shall then terminate effective the date of conveyance.
5. The Property is limited to a maximum of 8 storage sheds and 4 vehicles at any single time. Vehicles include automobiles, trucks, trailers, campers, RV's, and boats.
6. Product sold or stored on the site shall be setback at least 15 feet from the residential use along the west property line and setback at least 10 feet from the north property line. There shall also be a 100' x 70' vision triangle located at the northeast corner of the Owners

parcel; the attached CUP map depicts this area. The intent of the above described vision triangle is to maintain the site vision to the business to the north.

7. The storage of any materials, junk, debris, garbage or inoperable vehicles is prohibited on the subject property.
8. All products displayed on the Property shall not be placed in the right-of-way or in the vision triangles. Product shall be displayed, placed, and located in an orderly fashion.
9. This CUP shall automatically terminate on January 1, 2018. The intent of this CUP is to encourage the owners to redevelop the property for a higher and better use but temporarily provides the owners with an interim use. The owners shall have to reapply for a CUP after the termination date.

Mayor Nickels called for a vote.

The motion carried by the following vote:

Aye: 7 - Alderperson Brey, Member Diedrich, Mayor Nickels, Member Koski, Member Muenzenmeyer, Member Steinbrenner and Member Dorner

Nay: 1 - Member Hornung

[17-0076](#)

PC 4 - 2017: Fieldcrest Manor Request for a Conditional Use Permit, 1510 S. 30th Street for the Continuation of a Community Based Residential Facility (CBRF) for up to 20 beds

T. Caulum reviewed the location and history of the current CUP for Fieldcrest Manor. T. Caulum stated North Oak Realty Group Fieldcrest Manor, LLC is purchasing Fieldcrest Manor with the intentions of continuing operation as a 20 bed CBRF.

Mayor Nickels opened the public informational hearing. There were no comments from the public so Mayor Nickels closed the public hearing and requested the staff recommendation.

T. Caulum stated the staff recommends approval of the CUP with the following conditions:

1. The CUP shall require compliance with all applicable local and state regulations including issuance and maintenance of a license to Fieldcrest Manor by the Wisconsin Department of Health Services (DHS) for the operation of a CBRF.
2. Fieldcrest Manor shall be subject to a maximum capacity of 20 residents.

3. Fieldcrest Manor shall not assign or transfer its interest in the CUP to any party without the written approval of the Manitowoc City Plan Commission and Manitowoc Common Council.

Moved by Hornung, seconded by Diedrich, to approve the request for a Conditional Use Permit for the establishment of a CBRF for up to 20 individuals. The motion carried by the following vote:

Aye: 8 - Alderperson Brey, Member Diedrich, Member Hornung, Mayor Nickels, Member Koski, Member Muenzenmeyer, Member Steinbrenner and Member Dorner

[17-0077](#)

PC 5 - 2017: Clarkbridge Apartments, 1402 Clark Street: Request for an Adaptive Reuse Conditional Use Permit Pursuant to 15.370(29)

T. Caulum described to the Commission the area surrounding 1402 Clark Street and detailed the uses of the former Vocational School and current Clarkbridge building. T. Caulum explained that buildings, which were originally designed and constructed as schools, are eligible for an Adaptive Reuse CUP, the purpose of which is to facilitate the conversion of older, distressed building to a new use while keeping the building's historic features.

T. Caulum reviewed the applicant's request includes a waiver from the minimum dwelling unit size and the minimum off-street parking required by the Zoning Ordinance. He also described the unique site conditions behind the KCG Development request for these waivers. KCG has experience in other communities that other similar developments have succeeded with a parking ratio of 1:1 in addition to having smaller than 720 square foot apartments.

T. Caulum raised the potential concerns of the Community Development Department, generally including the quality of the site design and interior finishes needed to support this density of housing, the industrial nature of the surrounding neighborhood, and the provision of parking. Staff believes each of these issues have been adequately addressed in the application materials and the recommended conditions. T. Caulum further discussed correspondence received from the owners of 1310 Clark Street addressing the parking restrictions on South 14th Street.

