

# COMMON COUNCIL AGENDA

**Monday, March 15, 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:**

Presentation by Jamie Zastrow, Executive Director of Mainly Manitowoc, giving Annual Report for 2009.

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

Communication (10-118) from Ryan Holl submitting his resignation from the Manitowoc Sustainability Committee.

Minutes (10-123) of Community Development Authority of 2/10/10; Great Lakes Utilities of 2/17/10; Great Lakes Utilities Hydroelectric Project of 2/8/10 & 2/17/10; Manitowoc Industrial Development Corp. of 12/10/09; Manitowoc Public Library Board of 1/25/10; Parks & Recreation Committee of 3/1/10; Plan Commission of 2/10/10; Police & Fire Commission of 1/12/10; Safety, Traffic & Parking Commission of 1/26/10; Wastewater Treatment Facility Board of 2/9/10.

## COMMITTEE OF THE WHOLE

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

## FINANCE

Report (10-121) from Asst. City Attorney Kathleen M. McDaniel with Order Confirming Sale and Satisfying Judgment of Foreclosure re BAC Home Loans Servicing LP v. Hammersley et al, Case No. 09 CV 243.

Communication (10-130) from Wis. Dept. of Natural Resources approving variance for SAG-538, the former Lakeview Centre Mall site located at 828 Memorial Drive.

## PARKS AND RECREATION

Special Events Request (10-113) to hold 3<sup>rd</sup> Annual Carol Rose Wester Memorial Walk/Run utilizing various city streets and parks on Saturday, August 14, 2010, as detailed therein. (Copy to Streets & Sanitation).

Special Events Request (10-114) for use of Washington Park and MetroStage on Thursday, April 15, 2010 from 4:00 p.m. to 8:00 p.m. for a TEA Party Rally, as detailed therein.

Communication (10-117) from Mr. & Mrs. Robert Duzeski wishing to donate a new drinking fountain to the City to replace existing fountain located at S. 8<sup>th</sup> and Quay Street.

### **PUBLIC PROPERTY AND SAFETY**

Services Contract (10-115) with Steven D. Mead, Electrical Inspector, to perform services as an independent contractor for a period of 2 years.

Memo (10-131) from Dir. of Building Inspection, Jim Muenzenmeyer, requesting approval of new language for Parking Leases.

City Plan Commission, to whom was referred communication (10-103) from SMI on behalf of Christopher Allie requesting that the City quit claim a 22 foot strip of land along the west edge of the new cemetery land on Waldo Blvd., as detailed therein, returned same with report (10-139) outlining their recommendations. (Copy to Streets & Sanitation Committee).

Agreement (10- ) with Riederer Engineering for engineering services to replace the HVAC System at the Park and Recreation main building.

### **PUBLIC UTILITIES AND LICENSING**

Report (10-120) of City Clerk on 2010 Weights & Measures assessments for various businesses, as detailed therein.

Communication (10-122) from Norma Escamilla Coronado, surrendering the Class "A" Retail Fermented Malt Beverage license for 2205-2207 Marshall Street in favor of a Class B Beer license to same applicant, effective upon issuance of new license.

Audit (10-129) of financial statements of Manitowoc Housing Authority for the year ending June 30, 2009.

Report (10-133) of City Plan Commission confirming its support for the Three Year Harbor Assistance Program Statement of Intentions (2010-2012).

### **LICENSE APPLICATIONS REFERRED**

#### **"CLASS B" FERMENTED MALT BEVERAGE - 2009-10**

9	Norma Escamilla Coronado	2205-2207 Marshall St.
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#### **"CLASS B" INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE - 2010-11**

1	Goldiggers, Inc. Dale R. Trostorff, Agent	924 Washington St.
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2	AJBL, Ltd. Anthony Burgarino, Agent	2204 Washington St.
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#### **TWO YEAR OPERATOR'S LICENSE 2009-11**

356	Stacy M. Ruselink	723 N 7 <sup>th</sup> St.
357	Kellie L. Wiensch	3515 Maplewood Rd., Two Rivers
358	Kristina K. Nezbegay	924 Washington St. #1
359	Debra J. Fencil	1104 16 <sup>th</sup> St., Two Rivers, WI
360	Lacy E. Leikness	1618 S. 10 <sup>th</sup> St.
361	Lynn L. Meidl	2743 S. 23 <sup>rd</sup> St. #6

### **STREETS AND SANITATION**

Special Events Request (10-119) to hold Rahr-2-Rahr Bike Ride on May 22, 2010 starting at 8:00 a.m. from Rahr-West Art Museum to Rahr Memorial School Forest and back utilizing City streets and Mariners Trail, as detailed therein, along with traffic control.

Report (10-124) of Board of Public Works of March 10, 2010, regarding bids received for 2010 Televising Miscellaneous Sewers I, WU-10-5.

Report (10-125) of Board of Public Works of March 10, 2010, regarding quotes received for 2010 Ready-Mixed Concrete, QM-10-4.

Change Order (10-126) relative to environmental consulting services with AECOM beyond services outlined in May 18, 2009 proposal.

Report (10-132) of City Plan Commission with easement modifications impacting Menard, Inc. property, 5120 Calumet Avenue.

City Plan Commission, to whom was referred quit claim deed (10-094) from Town of Manitowoc for a parcel of land containing 1.1 acres more or less, to be used for Woodland Drive purposes, as described therein and shown on the attached sketch, returned same with report (10-134) recommending that the Council approve and accept the deed.

