

COMMON COUNCIL AGENDA

Monday, February 4, 2013
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.

REPORTS OF OFFICERS:

City Clerk to swear in new patrol officers, Aaron Katzka and Travis Van Kauwenberg.

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 (13-039) from Alex J. Olson resigning from the Community Development Authority effective January 18, 2013.

Report (13-044) from Municipal Court Clerk of 2012 caseload statistics, collections and new cases issued.

Report (13-050) of the Interim Director of Public Infrastructure Greg Minikel of the tonnage report for the year ending December 31, 2012.

Minutes (13-043) of Community Development Authority of 12/12/12; Crime Prevention Committee of 12/6/12; Plan Commission of 12/12/12; Public Utilities Commission of 1/14/13; Rahr-West Art Museum Board of 12/19/12; Sustainability Committee of 12/12/12.

COMMITTEE OF THE WHOLE

General City Claims (12-048) in the amount of \$1,396,521.69 enumerated on list thereof.

FINANCE

Notice of Claim and Claim (13-038) of David S. Baker of January 29, 2013, Fleet Claim No. 13-203.

Agreement (13-040) with Sherrie Richards for management services relative to the day-to-day operations of the Manitowoc Farmer's Market, as detailed therein, for the period ending October 26, 2013.

Report (13-) of City Planner David Less relative to 2013 Farmer's Market.

Amendment Agreement No. 3 (13-) related to State of Wisconsin Dept. of Transportation transportation economic assistance (TEA) grant relative to the design and construction of a rail spur for the benefit of a manufacturing facility at 5902 West Custer Street.

Job Guarantee Agreement No. 2 (13-) with Wisconsin Department of Transportation

relative to Transportation Facilities Economic Assistance and Development program.

PARKS AND RECREATION

Request (13-046) for waiver of fees for Manitowoc Co. Miracles Special Olympics for rental of Citizens Park gym on various dates for Special Olympics volleyball practice.

Special Events Request (13-051) from Washington Jr. High School PTO & Be the Change organization to hold color run on May 4, 2013, utilizing Dewey Street Park, as detailed therein, with waiver of fee request attached.

PUBLIC PROPERTY AND SAFETY

Communication (13-041) from Alderperson Sitkiewitz on behalf of Brian Kinzel regarding safety concerns with traffic on the Waldo Blvd. curve.

PUBLIC UTILITIES AND LICENSING

LICENSE APPLICATIONS REFERRED

CLASS "A" RETAIL FERMENTED MALT BEVERAGE - 2012-13

25 Jay LLC 732 N. 11th St.
Chandrika Potti, Agent

2013 PAWNBROKER, SECOND-HAND ARTICLE/JEWELRY DEALER, FLEA MARKET

1 Richard L. Francois 2101 Washington Street
d/b/a Boelters Jewelers
2 Megean E. Lauson 910 S. 8th Street
d/b/a Modern by Megean Contemporary Jewelry
3 Leo P. Jadowski 1022 S. 10th Street
d/b/a L & B Resale & Pawn

TWO YEAR OPERATOR'S LICENSE - 2012-14

359 Emily Fessenbecker 7519 Hwy. 147, Two Rivers, WI
360 Danielle M. Lighty 1326 S. 10th St.

STREETS AND SANITATION

Communication (13-045) from Friends of Mariners Trail, to commit funding for the Mariners Trail re-routing project near the parking area, just north of the Little Manitowoc River.

Report (13-047) of Board of Public Works relative to Manitowoc Public Utilities' request for sidewalk privilege agreement on parcel #000-274-020 at the corner of Hancock Street and S. 7th Street.

Report (13-049) of Board of Public Works of January 30, 2013, recommending 3rd and final payment to Vinton Construction Company in the amount of \$4,884.10 for 2012 Sanitary and Storm Sewer Construction, WU-12-8.

PERSONNEL

None.

RESOLUTIONS

Resolution (13-042) endorsing design elements for the reconstruction and rehabilitation of Waldo Blvd. from Maritime/Memorial Drive to North Rapids Road and requesting Wisconsin Dept. of Transportation to move forward with the design of Waldo Blvd. including necessary land acquisitions, was referred to Committee of the Whole.

