

COMMON COUNCIL

OFFICIAL JOURNAL

Kevin M. Crawford, Mayor

April 20, 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 20, 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 7:03 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, Thomas M. Frieder and Lee D. Thennes.

Absent: None.

Pledge of Allegiance.

Invocation.

Minutes of the regular session of April 6, 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 20, 2009 Common Council agenda.

Mayor Crawford presented an Award of Valor to Patrol Officer Jason R. Delsman of the Manitowoc Police Department.

Mayor Crawford presented an Award of Valor to Manitowoc County Deputy Sean Littlefield.

Mayor Crawford presented plaques to the Alderpersons Thomas Frieder, Lee D. Thennes and Rick Sieracki for their years of service on the Manitowoc Common Council.

County Executive Bob Ziegelbauer presented a plaque to Alderperson Thomas Frieder for his many years of service on the Manitowoc Common Council.

Council President Lee D. Thennes presented a plaque to Mayor Kevin M. Crawford for his many years of service as Mayor of the City of Manitowoc.

Resolution (09-216) requesting modification to Governor Doyle's proposed biennial state budget, AB 75, to ensure that all government activities that are exempt from federal prevailing wage requirements also be exempt from state requirements, was referred to Finance Committee.

Resolution (09-217) relative to funding solutions for local infrastructure needs in light of 18 years of frozen shared revenue aids and state's own fiscal condition, was referred to Finance Committee.

Resolution (09-218) urging governor and Legislature to exempt all grants from the limits of the Expenditure Restraint Program and establish a 3% floor on the inflation factor as well as allowing non-property tax sources of revenue for local governments in Wisconsin, as detailed therein, was referred to Finance Committee.

Mayor submitted the following committee appointment and requested Council confirmation:

**Maritime Metro Transit Transportation Dev.
Program Review Committee**

Linda Schultz
Molly Burke, Mtwc. Co. Mobility Manager
(Pl. Tara Meissner)

Term
Indefinite

Indefinite

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

Ordinance (09-221) to amend Chapter 3 of Municipal Code regarding Police and Fire Commission, were referred to Public Property & Safety 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 report (09-226) of City Plan Commission advising Council of their recommendation encouraging Michael and Susan Jinks, 5100 W. Custer St., to file a Petition for Direct Annexation into the City of Manitowoc, recommending acceptance of report and place on file. Motion by Thennes, second by Nickels, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned communication (09-238) from City Clerk/Deputy Treasurer Jennifer Hudon to rescind the 2008 personal property tax for parcel no. 000-917-568 due to a palpable error, recommending rescinding the 2008 taxes in the amount of \$11,577.13. Motion by Brey, second by Thennes, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks & Recreation Committee returned report (09-232) of Board of Public Works of April 15, 2009, regarding bids received for Red Arrow Park - Beach Erosion Control, Project WS-09-12, recommending awarding to low bidder, K & L Construction, Inc. in the amount of \$21,519.00 plus Alternate #2, \$3,750.00. Motion by Geigel, second by Able and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety Committee returned communication (09-033) from Tony Bugarino relative to purchase of strip of City land adjacent to 2204 Washington St., report (09-228) of City Plan Commission recommending that the

City Attorney be authorized to negotiate with Mr. Bugarino and prepare a ground lease for that portion of the So. 22nd Street right-of-way upon which the private encumbrances are located, recommending acceptance of report (09-228) and adoption of recommendations and place communication (09-033) on file. Motion by Sitkiewitz, second by Sieracki, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety Committee returned report (09-241) of City Planner David Less regarding prior authority to purchase property located east of So. Parkview Rd. and adjacent to Camp Vits, recommending acceptance of report and adoption of recommendations. Motion by Sitkiewitz, second by Sieracki, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety Committee returned ambulance service agreement (09-213) with Eastern Wisconsin Stock Car, Inc. for the period May 1, 2009 through September 5, 2009, recommending entering into agreement. Motion by Sitkiewitz, second by Sieracki, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety Committee returned ambulance service agreement (09-214) with Metz Martial Arts Academy for May 2 -3, 2009, recommending entering into agreement. Motion by Sitkiewitz, second by Sieracki, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety Committee returned report (09-233) of Board of Public Works of April 15, 2009, regarding bids received for Senior Center HVAC, Project, WB-09-13, recommending awarding to low bidder, Schaus Roofing & Mechanical Contractors, in the amount of \$77,870.00. Motion by Sitkiewitz, second by Sieracki, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned request (09-223) from Charcoal Grill for extension of their liquor license to cover a portion of their parking lot for October Fest event on September 26, 2009 from 11:00 am to 5:00 pm, as detailed therein, with sketch attached, recommending granting according to current City policy. Motion by Thennes, second by Graunke, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned statement of board of canvassers (09-219) of municipal election returns of the April 7, 2009, Spring Election, recommending acceptance and place on file. Motion by Thennes, second by Graunke, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned statement of board of canvassers (09-220) of municipal election returns for Mayor of the recount of the April 7, 2009 Spring Election, recommending acceptance and place on file. Motion by Thennes, second by Graunke, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned communication (09-195) from Bartow Builders requesting an option of 10 years to pay back the street assessments from the improvements scheduled to take place in 2009 for Executive Estates Subdivision No. 7 due to the economic times, recommending referral to Board of Public Works with Streets

