

COMMON COUNCIL

OFFICIAL JOURNAL

Kevin M. Crawford, Mayor

April 6, 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, April 6, 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, Justin M. Nickels, Raymond T. Geigel and Thomas M. Frieder.

Absent: Alderpersons Dean Graunke and Lee D. Thennes.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of March 16, 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 April 6, 2009 Common Council agenda.

Mayor then presented a proclamation to Augie Krieser proclaiming the week of April 12th through April 19th, 2009 as Paralyzed Veterans of American (PVA) Awareness Week in the City of Manitowoc and encourage the citizens to honor our paralyzed veterans.

Mayor then presented a proclamation to Recreation and Parks Director Joe McLafferty proclaiming Friday, April 24, 2009 as Arbor Day in the City of Manitowoc and urging all citizens to support efforts to care for our community forest and to support our city's community forestry program and further urging all citizens to plant trees, take care of our existing forest and promote present and future tree care.

Resolution (09-207) in support for State of Wisconsin Energy Independence Goals for 2025 and to submit to the Wisconsin Office of Energy Independence for a grant to create an Energy Independent Community 25x25 Plan, was referred to Committee of the Whole.

Streets and Sanitation Committee returned special events request (09-164) from First Candle representatives to hold the 1st Annual Travis William Bubolz Memorial Day motorcycle ride to benefit SIDS research on July 11, 2009, as detailed therein, recommending granting of request with only 15th Street to be closed (not Clark St.), and organizers of event be responsible for picking up needed equipment from DPW, and payment be made for any charges at pick-up time. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 8. Nays,

none.

Mayor submitted the following committee appointment and requested Council confirmation:

Expo Grounds & Market Analysis Committee	Term
Karen Szyman, Chamber of Commerce Repr. (Pl. of Betsy Alles)	Indefinite

Moved by Nickels, second by Geigel and unanimously carried to confirm the Mayor's appointments. Ayes, 8.

Nays, none.

Mayor submitted the following committee reappointments and requested Council confirmation:

Zoological Board	Term
Roy Berres	One year term expiring 6/1/09
Doug Koch	One year term expiring 6/1/09
Edward Vetting	One year term expiring 6/1/09
Richard Krumel (Izaak Walton League Repr.)	Two year term expiring 6/1/10
Al Hrudka (Fish & Game Protection Repr.)	Two year term expiring 6/1/10

Moved by Nickels, second by Geigel and unanimously carried to confirm the Mayor's appointments. Ayes, 8.

Nays, none.

Business Manager Mike Huck spoke relative to the American Recovery and Reinvestment Act Incentives/Manitowoc projects and activities and answered questions.

Ordinance (09-187) amending Sections 1.03(1) and (7) of the Municipal Code regarding location of voting places, was referred to Public Utilities & Licensing Committee.

Ordinance (09-188) amending Section 13.03(3)(b) of the Municipal Code correcting the reference to a section of the state statutes regarding commercial garbage haulers, was referred to Public Utilities & Licensing 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 resolution (09-207) in support for State of Wisconsin Energy Independence Goals for 2025 and to submit to the Wisconsin Office of Energy Independence for a grant to create an Energy Independent Community 25x25 Plan, recommending adoption of resolution. Motion by Nickels, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Committee of the Whole returned communication (09-199) from Koenig & Vits giving official notification that they will be engaging in a business closure/mass layoff at its plant located at 2015 Mirro Drive beginning May 18, 2009

