

**COMMON COUNCIL AGENDA**

**Monday, January 18, 2010**

**7:00 o'clock P.M.**

The Common Council of the City of Manitowoc will meet on the above date and time in the Common Council Chambers of the City Hall, at which time the items on this agenda will be introduced, considered, and/or acted upon. In addition to this Agenda, it is possible that action will be taken on any matters at this meeting or previously referred to the Common Council or on any such other matters as are authorized by law.

The Pledge of Allegiance.

**PUBLIC HEARINGS:** None.

**CLOSED SESSION:** None.

**REPORTS OF OFFICERS:**

Oath of Office for new police officer, Michael T. Laabs.

During the recess of the Common Council the Mayor will discuss all matters concerning the operation of the City of Manitowoc. Prior to going into recess, the Mayor publicly announces that during the recess the standing committees of the Common Council, as well as the Committee of the Whole, will meet in the Council Chambers to discuss and act upon some of the matters which have been discussed or referred at this Common Council meeting.

Appointments to fill vacancies and/or reappointments to various Boards, Committees and Commissions.

Members of the public will be permitted to speak at the first or second scheduled Common Council meeting of each month on any matter of public interest. The comments from each speaker shall be limited to five minutes in length unless extended by action of the Common Council.

City Clerk announced that the various documents have been placed on file or referred to appropriate committees. Same are as follows:

**PLACED ON FILE**

Thank you (10-018) from Society of St. Vincent de Paul relative to Schuette, Wernecke, Wilda, Rank Christmas Fund donation.

Minutes (10-020) of Committee on Aging of 1/11/10; Community Development Authority of 12/16/09; Library Board of 11/23/09; Maritime Metro Transit Development Program of 12/16/09; Plan Commission of 12/16/09; Public Utilities Commission of 12/14/09; Zoning Board of Appeals of 12/15/09.

**COMMITTEE OF THE WHOLE**

General City Claims (10- ) in the amount of \$ enumerated on list thereof.

**FINANCE**

Notice of Claim and Claim (10-001) from Beth Dodge of January 11, 2010, Fleet Claim File No. 10-182.

Defendants' Answer (10-017) relative to Case No. 09-C-1157, Brian W. Swetlik vs. Former Mayor Kevin Crawford et al.

**PARKS AND RECREATION**

Agreement (10-004) with Look Creative, LLC for Aquatic Center Sign and Decorative Structure Agreement.

Special Events Request (10-009) for Manitowoc Jaycees to hold Quadrathlon on August 15, 2010, as detailed therein.

**PUBLIC PROPERTY AND SAFETY**

None.

## **PUBLIC UTILITIES AND LICENSING**

First Amendment (10-006) to Paratransit Service Agreement with Manitowoc County for a renewal period ending December 31, 2010.

Agreement (10-007) for 2010 specialized transportation master agreement extension with Assist-to-Transport, LLC to extend original agreement dated January 2, 2007 for the year 2010.

Vehicle Lease (10-019) with Assist-to-Transport, LLC for six vehicles to be used to provide specialized transportation services, as detailed therein, for the 2010 calendar year.

### **LICENSE APPLICATIONS REFERRED**

#### **ONE YEAR OPERATOR'S LICENSE 2009-10**

52 Robert J. Knox, Jr. 1104 N. 8<sup>th</sup> St.

#### **TWO YEAR OPERATOR'S LICENSE 2009-11**

327 Matthew B. Yule 7528 CTH B, Two Rivers, WI

328 Jacqueline L. Knops 9225 Hwy JJ

329 Joe T. Vogel 4570 Broadway St.

330 Ryan C. Deiler 417 Harrison St. #5, N Fond du Lac, WI

331 Brandon R. Meihnsner 712 Huron St.

332 Greg J. DeGroot 808 21<sup>st</sup> St., Two Rivers, WI

333 Jennifer G. Witczak 1601 Waldo Blvd.

334 Katy Emmett 1307A S. 11<sup>th</sup> St.

335 Joshua D. Kitzmann 1402 S. 11<sup>th</sup> St.

336 Carlos A. Fuentes 2929 14<sup>th</sup> St., Two Rivers, WI

### **STREETS AND SANITATION**

Public works petition (10-005) from DAW Buildings, LLC for permanent paving, sidewalks, storm and sanitary sewers, water and other public utilities to be installed on property abutting on York Street, as described therein, and shown on the attached map (Parcel Nos. 000-175-030, 000-175-040, 000-175-060, 000-175-061, 000-175-105 and 000-175-106).

Progress invoice (10-010) from Wisconsin Dept. of Transportation in the amount of \$4,849.56 for N. 21<sup>st</sup> Street Bridge (Viaduct), Project No. 4991-02-00.