Mayor Nickels opened the discussion to the Commission. Discussion ensued on the current on-street parking conditions.

Mayor Nickels closed the discussion from the Commission and opened the

public informational hearing.

James Lindeman, owner of Northern Wisconsin Produce at 1310 Clark Street, explained the semi-truck traffic on S 14th Street during the hours of his business operation. He stated that trucks, when parked at the loading dock will block off traffic on S 14th Street. In addition, the trucks will create some issues with noise. Discussion with the Commission continued, and it was noted that alternate streets in the neighborhood would still provide access when S 14th is blocked.

Mayor Nickels closed the public informational hearing and requested the staff recommendation.

T. Caulum stated the staff recommendation was to approve the Adaptive Reuse CUP with the following conditions:

- A. KCG Development shall not assign or transfer its interest in the CUP to any party without the written approval of the Manitowoc City Plan Commission and Manitowoc Common Council.
- B. No more than 13 of the units shall be below the 720 square foot minimum.
- C. A relaxation of the minimum parking standard is granted through this CUP. There shall be no fewer than 60 off-street parking spaces on the property.
- D. The building and site design shall be reasonably consistent with the application.

Moved by Brey, seconded by Steinbrenner, to approve the Adaptive Reuse Conditional Use Permit at 1402 Clark Street pursuant to the recommended conditions. The motion carried by the following vote:

Aye: 8 - Alderperson Brey, Member Diedrich, Member Hornung, Mayor Nickels, Member Koski, Member Muenzenmeyer, Member Steinbrenner and Member Dorner

[17-0078](#)

PC 6 - 2017: Trans-Link Services, LLC; 1615 Spring Street. Request to Amend a 2014 Conditional Use Permit

P. Braun explained that the request is from Trans-Link Services, LLC which is a limited liability company with Troy and Bobbie Flentje, and Peter and Alex Allie being the members of the LLC. Trans-Link is requesting some amendments to a 2014 conditional use permit (CUP) that was issued to Peninsula Logistics, LLC. Trans-Link will be the new entity running the

trans-loading operation in place of Peninsula Logistics. The area to be covered by the CUP will be property owned by 1615 Spring, LLC., 1311 Spring, LLC., and a strip of land along the Manitowoc River that Trans-Link has an easement over which is owned by St. Barbara Cement Inc. The 2014 CUP area covered only the property owned by 1615 Spring LLC but the current request will expand the CUP area; the other properties were being used in the past but were not part of the CUP.

J. Nickels asked what items are currently not allowed to be transloaded or stored at the site and why. P. Braun explained that stone, asphalt and brick and other similar items are prohibited under the 2014 CUP and the main reason for this is the noise and dust that the neighbors have had problems with in the past.

P. Braun explained that the Comprehensive Plan, Downtown & River Corridor Plan and Manitowoc Riverwalk Master Plan all indicate the area to be a working harbor area either zoned industrial or commercial. The subject properties are all zoned I-2 Heavy Industrial which allows for the transloading and storage of materials only after the issuance of a CUP. The 2014 CUP prohibited the transloading or storage of stone, brick, coal, and asphalt and allowed the business to operate on Monday thru Friday between 6:00am and 9:00pm, Saturdays between 7:00am and 7:00pm and closed on Sundays and Holidays. Trans-Link is requesting to amend the 2014 CUP to allow the transloading and storage of stone in addition to modifying the hours of operation to: Monday thru Friday 7:00am - 7:00pm, Saturday and Sundays 8:00am - 5:00pm with no operations on holidays.

P. Braun stated that notices were sent out to the neighbors and that the mailing area went beyond the typical 200' notice area to include the residences on top of the bluff along Revere Drive and Michigan Avenue; no calls were received by staff. The Police, Fire and Building Inspection Departments were asked to see if they had any complaints on file since the 2014 CUP was issued. One complaint from November 4, 2015 was on file. The complaint, from Paul Hansen, was regarding some transloading that occurred prior to the 6:00am start time. In the complaint note the owner, Peter Allie, stated he also heard the noise and determined that it came from the placement of a steel ramp used to access the barge from the shoreline prior to the unloading of the logs.