through July 31, 2009, recommending placing on file. Motion by Nickels, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Finance Committee returned report (09-189) of City Planner David Less that the terms of Note1 have been satisfied relative to Promissory Note effective 3/5/04 in the amount of \$560,000 between City, Wis. Dept. of Commerce and Shipbuilders of Wisconsin, recommending acceptance of report and place on file. Motion by Brey, second by Nickels, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Parks & Recreation Committee returned report (09-193) of Board of Public Works of March 25, 2009, regarding bids received for Manitowoc Family Aquatic Center, Project WB-09-16R, recommending acceptance of bid to be awarded to Quasius Construction in the amount of \$2,852,864.00. (*Includes base bid of \$2,621,126.00 plus all alternates 1 through 6, totalling \$2,852,864.00*). Motion by Geigel, second by Able and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Parks & Recreation, Streets & Sanitation and Public Utilities & Licensing Committees returned communication (09-200) from Pete Honzik, Acoustic Fest, requesting use of Washington Park, Metro Stage, waiver of rules prohibiting alcohol in the park, closure of So. 12th St., and use of various equipment, as in the past, on Saturday, July 18, 2009, jointly recommending granting of request according to current City policy. Motion by Geigel, second by Able and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Parks & Recreation Committee returned grant agreement (09-203) for financial assistance from the Recreational Trails Act Program for Red Arrow Beach Park Dune & Trail Reconstruction project in the amount of \$38,185.00, recommending acceptance of report and enter into the grant agreement. Motion by Geigel, second by Able and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Parks & Recreation Committee returned communication (09-206) from Patricia Kohlman, Manitowoc County TEA Coordinator, to hold a TEA Party in Washington Park on April 15, 2009, from 5:00 p.m. to 7:30 p.m., as detailed therein, recommending granting of request according to current City policy. Motion by Geigel, second by Able and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Public Property & Safety Committee returned ordinance (09-183) creating section 14.321 of the Municipal Code regulating chronic nuisance properties in the City of Manitowoc, recommending adoption of ordinance as amended. Motion by Sitkiewitz, second by Sieracki, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Public Property & Safety and Streets & Sanitation Committees returned special events request (09-198) from American Legion Post 88 requesting the closure of Jay Street from S. 8th St. to the west until 813 Jay St. on Saturday, July 18, 2009, for their 2nd Annual Pig Roast, jointly recommending granting the request per City policy. Motion by Sitkiewitz, second by Sieracki, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Public Property & Safety and Streets & Sanitation Committees returned ordinance (09-106) to create Section 10.1015 of the Manitowoc Municipal Code regulating parking for the purposes of street sweeping from April 1st thru September 30th of each year, jointly recommending adoption of ordinance. Motion by Geigel, second by Frieder, and carried by acclamation to accept the Committee's report. Ayes, 6. Nays, 2.

Public Property & Safety Committee returned agreement (09-184) to provide ambulance services to the Village of Kellnersville for the period from January 1, 2009, through December 31, 2011, recommending entering into agreement. Motion by Sitkiewitz, second by Sieracki, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Public Property & Safety Committee returned request (09-197) from Dir. of Public Works/City Engineer Valerie Mellon to relocate the parking spaces for the two bridge tenders to the City Hall parking lot, as detailed therein, with sketch attached, recommending approval of request and place on file. Motion by Sitkiewitz, second by Sieracki, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Public Utilities & Licensing Committee returned ordinance (09-187) amending Sections 1.03(1) and (7) of the Municipal Code regarding location of voting places, recommending adoption of the ordinance and place on file. Motion by Geigel, second by Able, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 8. Nays, none. Motion by Geigel, second by Able, report accepted and ordinance adopted. Ayes, 8. Nays, none.

Public Utilities & Licensing Committee returned ordinance (09-188) amending Section 13.03(3)(b) of the Municipal Code correcting the reference to a section of the state statutes regarding commercial garbage haulers, recommending adoption of ordinance and place on file. Motion by Geigel, second by Able, and unanimously carried to suspend the rules to take immediate action on this ordinance. Ayes, 8. Nays, none. Motion by Geigel, second by Able, report accepted and ordinance adopted. Ayes, 8. Nays, none.

