

## COMMON COUNCIL

### OFFICIAL JOURNAL

Justin M. Nickels, Mayor

July 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, July 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 Justin M. Nickels called the meeting to order at 7:02 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.

Mayor welcomed leaders and members of Boy Scout Troop #939, who were working on their citizenship badge.

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

Report by Tom Karman, Schenck & Associates, on Comprehensive Annual Financial Report for City of Manitowoc.

Presentation by Kyle Belott of R. A. Smith National, Inc. on GIS Needs and Assessment Plan.

Resolution (09-418) regarding withdrawal from post-employment health plan for Manitowoc Professional Police Association Local No. 20, was referred to Personnel Committee.

Mayor submitted the following appointments and requested Council confirmation:

Citizens Advisory Committee

Shirley Daugs

(Pl. of J. Balma)

Kathy Behnke

(Pl. of T. Hacker)

Linda Blahnik

(Pl. of B. Johnsrud)

Term

Unexpired term ending 6/1/10

Unexpired term ending 6/1/10

Unexpired term ending 6/1/10

Harbor Commission

Peter C. Allie

(Pl. of B. Brennan)

Jack Culley

(Pl. of D. Ross)

Lee H. Kummer

(Pl. of D. D'Aoust)

Term

Unexpired term ending 6/1/10

Unexpired term ending 6/1/11

Unexpired term ending 6/1/12

Rahr-West Art Museum Board  
Jeffrey R. Kuklinski  
(Pl. of S. Shellman)

Term

3 yr. term ending 6/1/12

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

Ordinance (09-419) amending Section 16.35(b) Fences and Hedges, was referred to Public Property and Safety.

Ordinance (09-422) creating Sections 10.061(26m)(c) and Section 10-065 of the Municipal Code relative to a stop sign in the alley between Park Row Boulevard and North 21st Street was referred to Public Property and Safety.

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.

Parks & Recreation Committee returned request (09-393) from Manitowoc Public School District to amend contract dated August 17, 1998, in order to rename Municipal Field to "Ron Rubick Municipal Field", with a minority report recommending not granting request to change the name to Ron Rubick Municipal Field. Motion by Geigel, second by Graunke, to accept the Committee's report. Ayes, 3. Nays, 7. Motion failed.

Motion by Brey, second by Able, to reconsider request (09-393) from Manitowoc Public School District to amend contract dated August 17, 1998, in order to rename Municipal Field to "Ron Rubick Municipal Field". Ayes, 7. Nays, 3. Motion carried to reconsider the request.

Motion by Brey, second by Able to grant the request to rename Municipal Field to "Ron Rubick Municipal Field". Ayes, 7. Nays, 3. Motion carried.

Finance Committee returned communication (09-332) from Recreation & Parks Director Joe McLafferty requesting the use of room tax money to upgrade the Washington Park sign, and report (09-424) of City Plan Commission recommending that the Council issue a special permit for the animated sign, as detailed therein, recommending placing communication (09-332) on file and acceptance of report (09-424) and place on file. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned notice of injury/claim for damages (09-400) of Hannah Braun-Allen of July 1, 2009

to City of Manitowoc, et al, Claim No. 09-1025, recommending denial of the claim. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned communication (09-417) from City Assessor Sarah Hoppe requesting that 2008 personal property taxes for parcel 000-917-626 be rescinded, recommending refunding the amount of \$537.40. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned communication (09-394) from County Treasurer Cheryl M. Duchow enclosing public notice of tax foreclosure In Rem 2009 for properties located in the City of Manitowoc, and report (09-428) recommending that the communication from Manitowoc County be placed on file, and that no further action be taken regarding the properties identified therein, recommending placing communication (09-394) on file and acceptance of report (09-428) and place on file. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks & Recreation Committee returned lease agreement (09-395) between City of Manitowoc and Rollaire Skate Center LLC for property at 930 N. 18th Street, recommending entering into agreement and place on file. Motion by Geigel, second by Graunke and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Parks & Recreation and Streets & Sanitation Committees returned special events request (09-328) from Liz Becker, Carol Rose Wester Memorial Walk/Run, requesting to hold a walk/run event on Saturday, August 15, 2009, starting and ending at Red Arrow Park as well as various street closures, as detailed therein, jointly recommending granting according to current City policy with a waiver off half the fees. Motion by Geigel, second by Graunke and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety and Finance Committees returned memo (09-414) from Dir. of Building Inspection/Facilities Manager, Jim Muenzenmeyer, requesting transfer of \$2,800 from the unused 2009 capital funds to replace concrete hazard at Fire Station #3, 3820 Dewey Street, as detailed therein, jointly recommending transfer of \$2,800 from the unused 2009 Capital Funds for the concrete replacement project at Fire Station #3. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety, Parks & Recreation and Streets & Sanitation Committees returned special events request (09-413) from Randy Heinzen, Chr., Lakeshore Weekend, requesting a variance of the sound and beverage ordinance for the annual Lakeshore Weekend event to be held on August 7, 8 & 9, 2009, until 12:00 midnight on Friday & Saturday, and permission to block off the access street to the boat launch north of the YMCA, and the use of various equipment, as detailed therein, jointly recommending granting the request per City policy. Motion by Sitkiewitz, second by Brey, and