COMMITTEE REPORTS

Finance Committee returned the following claims, recommending placing on file: Notice (04-283) of claim from Thomas Jacobson of May 19, 2004, Claim File 04-938; Claim (04-296) from Thomas Jacobson of June 1, 2004, Claim File 04-938-1; Claim (04-518) from Partners Mutual Insurance Company on behalf of their insured, Duane P. Moon d/b/a Moon's Lawn Care, Claim File 04-941; Claim (05-132) from Anthony Jowell of March 4, 2005, Claim File 05-950-1; Claim (05-539) from Eric Glaeser of August 11, 2005, Claim File No. 05-957; Notice of claim and claim (05-629)

from Frederick Jacobi of September 28, 2005, Claim 05-960; Notice of claim (05-756) from Alpert & Fellows, LLP, in behalf of their client, Donald W. Newby, Claim File 05-924-1; Claim (05-796) from Jim Van Sleet of December 10, 2005, Claim file 05-961; Notice of claim and claim (07-343) of Chris McNeill of June 11, 2007, Claim File 07-985; Claim (07-728) from James Weber of December 28, 2007, Claim File No. 07-161; Claim (08-579) from Estate of Patricia Werowinski, Kurt Werowinski and Jason Werowinski of October 8, 2008, Claim File No. 08-1012; Notice of Claim (09-209) received April 6, 2009, from James Szymczyk, Claim File No. 09-1018; Notice (10-205) of Circumstances of Claim on behalf of The Estate of Robert Rue, Fleet Claim File No. 10-187; Notice (10-204) of Circumstances of Claim on behalf of Violet M. Rue, Fleet Claim File No. 10-186; Notice of Claim (10-316) of Tracy Weiler of June 11, 2010, Claim File No. 10-1045; Notice of Claim (10-389) of A T & T of June 7, 2010, Claim File No. 10-048; Notice of Claim and Claim (10-496) of August 25, 2010, from Diane Smith, Claim File No. 10-1054; Notice of Claim and Claim (11-293) of May 2, 2011 from Bradley A. Jacobson, Claim File No. 11-1066; Notice of Claim (11-361) of Joaquim Martinez, Claim File No. 11-1068; Notice of Claim and Claim (11-625) of David and Eliner Waege dated September 15, 2011, Claim File No. 11-1074; Notice of Claim and Claim (11-750) of November 6, 2011 from Greg J. Zabler, Claim File No. 11-1079.

Finance Committee returned the following documents involving the original Brian Swetlik lawsuit and his appeals, recommending placing on file: Notice of Appeal (12-494) in the matter of Swetlik v. Kevin Crawford, et al, Case No. 09-CV-1157; Defendants' Answer and Affirmative Defenses (10-017) relative to Case No. 09-C-1157, Brian W. Swetlik vs. Former Mayor Kevin Crawford et al; Summons & Complaint (09-745) between Brian W. Swetlik v. Former Mayor Kevin Crawford, et al, Case No. 09-C-1157; Notice of Injury (08-556) from Gimbel Reilly Guerin Brown on behalf of Brian Swetlik from September 17, 2008.

ORDINANCES

Ordinance (13-) to amend Section 10.410(1) of the Manitowoc Municipal Code regulating prohibited parking from December 1 to March 1, was referred to Public Property and Safety 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)

2013 PAWNBROKER, SECOND-HAND ARTICLE/JEWELRY DEALER, FLEA MARKET

- | | | |
|---|---|---------------------------------|
| 1 | Richard L. Francois
d/b/a Boelters Jewelers | 2101 Washington Street |
| 2 | Megean E. Lauson
d/b/a Modern by Megean Contemporary Jewelry | 910 S. 8 th Street |
| 3 | Leo P. Jadowski
d/b/a L & B Resale & Pawn | 1022 S. 10 th Street |

TWO YEAR OPERATOR'S LICENSE - 2012-14

- | | | |
|-----|--------------------|-------------------------------|
| 359 | Emily Fessenbecker | 7519 Hwy. 147, Two Rivers, WI |
| 360 | Danielle M. Lighty | 1326 S. 10 th St. |

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

COMMITTEE OF THE WHOLE
Previously Referred

Ordinance (12-695) to amend Section 15.450 of the Manitowoc Municipal Code dealing with signage.

