

COMMON COUNCIL AGENDA

Tuesday, September 8, 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 and all interested parties in the matter of a proposed change in zone from "C-1" Commercial District to "I-1" Light Industrial District, in an area located at 2410 N. Rapids Rd.

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 (09-512) of Cemetery Commission of 7/16/09; Citizens Advisory Committee of 5/5/09; Great Lakes Utilities Board of 7/21/09; Manitowoc Industrial Development Corp. of 10/16/08; Manitowoc Library Board of 12/22/08, 4/27/09 & 7/27/09; Manitowoc Public Utilities Commission of 7/6/09; Rahr-West Art Museum Board of 6/17/09 & 8/19/09; Manitowoc Area Visitor & Convention Bureau of 6/11/09; Zoning Board of Appeals of 8/8/09.

Notice (09-519) before the Dept. of Natural Resources Air regarding application of Christopher Allie, to install riprap on the banks of the Manitowoc River at 3415 Michigan Ave.

COMMITTEE OF THE WHOLE

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

FINANCE

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 Claim and Claim (09-495) from Howard Thielen of August 26, 2009, Claim File No. 1027.

Claim (09-496) from Sentry Insurance in behalf of their insured, Peter Hendricks, of August 25, 2009, Claim File No. 09-1028.

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

Request (09-) of First Equipment Business Finance regarding modification and collateral subordination for Orion Energy Systems, Ltd. and Great Lakes Energy Technologies, LLC.

Report (09-521) of City Planner David Less recommending that the Council approve the subordination request of First Equipment Business Finance subject to the consent and approval from the Dept. of Commerce, as detailed therein.

Notice of Claim and Claim (09-518) from Kevin Crawford of September 4, 2009, Claim File No. 09-1030.

PARKS AND RECREATION

Special Events Request (09-517) from Sunrise Optimist Club to hold Art in the Park on Saturday, October 3, 2009 from 10:00 a.m. to 2:00 p.m. in Washington Park.

PUBLIC PROPERTY AND SAFETY

Special Events Request (09-497) from Saucy's Sports Bar relative to outdoor music playing from 5:00 pm to 10:00 pm in their outdoor beer garden on September 12, 2009.

Ambulance Service Agreement (09-503) with Manitowoc Lincoln High School for the period August 21, 2009 through December 31, 2009.

Ambulance Service Agreement (09-504) with Roncalli High School for the period August 21, 2009 through December 31, 2009.

Ambulance Service Agreement (09-508) with Manitowoc County Expo for the period August 25, 2009 through August 30, 2009.

Communication (09-514) from Director of Building Inspection/Facilities Manager Jim Muenzenmeyer to consider an offer from the family of Attorney Archie Muchin to donate a commemorative bench to be placed at City Hall.

PUBLIC UTILITIES AND LICENSING

2009 Small Urban Operating Assistance Contract (09-509) between the City of Manitowoc and the State of Wisconsin, American Recovery and Reinvestment Act of 2009, for Maritime Metro Transit, as detailed therein.

2009 Section 5311 Capital Assistance Contract (09-511) between the City of Manitowoc and the State of Wisconsin, for Maritime Metro Transit, as detailed therein.

LICENSE APPLICATIONS

CLASS "A" RETAIL FERMENTED MALT BEVERAGE LICENSE 2009-10

27 Popp's Riverwalk Citgo, Inc. 50 Maritime Dr.
Randall W. Popp, Agent

NEAR BEER (NON-INTOXICATING BEVERAGE) LICENSE - 2009-10

33 Popp's Riverwalk Citgo, Inc. 50 Maritime Dr.
Randall W. Popp, Agent

CLASS "B" TEMPORARY BEER & TEMPORARY WINE LICENSE

4 (Wine) St. Peter the Fisherman Home & School Association 2000 Mirro Dr.

50 (Beer) St. Peter the Fisherman Home & School Association 2000 Mirro Dr.

TEMPORARY OPERATOR'S LICENSE - 2009-10

37 Ann E. Kleckner 1825 Daisy Ln., Two Rivers

38 Gary E. Bents 3518 Silver Creek Rd.

39 Douglas G. Gossen 10534 Francis Creek Rd., Two Rivers

ONE YEAR OPERATOR'S LICENSE 2009-10

37 Olivia Schaus 5050 Center Rd.

38	Michael Dezeeuw	3410 Pineview Ct., Cato
39	Allen J. Karl	1802 Kellner St.
40	Ashley R. Reis	1234 S. 16 th St.
41	Vanessa G. Schelwat	926A S. 12 th St. #2
42	John A. Maigatter	1706 George St.

