

COMMON COUNCIL AGENDA

Monday, August 17, 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:

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

Minutes (09-471) of Community Development Authority of 7/15/09; Manitowoc Public Library Board of 5/26/09 and 7/2/09; Maritime Metro Transit Development of 7/22/09; Plan Commission of 7/15/09; Wastewater Treatment Facility board of 7/7/09.

Notice (09-469) before the Dept. of Natural Resources Air Management Program regarding the air pollution permit for Manitowoc Public Utility, 700 Columbus St.

Notice (09-470) before the Dept. of Natural Resources Air Management Program regarding the air pollution permit for Manitowoc County Highway Dept., 3500 State Hwy. 310.

COMMITTEE OF THE WHOLE

Report (09-464) of City Planner David Less enclosing copy of Economic Development Corporation of Manitowoc County and the Related Foundation combined financial statements for 2008.

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

FINANCE

Summons and Complaint (09-459) between M & I Marshall & Ilsley Bank v. Herman/Knox et al.

Notice of Claim and Claim (09-487) of August 14, 2009, from Paul R. Blashka, Fleet Claim No. 09-180.

PARKS AND RECREATION

Request (09-463) for Special Events Privilege from Manitowoc Sunrise Rotary Club to use sidewalks and streets for Run for Your Life, 5K Run/2K Walk at and near Lincoln Park on October 31, 2009. (copy to Streets & Sanitation)

PUBLIC PROPERTY AND SAFETY

Communication (09-475) from Abundant Life Hearing & Health, 2525 Washington St., requesting "Senior Parking Only" for their elderly patients.

PUBLIC UTILITIES AND LICENSING

Request (09-467) to add outside fenced in area to tavern license for Mustang Sally's Ultra Lounge.

LICENSE APPLICATIONS

TEMPORARY OPERATOR'S LICENSE - 2009-10

33	Laurie Lutzke	207 S. 6 th Ave., St. Nazianz, WI
34	Megan Schmidtman	1633 S. 10 th St.
35	Scott Schmidtman	110 E. Washington, Valders, WI
36	Scott Pankratz	7402 CTH J, Valders, WI

ONE YEAR OPERATOR'S LICENSE 2009-10

34	Tessa J. Kiel	4002 Conroe St.
35	Samantha Schweigl	1815 Belmont St.
36	Kathleen M. Bundy	507 N. 4 th St.

TWO YEAR OPERATOR'S LICENSE 2009-11

247	Tim Nicholls	834 N. 5 th St.
248	Casey Mott	1136 N. 18 th St.
249	Jessica Greicar	1121 N. 16 th St.
250	Christina Greuel	7402 CTH J, Valders, WI
251	Jesse Navin	916 Swuare Terr., Green Bay, Wi
252	Anthony Spackman	1308 Wisconsin Ave.
253	Nicole Kopecky	1302 S. 12 th St.
254	Peter Tuschl	711 N. 8 th St.
255	Julie Hougen	6255 Homestead Ln., Two Rivers, WI
256	Kareena Kirt	535 N. 9 th St.
257	Anthony Christel	11853 Steinthal Rd., Kiel, WI
258	Brittany Clark	1018 Cardinal St., DePere, WI
259	Jennifer Giles	619 N. 6 th St.
260	Melissa Mecca	1520 Lone Oak Dr.

STREETS AND SANITATION

Report (09-472) of Board of Public Works of August 12, 2009, regarding quotes received for ferric chloride for Wastewater Treatment Facility, Quote QM-09-8.

Report (09-473) of Board of Public Works of August 12, 2009, regarding bids received for Evergreen Cemetery Chapel, Project WB-09-18.

Agreement (09-) for Sanitary Sewer Smoke Testing Services between City and Strand Associates, Inc. relative to 40th and Archer Lift Station.

Report (09-460) of the Board of Public Works of August 12, 2009, recommending 1st and final payment to Jim Fisher, Inc. in the amount of \$20,532.83 for 2009 New Sidewalk Construction, Project WS-09-2.

Report (09-461) of the Board of Public Works of August 12, 2009, recommending 4th and final payment to McMahon Engineers in the amount of \$5,025.00 for South 30th Street Pond Design.

Report (09-462) of the Board of Public Works of August 12, 2009, recommending 5th and final payment to K & L Construction, Inc. in the amount of \$9,778.45 for North Rapids Road Detention Pond, Project WU-08-15.