Committee in support of Mr. Bartow's request. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (09-229) of City Plan Commission authorizing issuance of special permit for the construction of a fixed animated sign at Kwik Trip's property at 2819 Meadow Lane, as detailed therein, recommending acceptance of report and place on file. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (09-212) of the Board of Public Works of April 15, 2009, recommending 3rd and final payment to Vinton Construction in the amount of \$12,275.10 for 2008 Storm Sewer/Storm Drainage Way Repairs, Project WU-08-14, recommending payment. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (09-234) of Board of Public Works of April 15, 2009, regarding bids received for 2009 Asphaltic Concrete Paving, Project WS-09-4, recommending awarding to low bidder, Vinton Construction Company in the amount of \$389,600.99. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (09-231) of Board of Public Works of April 15, 2009, regarding quotes received for two new 2009 1-ton single rear wheel, regular cab 4x4 pick up trucks with plows for Dept. of Public Works, Project, QE-09-5, recommending placing on file. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned temporary construction agreement (09-222) from Shipbuilders of Wisconsin, Inc. relative to the 2009-10 Reconstruction of the Revere Drive viaduct, recommending approval. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (09-235) of Board of Public Works of April 15, 2009, regarding quotes for ready-mixed concrete for 2009 construction season, Project QM-09-7, recommending awarding to low bidder, Carew Concrete & Supply Co., Inc. in the amount of \$131,300.00. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. 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, and report (09-224) of City Plan Commission recommending Council approve and accept the agreement, recommending acceptance of report (09-224) and place on file and enter into agreement (09-192). Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. 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, and report (09-225) of City Plan Commission recommending approval of the deed and easement, recommending acceptance of report (09-225) and place on file and acceptance of deed (09-191). Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned quit claim deed (09-237) from City of Manitowoc for .457 acres for So. 42nd Street purposes, recommending acceptance of deed. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (09-227) of City Plan Commission authorizing issuance of special permit for the construction of a fixed animated sign at Kwik Trip's property at 910 Hamilton/1137 So. 10th Street, as detailed therein, recommending acceptance of report and place on file. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. 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 acceptance of petition. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (09-230) of City Plan Commission authorizing issuance of special permit for the construction of a fixed animated sign at Kwik Trip's property at 401 N. 8th Street, as detailed therein, recommending acceptance of report and place on file. Motion by Frieder, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned side letter of agreement (09-215) to the 2007-09 Labor Agreement between City of Manitowoc and City of Manitowoc Employees Local 731, AFSCME AFL-CIO, recommending entering into side letter of agreement. Motion by Nickels, second by Graunke, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned application 5 for beer and 2 for wine for Temporary Class "B" Retail Fermented Malt Beverage license; application #2 for 2009-10 One Year Operator's license; applications #7-16 for 2009-2011 Two Year Operator's license; applications #409-415 for Two Year Operator's license; recommending granting the various licenses, as shown on the committee's report. Motion by Thennes, second by Graunke, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Committee of the Whole returned General City Claims (09-211) in the amount of \$5,798,758.74 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 Thennes, second by Nickels, report accepted. Ayes, 10. Nays, none.

Moved by Alderperson Thennes, seconded by Alderperson Nickels, and unanimously carried, Common Council

adjourned sine die at 8:17 o'clock P.M.

Respectfully submitted

Jennifer Hudon
City Clerk

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