Report (10-135) of City Plan Commission with review of preliminary site plan for proposed Franklin School building expansion at 800 S. 35<sup>th</sup> Street.

Report (10-136) of City Plan Commission relative to proposal to fill certain lands at Waldo Blvd. and Memorial Dr. on Elk's property.

City Plan Commission, to whom was referred declaration of dedication of property (10-063) for So. 10th Street purposes, returned same with report (10-138) recommending that Council approve and accept.

**PERSONNEL**

Communication (10-116) from Finance Director/Treasurer Brian C. Ruechel informing of his intent to retire effective Friday, April 9, 2010.

**RESOLUTIONS**

Resolution (10-137) with Three Year Harbor Development Statement of Intentions to be used by Wis. Dept. of Transportation for planning purposes only, was referred to Public Utilities & Licensing Committee.

Resolution (10-128) appointing Anthony Scherer as Interim Finance Director/Treasurer due to the retirement of Finance Director/Treasurer Brian Ruechel and establishing a salary, was referred to Personnel Committee.

**COMMITTEE REPORTS**

None.

**ORDINANCES**

Ordinance (10-127) amending Section 20.03 of the Municipal Code regarding hire or promotion of close relatives, was referred to Personnel Committee.

**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)

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

None.

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

356	Stacy M. Ruselink	723 N 7 <sup>th</sup> St.
357	Kellie L. Wiensch	3515 Maplewood Rd., Two Rivers
358	Kristina K. Nezbegay	924 Washington St. #1
359	Debra J. Fencl	1104 16 <sup>th</sup> St., Two Rivers, WI
360	Lacy E. Leikness	1618 S. 10 <sup>th</sup> St.

**DOCUMENTS PREVIOUSLY REFERRED AND/OR SUBJECT MATTER**

## **WHICH MAY BE CONSIDERED AT THIS SESSION**

### **FINANCE** **Previously Referred**

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

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.

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.

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

Summons & Complaint (10-057) of First National Bank v. Sittman, et al, Case No. 10-CV-77.

Notice (10-092) of Motion and Motion to Reopen Case of Alex v. Augustine, etc., Case No. 06-CV-0329.

Notice of Claim and Claim (10-097) from Maritime Plumbing of February 23, 2010, Case No. 10-1039.

Notice of Claim (10-098) from Gary Duggan of February 23, 2010, Case No. 10-1040.

Communication (10-111) from Manitowoc Area Visitor & Convention Bureau to consider a new animated sign, replacing the current signage, for the VIC at 4221 Calumet Ave.

Resolution (10-099) authorizing various appropriations which were budgeted in 2009 for the departments listed therein to be carried forward into the respective 2010 departmental budgets effective as of December 31, 2009, was referred to Finance Committee.

### **PARKS AND RECREATION** **Previously Referred**

Special Events Request (10-060) from Holy Family Memorial to use Silver Creek Park and allow alcoholic beverages to be sold on July 17, 2010 from 11:00 a.m. to 6:00 p.m. for picnic. (Copy to Public Utilities & Licensing Committee).

Special Events Request (10-096) from HFMMC to hold 2010 1st Annual No Cancer Bicycle Ride, utilizing Mariner's Trail, as detailed therein, on July 11, 2010 (copy to Streets & Sanitation Committee).

Special Events Request (10-100) from Kenny's Athletic Klub for use of Citizen Park for annual softball tournament in July, 2010, and use of benches, tables and waste receptacles.

**PUBLIC PROPERTY AND SAFETY**  
**Previously Referred**

None.

**PUBLIC UTILITIES & LICENSING**  
**Previously Referred**

None.

**PENDING APPLICATIONS**

**"CLASS B" FERMENTED MALT BEVERAGE - 2009-10**

9 Norma Escamilla Coronado 2205-2207 Marshall St.

**"CLASS B" INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE - 2010-11**

1 Goldiggers, Inc. 924 Washington St.  
Dale R. Trostorff, Agent

2 AJBL, Ltd. 2204 Washington St.  
Anthony Burgarino, Agent

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

351 Melissa Schlaeger 866A N. 11<sup>th</sup> St.

**STREETS AND SANITATION**  
**Previously Referred**

Resolution (10-042) to vacate a portion of So. 22nd Street containing 1,649 square feet.

Ordinance (10-043) amending Section 22.01 of the Municipal Code entitled "Official Map-Master Subdivision Plans" in an area located on South 22nd Street, was referred to Streets & Sanitation Committee.

Communication (10-064) from SMI requesting that Streets and Sanitation Committee take action on various issues relating to storm water pond maintenance costs.

Resolution (10-073) that seal coating be placed on the streets listed therein in 2010, and assessments be made against the abutting property owners for the cost on a front foot basis.

Special Events Request (10-090) from Leukemia & Lymphoma Society to hold Scenic Shore 150 Bike tour through the City, as detailed therein, on July 24 & 25, 2010.

Report (10-104) of Board of Public Works of February 24, 2010, regarding bids received for 2010 Remove & Replace Existing Sidewalks, Project WS-10-3.

**PERSONNEL**  
**Previously Referred**

Resolution (10-027) establishing nonrepresented employee compensation for 2010, was referred to Personnel Committee.