Public Works Petition (09-466) from James F. and Kathryn M. Prowls for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on So. 34th Street, as described therein, and shown on the attached map (Parcel Nos. 836-103-050 & 836-103-060).

Quit Claim Deed (09-465) from James F. Prowls and Kathryn M. Prowls for a parcel of land containing .159 acres more or less, to be used for South 34th Street purposes, as described therein and shown on the attached sketch.

Communication (09-468) from SMI on behalf of Menard, Inc. requesting revisions to easements as detailed in attachment for property located at 5120 Calumet Ave. to facilitate construction of a new storage building and expansion of storage lot.

Permanent Easement (09-474) granted by Charles and Kelly Pech to the City for municipal purposes of a storm sewer.

Report (09-476) of City Plan Commission relative to annual compliance review of conditional use permit of LVR Properties LLC for the operation of a recycling facility at 901 So. 17th Street.

Report (09-477) of City Plan Commission relative to annual compliance review of conditional use permit of Tracy and Dan Kaderabek d/b/a Boatworx, Inc. for production of bio diesel at 500 So. 16th Street recommending termination of the CUP because company has relocated.

Report (09-478) of City Plan Commission recommending modification of temporary access easement over unopened street by Merwynn Trade Group before entering into such agreement.

Report (09-479) of City Plan Commission authorizing issuance of special permit for the construction of a fixed animated sign at Culver's property at 4201 Calumet Ave., as detailed therein.

City Plan Commission, to whom was referred communication (09-421) of Wayne R. Popp, WRP Properties, LLC requesting a temporary access easement over an unimproved right of way on S. 21st Street, returned same with report (09-480) recommending that the Council authorize the City Attorney to negotiate and prepare the easement document, as detailed therein.

City Plan Commission, to whom was referred agreement (09-452) to terminate Ayers sidewalk privilege agreement at 770 N. 18th St., returned same with report (09-481) recommending that the Council approve entering into the agreement.

Report (09-484) of City Planner David Less relative to submittal of application to U. S. Environmental Protection Agency for 2010 brownfield assessment grant funding.

City Plan Commission, to whom was referred application (09-450) from Anthony M. Hoffman, Sr. for a change in zone from C-1 Commercial District to I-1 Light Industrial District for property located at 2410 N. Rapids Rd., as detailed therein, returned same with report (09-485) recommending that the City Clerk call for a public hearing on the rezoning and refer back to Plan Commission for final consideration and recommendation.

City Plan Commission, to whom was referred communication (09-433) of S. M. I., as representatives of the Doneff Company, owners of Custer Village Apartments, requesting revisions to easements to facilitate construction of new apartment buildings and garages, returned same with report (09-486) recommending Council approve the release and vacation of the easements, subject to the conditions stated in the report.

Communication (09-488) from Kerscher & Bucha Law Offices on behalf of Ruzek, Inc., 734 N. 8th St., requesting a conditional use permit for the continued operation of a vehicle repair business with accompanying wrecker service.

PERSONNEL

None.

RESOLUTIONS

Resolution (09-482) authorizing submittal of an application with the U. S. Environmental Protection Agency Brownfields Assessment Grant Program for community wide services for brownfield site assessments and associated activities, was referred to Streets & Sanitation Committee.

Resolution (09-) to increase the deposit for Operating After Revocation, was referred to Public Property & Safety Committee.

Resolution (09-) to clarify the role of the Manitowoc Sustainability Committee, was referred to Committee of the Whole.

COMMITTEE REPORTS

Personnel Committee returned resolution (09-418) regarding withdrawal from post-employment health plan for Manitowoc Professional Police Association Local No. 20, recommending adoption of the resolution.

Personnel Committee returned resolution (08-531) regarding Performance Evaluation Review Committee review of 2007 performance of non-represented personnel and recommendations regarding merit adjustments retroactive to 2008, recommending placing on file.

