

COMMON COUNCIL AGENDA

Monday, May 4, 2009

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:

Proclamation presented by Mayor Nickels to observe the week of May 10-16, 2009 as Police Week and to observe May 15, 2009 as Peace Officers' Memorial Day.

Mayor presents Award of Congratulations to the Service League of Manitowoc County for their 80 years of service and dedication to our community.

Presentation by Jamie Aulik, County Clerk, and Don Markwardt, Co. Board Supervisor, District 10, recognizing that Aldermanic District 10 in the City of Manitowoc had the highest percentage of voter turnout in both elections in 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.

Mayor may announce appointments to fill vacancies and/or reappointments to various Boards, Committees, Commissions and Ad-Hoc Committees, and requests Council action.

- * Mayor announces appointments of Standing Committees and requests Council action.
- * Mayor announces Council representative appointments (on various boards, etc.) and requests Council action.
- * Mayor announces appointments to:

- City Plan Commission (3 year term)
 - Steven R. Alpert (expired 5/1/07)
 - Daniel R. Hornung (term expiring 5/1/08)
 - Dolly Stokes (term expiring 5/1/09)
 - Member of Streets & Sanitation Committee on Plan Commission
(Term of James Brey expired 4/20/09)

- Mayor announces appointments of:
 - Weed Commissioners (1 year term)
(Term of Randall Junk expires 4/30/09)
 - (Term of Chad Scheinoha expires 4/30/09)

- * Council President Eric Sitkiewitz to make Alderperson appointment to Performance Evaluation Review Committee.

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

Minutes (09-266) of Citizens' Advisory Committee of 4/7/09; Manitowoc Crime Prevention Committee of 4/2/09; Maritime Metro Transit Development Program Review Committee of 4/1/09.

Communication (09-250) from Justin M. Nickels declining the position as Alderperson representing District 2.

Communication (09-251) from Dolly Stokes resigning from the Manitowoc Public Library Board effective immediately.

COMMITTEE OF THE WHOLE

Communication (09-247) from Jerry "Gus" Gospodarek expressing interest in filling vacancy for Alderperson in District 2 for one-year term expiring 4/19/10.

Communication (09-248) from Robert Cavanaugh expressing interest in filling vacancy for Alderperson in District 2 for one-year term expiring 4/19/10.

Petition (09-264) for direct annexation from Michael A., Susan N. and Jennifer E. Jinks, 5100 W. Custer St., for annexation of a 1.09 acre parcel of land abutting W. Custer St., as described therein and shown on the attached map.

General City Claims (09-) in the amount of \$ enumerated on list thereof.

FINANCE

Notice of Claim and Claim (09-239) received April 20, 2009 from USPS, Fleet Claim No. 09-179.

Report (09-254) from Asst. City Attorney Kathleen McDaniel with Order Confirming Sale and Satisfying Judgment of Foreclosure relative to Wis. Housing and Economic Development Authority v. Patricia A. Dehne, et al, Case No. 08-CV-732 recommending acceptance of report and placing on file the documents relative to this matter.

PARKS AND RECREATION

Memorandum (09-256) from Recreation and Parks Director with Special Events Request attached from New Life/Iglecia De Cristo Piedras Vivas, Hispanic Church to use Washington Park and Metrostage on August 1, 2009, for a religious event.

Memorandum (09-257) from Recreation and Parks Director recommending approval for Amvets Post 99 to use Washington Park and Metrostage on May 25, 2009 for a Memorial Day community picnic, waiving the \$50.00 fee for rental of the bandshell and a waiver of rules prohibiting alcohol beverages to be consumed in the park.

Memorandum (09-255) from Recreation and Parks Director with Special Events Request attached from Wisconsin Aluminum Foundry to use Silver Creek Park for their 100 year anniversary party on July 19, 2009 from 2:00 p.m. to 8:00 p.m. and a waiver of rules prohibiting alcohol beverages to be consumed in the park.

Memorandum (09-246) from Recreation and Parks Director recommending approval for New Life Christian Church to hold a National Day of Prayer at noon on May 7, 2009 at Washington Park.

