

**COMMON COUNCIL****OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

May 4, 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, May 4, 2009. 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, 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 20, 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 May 4, 2009 Common Council agenda.

County Clerk Jamie Aulik and County Board Supervisor, District 10, Don Markwardt presented a proclamation to City Clerk Jennifer Hudon and Deputy City Clerk Deborah Neuser recognizing that Aldermanic District 10 in the City of Manitowoc had the highest percentage of voter turnout in both elections in 2009.

Mayor Nickels presented Award of Congratulations to Maria Crass, Service League President, and Mary Jane Nickels, Service League Associate Member, for the League's 80 years of service and dedication to our community.

Mayor Nickels presented proclamation to Police Chief Oscar Dick observing May 15, 2009 as Peace Officers' Memorial Day and the week of May 10 - 16, 2009 as Police Week.

Mayor submitted the following committee appointments and requested Council confirmation:

**2009 Board of Review:** J. Brey, E. Sitkiewitz, R. Geigel, D. Soeldner, D. Graunke, C. Able (Alternate), J. Hennessey (Alternate), N. Levendusky (Alternate) and J. Sladky (Alternate).

Moved by Sitkiewitz, second by Graunke and unanimously carried to confirm the Mayor's appointments. Ayes, 9. Nays, none.

Mayor submitted the following 2009-10 Standing Committee appointments and requested Council confirmation:

**FINANCE**

James Brey, Chr.  
 Christopher Able, Co-Chr.  
 Dean Graunke  
 Eric Sitkiewitz  
 Jill Hennessey

**PUBLIC PROPERTY AND SAFETY**

Eric Sitkiewitz, Chr.  
 James Brey, Co-Chr.  
 Nicholas Levendusky  
 Jill Hennessey

**STREETS AND SANITATION**

Dave Soeldner, Chr.  
 Raymond Geigel, Co-Chr.  
 James Brey  
 Nicholas Levendusky  
 Jason Sladky

**PARKS AND RECREATION**

Raymond Geigel, Chr.  
 Dean Graunke, Co-Chr.  
 Dave Soeldner  
 Nicholas Levendusky  
 Jason Sladky

**PUBLIC UTILITIES AND LICENSING**

Dean Graunke, Chr.  
 Dave Soeldner, Co-Chr.  
 Christopher Able  
 Jason Sladky

**PERSONNEL**

Christopher Able, Chr.  
 Eric Sitkiewitz, Co-Chr.  
 Raymond Geigel  
 Jill Hennessey

Moved by Sitkiewitz, second by Graunke, and unanimously carried to confirm the Mayor's appointments. Ayes,

9. Nays, none.

Mayor submitted the following Council representative appointments for the term of April 21, 2009, through April 19, 2010, and Weed Commissioner appointments, and requested Council confirmation:

**CODE REVIEW COMMITTEE (Sec. 3.32)**

Chair-Public Utilities & Licensing  
 Member, Streets & Sanitation

Dean Graunke  
 Jason Sladky

**BOARD OF PUBLIC WORKS (Sec. 3.07)**

Chair-Streets & Sanitation  
 Co-Chair-Streets & Sanitation

Dave Soeldner  
 Raymond Geigel

**RAHR-WEST ART MUSEUM BOARD (Sec. 3.12)**

One Council Member

Christopher Able

**RECREATION BOARD (Sec. 3.11)**

Chair, Parks & Recreation

Raymond Geigel

**SAFETY, TRAFFIC, PARKING COMMISSION (Sec. 3.13)**

Chair, Public Property & Safety

Eric Sitkiewitz

**ZOOLOGICAL BOARD (Sec. 3.17)**

Co-Chair, Parks & Recreation

Dean Graunke

**BOARD OF HARBOR COMMISSIONERS (Sec. 3.04)**

Member, Public Utilities & Licensing

Jason Sladky

**PUBLIC UTILITIES COMMISSION (Sec. 3.06 & 12.01)**

Chair-(Public Utilities & Licensing)

Dean Graunke

**CITIZENS PHYSICAL & SENSORY DISABILITY COMMISSION (Sec. 3.15)**

Council Representative

(District 2 Alderperson)

