

COMMON COUNCIL AGENDA

Monday, January 19, 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. Proposed change in zone from "B-3" General Business District to "C-1" Commercial District, in an area located at the southeast corner of Marshall and S. 23rd Streets.

CLOSED SESSION: None.

REPORTS OF OFFICERS:

Police Officer Rebecca Ann Schuettepelz to take oath of office.

Firefighter/Paramedics Brian Lodel and Chad Pfeffer to be sworn in.

Fire Chief to present recognition certificate to Bryan Kassube, Town of Buchanan, for unselfish community service.

Site Plan Development Awards.

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.

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 (09-044) of Maritime Metro Transit Development Program Review Committee of 12/17/08; City Plan Commission of 12/10/08; Rahr-West Art Museum of 12/17/08.

Thank You (09-057) from The Salvation Army for Poor Fund donation.

Tonnage Report (09-064) for the Port of Manitowoc for the year ending 12/31/08.

COMMITTEE OF THE WHOLE

Communication (09-043) from Wisconsin Dept. of Administration indicating they have reviewed the Holy Family Convent Annexation and found that it is not against the public interest.

City Plan Commission, to whom was referred petition (08-689) from The Holy Family Convent of the Franciscan Sisters of Christian Charity, Inc. for direct annexation of approximately 23.723 acres of land from the Town of Manitowoc Rapids to the City of Manitowoc, known as Silver Lake College No. 1 annexation area, returned same with report (09-056) recommending that the Council approve the petition for direct annexation and that the area be zoned "R-6" Multiple Family District.

General City Claims (08-) in the amount of \$ enumerated on list thereof.

FINANCE

Amendment (09-028) Agreement No. 2 related to State of Wisconsin Transportation Economic Assistance (TEA) Grant regarding a construction of a rail spur for Extrutech Plastics.

Report (09-029) of City Planner recommending entering into amendment agreement no. 2 to TEA Grant regarding a construction of a rail spur for Extrutech Plastics.

Claim (09-022) from Vinton Construction filed January 6, 2009, Fleet Claim File No. 09-172.

Claim (09-034) from Rick & Renee Charlton filed January 9, 2009, Fleet Claim File No. 09-173.

Claim (09-035) from Allen Jennings filed January 12, 2009, Fleet Claim File No. 09-174.

Claim (09-026) from State Farm Insurance Companies/Wallace Haske for March 12, 2008 incident, Fleet Claim File No. 08-175.

Claim (09-023) from Lakeside Foods, Inc. filed January 8, 2009, Claim File No. 09-1014.

Amendment No. 1 (09-039) between City of Manitowoc and John A. & Linda Schuette relative to repayment of obligations under grant contract.

Report (09-040) of City Planner recommending entering into Amendment No. 1 between City of Manitowoc and John A. & Linda Schuette.

Communication (09-) from City Clerk recommending rescinding 2008 taxes of 000-917-990, Fiesta Fashion.

Communication (09-) from City Clerk recommending rescinding 2007 and 2008 taxes of 000-317-159, Bamco Architects.

PARKS AND RECREATION

Grant Agreement (09-024) between National Fish and Wildlife Foundation and City of Manitowoc for Red Arrow Park Beach Erosion Control.

PUBLIC PROPERTY AND SAFETY

Communication (09-032) relative to Estate of Arlene Turgasen enclosing partial distribution of estate to the Manitowoc Fire Department.

Communication (09-033) from Tony Burgarino relative to purchase of strip of City land adjacent to 2204 Washington St.

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

PUBLIC UTILITIES AND LICENSING

Transit contract (09-027) for 2008 Urban Mass Transit Operating Assistance between State of Wisconsin Department of Transportation and City of Manitowoc.

Transit contract (09-038) for 2008 Section 5311 Capital Assistance contract between State of Wisconsin Dept. of Transportation and City of Manitowoc.

