

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

April 19, 2010

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, April 19, 2010. 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 April 5, 2010 and adjourned session of April 12, 2010 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 April 19, 2010 Common Council agenda.

Mayor Nickels presented proclamation declaring Friday, April 30, 2010 as ARBOR DAY in the City of Manitowoc, and urge all citizens to support efforts to care for our community forest and to support our city's community forestry program.

Mayor Justin M. Nickels presents proclamation to George Lettenberger of VFW declaring May 1, 2010 as VFW LOYALTY DAY in the City of Manitowoc and urges all citizens to reaffirm their loyalty to the United States and for the recognition of the heritage of American freedom.

Presentation by Suzanne Wade, UW Extension Rock River Basin Educator and Water Star Program Coordinator designating the City of Manitowoc as a Bronze Water Star Community.

Mayor Nickels presented plaques to Alderpersons Raymond Geigel, Dean Graunke and Eric Sitkiewitz, for their years of service on the Manitowoc Common Council.

Resolution (10-173) authorizing the issuance and sale of up to \$1,000,000 Sewerage System Revenue Bonds, Series 2010, and providing for other details and covenants with respect thereto, was referred to Finance Committee.

Mayor submitted the following appointments and requested Council confirmation:

Mainly Manitowoc Board
Alderson Representative Christopher Able

Term
Expiring 12/31/10

Performance Evaluation Review Committee
Jim Muenzenmeyer, Dir. of Bldg. Insp.

Term
Indefinite

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

Ordinance (10-202) to amend Section 11.01(10) of Manitowoc Municipal Code regarding the license area for the sale of "Class A" Intoxicating Liquor, was referred to Public Utilities & Licensing Committee.

Ordinance (10-184) to amend section 15.05 of the amended zone map of the City of Manitowoc for an area north of Marshall Street and east of So. 26th Street, was referred to Streets and Sanitation 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 report (10-200) of City Planner David Less relative to PBJC Fest Too, LLC Promissory Note related to TIF #15 and developer-funded TIF Promissory Note for improvements at Dewey and CR, recommending acceptance of report and adoption of recommendations. 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 (09-707) from Dawn Herzog of December 16, 2009, Claim File No. 09-1037, recommending to rescind their prior action of April 5, 2010, and further recommending payment of \$320.00 for sidewalk repair and denial of \$125.00 for stump removal. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned resolution (10-173) authorizing the issuance and sale of up to \$1,000,000 Sewerage System Revenue Bonds, Series 2010, and providing for other details and covenants with respect thereto. Upon the vote being taken, the following voted aye: Alderpersons Hennessey, Sladky, Graunke, Levendusky, McMeans, Able, Brey, Geigel, Soeldner and Sitkiewitz. Nays, none. Abstained, none. The resolution was declared adopted.

Parks and Recreation Committee returned non-exclusive license (10-179) with Manitowoc Amateur Baseball, Inc. for use of Municipal Field to conduct baseball games, as detailed therein, from May 1 to August 31 of each year, recommending entering into agreement and placing on file. Motion by Geigel, second by Graunke and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks and Recreation Committee returned communication (10-174) from Larry's Piggly Wiggly requesting

permission to hold the 4th Annual Pig-to-Pig Walk, between the Piggly Wiggly stores in Manitowoc and Two Rivers, on Saturday, September 11, 2010, utilizing the 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 and Safety Committee returned report (10-197) of City Plan Commission relative to possible deeding of property located at the southeast corner of So. Alverno Rd. and West Custer Street, recommending acceptance of report and adoption of recommendations. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property and Safety Committee returned special events request (10-171) from The Fat Seagull to have bands playing outside in their parking lot as detailed therein from 12:00 Noon to 10:00 p.m., recommending granting request per City policy. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing and Public Property & Safety Committees returned special events request (10-169) from Manitowoc Elks Lodge 687 to hold fund raising picnic on July 4, 2010 extending their premise for alcohol sales to include outside tent and for the use of wristbands for beer sales in place of fencing along with music at times specified, recommending extending their premise for alcohol sales. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities and Licensing Committee returned statement (10-175) of the Board of Canvassers of the municipal election returns of the April 6, 2010, Spring Election, recommending accepting and placing on file. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned ordinance (10-153) to amend Section 3.07 of the Manitowoc Municipal Code regarding Board of Public Works, recommending adoption of ordinance.

Moved by Brey, seconded by Soeldner, and unanimously carried to amend the ordinance to delete the words "one other member of the Streets and Sanitation Committee" and insert the words "one member of the Finance Committee". Ayes, 10. Nays, none.