Progress invoice (10-011) from Wisconsin Dept. of Transportation in the amount of \$17.61 for S. 8<sup>th</sup> St., Madison St. to Washington St., Project 4347-04-71.

Progress invoice (10-012) from Wisconsin Dept. of Transportation in the amount of \$117.12 for S. 8<sup>th</sup> St., Madison St. to Washington St., Project 4347-04-00.

Report (10-014) of the Board of Public Works of January 13, 2010, recommending 4<sup>th</sup> and final payment to Vinton Construction in the amount of \$10,987.07 for 2009 Asphaltic Concrete Paving, WS-09-4.

Report (10-015) of the Board of Public Works of January 13, 2010, recommending 4<sup>th</sup> and final payment to Vinton Construction in the amount of \$19,446.99 for 2009 Concrete Paving, WS-09-1.

Report (10-016) of the Board of Public Works of January 13, 2010, recommending 3<sup>rd</sup> payment (98%) in the amount of \$27,261.32 for South 30<sup>th</sup> Street Detention Pond, WU-09-20.

Request (10-013) on behalf of AJBL, Ltd. and Anthony J. Burgarino to establish a parking lot in a residential zoning district directly to the north of Tony's Pizza business.

Amendment No. 1 (10- ) to City of Manitowoc DPW Service Building Washbay Design Scope of Services dated December 30, 2009.

Report (10-021) of City Plan Commission authorizing issuance of special permit for the construction of a fixed animated sign at Holy Family Memorial property on So. 21<sup>st</sup> Street at Clay Pit Rd., subject to the conditions as detailed therein.

Report (10-022) of City Plan Commission authorizing issuance of a special permit for the construction of a fixed animated sign at Popp Enterprise development at 50 Maritime Drive, subject to the conditions as detailed therein.

Report (10-023) of the City Plan Commission indicating they have conducted their annual review of Community Living Arrangements (CLA's) and recommending that the Council approve the associated licenses for these facilities for 2010.

Streets & Sanitation Committee to whom was referred request (09-754) from Larry's Hauling, Inc. to extend their conditional use permit at 901 S. 16th Street, returned same with report (10-024) of City Plan Commission recommending that the Council approve a new conditional use permit to LVR Properties LLC/Larry's Hauling, Inc. for operation of a recycling facility at 901 S.17th Street.

Streets & Sanitation Committee to whom was referred request (09-662) from Tony Bugarino, Tony's Pizza, relative to four foot overhang on garage in City right-of-way, returned same with report (10-925) of City Plan Commission with their recommendations as detailed therein.

**PERSONNEL**

Agreement (10-028) between City of Manitowoc and Manitowoc Professional Police Association, Local #20, for the period from 2010 through 2012.

**RESOLUTIONS**

Resolution (10-003) authorizing the issuance and sale of approximately \$10,615,000 General Obligation Refunding Bonds, Series 2010B, was referred to Committee of the Whole.

Resolution (10-026) supporting the request of funds by Bay-Lake Regional Planning Commission of funds and assistance available from the USEPA under the Great Lakes Restoration Initiative Program, was referred to Finance Committee.

Resolution (10-008) establishing election officials' salary for 2010 elections, was referred to Public Utilities & Licensing Committee.

Resolution (10-002) amending resolution adopted December 21, 2009, 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 (10-027) establishing nonrepresented employee compensation for 2010, was referred to Personnel Committee.

**COMMITTEE REPORTS**

Personnel Committee returned resolution (09-731) amending the City of Manitowoc Comprehensive Position Classification and Compensation Plan repealing a section of the Overtime Compensation Policy concerning employees in Pay Ranges 1 to 6, recommending approval.

**ORDINANCES**

None.

**LICENSE APPLICATIONS TO BE GRANTED**

(Subject to approvals and payment of license fees)  
(Payment in full due no later than June 15 to be open for July 1  
and no later than June 30 to retain license)

**CLASS "A" RETAIL FERMENTED MALT BEVERAGE LICENSE 2009-10**

28 Walgreen Co. 2702 Calumet Ave.  
Kenneth Sitkiewitz, Agent

**ONE YEAR OPERATOR'S LICENSE 2009-10**

52 Robert J. Knox, Jr. 1104 N. 8<sup>th</sup> St.

**TWO YEAR OPERATOR'S LICENSE 2009-11**

327 Matthew B. Yule 7528 CTH B, Two Rivers, WI  
328 Jacqueline L. Knops 9225 Hwy JJ  
329 Joe T. Vogel 4570 Broadway St.