LICENSE APPLICATIONS

2008 COMMERCIAL GARBAGE HAULERS

5	Waste Management	1861 E. Allouez Ave., Green Bay, WI
---	------------------	-------------------------------------

STOCK CAR RACES, RACING EXHIBITIONS, DEMOLITION DERBY

1	Manitowoc County Expo	4921 Expo Dr.; Race Track and Grounds
---	-----------------------	---------------------------------------

2008-2009 ONE YEAR OPERATOR'S LICENSE

72	Ruth Ott	2728 10 th St., Two Rivers, WI
----	----------	---

73	Joellen Hempel	1808 19 th St. Apt. #E, Two Rivers
----	----------------	---

74	Chad MacDonald	1116 Windiate St.
----	----------------	-------------------

2008-2010 TWO YEAR OPERATOR'S LICENSE

366 Tyler Gass 2117 LaFollette Ave.
367 Jason Hardrath 1611 Main St., Cato
368 Vanessa Vanover 715 N. 8th St.

STREETS AND SANITATION

Petition (09-036) from residents on S. 9th Street, Lakeside Blvd. and Dewey Street relative to snow plowing the boulevard.

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

Report (09-041) from City Planner relative to partial release of mortgage to correct legal description relating to Osuld Torrison River Front Condos property.

Report (09-042) from City Planner recommending entering into the attached agreement with R. A. Smith National for professional services for Geographic Information Systems (GIS) Needs Assessment.

Report (09-049) of the Board of Public Works of January 14, 2009, recommending 2nd and final payment to Great Lakes TV Seal in the amount of \$3,964.98 for 2008 Televising Miscellaneous Sewers II, WU-08-11.

Report (09-048) of the Board of Public Works of January 14, 2009, recommending 4th and final payment to NES Ecological Services in the amount of \$442.44 for Red Arrow Park & Conservancy Shoreline Stabilization.

Report (09-047) of the Board of Public Works of January 14, 2009, recommending 5th and final payment to Earth Tech, Inc. in the amount of \$2,540.25 for Pollution Prevention Program.

Quit Claim Deed (09-050) to combine various City parcels along Quay Street and South Lakeview Drive, as detailed therein.

Quit Claim Deed (09-051) to combine various City parcels along Quay Street, as detailed therein.

Quit Claim Deed (09-052) from City of Manitowoc for 2.48 acres of land for Quay Street and South Lakeview Drive purposes.

Declaration of Dedication of Property (09-053) for 2.48 acres of land for Quay Street and South Lakeview Drive purposes.

Report (09-054) of City Plan Commission relative to review of final site plan for aquatic center recommending Council approve the proposed project pursuant to Sec. 62.23(5) Wis. Stats.

Report (09-055) of the City Plan Commission indicating they have conducted their annual review of Community Living Arrangements (CLA's) and recommending that the Council approve the associated licenses for these facilities for 2009.

Utility Easement (09-058) from City of Manitowoc for utility purposes for the existing storm sewer to the east and north of Fessler Dr. that drains to the existing detention pond.

Utility Easement (09-059) from City of Manitowoc for utility purposes for the existing watermain on Vits Dr. extended, west of Silver Creek and along the potential future right-of-way for Fessler Dr.

City Plan Commission, to whom were referred easement (09-011) between Osuld Torrison River Front Condos LLC and City of Manitowoc for public access across riverwalk for property at 2 N. 8th St. and quit claim deed (09-009) from R & J Property Management LLC to City of Manitowoc for 3.877 acres of land for stormwater pond purposes, returned same with report (09-060) recommending entering into easement (09-011) and accepting deed (09-009).

Report (09-062) of Board of Public Works recommending request for temporary access easement on unimproved right-of-way be granted to Mike Check Builders for property located at 2727 Red Fox Lane.

Communication (09-063) from Kathie Bundy, St. Patrick's Day Parade Coordinator, requesting permission to hold the 11th annual St. Patrick's Day Parade on Friday, March 13, 2009, following the route described therein, with fireworks to follow, as in the past.

PERSONNEL

None.

RESOLUTIONS

Resolution (09-030) declaring intent to use Clean Water Fund Loan proceeds for reimbursement of eligible project costs, as detailed therein, was referred to Finance Committee.

Resolution (09-031) appointing Mayor Kevin Crawford as the authorized representative to file applications for financial assistance from Wis. Environmental Improvement Fund, was referred to Finance Committee.

Resolution (09-037) authorizing pay for Election Board officials for all elections to be held in 2009, as detailed therein, was referred to Public Utilities & Licensing Committee.

Resolution (09-045) to create Ward 38, population 35, for the Silver Lake College No. 1 annexation area, as described therein and shown on the attached map, and that Ward 38 be combined with Wards 17, 18, 22, 24, 25, 26, 28, 29, 30, 32, 36 & 38, for voting purposes and use a common polling place as established for the 9th Aldermanic District, was referred to Committee of the Whole.