Report (09-262) of Board of Public Works of April 29, 2009 of bids received for the Aquatic Center CCTV Security System, Project WB-09-17.

Memorandum (09-270) from Recreation and Parks Director to purchase a television for the Manitowoc Senior Center out of the Senior Center Trust Fund account.

PUBLIC PROPERTY AND SAFETY

Agreement (09-252) for management services relative to 2009 Farmers' Market.

Special Events Request (09-243) for an extension of the noise ordinance until midnight during the weekend of September 18-20, 2009, for Wagner's Customer Appreciation Campout at the Expo Grounds

Agreement (09-) to hold harmless, waiver of liability and assumption of risk of the City of Manitowoc to Manitowoc County with respect to the City Police and Firefighting training on County property located at Manitowoc, Wisconsin.

PUBLIC UTILITIES AND LICENSING

Communication (09-268) from Manitowoc Lodging Associates LLP, 101 Maritime Dr., advising that the corporation has made a change of agent to Howard D. Silverstein, effectively immediately.

LICENSE APPLICATIONS

BOWLING ALLEY LICENSE - 2009-10

None

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

- | | | |
|----|--|-----------------------------|
| 20 | Aldi, Inc.
Kimberly Mudrak, Agent | 3415 Calumet Ave. |
| 21 | Indo-Pak, LLC
Muhammad Javeed, Agent | 1409 N. 8 th St. |
| 22 | Fechner Enterprises, Inc.
Gary Fechner, Agent | 808 Memorial Dr. |
| 23 | ADITHI 1 LLC
Chandrasekhar Vasireddy, Agent | 2914 Calumet Ave. |

"CLASS A" RETAIL INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE

None

SIX-MONTH CLASS "B" RETAIL FERMENTED MALT BEVERAGE LICENSE - 2009

None

"CLASS B" FERMENTED MALT BEVERAGE - 2009-10

None

"CLASS B" INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE - 2009-10

- | | | |
|----|---|-------------------|
| 54 | Manitowoc Yacht Club
Ron Schmidt, Agent | 815 Maritime Dr. |
| 55 | Phoolfox Properties, LLC
Allan L. Erickson, Agent | 807 Quay St. |
| 56 | Manitowoc Football, Inc.
Gary Dworak, Agent | 2301 Clay Pid Rd. |
| 57 | American Legion Drews Bleser Post 80
Arthur Schmatz, Agent | 811 Jay St. |

"CLASS C" WINE LICENSE - 2009-10

None

CLASS "B" TEMPORARY BEER & TEMPORARY WINE LICENSE - 2009-10

None

MOBILE HOME PARK LICENSE - 2009

None

NEAR BEER (NON-INTOXICATING BEVERAGE) LICENSE - 2009-10

- | | | |
|----|--|-----------------------------|
| 28 | Indo-Pak, LLC
Muhammad Javeed, Agent | 1409 N. 8 th St. |
| 29 | ADITHI 1 LLC
Chandrasekhar Vasireddy, Agent | 2914 Calumet Ave. |

ONE YEAR OPERATOR'S LICENSE 2009 - 2010

None

TWO YEAR OPERATOR'S LICENSE 2008-10

- | | | |
|-----|---------------------|---------------------------------------|
| 416 | Jacob Lueptow | 907 Schatzie Ln. |
| 417 | Brenda Fischer | 3917 Hwy. H, Cato, WI |
| 418 | Timothy Strzyzewski | 1214 S. 18 th St. |
| 419 | Jennifer Knapp | 1034A S. 24 th St. |
| 420 | Laura Birr | 706 N. 8 th St. #212 |
| 421 | Kristine Zietlow | 2350 S. 23 rd St. Lot 1063 |

TWO YEAR OPERATOR'S LICENSE 2009-11

- | | | |
|----|------------------|--|
| 21 | Charles Langnese | 508 S. 26 th St., Manitowoc |
|----|------------------|--|

22	Lawrence Fischer	846 Freeway Lane
23	Jennifer Johnson	1133 N. 15 th St.
24	Barbara Shedal	4364 Valley View Cir., Newton, WI
25	Jean Huempfer	1433 Terrace Ct., Two Rivers, WI
26	Tracy Vandeurzen	1510 Division St.
27	Starr Buss	1206 Flambeau St.
28	John Loiselle	4214 Memorial Dr., Two Rivers, WI
29	Trevor Walters	1704 Clark St. Apt. A
30	Bradley Tavares	718 N. Water St.
31	Sharon E. Bauer	7617 So. Union Rd., Newton, WI
32	Donna D. Dehne	1215 S. 18 th St.

