

COMMON COUNCIL**OFFICIAL JOURNAL**

Justin M. Nickels, Mayor

December 7, 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, December 7, 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, Scott McMeans, Christopher Able, James N. Brey, Raymond T. Geigel and Dave Soeldner.

Absent: Alderperson Eric J. Sitkiewitz.

Pledge of Allegiance.

At the request of Mayor Nickels, the entire assemblage stood for a moment of silence in commemoration of Pearl Harbor Day.

City Clerk announced that the various documents have been referred to the appropriate committees as shown on the December 7, 2009 Common Council agenda.

Minutes of the regular session of November 16, 2009, were approved as distributed by the City Clerk.

Resolution (09-677) outlining the charges for transportation and care by the Fire Department Rescue Ambulance effective January 1, 2010, was referred to Public Property & Safety Committee.

Resolution (09-683) that dust palliatives be placed on the streets listed therein in 2010 and the assessments be made against the abutting property owners for the cost on a front foot basis, was referred to Streets & Sanitation Committee.

Resolution (09-684) authorizing the 2010 City-wide sidewalk repair program, providing for the appropriate notices to be sent, and special assessments to be levied, as detailed therein, was referred to Streets and Sanitation Committee.

Resolution (09-685) that seal coating be placed on the streets listed therein in 2010, and assessments be made against the abutting property owners, per foot, per side, was referred to Streets and Sanitation Committee.

Resolution (09-686) that certain infrastructure improvements listed therein be included in the 2010 Public Works Program, and assessments be made against the abutting property owners, per foot, per side, was referred to Streets and Sanitation Committee.

Ordinance (09-679) to adopt the 2009 City of Manitowoc Comprehensive Plan, was referred to Streets & Sanitation Committee.

Ordinance (09-700) to amend Section 7.09(6) requiring sidewalks, was referred to Streets & Sanitation Committee.

Ordinance (09-699) to amend Section 16.07 regarding demolition of buildings, was referred to Streets & 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.

Mayor declared the meeting open for a public hearing for the purpose of hearing any and all interested parties in the matter of the draft 2009 City Comprehensive Plan pursuant to section 66.1001(4)(d) Wis. Stats.

City Planner David Less gave an overview of the 2009 City Comprehensive Plan.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on November 1, 2009. (Proof of publication is on file in the City Clerk's office.)

No interested parties appeared.

Mayor declared the public hearing closed. (A tape recording of the entire hearing is on file in the City Clerk's office.)

Mayor declared the meeting open for a public hearing to provide an opportunity to describe the CDBG Program; including funding criteria, eligible activities as well as the proposed project, and for stakeholder input. The City of Manitowoc is proposing to submit a grant application to the Wis. Dept. of Commerce for the Community Development Block Grant for public facilities program for the So. 10th St. reconstruction.

Dir. of Public Works/City Engineer Valerie Mellon introduced Dawn Zanto, Risk Management Specialist, and Dustin Wolf, Senior Planner, representatives of Mead & Hunt. They described the CDBG funding and offered specifics relative to the 10th Street corridor project.

City Clerk reported that the notice of the hearing was published in the Herald-Times-Reporter on November 23 & 30, 2009. (Proof of publication is on file in the City Clerk's office.)

No interested parties appeared.

Mayor declared the public hearing closed. (A tape recording of the entire hearing is on file in the City Clerk's office.)

Finance Committee returned notice of claim and claim (09-663) of Michelle B. Shea, Claim File No. 09-1033, recommending payment in the amount of \$125.72. Motion by Brey, second by Able, and unanimously carried to accept

the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned County Clerk's apportionment (09-694) of state taxes in the amount of \$349,110.63 and county taxes and special charges in the amount of \$9,777,665.60, recommending acceptance of report and placing on file. Motion by Brey, second by Able, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Finance Committee returned report (09-680) of City Planner David Less requesting affirmative actions relative to Dermatology Associates of Wisconsin, S.C. Redevelopment Project at 8th and York Streets, as outlined therein, recommending acceptance of report and adoption of recommendations. Motion by Brey, second by Able, and carried by acclamation to accept the Committee's report. Ayes, 7. Nays, none. Abstained, 2.

Finance Committee returned tax incremental financing performance agreement (09-681) with DAW Buildings, LLC and Dermatology Associates of Wisconsin, SC, recommending entering into agreement. Motion by Brey, second by Able, and carried by acclamation to accept the Committee's report. Ayes, 7. Nays, none. Abstained, 2.

Finance Committee returned report (09-701) affirming committee's November 23, 2009 action on budget, recommending the budget be adopted maintaining the 2008 tax rate level of 6.7669 hereby affirm said action by amending the budget to the sum of \$12,287,549.00 with \$1,016,315.00 in proposed tax incremental financing; more specifically an increase of \$12,300.00 to reflect the attached revisions, with the related TIF increments, and adoption of the budget, as amended. Motion by Brey, second by Able, and carried by acclamation to accept the Committee's report. Ayes, 8. Nays, 1.

