

COMMON COUNCIL

OFFICIAL JOURNAL

Justin M. Nickels, Mayor

October 5, 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, October 5, 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.

City Clerk announced that the various documents have been referred to the appropriate committees as shown on the October 5, 2009 Common Council agenda.

Minutes of the regular session of September 21, 2009, were approved as distributed by the City Clerk.

Mayor presented a proclamation recognizing October 15, 2009, as White Cane Safety Day to Troy Zutz, President of the Lakeshore Visually Impaired Support Group and former president Dan Cornelius and urging all citizens to always drive courteously and to be aware of individuals using white canes and/or support animals.

Mayor presented a proclamation recognizing the month of October, 2009, as National Disability Employment Awareness Month to Terry Cloutier and Tom Kiel and encouraged citizens to participate in events and activities to celebrate the talents and contributions that people with disabilities bring to the workforce.

Resolution (09-580) supporting Assembly Bill 403/Senate Bill 282 to provide relief at the local level due to an unusually large surplus in the State's Local Government Property Insurance Fund, was referred to Committee of the Whole.

Resolution (09-567) authorizing Wisconsin Harbor Assistance Program Grant Application for rehabilitation of a section of the south bank of the Manitowoc River, was referred to Public Utilities & Licensing Committee.

Mayor submitted the following committee appointment and requested Council confirmation:

Police & Fire Commission

Kay Beilke
(Pl. S. Rhodes)

Term

5 Yr. term expiring 4/30/2014

Moved by Sitkiewitz, second by McMeans, and carried by acclamation to confirm the Mayor's appointments. Ayes, 8. Nays, 2.

Ordinance (09-565) to amend Section 7.32 of the Manitowoc Municipal Code relative to assessment for seal coating of streets, was referred to Streets & Sanitation Committee.

Ordinance (09-581) establishing employee residency requirements, was referred to Personnel 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 (09-580) supporting Assembly Bill 403/Senate Bill 282 to provide relief at the local level due to an unusually large surplus in the State's Local Government Property Insurance Fund, recommending adoption of resolution. Motion by Sitkiewitz, second by Graunke, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned notice of claim and claim (08-536) from Darcy & Nathaniel Roethel from September 15, 2008, Claim No. 08-1011, recommending payment of \$831.50. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Finance Committee returned notice of claim and claim (09-340) of GAB Robins on behalf of International Paper Co., as successor to Weyerhaeuser Co. relative to a slip and fall by Patricia Hall, Claim No. 09-1023, recommending denial of the claim. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety Committee returned notice (09-576) from Office of Commissioner of Railroads relative to petition of Fox Valley & Western Ltd. for determination of adequacy of protective devices at grade crossings at So. 14th Street, So. 21st Street, So. 26th Street and S. Water Street, recommending placing 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 offer to purchase agreement (09-585) for property on So. 10th Street for a storm water pond, recommending referral to Plan Commission. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Property & Safety Committee returned ordinance (09-555) to amend, repeal and recreate various sections of Chapter 6 of the Manitowoc Municipal Code, entitled "Fire Department and Fire Protection", recommending adoption of ordinance. Motion by Sitkiewitz, second by Brey, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned resolution (09-567) authorizing Wisconsin Harbor Assistance Program Grant Application for rehabilitation of a section of the south bank of the Manitowoc River, recommending adoption of resolution. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned memorandum (09-582) from Dir. of Public Works/City Engineer Valerie Mellon with revised site plan for the proposed chapel at Evergreen Cemetery, recommending placing on file and authorizing City Engineer to negotiate contract and City Attorney to facilitate transfer of funds. Motion by Geigel, second by Brey, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 2.

Streets & Sanitation Committee returned temporary access easement (09-449) with Merwynn Trade Group on the unimproved right-of-way at 3813 Dewey St. to pave with bituminous the access across So. 39th St. to Dewey St., recommending entering into agreement 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 public works petition (09-568) from Northland Associates, LLC for permanent paving, sidewalks, storm and sanitary sewers, water, electric, and other public utilities to be installed on property abutting on Twin Ponds Drive, as described therein, and shown on the attached map (Parcel No. 833-304-101), recommending acceptance with copy to City Engineer. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned the following no street access agreements recommending entering into the agreements and placing on file: No Street Access Agreement (09-560) with Arlene Rhein to forego 2008 concrete paving special assessments on Spring Street; No Street Access Agreement (09-561) with Beverly A. Deem to forego 2008 concrete paving special assessments on Spring Street; No Street Access Agreement (09-562) with James and Dana W. Kornely to forego 2008 concrete paving special assessments on Michigan Ave.; No Street Access Agreement (09-563) with Edson P. Foster, Jr. Living Trust to forego 2008 asphaltic concrete paving special assessments on Michigan Ave.; No Street Access Agreement (09-577) with Peter J. Peterson Revocable Trust to forego 2008 asphaltic concrete paving special assessments on Michigan Ave.; No Street Access Agreement (09-564) with Richard J. Krueger to forego 2008 concrete paving special assessments on Spring Street; No Street Access Agreement (09-578) with Rachael A. and Joseph N. Goethals to forego 2008 concrete paving special assessments on Spring Street; No Street Access Agreement (09-579) with Karin Savage to forego 2008 concrete paving special assessments on Spring Street. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned communication (09-570) from Eric G. Nycz, 1437 Hazelwood Dr., contesting an invoice for brush removal on June 4, 2009, in the amount of \$32.75, recommending referral to Board of Public Works. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10.

Nays, none.

Streets & Sanitation Committee returned special events request (09-572) from Yo-Yo Balloons to sell balloons and Christmas novelties along the Christmas Parade route on November 25, 2009, recommending approving request subject to City policy. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Streets & Sanitation Committee returned sidewalk privilege agreement (09-584) with Tony Bugarino to allow for the construction of a deck in the City right-of-way on So. 22nd Street, 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 application (09-513) from Christopher C. Allie for a change in zone from P-1 Conservancy District to R-2 Single Family District for property located at 3415 Michigan Ave., as detailed therein, recommending placing on file. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 10. Nays, none.

Public Utilities & Licensing Committee returned applications #54 (beer) and #6 (wine) for Temporary Class "B" license; #44-45 for 2009-10 One Year Operator's license; #285-292 for 2009-11 Two Year Operator's license; 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 (09-583) in the amount of \$1,131,394.84 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 7:50 o'clock P.M.

Respectfully submitted

Jennifer Hudon
City Clerk