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

Parks & Recreation, Streets & Sanitation and Public Utilities & Licensing Committees returned special events request (09-420) of Kiwanis Club of Greater Manitowoc 8/8/09 and 8/9/09 Antique Car Show in Washington Park, jointly 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 & Safety Committee returned report (09-423) of City Plan Commission regarding PC35-2009 Lehman; Proposed Animated Sign at 1440 S. 39 St. Pursuant to Section 15.45(18) of the Manitowoc Municipal Code, with recommendations contained therein, recommending acceptance of report and place on file. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety Committee returned report (09-425) of City Plan Commission regarding PC5-2009: Burgarino; Discussion of Public Right-of-way on South 22nd Street, with recommendations contained therein, 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 & Safety Committee returned report (09-426) of City Plan Commission regarding PC33-2009: Degener/Bartow Builders; Erosion Hazard Area at 1311 Michigan Under Section 15.37(23) of Manitowoc Municipal Code, with recommendations detailed therein, recommending acceptance of report and place on file. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety Committee returned communication (09-375) from Dir. of Public Works/City Engr. Valerie Mellon recommending Council to move forward with bidding the Evergreen Cemetery Chapel project and transferring the funds, and report (09-427) recommending that Council approve the location and design as detailed therein, recommending placing communication (09-375) on file and acceptance of report (09-427) and place on file. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety Committee returned report (09-432) of City Plan Commission regarding PC32-2009: City of Manitowoc; Proposed Land Sale in Manitowoc Industrial Park under s. 62.23(5) Wis. Stats. with recommendations contained therein, recommending acceptance of report and place on file. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety Committee returned communication (09-436) of Christopher Sanchez, 1210 Hamilton Street, expressing concerns for erratic driving and need for more stop signs near his home, recommending referral to Safety, Traffic & Parking Commission. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the

Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned communication (09-377) from Felician Village requesting a conditional use permit to relocate St. Mary's Nursing Home from its current location at 2005 Division St. to a new location at 1635 S. 21st St. and to expand The Court at 1903 Division St, and report (09-430) recommending approval of the CUP subject to conditions contained therein, recommending placing communication (09-377) on file and acceptance of report (09-430) and place on file. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned communication (09-275) from Manitowoc Public School District and Felician Village requesting a change to make So. 21st Street a one-way street going south from Division St. to Grand Ave., recommending denial of request and place on file. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned request (09-025) from Ellen Reinertson to move a home to the corner lot on Pine and N. 9th Streets, and report (09-431), recommending approval of the report and placing the request on file, with no further action required, recommending placing request (09-025) on file and acceptance of report (09-431) and place on file. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned report (09-404) of Board of Public Works of July 1, 2009, regarding bids received for 2009 Tree Planting, Project WS-09-15, recommending awarding to low bidder, Bobbie's Marine Services, LLC in the amount of \$20,916.95. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned communication (09-433) of S. M. I., as representatives of the Doneff Company, owners of Custer Village Apartments, requesting revisions to easements to facilitate construction of new apartment buildings and garages, 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 & Sanitation Committee returned communication (09-401) from Lakeshore Unitarian Universalist Fellowship requesting a conditional use permit to operate a church at 620 Park Street, and report (09-429) recommending approval of the CUP subject to conditions contained therein, recommending placing communication (09-401) on file and acceptance of report (09-429) and place on file. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned First Amendment (09-416) to a contract for services with Kindness Architecture + Planning, Inc. related to 2008 Wisconsin Community Development Block Grant Wisconsin Waterfront Initiative Planning Grant Contract, recommending entering into agreement. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned communication (09-421) of Wayne R. Popp, WRP Properties, LLC requesting a temporary access easement over an unimproved right of way on S. 21st Street, 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 & Sanitation Committee returned communication (09-415) from Wis. Dept. of Commerce giving notice of change in 2008 Wisconsin Community Development Block Grant Wisconsin Waterfront Initiative Planning Grant Contract, recommending acceptance and place on file. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation and Public Property & Safety Committees returned special events request (09-437) from Manitowoc County Special Olympics to hold the 10th annual 5K run/walk at the Manitowoc County Fair on August 25, 2009 at 6:00 p.m., jointly recommending granting request according to City policy. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Personnel Committee returned agreement (09- 434) between City of Manitowoc and City of Manitowoc Public Works Employees, Teamsters Local No. 662 for 2008 and 2009, recommending approval of the contract. Motion by Able, second by Sitkiewitz, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned application #25-26 for 2009-10 Class "A" Retail Fermented Malt Beverage license; #63 for 2009-10 "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage license; #31-32 Near Beer license; #2-4 for 2009-10 Temporary Operator's license; #24-26 for 2009-10 One Year Operator's license; #211-226 for 2009-11 Two Year Operator's license; #3 Stock Car Races, Racing Exhibitions, Etc. Permit; 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, none.

Committee of the Whole returned General City Claims (09-439) in the amount of \$983,301.08 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 Graunke, and unanimously carried, Common Council adjourned at 8:41 o'clock P.M.

Respectfully submitted

Jennifer Hudon  
City Clerk

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