Parks & Recreation Committee returned special events request (09-655) from United States National Defense Corps requesting use of Silver Creek Park on August 7 & 8, 2010 for a fund raising 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.

Public Utilities & Licensing Committee returned communication (09-687) from City Clerk Jennifer Hudon requesting permission to distribute identical checks from the Schuette, Wernecke, Wilda & Rank reserve fund in the amount of \$300.00 to five area agencies, recommending granting the request. Motion by Graunke, second by Soeldner, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned resolution (09-686) that certain infrastructure improvements listed therein be included in the 2010 Public Works Program, and assessments be made against the abutting property owners, per foot, per side, recommending adoption of resolution. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned resolution (09-685) that seal coating be placed on the streets listed therein in 2010, and assessments be made against the abutting property owners, per foot, per side, recommending adoption of resolution. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9.

Nays, none.

Streets & Sanitation Committee returned resolution (09-684) authorizing the 2010 City-wide sidewalk repair program, providing for the appropriate notices to be sent, and special assessments to be levied, as detailed therein, recommending adoption of resolution. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned ordinance (09-700) to amend Section 7.09(6) requiring sidewalks, recommending referral to Board of Public Works. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned resolution (09-683) that dust palliatives be placed on the streets listed therein in 2010 and the assessments be made against the abutting property owners for the cost on a front foot basis, recommending adoption of resolution. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned sidewalk privilege agreement (09-675) with Harold K. Salzberg and Cheryl C. Stewart for the purpose of maintaining a fence on the right-of-way located at 3104 Waldo Blvd., 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 request (09-669) from Mark and Christine Nickels, 3104 Wildwood Dr., to waive fee for sidewalk repair, as detailed therein, recommending placing 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 report (09-696) of the Board of Public Works of December 2, 2009, recommending 2nd and final payment to Bobbie's Marine Services in the amount of \$14,057.35 for 2009 Tree Planting, WS-09-15, recommending payment. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned report (09-697) of the Board of Public Works of December 2, 2009, recommending 2nd and final payment to K & L Construction Co., Inc. in the amount of \$6,456.00 for Red Arrow Beach Erosion Control, WS-09-12, recommending payment. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned report (09-698) of the Board of Public Works of December 2, 2009, recommending 5th and final payment to Stratapoint, Inc. in the amount of \$10,000.00 for Tree Inventory, recommending payment. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned report (09-695) of City Planner David Less relative to Dermatology

Associates of Wisconsin request to place fill on City-owned property in Block 175 of Original Plat pursuant to Section 15.37(6) of the Municipal Code, recommending acceptance of report, adoption of recommendations and referral to Plan Commission. Motion by Soeldner, second by Geigel, and carried by acclamation to accept the Committee's report. Ayes, 7. Nays, none. Abstained, 2.

Streets & Sanitation Committee returned no street access agreement (09-682) with Rick A. and Michelle A. Pecore to forego 2008 grading and graveling & sanitary and storm sewers on Packer Lane, recommending entering into agreement. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned correction no street access agreement (09-676) with Harvey E. and Grace A. Krish to forego 2009 resurfacing special assessments on Nagle Avenue, recommending entering into agreement. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned public works petition (09-688) from Great Lakes Energy Technologies, LLC for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting Woodland Drive, as described therein, and shown on the attached map, recommending acceptance with copy to be sent to Director of Public Works. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Streets & Sanitation Committee returned quit claim deed (09-689) from Great Lakes Energy Technologies, LLC for a parcel of land containing 0.45 acres more or less, to be used for Woodland Drive purposes, as described therein and shown on the attached sketch, recommending referral to Plan Commission. Motion by Soeldner, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9. Nays, none.

Public Utilities & Licensing Committee returned applications #8 for Class "B" Retail Fermented Malt Beverage license; #4 for "Class C" Retail Wine license; #2-4 for Commercial Garbage Haulers license; #1-5 for Pawnbrokers license; #5 for 2009 Mobile Home Park license; #1 for 2010 Mobile Home Park license; #49 for 2009-10 One Year Operator's license; #309-319 for 2009-11 Two Year Operator's license; recommending placing #4 for "Class C" Retail Wine license on file and granting the remaining 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.

Committee of the Whole returned General City Claims (09-704) in the amount of \$1,434,309.81 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 Graunke, second by Geigel, report accepted. Ayes, 9. Nays, none.

Committee of the Whole returned petition (09-678) for Direct Annexation by unanimous approval from Michael J. Potts, Manager, Great Lakes Energy Technologies LLC, 2210 Woodland Dr., for annexation of a 1.40 acre parcel of land abutting Woodland Drive, as described therein and shown on the attached map, recommending referral to Plan Commission. Motion by Graunke, second by Geigel, and unanimously carried to accept the Committee's report. Ayes, 9.

Nays, none.

Moved by Alderperson Graunke, seconded by Alderperson Geigel, and unanimously carried, Common Council adjourned at 8:03 o'clock P.M. Ayes, 9. Nays, none.

Respectfully submitted

Jennifer Hudon
City Clerk