**WASTEWATER TREATMENT PLANT BOARD (Sec. 3.10)**

Co-Chair, Streets & Sanitation	Raymond Geigel
<b>MANITOWOC CRIME PREVENTION COMMITTEE (AD HOC)</b> Council Representative	Jill Hennessey
<b>MANITOWOC INDUSTRIAL DEVELOPMENT CORPORATION</b> (Sec. 3.14 - Two Council Members) Council Representative Council Representative	James Brey Dave Soeldner
<b>ETHICS BOARD [Sec. 3.80(4)]</b> One Council Representative	Eric Sitkiewitz
<b>COMMUNITY DEVELOPMENT AUTHORITY (Sec. 3.16)</b> 2 Council Members appointed by Mayor Council Representative Council Representative	Christopher Able (District 2 Alderperson)
<b>CABLE TELEVISION COMMISSION (Sec. 27.27)</b> Chair-Public Utilities & Licensing	Dean Graunke
<b>TAX INCREMENTAL FINANCING PROJECT REVIEW COMMITTEE</b> Chair-Finance Committee	James Brey
<b>CITIZENS ADVISORY COMMITTEE (Sec. 3.33)</b> Council Representative	Christopher Able
<b>CEMETERY COMMISSION (Sec. 3.20)</b> Member, Streets & Sanitation Committee	Raymond Geigel
<b>DIVERSITY ADVISORY COUNCIL (AD HOC)</b> Council Representative	Dave Soeldner
<b>MUNICIPAL TREE COMMISSION</b> Member Parks & Recreation Committee	Nicholas Levendusky
<b>WEED COMMISSIONERS</b>	Randall Junk 1 year term expiring 4/30/10 Chad Scheinoha 1 year term expiring 4/30/10

Moved by Alderperson Sitkiewitz, seconded by Alderperson Graunke, and unanimously carried to confirm the Mayor's appointments. Ayes, 9. Nays, none.

Moved by Alderperson Geigel, seconded by Alderperson Soeldner, to nominate Alderperson James Brey as the Council member to serve on the City Plan Commission for the ensuing one year term from April 21, 2009, through April 19, 2010.

It was then moved and unanimously carried to close nominations and cast a unanimous ballot for Alderperson Brey. Ayes, 9. Nays, none. Mayor declared Alderperson James Brey elected to serve on the Plan Commission.

Mayor submitted the following appointment and requested Council confirmation:

**City Plan Commission**  
Mayor Justin M. Nickels

**Term**  
Indefinite

Moved by Sitkiewitz, second by Soeldner and unanimously carried to confirm the Mayor's appointment. Ayes, 9. Nays, none.

Upon recommendation of Council President Eric J. Sitkiewitz, it was moved by Sitkiewitz, second by Soeldner to nominate Alderperson Jill Hennessey to serve as the Council representative on the Performance Evaluation Review Committee (PERC) for the current term ending May 3, 2010. There being no other nominations, it was moved and unanimously carried to close nominations and cast a unanimous ballot for Alderperson Hennessey. Ayes, 9. Nays, none.

Resolution (09-249) to install one ornamental streetlight in the 4000 block of Ellis Street, was referred to Public Utilities and Licensing Committee.

Ordinance (09-269) to create section 14.07 of the Manitowoc Municipal Code regulating underage possession and consumption of alcohol at private residences located in the City, was referred to Public Property & Safety Committee.

Ordinance (09-271) to amend Section 7.285(2) regarding the ten year installment plan payments for special assessments, 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.

Committee of the Whole returned petition (09-264) for direct annexation from Michael A., Susan N. and Jennifer E. Jinks, 5100 W. Custer St., for annexation of a 1.09 acre parcel of land abutting W. Custer St., as described therein and shown on the attached map, recommending referral to Plan Commission. Motion by Sitkiewitz, second by Graunke, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned communication (08-513) from Donald Vogt submitting an ethics complaint against the Mayor and Common Council, recommending placing on file. Motion by Sitkiewitz, second by Graunke, and

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

Finance Committee returned summons and complaint (08-616) Wisconsin Housing and Economic Development Authority vs. Dehne and City of Manitowoc, Case No. 08 CV 732, recommending placing on file. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned memorandum (09-270) from Recreation and Parks Director to purchase a television for the Manitowoc Senior Center out of the Senior Center Trust Fund account, recommending purchase of the TV for the Manitowoc Senior Center with funds from the designated Senior Center Trust Fund 2840-00000-322900. Motion by Geigel, second by Graunke and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned report (09-262) of Board of Public Works of April 29, 2009 of bids received for the Aquatic Center CCTV Security System, Project WB-09-17, recommending granting of bid to Specht Electric and Communications in the amount of \$18,595.81. Motion by Geigel, second by Graunke and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned memorandum (09-256) from Recreation and Parks Director with Special Events Request attached from New Life/Iglesia De Cristo Piedras Vivas, Hispanic Church to use Washington Park and Metrostage on August 1, 2009, for a religious event, 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, 9. Nays, none.

