

**COMMON COUNCIL AGENDA**

**Monday, September 21, 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:** None.

**CLOSED SESSION:** None.

**REPORTS OF OFFICERS:**

Certificate of Recognition in Memory of Arlene Turgasen for her support and generous bequest to the Manitowoc Fire Department.

Presentation proclaiming October 10 - 17, 2009 as Money Smart Week for the City of Manitowoc and urge all citizens to inform themselves of the benefits of financial literacy and prosperous financial management.

**ELECTION** by Common Council of Manitowoc Public Utilities' Commissioner for a term of five (5) years, pursuant to Municipal Code, as the following term will expire: Daniel R. Hornung, term expires September 30, 2009.

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 (09-535) of Community Development Authority of 8/12/09; Great Lakes Utilities of 7/23/09 & 8/6/09; Harbor Commission of 6/25/09; Public Utilities Commission of 8/10/09; Maritime Metro Transit Development Program Review of 8/19/09; Plan Commission of 8/12/09; Wastewater Treatment Facility Board of 8/11/09.

Auditor's Report (09-537) of Wisconsin Maritime Museum, Inc. financial statements for the year ended December 31, 2008.

Resignation (09-538) of Timothy M. Salutz from the Rahr-West Art Museum Board.

Communication (09-541) from Public Service Commission of Wisconsin relative to investigation of area code relief for the 715 and 920 area codes.

**COMMITTEE OF THE WHOLE**

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

**FINANCE**

Settlement Agreement (09-539) between Central Brown County Water Authority and City of Manitowoc to address settling and pavement damage at the intersection of Johnston Dr. and Magnolia Ave. in the amount of \$36,706.00.

Communication (09-543) from Jim Reif Builders, Inc. requesting a refund for duplicate building permit #17152.

**PARKS AND RECREATION**

Amendment No. 1 (09-528) to Agreement between City of Manitowoc and The Manitowoc Public School District dated August 17, 1998, to rename the facility "Ron Rubick Municipal Athletic Field".

Communication (09-529) from Manitowoc City Center Association relative to \$100 invoice for rental of bandshell for Krazy Daze.

Special Events Request (09-533) from National Alliance of Mental Illness Manitowoc Co. to hold candlelight vigil on Sunday, October 4, 2009 in Washington Park and to waive fee of \$50.00 for use of bandshell.

**PUBLIC PROPERTY AND SAFETY**

Standard Operating Guidelines (09-531) to process ambulance bills in order to collect fees for service for the Manitowoc Fire Department.

Manitowoc Industrial Development Corporation, to whom was referred request (09-347) from Lee Troullier to purchase parcels 448-002-000 and 448-019-000 from the City in the Manitowoc Industrial Park, returned same with report (09-532) recommending Council approve the land sale at \$9,500/acre as detailed therein.

**PUBLIC UTILITIES AND LICENSING**

First Amendment (09-530) to Water Purchase and Sale Contract by and between The Central Brown County Water Authority and The Manitowoc Public Utilities and the City of Manitowoc.

Special Events Request (09-526) from Tower Tavern to extend their licensed premise on October 3, 2009 to include their fenced-in parking lot with music playing until 10:00 p.m.

**LICENSE APPLICATIONS**

**ONE YEAR OPERATOR'S LICENSE 2009-10**

43 Samantha T. Hood 706 N. 8<sup>th</sup> St. #240

**TWO YEAR OPERATOR'S LICENSE 2009-11**

280 Ricky L. Vogt 3028 S. 15<sup>th</sup> St.  
281 Leann K. Wellens 1922 Adams St., Two Rivers, WI  
282 Stephanie J. Staples 806 Dueno Ct.  
283 Maureen T. Shebesta 1301 Hillcrest Dr.  
284 Sydney E. Jacobs 1419 N. 24th St.

**STREETS AND SANITATION**

Special Events Request (09-527) from Angels Glows requesting permission to sell light-up novelties during the Christmas parade and anytime over the next year (e.g. MetroJam and Balloon Glow for the Airshow).