STOCK CAR RACES, RACING EXHIBITIONS, DEMOLITION DERBY

None

WHOLESALE FERMENED MALT BEVERAGE - 2009

None

STREETS AND SANITATION

Request (09-253) from Popp Enterprises LLC to have Flambeau Street from So. 23rd to So. 19th Street paved next year.

Request (09-244) from Mainly Manitowoc to use various city equipment and City Hall parking lot, close a portion of Quay St. and a portion of So. 8th St., a waiver of the noise ordinance and various other requests as outlined therein for River Rendezvous on June 27, 2009. (Copies to Parks and Recreation & Public Utilities & Licensing Committees).

Special Events Request (09-245) from Two Rivers Main Street to hold their 9th Annual Cool City Classic Car Show and Cruise Night on Friday, June 26th beginning at Silver Creek Park at 4:00 p.m. and proceeding along the route indicated on the enclosed map to the City to Two Rivers. (Copy to Parks and Recreation Committee).

Report (09-258) of Board of Public Works of April 29, 2009, of quotes received for two new identical 2009 36,000 G.V.W. single axle dump trucks with plows & patrol wings (truck chassis), QE-09-3, for the Dept. of Public Works.

Report (09-259) of Board of Public Works of April 29, 2009, of quotes received for two new identical 2009 58,000 G.V.W. tandem axle dump trucks with plows and patrol wings (body & equipment), QE-09-2, for the Dept. of Public Works.

Report (09-260) of Board of Public Works of April 29, 2009, of quotes received for two new identical 2009 58,000 G.V.W. tandem axle dump trucks with plows and patrol wings (truck chassis), QE-09-2, for Dept. of Public Works.

Report (09-261) of Board of Public Works of April 29, 2009, of quotes received for two new identical 2009 36,000 G.V.W. single axle dump trucks with plows & patrol wings (body & equipment), QE-09-3, for Dept. of Public Works.

Communication (09-240) from SMI on behalf of Merwynn Trade Group LLC requesting temporary access easement on right-of-way east of and adjacent to So. 39th St. and south of and adjacent to Dewey St.

Supplemental Agreement (09-263) Amendment #1 with OMNI Associates for professional services for Dewey Street Corridor Traffic Study dated March 2, 2009.

Communication (09-265) from Bartow Builders requesting a delay in the street improvements to Executive Estates, Woodridge #8 past 2010 due to economic instability.

Communication (09-267) from Keith Gauthier requesting an adaptive reuse conditional use permit for Clarkbridge Hall located at 1402 Clark St., formerly the "Old Vocational School".

PERSONNEL

None.

RESOLUTIONS

Resolution (09-249) to install one ornamental streetlight in the 4000 block of Ellis Street, was referred to Public Utilities and Licensing Committee.

COMMITTEE REPORTS

None.

ORDINANCES

Ordinance (09-269) to create section 14.07 of the Manitowoc Municipal Code regulating underage possession and consumption of alcohol at private residences located in the City.

Ordinance (09-) to amend Section 7.285(2) regarding the ten year installment plan payments for special assessments, was referred to Streets and Sanitation 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)

TWO YEAR OPERATOR’S LICENSE 2008-10

- 416 Jacob Lueptow 907 Schatzie Ln.
- 417 Brenda Fischer 3917 Hwy. H, Cato, WI
- 418 Timothy Strzyzewski 1214 S. 18th St.
- 419 Jennifer Knapp 1034A S. 24th St.
- 420 Laura Birr 706 N. 8th St. #212
- 421 Kristine Zietlow 2350 S. 23rd St. Lot 1063