Public Utilities & Licensing Committee returned communication (09-140) from Eastern Wisconsin Stock Cars asking for an extension of beer sales to 12:00 midnight on race dates, recommending granting of request for September 4th and 5th according to current City policy. Motion by Geigel, second by Able, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Public Utilities & Licensing Committee returned communication (09-139) from Eastern Wisconsin Stock Cars asking the City of Manitowoc for a racing permit for the 2009 race season and extension of the noise ordinance to 10:45 p.m. with a grace period of 15 minutes to 11:00 pm. on race dates per attached schedule, recommending granting of request according to current City policy. Motion by Geigel, second by Able, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Streets & Sanitation and Parks and Recreation Committees returned communication (09-201) from Larry's Piggly Wiggly requesting permission to hold the 3rd Annual Pig-to-Pig Walk, between the Piggly Wiggly stores in Manitowoc

and Two Rivers, on Saturday, September 12, 2009, utilizing the Mariner's Trail, jointly recommending granting of request according to current City policy. Motion by Geigel, second by Able, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Streets & Sanitation and Parks & Recreation Committees returned communication (09-196) from Drews-Bleser Post No. 88 requesting permission to use certain streets for the annual Memorial Day Parade on Monday, May 25, 2009, beginning 9:00 a.m. and in case of inclement weather, the use of the Citizen Park Building for the ceremonies, jointly recommending granting according to current City policy. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Streets & Sanitation, Parks & Recreation and Public Property & Safety Committees returned communication (09-185) from Manitowoc-Two Rivers Area YMCA requesting permission to hold the YMCA Race Festival on Saturday, August 22, 2009, from 7:00 a.m. until 11:00 a.m., and requesting traffic control, the use of various City streets and equipment, as detailed therein, jointly recommending granting according to current City policy. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Streets & Sanitation Committee returned amendment to Joint Construction Agreement (09-204) between City and County of Manitowoc for the purpose of joint construction work on Cty. Trk. Hwy. CR between Viebahn and Dewey Street, recommending entering into agreement. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Streets & Sanitation Committee returned public works petition (09-190) from Steven K. Notz for permanent paving, sidewalks, storm and sanitary sewers, water, electric and other public utilities to be installed on property abutting on So. 19th Street, as described therein, and shown on the attached map, recommending referral to Plan Commission. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Streets & Sanitation Committee returned quit claim deed (09-191) from Steven K. Notz and Isaac D. Notz for a parcel of land containing 0.49 acres more or less, to be used for South 19th Street purposes, as described therein and shown on the attached sketch, recommending referral to Plan Commission. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Streets & Sanitation Committee returned development agreement (09-192) signed by Steven K. Notz and Isaac D. Notz, vendor and vendee of a recorded land contract for property located in the Town of Manitowoc, recommending referral to Plan Commission. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Public Utilities & Licensing Committee returned communication (09-202) from Kwik Trip #636, 2819 Meadow Lane, advising that the corporation has made a change of agent to Phillip J. Hamm, effectively immediately; communication (09-137) from Champs of Manitowoc, LLC, Allen Kubsch, Agent, surrendering the tavern license for 807

Quay Street in favor of PhoolFoz Properties, LLC, Allan Lee Erickson, Agent, effective upon granting of license and issuance; application 27A for "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license; application #3 for Mobile Home Park license; application #42 for Temporary Operator's license; applications #403-406 & 408 for 2008-10 Two Year Operator's license; applications #1-6 for 2009-2011 for 2009-2011 Two Year Operator's license; application #2 for Stock Car Races, Racing Exhibitions, Etc. Permit; recommending acceptance of communications (09-202) and (09-137) and granting the various licenses, as shown on the committee's report. Motion by Geigel, second by Able, and unanimously carried to accept the Committee's report. Ayes, 8. Nays, none.

Committee of the Whole returned General City Claims (09-208) in the amount of \$1,488,090.95 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, 8. Nays, none.

Moved by Alderperson Nickels, seconded by Alderperson Geigel, and unanimously carried, Common Council adjourned at 8:10 o'clock P.M.

Respectfully submitted

Jennifer Hudon
City Clerk