Special Events Request (09-534) from Lincoln High School Student Senate to hold the annual Homecoming Parade on Saturday, October 3, 2009, from Lincoln High School to Municipal Field, as detailed therein.

Report (09-536) of the Board of Public Works of September 16, 2009, recommending 3rd and final payment to OMNNI Associates in the amount of \$1,220.00 for Dewey Street Corridor Traffic Study.

Special Events Request (09-540) from Manitowoc City Center Association to have sidewalk sales on Saturday, October 3, 2009, for Oktoberfest as well as closing Franklin St. between 7<sup>th</sup> and 8<sup>th</sup> Streets and the use of various City equipment.

City Plan Commission, to whom was referred permanent easement (09-474) granted by Charles and Kelly Pech to the City for municipal purposes of a storm sewer, permanent easement (09-500) from Spartech CMD, LLC for the municipal purposes of a storm sewer, over and under the property described therein, 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, returned same with report (09-544) recommending Council approve and accept the above referenced deed and easements with Clerk to record same.

City Plan Commission, to whom was referred 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., returned same with report (09-545) recommending approval subject to the conditions stated in the report.

City Plan Commission, to whom was referred 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 tattoo studio, returned same with report (09-546) recommending Council approve the Conditional Use Permit subject to the attached conditions.

City Plan Commission, to whom was referred 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, returned same with report (09-548) recommending denial of the request for the reasons stated in the Commission's report.

City Plan Commission, to whom was referred 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, returned same with report (09-549) recommending execution of requested revisions, as detailed therein.

Report (09-550) of the City Plan Commission recommending 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, and recommending that the Clerk be instructed to call for a public hearing.

Report (09-551) of City Plan Commission, to whom was referred 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, recommending Council instruct City Clerk to call for public hearing on October 19, 2009, as detailed therein.

Report (09-547) of City Plan Commission, to whom was referred 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, recommending Council approve a Conditional Use Permit to Ruzek, Inc., as detailed therein.

Report (09-552) of City Plan Commission relative to City of Manitowoc; Geographic Information System (GIS) Needs Assessment with key findings detailed therein and recommending adoption of this plan as guidance for GIS-related investments over the next five (5) years.

Report (09-554) of City Plan Commission relative to Lattrell/Hartfield; Request for an Adaptive Reuse Conditional Use Permit Under Section 15.37(29) of the Manitowoc Municipal Code for 424 N. 7<sup>th</sup> (Conversion of Former Church to a Restaurant/Banquet Facility and 418 N. 7<sup>th</sup> Street - Annual Compliance Review recommending the Council take action to accept the Plan Commission's report and acceptance of the recommendations contained therein.

Temporary Access Easement Agreement over unopened street Doc. (09-542) between City of Manitowoc and Gary D. Retzak and Lynn P. Retzak.

## **PERSONNEL**

Labor Agreement (09- ) with City of Manitowoc Police Department Employees, Law Enforcement Employee Relations Division of the Wisconsin Professional Police Association for the period 2009-2010.

## **RESOLUTIONS**

Resolution (09- ) Authorizing 1.5 percent across the board salary increase for non-represented employees retroactive to 7/1/09 was referred to Personnel Committee.

## **COMMITTEE REPORTS**

None.

**ORDINANCES**

Ordinance (09- ) to amend, repeal and recreate various sections of Chapter 6 of the Manitowoc Municipal Code, entitled "Fire Department and Fire Protection", was referred to Public Property & Safety Committee.

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.

**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**

43 Samantha T. Hood 706 N. 8<sup>th</sup> St. #240

**TWO YEAR OPERATOR'S LICENSE 2009-11**

280 Ricky L. Vogt 3028 S. 15<sup>th</sup> St.  
281 Leann K. Wellens 1922 Adams St., Two Rivers, WI  
282 Stephanie J. Staples 806 Dueno Ct.

**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 (09-436) 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.

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

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.

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.

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.

Resolution (09-457) implementing fees for vehicle clean up spills, possible reconsideration.

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 (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 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.

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

### **PENDING APPLICATIONS**

283	Maureen T. Shebesta	1301 Hillcrest Dr.
284	Sydney E. Jacobs	1419 N. 24th St.