TWO YEAR OPERATOR’S LICENSE 2009-11

- 17 Gerald Kukoski 2135 S. 23rd St.
- 18 Gary E. Solberg 1711 Cedar Grove Dr. #38
- 19 Julie A. Larson 2113 S. 22nd St.
- 20 Melissa M. Barnard 1220 Woodland Dr.
- 21 Charles Langnese 508 S. 26th St., Manitowoc
- 22 Lawrence Fischer 846 Freeway Lane
- 23 Jennifer Johnson 1133 N. 15th St.
- 24 Barbara Shedal 4364 Valley View Cir., Newton, WI
- 25 Jean Huempfer 1433 Terrace Ct., Two Rivers, WI
- 26 Tracy Vandeurzen 1510 Division St.
- 27 Starr Buss 1206 Flambeau St.
- 28 John Loiselle 4214 Memorial Dr., Two Rivers, WI

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

Communication (08-277) from Ronald F. DeMark requesting that the City vacate a proposed street east of 2014 Lexington Dr., and report (08-322) of City Plan Commission recommending that the Council place communication on file.

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

Communication (08-513) from Donald Vogt submitting an ethics complaint against the Mayor and Common Council.

Resolution (08-531) regarding Performance Evaluation Review Committee review of 2007 performance of non-represented personnel and recommendations regarding merit adjustments retroactive to 2008.

Summons and Complaint (08-616) Wisconsin Housing and Economic Development Authority vs. Dehne and City of Manitowoc, Case No. 08 CV 732.

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.

Request (09-025) from Ellen Reinertson to move a home to the corner lot on Pine and N. 9th Streets, as detailed therein.

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

Communication (09-195) from Bartow Builders requesting an option of 10 years to pay back the street assessments from the improvements scheduled to take place in 2009 for Executive Estates Subdivision No. 7 due to the economic times.

Communication (09-205) from Amvets Post 99 requesting the use of wristbands in place of fencing off the beer tent for their Memorial Day picnic, as detailed therein.

Easement (09-175) from Aurora Medical Group, Inc. for the Dewey Street/County CR Project for utility and traffic signal purposes.

Labor Agreement (09-242) between City of Manitowoc and City of Manitowoc Police Patrolmen for 2009, 2010 and 2011 with Side Letters of Agreement attached.

Resolution (09-216) requesting modification to Governor Doyle's proposed biennial state budget, AB 75, to ensure that all government activities that are exempt from federal prevailing wage requirements also be exempt from state requirements, was referred to Finance Committee.

Resolution (09-217) relative to funding solutions for local infrastructure needs in light of 18 years of frozen shared revenue aids and state's own fiscal condition, was referred to Finance Committee.

Resolution (09-218) urging governor and Legislature to exempt all grants from the limits of the Expenditure Restraint Program and establish a 3% floor on the inflation factor as well as allowing non-property tax sources of revenue for local governments in Wisconsin, as detailed therein, was referred to Finance Committee.

Ordinance (09-221) to amend Chapter 3 of Municipal Code regarding Police and Fire Commission, were referred to Public Property & Safety Committee.

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

Claim (09-157) of Todd Blashka received March 3, 2009, Claim File No. 09-1016.

Notice of Claim (09-069) of Jane Barton received January 21, 2009, Claim File No. 09-1015.

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

Notice of Claim (09-194) from Ciro Mares of March 26, 2009, Claim File No. 09-1017.

Notice of Claim (09-209) received April 6, 2009, from James Szymczyk, Claim File No. 09-1018.

Notice of Claim (09-236) received April 16, 2009, from Gimbel, Reilly, Guerin & Brown representing Brian Swetlik.

PENDING APPLICATIONS

"CLASS B" INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE - 2009-10

63 Ozone Nightclub, LLC 1819 S. 9th St.
Douglas Scherwinski, Agent

TWO YEAR OPERATOR'S LICENSE 2008-10

407 Brett R. Hicks 1313 S. 12th St.

TWO YEAR OPERATOR'S LICENSE 2009-11

29 Trevor Walters 1704 Clark St. Apt. A

30 Bradley Tavares 718 N. Water St.

31 Sharon E. Bauer

7617 So. Union Rd., Newton, WI

32 Donna D. Dehne

1215 S. 18th St.