

COMMON COUNCIL
OFFICIAL JOURNAL

Kevin M. Crawford, Mayor

January 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, January 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 Kevin M. Crawford called the meeting to order at 7:00 p.m. and on roll call the following members were present: Alderpersons Dave Soeldner, Eric Sitkiewitz, Rick Sieracki, James N. Brey, Christopher Able, Dean Graunke, Justin M. Nickels, Raymond T. Geigel and Thomas Frieder.

Absent: Ald. Lee D. Thennes.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of January 5, 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 January 19, 2009 Common Council agenda.

Awards of Excellence for various site plans during 2008 were presented at this time.

City Clerk administered oath of office to Police Officer Rebecca Ann Schuettpelz.

City Clerk administered oath of office to Firefighter/Paramedics Brian Lodel and Chad Pfeffer.

Fire Chief Bill Manis presented award to Bryan Kassube of the Town of Buchanan for community service.

Mayor declared the meeting open for a public hearing in the matter of a proposed change in zone from "B-3" General Business District to "C-1" Commercial District, in an area located at the southeast corner of Marshall and So. 23rd Streets.

City Planner David Less gave an overview of the proposed zone change area.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on January 5 & 12, 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 (09-045) to create Ward 38, population 35, for the Silver Lake College No. 1 annexation area, as described therein and shown on the attached map, and that Ward 38 be combined with Wards 17, 18, 22, 24, 25, 26,

28, 29, 30, 32, 36 & 38, for voting purposes and use a common polling place as established for the 9th Aldermanic District, was referred to Committee of the Whole.

Resolution (09-031) appointing Mayor Kevin Crawford as the authorized representative to file applications for financial assistance from Wis. Environmental Improvement Fund, was referred to Finance Committee.

Resolution (09-030) declaring intent to use Clean Water Fund Loan proceeds for reimbursement of eligible project costs, as detailed therein, was referred to Finance Committee.

Resolution (09-037) authorizing pay for Election Board officials for all elections to be held in 2009, as detailed therein, was referred to Public Utilities & Licensing Committee.

An ordinance (09-046) to annex territory known as Silver Lake College No. 1 Annexation Area from the Town of Manitowoc Rapids to the City of Manitowoc, as part of the 9th Aldermanic District and 38th Ward, to be zoned "R-6" Multiple Family 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.

Committee of the Whole returned petition (08-689) from The Holy Family Convent of the Franciscan Sisters of Christian Charity, Inc. for direct annexation of approximately 23.723 acres of land from the Town of Manitowoc Rapids to the City of Manitowoc, known as Silver Lake College No. 1 annexation area, and report (09-056) of City Plan Commission recommending that the Council approve the petition for direct annexation and that the area be zoned "R-6" Multiple Family District, recommending acceptance of report (09-056) and place on file and place petition (08-689) on file. Motion by Nickels, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned communication (09-043) from Wisconsin Dept. of Administration indicating they have reviewed the Holy Family Convent Annexation and found that it is not against the public interest, recommending placing on file. Motion by Nickels, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned resolution (09-045) to create Ward 38, population 35, for the Silver Lake College No. 1 annexation area, as described therein and shown on the attached map, and that Ward 38 be combined with Wards 17, 18, 22, 24, 25, 26, 28, 29, 30, 32, 36 & 38, for voting purposes and use a common polling place as

established for the 9th Aldermanic District, recommending adoption of resolution. Motion by Nickels, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned ordinance (09-046) to annex territory known as Silver Lake College No. 1 Annexation Area from the Town of Manitowoc Rapids to the City of Manitowoc, as part of the 9th Aldermanic District and 38th Ward, to be zoned "R-6" Multiple Family District, as described therein and shown on the attached map, recommending adoption of ordinance. Motion by Nickels, second by Geigel, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 9. Nays, none. Motion by Nickels, second by Geigel, report accepted and ordinance adopted. Ayes, 9. Nays, none.

