

COMMON COUNCIL AGENDA

Monday, February 15, 2010

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:

Site Plan Development Awards Presentation.

EDC 2009 Annual Report by Ken Stubbe, Exec. Dir., Economic Development Corp.

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 (10-066) of Citizens Advisory Committee of 1/5/10 & 2/2/10; Citizens Physical & Sensory Disability Commission of 2/4/10; Community Development Authority of 1/13/10; Library Board of 12/21/09; Police and Fire Commission of 5/19/09, 9/2/09 & 11/3/09; Manitowoc Public Utilities Commission of 1/11/10; Rahr-West Art Museum Board of 12/16/09; Safety, Traffic & Parking of 3/11/09 & 9/29/09.

COMMITTEE OF THE WHOLE

General City Claims (10-) in the amount of \$ enumerated on list thereof.

FINANCE

Communication (10-065) of Attorney John F. Mayer enclosing summary decision of Wis. Court of Appeals relative to Knauer v. Mayor Kevin Crawford, et al dismissing the appeal.

Report (10-074) of Deputy City Planner Paul Braun summarizing the City's payments to Mainly Manitowoc.

Notice of Claim (10-085) of February 11, 2010, from Jeremiah Johnson, Fleet Claim No. 10-184.

PARKS AND RECREATION

Special Events Request (10-060) from Holy Family Memorial to use Silver Creek Park and allow alcoholic beverages to be sold on July 17, 2010 from 11:00 a.m. to 6:00 p.m. for picnic. (Copy to Public Utilities & Licensing Committee).

Special Events Request (10-062) from Tom Chermak requesting the use of Washington Park

for Metro Jam Weekend, June 18 & 19, 2010, the use of the Metro Stage, a waiver of rules prohibiting alcohol beverages to be consumed in the park for the weekend, closing So. 11th & So. 12th Street for a portion of the weekend, and City employees to help with the Children's Area and for setup and preparation of the event, as detailed therein. (Copy to Streets & Sanitation and Public Property & Safety).

PUBLIC PROPERTY AND SAFETY

2009 Annual Report (10-068) of Department of Building Inspection.

Report (10-087) of City Planner, David Less, requesting authorization for City Planner to continue to act as the City's agent in administering all aspects of the 2010 Farmers' Market program and approval of the Agreement for Management Services, as detailed therein.

PUBLIC UTILITIES AND LICENSING

Report (10-084) from Nilaksh Kothari, General Manager, reporting 2009 highlights of activities of Great Lakes Utilities, a municipal electric company, with 2008 annual report attached.

LICENSE APPLICATIONS REFERRED

ONE YEAR OPERATOR'S LICENSE 2009-10

54	Ramona L. Wolf	1225 S. 20 th St.
55	Timothy A. Mattson	2240 Fairmont St.

TWO YEAR OPERATOR'S LICENSE 2009-11

345	Carol M. Resch	419 Chicago St.
346	John Resch	419 Chicago St.
347	Karie E. Hessel	4726 Hessel Ct.
348	Adam T. Myers	1102 E. Thomas St.
349	Amy B. Suchocki	1403 20 th St., Two Rivers, WI

STREETS AND SANITATION

Special Events Request (10-059) from Midwest LLC (Yo-Yo Balloons) to sell balloons and St. Patrick's Day novelties along the St. Patrick's Day parade route on March 12, 2010.

Special events request (10-061) from Northeastern Wisconsin Great Lakes Sport Fishermen to hold the annual Salmon Derby at the Manitowoc Marina from Friday, July 2 through Monday, July 5, 2010, use of various City equipment, permission to sell fermented beverages until 11:30 p.m. and extension of the noise ordinance until 11:30 p.m. on Friday, Saturday and Sunday nights, as detailed therein. (Copy to Parks & Recreation and Public Utilities & Licensing).

Declaration of Dedication of Property (10-063) for So. 10th Street purposes.

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

Special Events Request (10-067) from First Lutheran Church advising they will be hosting 13th Annual Shanty Town on April 24, 2010 and requesting city equipment to be donated, as detailed therein.

Special Events Request (10-069) from Amvets Post 99 to use Conroe Street for 2010 Gravity Hill Derby on June 19, 2010.

Report (10-070) of the Board of Public Works of February 10, 2010, recommending 10th and final payment to Vinton Construction in the amount of \$122,952.97 for 40th and Archer Street Lift Station, WU-08-10.

Report (10-071) of the Board of Public Works of February 10, 2010, recommending 5th and final payment to Strand Associates, Inc. in the amount of \$223.46 for Smoke Testing Sanitary Sewers, Invoice #0076522.

Report (10-072) of the Board of Public Works of February 10, 2010, recommending 6th and final

payment to Mead & Hunt, Inc. in the amount of \$3,400.00 for professional services to prepare CDBG application for S. 10th Street, Invoice #215009.

City Plan Commission, to whom was referred request (10-013) on behalf of AJBL, Ltd. and Anthony J. Bugarino to establish a parking lot in a residential zoning district directly to the north of Tony's Pizza business, returned same with report (10-075) which notes that the issuance of a special permit is consistent with the plan and land use for this area.

City Plan Commission, to whom was referred release (10-034) of easement to R & J Property Management for a portion of an existing storm sewer easement, returned same with report (10-076) recommending approval of the Release with one correction to be made.