FINANCE
Previously Referred

Summons and Complaint (08-428) of Holy Family Memorial, Inc. v. City of Manitowoc, Case No. 08-CV 488.

Summons and Complaint (12-303) between Bank of America vs. Hrudka, et al, Case No. 12 CV 0256.

Summons and Complaint (12-401) BMO Harris Bank vs. Christine C. Spencer and City, Case

No. 12 CV 0395.

Summons and Complaint (12-402) EMC Mortgage vs. Estate of James G. Mott and City, Case No. 12 CV 0407.

Communication (12-441) from Nash, Spindler, Grimstad & McCracken LLP relative to final settlement of Novak v. Cities and Villages Mutual Insurance Co., et al, Case No. 11-CV-366.

Notice of Appeal (12-494) in the matter of Swetlik v. Kevin Crawford, et al, Case No. 09-CV-1157.

Amended Summons and Complaint (12-536) between EMC Mortgage LLC and Estate of James G. Mott and City of Manitowoc, Case No. 12-CV-0407.

Claim (12-568) of Carolyn Barnett filed 9/24/12, Claim No. 12-1085-1.

Notice of Claim (12-630) of October 17, 2012, from Alpert & Fellows in behalf of Marcella B. Krall, Claim File No. 12-1087.

Summons and Complaint (12-672) of BMO Harris Bank v. BeBaere, City of Manitowoc, et al, Case No. 12 CV 672.

Notice of Claim (12-673) of November 21, 2012, of Jeanelle Loberger, Claim File No. 12-1088.

Notice of Claim (12-679) of November 29, 2012 of Wesco Electric relative to payment bond for public project, Intermodal Transfer Station, Claim No. 12-1089.

Invoice (13-037) from Balestrieri relative to Riverland Ag silos.

PARKS AND RECREATION
Previously Referred

Communication (13-004) from Douglas Koch requesting suspension of rental of Cabin No. 2 in Lincoln Park for the Lights in Lincoln Park event for the month of December, 2013.

PUBLIC PROPERTY AND SAFETY
Previously Referred

Communication (12-399) from Manitowoc City Center Association expressing their concerns regarding pedestrian safety in our cross walks.

Communication (12-371) from Malcolm Shaw relative to posted two-hour parking limit in the 600 block of Chicago Street.

Ordinance (12-706) to repeal Section 3.130 of the Manitowoc Municipal Code relative to Safety, Traffic & Parking Commission.

Communication (13-001) from Fire Chief William P. Manis II reporting Police & Fire Commission and well as his recommendations for staffing, etc. at the Fire Department.

Communication (13-010) from The Crossing requesting a change in the parking time limit for the 800 block of Washington Street.

Joint Powers Agreement (13-023) with Manitowoc County Joint Dispatch Center for the Period March 1, 2013 to March 1, 2014.

PUBLIC UTILITIES & LICENSING
Previously Referred

PENDING APPLICATIONS

CLASS "A" RETAIL FERMENTED MALT BEVERAGE - 2012-13

25 Jay LLC
Chandrika Potti, Agent

732 N. 11th St.

TWO-YEAR OPERATOR'S LICENSE - 2012-2014

STREETS AND SANITATION
Previously Referred

Request (10-506) from SMI as representatives of the Allie Family Partnership and St. Francis of Assisi Parish for a change to the Official Map removing three streets south of Michigan Ave. and west of N. Rapids Rd.

Utility Easement (10-585) to Manitowoc Public Utilities for the purpose of constructing, maintaining, repairing and replacing electrical utility facilities.

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

Communication (12-417) from Luisier Plumbing relative to sewer repair at 1403 Nagle Avenue.

Ordinance (12-711) to amend Section 22.010 of the Municipal Code entitled "Official Map - Master Subdivision Plans" for an area north of Viebahn Street and west of S. 42nd Street.

PERSONNEL
Previously Referred

None.