330	Ryan C. Deiler	417 Harrison St. #5, N Fond du Lac, WI
331	Brandon R. Meihsner	712 Huron St.
332	Greg J. DeGroot	808 21 <sup>st</sup> St., Two Rivers, WI
333	Jennifer G. Witczak	1601 Waldo Blvd.

**DOCUMENTS PREVIOUSLY REFERRED AND/OR SUBJECT MATTER  
WHICH MAY BE CONSIDERED AT THIS SESSION**

**FINANCE**

Summons and Complaint (08-428) from Holy Family Memorial, Inc. vs. City of Manitowoc, Case No. '08 CV 448.

Amended Summons and Complaint (09-014) of Wells Fargo Bank, N.A. v. Schroeder, City of Manitowoc and Capital One Bank, Case No. 08-CV-662.

Amended Summons and Complaint (09-105) between MTGLQ Investors and Radke et al.

Summons and Complaint (09-277) from JPMC Specialty Mortgage, LLC vs. Tammy & Brian Heili et al., Case No. 09 CV 0335.

Summons, Complaint and Lis Pendens (09-278) from Mark Balaban vs. Don Klein, Robin Klein & Daniel Tupper et al, Case No. 09-CV-0363.

Amended Summons & Complaint (09-300) from PHH Mortgage Corporation vs. Gosz & City of Manitowoc, Case No. 09-CV-0197.

Notice of Claim (09-635) from Armond Kueter of October 30, 2009, Claim File No. 09-1031.

Notice of Claim (09-337) of Deborah Kerr dated May 30, 2009, Claim File No. 09-1021.

Summons & Complaint (09-349) from Mercedes M. Wilda v. Shoreline Leasing, Inc., et al, Case No. 09-CV-387.

Notice of Claim (09-390) of Michael E. Augustine of June 26, 2009, Claim File No. 09-1024.

Amended Summons & Complaint (09-391) of BAC Home Loans Servicing, LP vs. Hammersley, et al, Case No. 09 CV 243.

Amended Summons & Complaint (09-392) of Wells Fargo Bank vs. Brooks, et al, Case No. 09 CV 0190.  
Summons and Complaint (09-459) between M & I Marshall & Ilsley Bank v. Herman/Knox et al.

Notice of Injury (09-494) from Lynn S. Groeschel and Steven Kaczecka, of August 24, 2009, Claim File No. 09-1026.

Summons & Complaint (09-498) from BAC Home Loans Servicing, L.P. v. Eric J. & Kristin N. Hrudka et al, Case No. 09CV622.

Notice (09-705) of Event giving rise to claim from D. T. Keding of December 10, 2009, Claim File No. 09-1036.

Notice of Claim and Claim (09-707) from Dawn Herzog of December 16, 2009, Claim File No. 09-1037.

Summons & Complaint (09-745) between Brian W. Swetlik v. Former Mayor Kevin Crawford, et al, Case No. 09-C-1157.

Request (09-747) from Judge Steven R. Olson for Municipal Court software change, as detailed therein.

Notice of Claim (09-751) from Jeanette Kakuk of December 30, 2009, Claim File No. 09-1038.

**PARKS AND RECREATION**

Proposal (09-702) from Riederer Engineering for engineering services for the replacement of the HVAC system in the Parks and Recreation building at 930 N. 18th St., as detailed therein.

Contractor Agreement (09-703) with Look Creative, LLC for fabrication of various signs, as detailed therein.

**PUBLIC PROPERTY AND SAFETY**

Communication (08-461) from Manitowoc Cranes, Inc. relative to traffic flow on So.30th Street between Dewey and Viebahn Streets.

Appeal (09-061) from August D. Krieser relative to accessibility issues that exist at the Rahr-West Art Museum.

Communication (09-438) from Chief Manis recommending implementing fees for vehicle clean up spills.

**PUBLIC UTILITIES & LICENSING**  
**PENDING APPLICATIONS**

Communication (09-733) from residents of N. 10th Street objecting to Maritime Metro Transit Route #2 utilizing wholly residential street.

Ordinance (09-748) to create Section 18.02(5) stating the electrical codes adopted by the City of Manitowoc.

**TWO YEAR OPERATOR'S LICENSE 2009-11**

334	Katy Emmett	1307A S. 11 <sup>th</sup> St.
335	Joshua D. Kitzmann	1402 S. 11 <sup>th</sup> St.
336	Carlos A. Fuentes	2929 14 <sup>th</sup> St., Two Rivers, WI

**STREETS AND SANITATION**

Ordinance (09-700) to amend Section 7.09(6) requiring sidewalks.

Ordinance (09-699) to amend Section 16.07 regarding demolition of buildings.

Ordinance (09-741) to amend Section 25.05(8) of the Municipal Code to adjust rates for sewer service charges effective January 1, 2010.

**PERSONNEL**

None.