Report (10-077) of City Plan Commission authorizing issuance of special permit for the construction of a fixed animated sign at Rob's Market property at 2330 Menasha Ave., as detailed therein.

City of Plan Commission, to whom was referred permanent utility easement (10-038) from Garceau Properties, LLC for storm sewer to drain from So. 41st St. into stormwater pond at So. 41st and Custer, returned same with report (10-078) recommending approval of permanent utility easement with one correction to be made.

Report (10-079) of City Plan Commission relative to proposed City-initiated vacation and Official Map amendment for a portion of So. 22nd Street asking Council to instruct the City Clerk to call for the required public hearing, as detailed therein.

Board of Public Works, to whom was referred Ordinance (09-700) to amend Section 7.09(6) requiring sidewalks, returned same with report (10-080) recommending Council adopt the ordinance.

Report (10-081) of the Board of Public Works relative to communication from Mr. Otek Sign & Textile on behalf of Parker Hannifin Corp. to place signs in City right-of-way, recommending Council grant the request, as detailed therein, with City Attorney to draft Sidewalk Privilege Agreement.

Report (10-082) of Board of Public Works of February 10, 2010, regarding bids received for 2010 Slurry Sealing Various Streets, Project WS-10-6.

Report (10-083) of Board of Public Works of February 10, 2010, regarding bids received for 2010 Relining Sewers, Project WU-10-7.

Sidewalk Privilege Agreement (10-086) between City and Sarah A. Blashe for the purpose of maintaining a fence on City right-of-way.

PERSONNEL

None.

RESOLUTIONS

Resolution (10-073) that seal coating be placed on the streets listed therein in 2010, and assessments be made against the abutting property owners for the cost on a front foot basis, was referred to Streets and Sanitation Committee.

COMMITTEE REPORTS

None

ORDINANCES

None.

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)

ONE YEAR OPERATOR'S LICENSE 2009-10

- 54 Ramona L. Wolf 1225 S. 20th St.
- 55 Timothy A. Mattson 2240 Fairmont St.

TWO YEAR OPERATOR'S LICENSE 2009-11

345	Carol M. Resch	419 Chicago St.
346	John Resch	419 Chicago St.
347	Karie E. Hessel	4726 Hessel Ct.
348	Adam T. Myers	1102 E. Thomas St.

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

FINANCE Previously Referred

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

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

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.

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

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

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

Notice (09-705) of Event giving rise to claim from D. T. Keding of December 10, 2009, Claim File No. 09-1036.

Notice of Claim and Claim (09-707) from Dawn Herzog of December 16, 2009, Claim File No. 09-1037.

Summons & Complaint (09-745) between Brian W. Swetlik v. Former Mayor Kevin Crawford, et al, Case No. 09-C-1157.

Request (09-747) from Judge Steven R. Olson for Municipal Court software change, as detailed therein.

Notice of Claim (09-751) from Jeanette Kakuk of December 30, 2009, Claim File No. 09-1038.

Notice of Claim and Claim (10-001) from Beth Dodge of January 11, 2010, Fleet Claim File No. 10-182.

Defendants' Answer (10-017) relative to Case No. 09-C-1157, Brian W. Swetlik vs. Former Mayor Kevin Crawford et al.

Claim (10-031) from Jeanette Kakuk of December 30, 2009, Claim File No. 10-1038-1.

Memorandum (10-033) from Asst. City Attorney Kathleen McDaniel relative to Wells Fargo Bank v. Schroeder, et al, Case no. 08-CV-662 with Order Confirming Sale attached.

Notice of Claim and Claim (10-035) from Richard Bouril of December 11, 2009, Fleet Claim File 09-183.

Memorandum (10-041) from Asst. City Attorney Kathleen McDaniel relative to PHH Mortgage Corp. v. Gosz, et al, Case No. 09-CV-197 with Order Confirming Sale attached.

Summons & Complaint (10-057) of First National Bank v. Sittman, et al, Case No. 10-CV-77.

PARKS AND RECREATION
Previously Referred

Proposal (09-702) from Riederer Engineering for engineering services for the replacement of the HVAC system in the Parks and Recreation building at 930 N. 18th St., as detailed therein.

PUBLIC PROPERTY AND SAFETY
Previously Referred

Communication (10-037) from Tonya Wolf requesting permission to have outdoor music for graduation party from 6 p.m. to 9 p.m. on June 19, 2010.

Services Contract (10-039) with William Nichols to provide electrical inspection services for commercial electric work, as detailed therein, for a five year period.

Ordinance (10-052) creating various sections of Chapter 10 of the Municipal Code relating to U-turns and parking.

PUBLIC UTILITIES & LICENSING
Previously Referred

PENDING APPLICATIONS

349 Amy B. Suchocki 1403 20th St., Two Rivers, WI

STREETS AND SANITATION
Previously Referred

Resolution (10-042) to vacate a portion of So. 22nd Street containing 1,649 square feet.

Ordinance (10-043) amending Section 22.01 of the Municipal Code entitled "Official Map-Master Subdivision Plans" in an area located on South 22nd Street, was referred to Streets & Sanitation Committee.

PERSONNEL
Previously Referred

Resolution (10-027) establishing nonrepresented employee compensation for 2010, was referred to Personnel Committee.