Upon a vote, the ordinance, as amended, was unanimously adopted. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned report (10-183) of City Plan Commission that they have conducted their annual compliance review of adaptive reuse conditional use permit for operation of a children's theater at 634 N. 10th Street, 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 and Sanitation Committee returned report (10-185) of City Plan Commission that they have conducted their annual compliance review of adaptive reuse conditional use permit for various business and professional uses at 1402

Clark Street, 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 and Sanitation Committee returned report (10-186) of City Plan Commission that they have conducted their annual compliance review of conditional use permit for operation of a stone transloading operation on former Manitowoc Company peninsula property on So. 16th Street, 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 and Sanitation Committee returned report (10-188) of City Plan Commission relative to proposed City-initiated amendment to Official Map and vacation of a portion of So. 22nd Street, recommending approval of the resolution for vacation and ordinance for change in the Official Map after completion of negotiations as detailed therein, 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, 2.

Streets and Sanitation Committee returned report (10-189) of City Plan Commission that after review of request to release 10' wide drainage easement across Manitowoc Tool & Machining property located west of So. 41st Street between Clipper Dr. and Expo Dr., a release of easement be issued subject to the conditions stated 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.

Streets and Sanitation Committee returned report (10-187) of City Plan Commission that they have conducted their annual compliance review of conditional use permit for operation of a tattoo/body piercing business at 1802 Washington Street, 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 and Sanitation Committee returned report (10-191) of City Plan Commission to approve a conditional use permit exclusively to Scott and Tiffany McMahon d/b/a Sticky's Tattoos for operation of a tattoo and body piercing establishment at 2203B N. Rapids Rd., subject to the attached conditions, 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 and Sanitation Committee returned report (10-192) of City Plan Commission relative to application (10-162) for a change in zone from B-3 General Business District to C-1 Commercial District for property located at 2410 Marshall Street, recommending acceptance of report, place on file, with 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 and Sanitation Committee returned report (10-193) of City Plan Commission relative to correction instrument with Menard, Inc. relative to utility easement east of Dufek Dr. and north of Calumet Ave., recommending that Council approve and enter into the correction instrument. Motion by Soeldner, second by Geigel, and unanimously carried

to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned report (10-190) of City Planner David Less recommending that the following documents be approved and entered into: Service Agreement (10-194) with Applied Data Consultants, Inc. for CAD data conversion and maintenance project and Master Agreement (10-195) for Services with Applied Data Consultants, Inc. for data gathering work relating to the City's property parcel mapping project. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned correction instrument (10-163) with Menard, Inc. relative to utility easement east of Dufek Dr. and north of Calumet Ave., recommending entering into correction instrument. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned communication (10-155) from Scott McMahon d/b/a Sticky's Tattos requesting a conditional use permit to operate a tattoo and body piercing business at 2203B N. Rapids Rd., recommending placing on file. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned communication (10-156) from S.M.I. on behalf of Manitowoc Tool and Machining LLC requesting the vacation of a portion of a 10 foot drainage easement as shown on the attached map, recommending placing on file. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets and Sanitation Committee returned sidewalk privilege agreement (10-176) with NST Manitowoc Acquis LLC for the purpose of moving, installing and maintaining five signs to be placed in City right-of-way located at 1440 N. 24th 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 and Sanitation Committee returned agreement (10-178) with Mead & Hunt for additional services relative to Project CDBG-PF Grant Administration, recommending entering into agreement. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned agreement (10-196) between City of Manitowoc and City of Manitowoc Fire Supervisors Association for the period 2008 - 2010, recommending approval of the contract. Motion by Able, second by Sitkiewitz, and carried by acclamation to accept the Committee's report. Ayes, 9. Nays, 1.

Public Utilities & Licensing Committee returned applications #23A for 2009-10 "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license; #374-389 for 2009-11 Two Year Operator's license; #16-19 for 2010-12 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, 0.

Public Utilities & Licensing Committee returned communication (10-181) from B & T Enterprises, LLC, 214 N. 8th

St., advising that the corporation has made a change of agent to Patrick R. Brooks, effectively immediately, recommending acceptance. 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 (10-201) in the amount of \$4,929,666.13 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 Geigel, and unanimously carried, Common Council adjourned sine die at 8:02 o'clock P.M. Ayes, 10. Nays, none.

Respectfully submitted

Jennifer Hudon
City Clerk