

COMMON COUNCIL AGENDA

Monday, November 16, 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: 7:10 p.m. - for the purpose of hearing any citizen or taxpayer on the proposed budget for the upcoming year.

CLOSED SESSION: None.

REPORTS OF OFFICERS:

Oath of Office for new patrol officer, John R. Musial.

Badge ceremony for fire fighter, Kevin Wilke.

Presentation by Tom Drill of Showtime 2009 distribution of proceeds to beneficiaries.

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 (09-645) of Committee on Aging of 11/9/09; Citizens Advisory Committee of 11/3/09; Community Development Authority of 10/14/09; Maritime Metro Transit Dev. Program Review Committee of 10/21/09; Plan Commission of 10/14/09; Wastewater Treatment Facility of 9/8/09.

COMMITTEE OF THE WHOLE

Communication (09-642) from Municipal Judge Steven R. Olson requesting a change in the term of office for Municipal Judge from two years to four years.

General City Claims (09-670) in the amount of \$1,567,394.82 enumerated on list thereof.

FINANCE

Communication (09-640) from City Assessor Sarah Hoppe relative to 2009 commercial assessment ratio.

Communication (09-644) from Manitowoc Public School District advising that the 2009 tax levy amount for the City of Manitowoc is \$14,300,959.00.

Notice of Claim and Claim (09-663) of Michelle B. Shea, Claim File No. 09-1033.

PARKS AND RECREATION

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.

Special Events Request (09-665) from March of Dimes - March for Babies to use Mariner's Trail on May 1, 2010 from 7:00 a.m. to 12:00 p.m.

PUBLIC PROPERTY AND SAFETY

None.

PUBLIC UTILITIES AND LICENSING

None.

LICENSE APPLICATIONS

"CLASS B" FERMENTED MALT BEVERAGE - 2009-10

8 The Bubbler Theatre, LLC 421 N. 8th St.
Lisa Callsen, Agent

"CLASS C" WINE LICENSE - 2008-09

4 The Bubbler Theatre, LLC 421 N. 8th St.
Lisa Callsen, Agent

2010 COMMERCIAL GARBAGE HAULERS

1 Manitowoc Disposal, Inc. 1800 Johnston Dr.

ONE YEAR OPERATOR'S LICENSE 2009-10

48 Briana L. Timreck 540 E. Main St., Mishicot, WI

TWO YEAR OPERATOR'S LICENSE 2009-11

304 Tracy A. Bouc 6612 Northeim Rd.
305 Elizabeth E. Bricco 1912 S. 12th St.
306 Kevin M. Schmidt 947 N. 5th St.
307 Lisa M. Heili 1318 S. 11th St.
308 Sherry L. Bauer 1610 Madison St.
309 Melody M. Williams 1234 S. 9th St.

STREETS AND SANITATION

Agreement (09-641) for stormwater management facility maintenance with Merwynn Trade Group, LLC for property located south of Dewey Street and east of So. 30th Street.

Amendment No. 1 (09-643) to contract with State of Wisconsin Dept. of Transportation and AECOM Technical Services for No. 21st Street Bridge (Viaduct) project.

Report (09-647) of the Board of Public Works of November 11, 2009, recommending 4th and final payment to Feaker and Sons in the amount of \$14,808.34 for Relay Sanitary Sewers and New Storm Sewer, WU-09-10.

Report (09-648) of the Board of Public Works of November 11, 2009, recommending 2nd and final payment to Green Bay Pipe and TV in the amount of \$24,767.27 for Televising Miscellaneous Sewers II, WU-09-14.

Report (09-649) of the Board of Public Works of November 11, 2009, recommending 3rd and final payment to Schaus Roofing & Mechanical Contractors in the amount of \$3,893.50 for Senior Center HVAC, WB-09-13.

Report (09-650) of the Board of Public Works of November 11, 2009, recommending 4th and final payment to Seiler Brothers Construction in the amount of \$32,834.77 for 2009 Remove & Replace Existing Sidewalks, WS-09-3.

Report (09-651) of the Board of Public Works of November 11, 2009, recommending 3rd payment (98%) to Vinton Construction in the amount of \$143,195.49 for 2009 Concrete Paving Reconstruction, WU-09-8.

Report (09-652) of the Board of Public Works of November 11, 2009, recommending 3rd payment (98%) to Vinton Construction in the amount of \$61,662.79 for 2009 Asphaltic Concrete Paving Program, WS-09-4.

Report (09-653) of the Board of Public Works of November 11, 2009, recommending 3rd payment (98%) to Vinton Construction in the amount of \$166,107.86 for 2009 Concrete Paving Program, WS-09-1.