Parks and Recreation Committee returned memorandum (09-257) from Recreation and Parks Director recommending approval for Amvets Post 99 to use Washington Park and Metrostage on May 25, 2009 for a Memorial Day community picnic, waiving the \$50.00 fee for rental of the bandshell and a waiver of rules prohibiting alcohol beverages to be consumed in the park, recommending granting of the Wenger bandshell according to current City policy. Motion by Geigel, second by Graunke and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Parks and Recreation Committee returned memorandum (09-246) from Recreation and Parks Director recommending approval for New Life Christian Church to hold a National Day of Prayer at noon on May 7, 2009 at Washington Park, 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, 9. Nays, none.

Parks and Recreation Committee returned memorandum (09-255) from Recreation and Parks Director with Special Events Request attached from Wisconsin Aluminum Foundry to use Silver Creek Park for their 100 year

anniversary party on July 19, 2009 from 2:00 p.m. to 8:00 p.m. and a waiver of rules prohibiting alcohol beverages to be consumed in the park, recommending granting request according to current City policy. Motion by Geigel, second by Graunke and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property & Safety Committee returned special events request (09-243) for an extension of the noise ordinance until midnight during the weekend of September 18-20, 2009, for Wagner's Customer Appreciation Campout at the Expo Grounds, recommending granting of request per City policy. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property & Safety Committee returned agreement (09-252) for management services relative to 2009 Farmers' Market, recommending entering into agreement. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property & Safety Committee returned agreement (09-272) to hold harmless, waiver of liability and assumption of risk of the City of Manitowoc to Manitowoc County with respect to the City Police and Firefighting training on County property located at Manitowoc, Wisconsin, recommending entering into agreement. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Property & Safety Committee returned ordinance (09-221) to amend Chapter 3 of Municipal Code regarding Police and Fire Commission, recommending adoption of ordinance. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing Committee returned resolution (09-249) to install one ornamental streetlight in the 4000 block of Ellis Street, recommending adoption of the resolution. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned easement (09-175) from Aurora Medical Group, Inc. for the Dewey Street/County CR Project for utility and traffic signal purposes, recommending acceptance and place on file. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned supplemental agreement (09-263) Amendment #1 with OMNNI Associates for professional services for Dewey Street Corridor Traffic Study dated March 2, 2009, recommending amending contract to OMNNI in the amount of \$12,200.00. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned communication (09-267) from Keith Gauthier requesting an adaptive reuse conditional use permit for Clarkbridge Hall located at 1402 Clark St., formerly the "Old Vocational School",

recommending referral to Plan Commission. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned communication (09-240) from SMI on behalf of Merwynn Trade Group LLC requesting temporary access easement on right-of-way east of and adjacent to So. 39th St. and south of and adjacent to Dewey St., recommending granting temporary easement. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9 Nays, none.

Streets & Sanitation and Parks and Recreation Committees returned special events request (09-245) from Two Rivers Main Street to hold their 9th Annual Cool City Classic Car Show and Cruise Night on Friday, June 26th beginning at Silver Creek Park at 4:00 p.m. and proceeding along the route indicated on the enclosed map to the City of Two Rivers, jointly recommending granting request consistent with City policy. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing Committee returned communication (09-205) from Amvets Post 99 requesting the use of wristbands in place of fencing off the beer tent for their Memorial Day picnic, as detailed therein; communication (09-268) from Manitowoc Lodging Associates LLP, 101 Maritime Dr., advising that the corporation has made a change of agent to Howard D. Silverstein, effective immediately; applications #17-32 for 2009-2011 Two Year Operator's license; applications #416-421 for 2008-10 Two Year Operator's license; recommending acceptance of communication (09-268), approving communication (09-205) and 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, 9. Nays, none.

Public Utilities & Licensing Committee returned application 407 for 2008-10 Two Year Operator's license, with minority report recommending denial of the license, based upon the recommendations from the Chief of Police or designee. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Committee of the Whole returned General City Claims (09-273) in the amount of \$750,960.70 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, 9. Nays, none.

Moved by Alderperson Sitkiewitz, seconded by Alderperson Graunke, and unanimously carried, Common Council adjourned at 8:03 o'clock P.M.

Respectfully submitted

Jennifer Hudon

City Clerk