Finance Committee returned resolution (09-030) declaring intent to use Clean Water Fund Loan proceeds for reimbursement of eligible project costs, as detailed therein, recommending adoption of the resolution. Motion by Brey, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned resolution (09-031) appointing Mayor Kevin Crawford as the authorized representative to file applications for financial assistance from Wis. Environmental Improvement Fund, recommending adoption of the authorization. Motion by Brey, second by Frieder, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned amendment (09-028) Agreement No. 2 related to State of Wisconsin Transportation Economic Assistance (TEA) Grant regarding construction of a rail spur for Extrutech Plastics, recommending entering into agreement. Motion by Brey, second by Frieder, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned communication (09-065) from City Clerk recommending rescinding 2007 and 2008 taxes of 000-317-159, Bamco Architects, recommending rescinding the 2007 personal property taxes for parcel 000-317-159 in the amount of \$371.37 and 2008 personal property taxes in the amount of \$379.58. Motion by Brey, second by Frieder, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned report (09-040) of City Planner recommending entering into Amendment No. 1 between City of Manitowoc and John A. & Linda Schuette, recommending acceptance of report and adoption of the recommendations. Motion by Brey, second by Frieder, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned Amendment No. 1 (09-039) between City of Manitowoc and John A. & Linda Schuette relative to repayment of obligations under grant contract, recommending entering into agreement. Motion by Brey, second by Frieder, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned claim (09-022) from Vinton Construction filed January 6, 2009, Fleet Claim File No. 09-172, recommending payment of \$2,226.12. Motion by Brey, second by Frieder, and unanimously carried to

accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned claim (09-026) from State Farm Insurance Companies/Wallace Haske for March 12, 2008 incident, Fleet Claim File No. 08-175, recommending payment of \$2,964.75 to State Farm Insurance. Motion by Brey, second by Frieder, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned communication (09-066) from City Clerk recommending rescinding 2008 taxes of 000-917-990, Fiesta Fashion, recommending rescinding the 2008 personal property taxes in the amount of \$3.99. Motion by Brey, second by Frieder, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned claim (09-015) from Jeremy P. Weber of December 31, 2008, Fleet Claim No. 08-171, recommending payment of \$779.52. Motion by Brey, second by Frieder, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned report (09-029) of City Planner recommending entering into amendment agreement no. 2 to TEA Grant regarding construction of a rail spur for Extrutech Plastics, recommending acceptance of report, place on file and adoption of recommendations. Motion by Brey, second by Frieder and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned grant agreement (09-024) between National Fish and Wildlife Foundation and City of Manitowoc for Red Arrow Park Beach Erosion Control, recommending entering into the agreement and place on file. Motion by Geigel, second by Able and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned communication (09-032) relative to Estate of Arlene Turgasen enclosing partial distribution of estate to the Manitowoc Fire Department, recommending acceptance of bequest. Motion by Sitkiewitz, second by Sieracki, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned communication (09-033) from Tony Bugarino relative to purchase of strip of City land adjacent to 2204 Washington St., recommending referral to Plan Commission. Motion by Sitkiewitz, second by Sieracki, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property and Safety Committee returned appeal (09-061) from August D. Krieser relative to accessibility issues that exist at the Rahr-West Art Museum, recommending placing on file. Motion by Sitkiewitz, second by Sieracki, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned resolution (09-037) authorizing pay for Election Board officials for all elections to be held in 2009, as detailed therein, recommending adopting the resolution. Motion by Graunke, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities and Licensing Committee returned transit contract (09-027) for 2008 Urban Mass Transit Operating Assistance between State of Wisconsin Department of Transportation and City of Manitowoc, recommending