COMMITTEE REPORTS

None.

ORDINANCES

An ordinance (09-046) to annex territory known as Silver Lake College No. 1 Annexation Area from the Town of Manitowoc Rapids to the City of Manitowoc, as part of the 9th Aldermanic District and 38th Ward, to be zoned "R-6" Multiple Family District, as described therein and shown on the attached map, was referred to Committee of the Whole.

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)

"CLASS B" INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE - 2008-09

47A Las Brisas, LLC 3535 Calumet Ave.
Dora Sanoval, Agent

2008 COMMERCIAL GARBAGE HAULERS

5 Waste Management 1861 E. Allouez Ave., Green Bay, WI

STOCK CAR RACES, RACING EXHIBITIONS, DEMOLITION DERBY

1 Manitowoc County Expo 4921 Expo Dr.; Race Track and Grounds

2008-2009 ONE YEAR OPERATOR'S LICENSE

72 Ruth Ott 2728 10th St., Two Rivers, WI

73 Joellen Hempel 1808 19th St. Apt. #E, Two Rivers

74 Chad MacDonald 1116 Windiate St.

2008-2010 TWO YEAR OPERATOR'S LICENSE

366 Tyler Gass 2117 LaFollette Ave.

368 Vanessa Vanover 715 N. 8th St.

2009 COMMERCIAL GARBAGE HAULERS

3 Larry's Hauling, Inc. 111 Balsam Rd., Sheboygan Falls, WI

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

Revised City of Manitowoc Comprehensive Position Classification and Compensation Plan (08-532) and Performance Review form.

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.

Communication (08-617) from Dennis Lochmann surrendering the Class "B" Retail Fermented Malt Beverage license and Class C Wine license for 1015 Washington Street, effective December 2, 2008 or upon issuance of new license.

Communication (08-688) from Holy Family Convent of the Franciscan Sisters of Christian Charity, Inc. requesting a conditional use permit to operate a high-density residential on-site student housing unit relating to Silver Lake College.

Petition (08-689) from The Holy Family Convent of the Franciscan Sisters of Christian Charity, Inc. for direct annexation of approximately 23.723 acres of land from the Town of Manitowoc Rapids to the City of Manitowoc, area known as Silver Lake College #1.

Petition (08-686) signed by residents of the City of Manitowoc requesting adoption of laws protecting citizens and children from sex offenders.

Petition (08-681) from residents residing on Remiker Lane asking that the permit for Premier Lawncare to use Remiker Lane for business purposes be stopped.

Resolution (08-697) to vacate a portion of S. 42nd Street (C.T.H. "CR"), as detailed therein, was referred to Streets and Sanitation Committee.

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

Ordinance (08-695) to amend Section 15.05 of the amended zone map of the City of Manitowoc for an area located south of Marshall St. and east of S. 23rd Street to be changed from "B-3" General Business District to "C-1" Commercial District, was referred to Streets and Sanitation Committee.

Ordinance (08-696) to amend Section 22.01 entitled Official Map Master Subdivision Plans for an area located on S. 42nd Street, was referred to Streets and Sanitation Committee.

Ordinance (08-622) to amend Section 7.10 of the Manitowoc Municipal Code creating paragraph entitled obstruct Right-of-Way, was referred to Streets and Sanitation Committee.

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.

Claim (08-015) from Jeremy P. Weber of December 31, 2008, Fleet Claim No. 08-171.

Request (09-016) from Dale Hornburg requesting reconsideration of denial of operator's license.

Ordinance (09-010) to amend Section 25.05 of the Municipal Code to adjust rates for sewer service charges effective January 1, 2009, was referred to Streets and Sanitation Committee.

PENDING APPLICATIONS

"CLASS B" INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE - 2008-09

- | | | |
|----|---|-------------------|
| 63 | Ozone Nightclub, LLC
Douglas Scherwinski, Agent | 1819 S. 9th St. |
| 67 | Denny's Pizza Garden, LLC
Dennis Lochmann, Agent | 4709 Menasha Ave. |

47A Las Brisas, LLC
Dora Sanoval, Agent

3535 Calumet Ave.

2008-2010 TWO YEAR OPERATOR'S LICENSE

367 Jason Hardrath

1611 Main St., Cato