Report (09-654) of the Board of Public Works of November 11, 2009, recommending 3rd and final

payment to Wisconsin Earthworks, LLC in the amount of \$42,434.78 for Clay Pit Road Detention Pond, WU-09-19.

Consulting Agreement (09-657) and authorization to proceed with AECOM Technical Services, Inc. for former Town of Newton Gravel Pit project.

Report (09-658) of City Planner David Less relative to environmental testing and assessment work to be performed on City-owned land in Block 175 of Original Plat.

Request (09-662) from Tony Burgarino, Tony's Pizza, relative to four foot overhang on garage in City right-of-way.

Request (09-656) from Orion Energy Systems for a conditional use permit for a 115-foot wind turbine to be located at 2210 Woodland Drive.

Sidewalk Privilege Agreement (09-664) with Frances G. DeGrand, 831 Sequoia Ct., for fence in City's right-of-way.

Report (09-667) of City Plan Commission recommending that Council accept Quit Claim Deed from Northland Associates and Release of Easement from Spartech.

Report (09-668) of City Plan Commission recommending that Council approve the assignment of the conditional use permit at 734 N. 8th Street to Dwayne Radaj d/b/a Spencer's Total Auto Repair & Towing, LLC, as detailed therein.

Request (09-669) from Mark and Christine Nickels, 3104 Wildwood Dr., to waive fee for sidewalk repair, as detailed therein.

PERSONNEL

None.

RESOLUTIONS

Resolution (09-639) providing for primary election on February 16, 2010, if three or more candidates file nomination papers for a city office, was referred to Public Utilities & Licensing Committee.

Resolution (09-659) authorizing the submittal of an application with the Wis. Dept. of Commerce Blight Elimination and Brownfield Redevelopment program for assessment and contamination in Block 175 of Original Plat, was referred to Streets & Sanitation Committee.

Resolution (09-661) authorizing a stormwater management facility maintenance agreement with Manitowoc Lutheran High School, for property located at 4045 Lancer Circle, was referred to Streets & Sanitation Committee.

Resolution (09-660) recommending a one and one-half percent wage increase for School Crossing Guards and Rahr-West Art Museum Security Guards, was referred to Personnel Committee.

COMMITTEE REPORTS

None.

ORDINANCES

Ordinance (09-666) to amend various sections of Chapter 10 of the Municipal Code relating to parking on York Street.

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)

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308	Sherry L. Bauer	1610 Madison 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.

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

An ordinance (09-553) to amend the amended zone map in an area located south of Michigan Avenue, southeast of Winnetka Court, and north of the Manitowoc River, was referred to Streets & Sanitation Committee.

Communication (09-595) from Manitowoc County Corporation Counsel regarding the County's Lakeshore Humane Society Service Contract proposal, as detailed therein.

Ordinance (09-565) to amend Section 7.32 of the Manitowoc Municipal Code relative to assessment for seal coating of streets, was referred to Streets & Sanitation Committee.

General City Budget (09-618) of proposed 2009 levy for 2010, in the amount of \$12,275,249.00 including the Manitowoc Public Library, with \$1,015,297.00 in proposed tax incremental financing.

Release of Easement (09-587) to Spartech CMD, LLC for storm sewer purposes east of So. 30th Street and north of Division St.

Quit Claim Deed (09-592) from Northland Associates, LLC for a parcel of land to be used for Twin Ponds Drive.

Communication (09-594) from Ralph Kracht and Edward Mahloch relative to abandoned culvert under their driveway approach at 4015/4019 Custer Street.

Special Events Request (09-634) from Colleen G. Kalt to hold Manitowoc/Two Rivers Community Walk on April 24, 2010 along Mariner's Trail.

Communication (09-632) from Spencer's Total Auto Repair & Towing LLC and Ruzek, Inc. jointly requesting assignment of a conditional use permit recently issued expressly to Ruzek, Inc. to Spencer's Total Auto Repair & Towing LLC at 734 N. 8th Street.

Ordinance (09-627) to amend various sections of Chapter 10 of the Manitowoc Municipal Code relative to angle parking and 2 hour parking on a portion of York Street.

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

Notice of Claim and Claim (09-637) from Greg Comstock - Rollaire of October 30, 2009, Claim File No. 09-1032.

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 (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 Claim & Claim (09-499) from Bradley J. Olivera of September 1, 2009, Claim File No. 09-1029.

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

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

PENDING APPLICATIONS

TWO YEAR OPERATOR'S LICENSE 2009-11

309 Melody M. Williams

1234 S. 9th St.