entering into the agreement. Motion by Graunke, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing Committee returned Transit contract (09-038) for 2008 Section 5311 Capital Assistance contract between State of Wisconsin Dept. of Transportation and City of Manitowoc, recommending entering to the agreement. Motion by Graunke, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (09-062) of Board of Public Works recommending request for temporary access easement on unimproved right-of-way be granted to Mike Check Builders for property located at 2727 Red Fox Lane, recommending acceptance of report with Attorney to draft agreement. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned communication (09-063) from Kathie Bundy, St. Patrick's Day Parade Coordinator, requesting permission to hold the 11th annual St. Patrick's Day Parade on Friday, March 13, 2009, following the route described therein, with fireworks to follow, as in the past, recommending granting according to current City policy and recommendation of departments involved. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned easement (09-011) between Osuld Torrison River Front Condos LLC and City of Manitowoc for public access across riverwalk for property at 2 N. 8th St., quit claim deed (09-009) from R & J Property Management LLC to City of Manitowoc for 3.877 acres of land for stormwater pond purposes, and report (09-060) of City Plan Commission recommending entering into easement (09-011), acceptance of deed (09-009) and acceptance of report (09-060) and place on file. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned ordinance (09-010) to amend Section 25.05 of the Municipal Code to adjust rates for sewer service charges effective January 1, 2009, recommending adoption of ordinance. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (09-048) of the Board of Public Works of January 14, 2009, recommending 4th and final payment to NES Ecological Services in the amount of \$442.44 for Red Arrow Park & Conservancy Shoreline Stabilization, recommending acknowledging the payment. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (09-049) of the Board of Public Works of January 14, 2009, recommending 2nd and final payment to Great Lakes TV Seal in the amount of \$3,964.98 for 2008 Televising Miscellaneous Sewers II, WU-08-11, recommending payment. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (09-042) from City Planner recommending entering into the attached agreement (09-042A) with R. A. Smith National for professional services for Geographic Information Systems (GIS) Needs Assessment, recommending acceptance of report (09-042) and adoption of recommendations and entering into agreement (09-042A). Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (09-047) of the Board of Public Works of January 14, 2009, recommending 5th and final payment to Earth Tech, Inc. in the amount of \$2,540.25 for Pollution Prevention Program, recommending payment. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (09-041) from City Planner relative to partial release of mortgage to correct legal description relating to Osuld Torrison River Front Condos property, recommending acceptance of report and adoption of recommendations. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned request (09-025) from Ellen Reinertson to move a home to the corner lot on Pine and N. 9th Streets, as detailed therein, recommending referral to Plan Commission. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned petition (09-036) from residents on S. 9th Street, Lakeside Blvd. and Dewey Street relative to snow plowing the boulevard, recommending placing on file. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (09-054) of City Plan Commission relative to review of final site plan for aquatic center recommending Council approve the proposed project pursuant to Sec. 62.23(5) Wis. Stats., recommending acceptance of report and place on file. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned declaration of dedication of property (09-053) for 2.48 acres of land for Quay Street and South Lakeview Drive purposes, recommending referral to Plan Commission. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned quit claim deed (09-052) from City of Manitowoc for 2.48 acres of land for Quay Street and South Lakeview Drive purposes, recommending referral to Plan Commission. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned report (09-055) of the City Plan Commission indicating they have conducted their annual review of Community Living Arrangements (CLA's) and recommending that the Council approve the associated licenses for these facilities for 2009, recommending acceptance of report and place on file. Motion by

Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned utility easement (09-058) from City of Manitowoc for utility purposes for the existing storm sewer to the east and north of Fessler Dr. that drains to the existing detention pond, recommending referral to Plan Commission. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned quit claim deed (09-051) to combine various City parcels along Quay Street, as detailed therein, recommending referral to Plan Commission. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned quit claim deed (09-050) to combine various City parcels along Quay Street and South Lakeview Drive, as detailed therein, recommending referral to Plan Commission. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets and Sanitation Committee returned utility easement (09-059) from City of Manitowoc for utility purposes for the existing watermain on Vits Dr. extended, west of Silver Creek and along the potential future right-of-way for Fessler Dr., recommending referral to Plan Commission. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing Committee returned application 47A for "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license; application 3 & 5 for Commercial Garbage Haulers License; application 73-74 for 2008-09 One Year Operator's license; 366-368 for 2008-10 Two Year Operator's license; application 1 for Stock Car Races, Racing Exhibitions, Etc. permit; recommending granting the various communications/licenses, as shown on the committee's report. Motion by Graunke, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing Committee returned application 367 for 2008-10 Two Year Operator's license, recommending denial of the license based upon the recommendations from the Chief of Police or designee. Motion by Graunke, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned General City Claims (09-067) in the amount of \$8,562,776.03 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 Nickels, second by Geigel, report accepted. Ayes, 9. Nays, none.

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111

Upon motion by Nickels, second by Geigel, Common Council unanimously adjourned at 8:12 o'clock P.M.
Ayes, 9. Nays, none.

Respectfully submitted

Jennifer Hudon
City Clerk

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