TWO YEAR OPERATOR'S LICENSE 2009-11

261	Allissa M. Stutte	2539 N. Union Rd., Reedsville, WI
262	Rosemary L. Counard	1017 N. 43 rd St.
263	Rachel M. Stecker	833 N. 6 th St.
264	Mark Chada	3017 Monroe St., Two Rivers
265	Randall R. Heinzen	3507 Foxfire Ct.
266	Karen M. Stebane	1706 Cedar Grove Dr. #2A
267	Jeff V. Behnke	1 Meadowbrook Ct., Reedsville
268	Jamie L. Leist	4225 N. Rapids Rd.
269	Christopher R. Emond	4120 Custer St.
270	Mary K. Schlautman	3402 Lindbergh Dr.
271	Eric J. Machia	2832 10 th St., Two Rivers
272	Amanda A. Jeske	2001 Hamilton St. Apt. C
273	Bryant J. Bartels	1601 Atlanta Cir.
274	Elizabeth N. Loucks	2736 12 th St., Two Rivers
275	Dawn D. Jolin	1519 Madison St.
276	Jessica A. Klein	2111 S. 12 th St.
277	Sharlene R. Becker	3310 Kete St.
278	Meagan M. Savia	1510 S. 9 th St.
279	Bradley M. Binversie	210 Hickory St., Whitelaw

STOCK CAR RACES, RACING EXHIBITIONS, DEMOLITION DERBY

4	Manitowoc County Expo	4921 Expo Dr.; Grandstand Area
5	Manitowoc County Expo	4921 Expo Dr.; Grandstand Area
6	Manitowoc County Expo	4921 Expo Dr.; Grandstand Area

STREETS AND SANITATION

Permanent Easement (09-500) from Spartech CMD, LLC for the municipal purposes of a storm sewer, over and under the property described therein.

Request (09-523) from Coldwell Banker TREG, Inc. to extend their parking lot into a residential zoning district directly to the north of their existing office at 2406 Washington St.

Report (09-501) of the Board of Public Works of August 12, 2009 regarding repair and assessment of storm sewer lateral at 826 So. 19th St.

Report (09-502) of the Board of Public Works of August 12, 2009 regarding request to reduce assessment for resurfacing at 1816 Nagle Ave.

Report (09-505) of the Board of Public Works of August 26, 2009, recommending 12th and final payment to FOTH Infrastructure and Environment LLC in the amount of \$413.09 for Rapids Rd.

Outfall.

Report (09-506) of the Board of Public Works of August 26, 2009, recommending 4th and final payment to AECOM for Stormwater Management Engineering for N. 12th & Waldo Blvd. Storm Study in the amount of \$1,558.04.

Request (09-510) from Shawna Voigt and J. Dwayne Woodside for a conditional use permit at 904 S. 8th St., Ste. 1, for the use of a tatoo studio.

Report (09-515) of Board of Public Works of July 29, 2009 and August 26,2009 on 2008 Special Assessments.

Application (09-513) from Christopher C. Allie for a change in zone from P-1 Conservancy District to R-2 Single Family District for property located at 3415 Michigan Ave., as detailed therein.

Request (09-522) from Van Horn Automotive Group to allow for temporary sale of used automobiles from the Holiday Inn parking lot on October 19 through October 29, 2009.

PERSONNEL

Labor Agreement (09-493) with City of Manitowoc Transit Employees, Teamsters Local No. 662 for the period 2008-2009.

RESOLUTIONS

Resolution (09-516) supporting and encouraging adoption of both Senate Bill 273 and Assembly Bill 401, an energy plan for Wisconsin, was referred to Committee of the Whole.

COMMITTEE REPORTS

Public Property & Safety Committee returned communication (09-330) from Dana Bongle requesting a reduction in ambulance invoice 281149 for 4/20/08 services for his wife and daughter, recommending to deny the request.

ORDINANCES

Ordinance (09-507) to switch yield signs to stop signs on Hamilton St. at So. 22nd St. and to create Sections 10.10(51) (e) and (f) and 10.10(109) (e) and (f) regarding parking around Jackson School, was referred to Public Property & 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)

NEAR BEER (NON-INTOXICATING BEVERAGE) LICENSE - 2009-10

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Randall W. Popp, Agent

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6	Manitowoc County Expo	4921 Expo Dr.; Grandstand Area

**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.

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.

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)

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

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

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.

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.

Agreement (09-452) to terminate Ayers sidewalk privilege agreement at 770 N. 18th St..

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.

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.

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.

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.

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.

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.

Notice of Claim and Claim (09-239) received April 20, 2009 from USPS, Fleet Claim No. 09-179.

PENDING APPLICATIONS

ONE YEAR OPERATOR'S LICENSE 2009-10

42	John A. Maigatter	1706 George St.
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TWO YEAR OPERATOR'S LICENSE 2009-11

276	Jessica A. Klein	2111 S. 12 th St.
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277	Sharlene R. Becker	3310 Kete St.
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278	Meagan M. Savia	1510 S. 9 th St.
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279	Bradley M. Binversie	210 Hickory St., Whitelaw
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