P. Braun concluded his comments and Mayor Nickels asked the

Commission if they had any questions.

J. Brey asked why Sunday was being added to the request. T. Flentje stated if a ship arrives late on a Saturday or Sunday there is a large expense to have the vessel sit idle and wait for Monday and that the vessel will then find another port to use in the future.

Mayor Nickels opened the public hearing portion of the meeting. D. Wejrowski, 1301 Spring Street commented that he lives right next to the area. In the past he thought the proposed uses were not a good fit, but since has realized that the proposed use is one of the few uses for the property. The only concern he has is with heavy truck traffic travelling over the new asphalt adjacent to his house.

T. Flentje, stated that the trucks would be coming from the west on Spring Street and would not be going past Mr. Wejrowski's residence.

P. Allie, commented that they will be replacing some old sheet wall sections in addition to constructing a new section along the eastern portion of the 1311 Spring Street property. In addition to the sheet wall work they will be doing some dredging, construction of some bollards and heavy crane lift pads. He stated that there has been a lot of shipping activity in the past year from bridge girders, to oil platform parts, to wind towers all occurring with no marketing or advertising.

Mayor Nickels closed the public hearing portion of the meeting. There were no additional comments from the Commission.

P. Braun stated the staff recommendation which includes the following conditions for the amended Conditional Use Permit:

A. CUP shall be granted exclusively to Trans-Link Services, LLC (Trans-Link) for the storage in bulk, or transloading activities of materials pursuant to Section 15.350(3)w of the Municipal Code and being located at 1615 Spring Street (tax # 819-402-052); 1311 Spring Street (tax # 000-039-020) and an easement area over the St Barbara Cement, Inc property (tax # 819-402-050), 0.92 acres all shown on the accompanying map. The following materials or products will not be allowed to be transloaded or stored unless authorized by the Plan Commission and Common Council: brick, coal, and asphalt.

B. The CUP shall not become effective until after the date that the Common

Council adopts the Plan Commission report containing the conditions.

C. This CUP shall not be assigned, transferred, sublet or conveyed in any manner without the written consent of the Common Council and Plan Commission.

D. Trans-Link shall make every effort to reduce noise levels at the site, and shall maintain noise levels no greater than allowed by law.

E. The transloading of materials shall be permitted Monday thru Friday, between the hours of 7:00 AM and 7:00 PM.

F. The transloading of materials shall be permitted on Saturday and Sunday between the hours of 8:00 AM and 5:00 PM.

G. Transloading shall not be permitted on any U.S. holiday.

H. In the event dust problems occur as a result of the operation, the owner shall apply dust palliatives as requested by the City in accordance with the Municipal Code.

I. Non-compliance with any terms or conditions of the CUP may result in the modification of the terms and conditions of the CUP, issuance of citations and financial penalties, or immediate revocation of the CUP.

Moved by Hornung, seconded by Diedrich, to approve the amendments to the November 5, 2014 Conditional Use Permit subject to the recommended conditions. The motion carried by the following vote:

Aye: 8 - Alderperson Brey, Member Diedrich, Member Hornung, Mayor Nickels, Member Koski, Member Muenzenmeyer, Member Steinbrenner and Member Dorner

V. REFERRALS FROM COMMON COUNCIL: None

VI. OLD BUSINESS

[17-0079](#)

PC 2-2017: Annual Review of Community Living Arrangements

P. Braun stated that the annual review of Community Living Arrangements is pursuant to Section 15.370(19)b of the Municipal Code. Mr. Braun stated that he contacted the Clerk, Police, Fire, and Building Inspection Departments to see if there were any complaints or concerns on record for the past year; no complaints were on record with any of the Departments.

P. Braun explained that as of January 17, 2017 there are a total of 36 Community Living Arrangements in the City; 9 of which are Adult Family Homes (AFH - 3 or 4 Beds) with a total of 36 beds and 27 Community Based Residential Facilities (CBRF 5 or more Beds) with a total of 446

beds. This compares to 8 AFH's for a total of 32 beds and 26 CBRF's for a total of 406 beds in 2016. Of the 36 CLA's in the City 27 are permitted uses with the other 9 being allowed after the issuance of a Conditional Use Permit.