ORDINANCES

Ordinance (09-483) amending the amended zone map for property north of Plank Rd. and west of N. Rapids Rd. to be changed from "C-1" Commercial District to "I-1" Light Industrial District, was referred to Streets & 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)

TEMPORARY OPERATOR'S LICENSE - 2009-10

17	Christopher Sieracki	10817 Hwy. 42, Newton, WI
18	Bryan Baryenbruch	7004 Newton Rd., Newton, WI
19	Kelly Christiansen	8520 Gass Lake Rd., Newton, WI
20	Elroy Jaeger	12719 Westview Rd., Cleveland, WI
21	Cynthia Holschbach	2706 Silver Creek Rd.
22	Carol Christiansen	8520 Gass Lake Rd., Newton, WI
23	Thomas Nonnemacher	1609 Viebahn St.
24	Steven Hutchison	7213 Scheffler Rd., Newton, WI
25	Lisa Baryenbruch	7004 Newton Rd., Newton, WI
26	Mary Jo Eis	3105 Shoto Rd., Two Rivers, WI
27	Bill Eis	3105 Shoto Rd., Two Rivers, WI
28	Tina Jaeger	14610 Hwy. 42, Newton, WI
29	Larry Huhn	1481 Lake Shore Dr.
30	Bonnie Kracht	11228 S. Union Rd., Newton, WI
31	Doris Schnelle	14213 Pigeon River Rd., Cleveland, WI
32	Peter Sixel	13722 Pioneer Rd., Newton, WI
33	Laurie Lutzke	207 S. 6 th Ave., St. Nazianz, WI
34	Megan Schmidtman	1633 S. 10 th St.
35	Scott Schmidtman	110 E. Washington, Valders, WI
36	Scott Pankratz	7402 CTH J, Valders, WI

ONE YEAR OPERATOR'S LICENSE 2009-10

33	Carolyn Leclair	401 S. State St., Mishicot, WI
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TWO YEAR OPERATOR'S LICENSE 2009-11

247	Tim Nicholls	834 N. 5 th St.
248	Casey Mott	1136 N. 18 th St.
249	Jessica Greicar	1121 N. 16 th St.
250	Christina Greuel	7402 CTH J, Valders, WI

251	Jesse Navin	916 Swuare Terr., Green Bay, Wi
252	Anthony Spackman	1308 Wisconsin Ave.
253	Nicole Kopecky	1302 S. 12 th St.
254	Peter Tuschl	711 N. 8 th St.
255	Julie Hougen	6255 Homestead Ln., Two Rivers, WI
256	Kareena Kirt	535 N. 9 th St.
257	Anthony Christel	11853 Steintal Rd., Kiel, WI
258	Brittany Clark	1018 Cardinal St., DePere, WI
259	Jennifer Giles	619 N. 6 th St.

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

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

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.

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

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

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.

Communication (09-330) from Dana Bongle requesting a reduction in ambulance invoice 281149 for 4/20/08 services for his wife and daughter.

Request (09-347) from Lee Troullier to purchase parcels 448-002-000 and 448-019-000 from the City in the Manitowoc Industrial Park.

Communication (09-312) from Harvey Krish requesting a reduced assessment for resurfacing of street in front of 1816 Nagle Avenue.

Communication (09-411) from Marie Hawkins relative to changing the curfew hours.

Communication (09-436) of Christopher Sanchez, 1210 Hamilton Street, expressing concerns for erratic driving and need for more stop signs near his home.

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

Ordinance (09-419) amending Section 16.35(b) Fences and Hedges, was referred to Public Property and Safety.

Request (09-444) from Municipal Judge Steven R. Olson to approve a resolution raising the deposit for Operating After Revocation to a forfeiture of \$225 plus costs.

Communication (09-445) from Michael & Toni Duvall requesting a "silent crossing ordinance" relative to the noise level of trains passing through the City in the early morning hours.

Application (09-450) from Anthony M. Hoffman, Sr. for a change in zone from C-1 Commercial District to I-1 Light Industrial District for property located at 2410 N. Rapids Rd., as detailed therein.

Resolution (09-457) implementing fees for vehicle clean up spills, was referred to Public Property & Safety Committee.

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

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

CV 448.

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.

Notice of Claim and Claim (09-345) of Jerome Zipperer dated May 30, 2009, Claim File No. 09-1022.

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.

PENDING APPLICATIONS

ONE YEAR OPERATOR'S LICENSE 2009-10

34	Tessa J. Kiel	4002 Conroe St.
35	Samantha Schweigl	1815 Belmont St.
36	Kathleen M. Bundy	507 N. 4 th St.

TWO YEAR OPERATOR'S LICENSE 2009-11

260	Melissa Mecca	1520 Lone Oak Dr.
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