Moved by Diedrich, seconded by Koski, to approve the associated licenses for the Community Living Arrangements for 2017. The motion carried by the following vote:

Aye: 8 - Alderperson Brey, Member Diedrich, Member Hornung, Mayor Nickels, Member Koski, Member Muenzenmeyer, Member Steinbrenner and Member Dorner

VII. NEW BUSINESS

[17-0080](#)

PC 1-2017: Woodland Shadows, LLC. :Quit Claim Deed for Virginia Drive

P. Braun explained to the Commission that the quit claim deed is related to a certified survey for a lot that is being created at the end of Virginia Drive which is adjacent to Lot 2, Block 4 of Hidden Acres Subdivision No. 2. The area of the street dedication measures 60' X 90' or 0.12 acres. P. Braun also stated that the owners provided a public works petition.

Moved by Diedrich, seconded by Koski, to recommend that i) the Council approve and accept the Quit Claim Deed; and ii) instruct the Clerk to record the document at the Register of Deeds Office. The motion carried by the following vote:

Aye: 8 - Alderperson Brey, Member Diedrich, Member Hornung, Mayor Nickels, Member Koski, Member Muenzenmeyer, Member Steinbrenner and Member Dorner

[17-0081](#)

PC 6-2017: Harbor Assistance Program - Annual 3 Year Statement of Intentions

P. Braun explained the proposed projects that are listed on the statement of intentions. Currently, there are 7 potential projects located in the marina and river areas. P. Braun continued to state that the projects listed do not commit the City to doing any of the projects; it simply makes the projects eligible for potential Harbor Assistance Program funding. P. Braun also stated that the proposed projects will be reviewed by the Harbor Commission at their next meeting prior to being submitted to WisDOT's Bureau of Railroads and Harbors.

D. Diedrich asked historically how many projects have been completed with Harbor Assistance Funds. P. Braun stated that the car ferry dockwall reconstruction which will be started in fall of 2017; the pedestrian walkway underneath the 8th Street bridge and Wisconsin Maritime Museum improvements; Burger Boat dredging and boat lift; 1311 Spring St, LLC dredging and sheetwall; and other various dredging projects have been partially funded by the Harbor Assistance Program.

Moved by Brey, seconded by Diedrich, to support the 2017 – 2019 Wisconsin Department of Transportation Harbor Assistance Program's Annual 3 Year

Statement of Intentions. The motion carried by the following vote:

Aye: 8 - Alderperson Brey, Member Diedrich, Member Hornung, Mayor Nickels, Member Koski, Member Muenzenmeyer, Member Steinbrenner and Member Dorner

[17-0082](#)

PC 8-2017: Plenty O Suds, LLC d.b.a. Magic Car Wash, 3601 Calumet Avenue Request for a Special Permit for the Placement of an Animated Sign in a C-1 Commercial Zoning District

Chairman Nickels explained to the Commission that the owner decided to withdraw his request for the animated sign.

Applicant requested that the agenda item be removed. The animated sign project will not be pursued at this time.

VIII. MISCELLANEOUS

A. Manitowoc County Activities: None

B. Certified Survey Maps (CSM):

1. Woodland Shadows: SE ¼ of the SW ¼ Section 12, Township 19 North, Range 23 East, City of Manitowoc.

C. Summary of Site Plans From November 24, 2016 To January 13, 2017:

1. SP20-2016: CR Mini Storage; 2121 S. 26th Street. Mini Warehouse

D. Director's Report

N. Sparacio provided a Director's report to the Commission via email. The Commission discussed the impacts of the Manitowoc Crane closure and Meijer construction.

IX. ADJOURNMENT

Moved by Diedrich, seconded by Koski, that the Meeting be adjourned at 7:25 PM. The motion carried by the following vote:

Aye: 8 - Alderperson Brey, Member Diedrich, Member Hornung, Mayor Nickels, Member Koski, Member Muenzenmeyer, Member Steinbrenner and Member Dorner

Respectfully Submitted,

Paul Braun
Secretary