

**COMMON COUNCIL AGENDA**

**Monday, October 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. - Public Hearing in the matter of a proposed change in zone from "P-1" Conservancy District to "R-2" Single Family District, in an area located south of Michigan Avenue, southeast of Winnetka Court and north of the Manitowoc River.

**CLOSED SESSION:** None.

**REPORTS OF OFFICERS:**

Presentation to Michaela M. Thomas.

Proclamation by Mayor Nickels proclaiming October 19<sup>th</sup> through November 2<sup>nd</sup> as "15 Days of Kindness".

Presentation by Mayor Nickels on the 2010 Executive Budget.

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 (09-586) of Committee on Aging of 10/12/09; Cemetery Commission of 9/10/09; Municipal Tree Commission of 3/10/09, 4/24/09, & 8/18/09; Manitowoc Public Utilities Commission of 9/14/09 & 9/28/09; Plan Commission of 9/16/09.

**COMMITTEE OF THE WHOLE**

Communication (09-595) from Manitowoc County Corporation Counsel regarding the County's Lakeshore Humane Society Service Contract proposal, as detailed therein.

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

**FINANCE**

General City Budget (09- ) of proposed 2009 levy for 2010, in the amount of \$ including the Manitowoc Public Library, with \$ in proposed tax incremental financing.

Communication (09-589) from Lynda R. Templen, Whyte Hirschboeck Dudek, S.C. containing a good faith estimate of the legal fees which will be paid from the bond proceeds relative to Initial Resolution (09-588) regarding Industrial Development Revenue Bond Financing to benefit Dermatology Associates of Wisconsin, S. C.

Communication (09-617) from Manitowoc County Emergency Services Division relative to public facility damage from 2008 flooding.

**PARKS AND RECREATION**

Long Range Plan (09-612) for Manitowoc Lincoln Park Zoo (2009 - 2014).

Plan (09-613) for Emerald Ash Borer Management.

Request (09-615) by Wisconsin Maritime Museum to host a part of their Maritime History Ghost Walk on October 9, 16, 23 & 30, 2009 at 7:00 and 8:30 at Shipbuilders Park.

Plan (09-616) for City of Manitowoc Park Tree Management.

Communication (09-614) from Beatie Dornaus-Lau requesting permission to serve beer at 90<sup>th</sup> birthday party at Senior Center.

**PUBLIC PROPERTY AND SAFETY**

None.

**PUBLIC UTILITIES AND LICENSING**

Vehicle lease (09-591) with Assist-to-Transport for six vehicles to be used to provide specialized transportation services, as detailed therein, for the 2010 - 2011 calendar years.

Report (09-605) of Community Development Authority requesting Council approval for a three year funding commitment through the City/CDA housing revolving loan fund, as detailed therein.

**LICENSE APPLICATIONS**

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

46 Michael J. Henning 2209 13<sup>th</sup> St., Two Rivers, WI

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

293 Elsie Vacek 1124A S. 7<sup>th</sup> St.  
294 Renee A. Kutchera 2218 Silver Creek Rd.  
295 Todd J. Jauquet 425 N. 5<sup>th</sup> St.  
296 Esther R. Whatley 1711 Hamilton St.  
297 Kim M. Novy 6434 CTH JJ

**2009 PAWNBROKER, SECOND-HAND DEALER, FLEA MARKET ETC.**

10 Christopher R. Skarvan 1408 Washington St.  
d/b/a Gotta Have It

**STREETS AND SANITATION**

Release of Easement (09-587) to Spartech CMD, LLC for storm sewer purposes east of So. 30<sup>th</sup> Street and north of Division St.

Communication (09-590) from Krauth Vending requesting permission to sell novelties along the parade route at the Christmas Parade on November 25, 2009.

Quit Claim Deed (09-592) from Northland Associates, LLC for a parcel of land to be used for Twin Ponds Drive.

No Street Access Agreement (09-593) with Terry M. & Cynthia J. Rhodes to forego 2008 concrete paving special assessments on Spring Street.

Communication (09-594) from Ralph Kracht and Edward Mahloch relative to abandoned culvert under their driveway approach at 4015/4019 Custer Street.

No Street Access Agreement (09-596) with Suzanne Kapinos to forego 2008 for concrete

paving special assessments on Spring Street.

Report (09-599) of the Board of Public Works of October 14, 2009 relative to assessing Wastewater Treatment Facility for asphalt paving on Michigan Ave. (parcel no. 823-102-010).

Report (09-600) of the Board of Public Works of October 14, 2009, recommending 6th and final payment to Vinton Construction in the amount of \$23,787.53 for South 10<sup>th</sup> Street Sanitary Sewer Relay, WU-09-11.

Report (09-601) of the Board of Public Works of October 14, 2009 relative to communication from Paul Goswitz regarding receipt of assessment invoice and due date.

Report (09-602) of the Board of Public Works of October 14, 2009 relative to communication from Eric Nycz disputing invoice for brush pickup at 1437 Hazelwood Dr.

Report (09-603) of the Board of Public Works of October 14, 2009 relative to communication from Rick Pecore requesting adjustments to three special assessments on Packer Lane side of his property.

Report (09-604) of the Board of Public Works of October 14, 2009 relative to communication from Sarah Blashe, regarding a portion of her fence which is in the City right-of-way at 1112 Huron Street.

Report (09-606) of Community Development Authority advising the Council that a Certificate of Appropriateness has been granted to Dermatology Associates relative to their redevelopment project in downtown Manitowoc.

City Plan Commission to whom was referred temporary access easement agreement (09-542) over unopened street between City of Manitowoc and Gary D. Retzak and Lynn P. Retzak, returned same with report (09-607) recommending Council approve the access easement, as detailed therein.

City Plan Commission to whom was referred offer to purchase agreement (09-585) for property on So. 10th Street for a storm water pond, returned same with report (09-608) recommending that the parcel be acquired by the City, subject to the terms and conditions of an accepted Offer to Purchase.

Proposal (09- ) from AECOM Technical Services, Inc. for Broadway Bridge Slope and Sheetpile Wall Evaluation project with Consulting Agreement and Authorization to Proceed attached.

Report (09-609) of City Plan Commission approving the 2009 Comprehensive Plan and instructing the City Clerk to call for a public hearing, as detailed therein.

Report (09-610) of City Plan Commission approving the location and revised architectural design of the proposed chapel in Evergreen Cemetery and recommending Council approval.

Report (09-611) of City Plan Commission requesting Council's acceptance of attached Manitowoc Riverwalk Master Plan and Design Guidelines, as detailed therein.

## **PERSONNEL**

None.

## **RESOLUTIONS**

Consideration of Initial Resolution (09-588) regarding Industrial Development Revenue Bond Financing to benefit Dermatology Associates of Wisconsin, S. C., was referred to Finance Committee. Information with respect to the job impact of the project will be available at the time of consideration of the Initial Resolution.

Resolution (09-598) authorizing the issuance and ESTABLISHING PARAMETERS FOR THE Sale of not to exceed \$25,000,000 City of Manitowoc Electric Power System Refunding Revenue Bonds, Series 2009, was referred to Finance Committee.

Resolution (09- ) relative to Application for the Wisconsin Coastal Management Grant Program for restoration and preservation of Little Manitowoc River and Pond, was referred to Parks and Recreation Committee.

Resolution (09- ) implementing vehicle clean up oil dry charge, was referred to Public Property & Safety Committee.

## COMMITTEE REPORTS

Public Property & Safety Committee returned 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, recommending adoption of ordinance.

## ORDINANCES

Ordinance (09-597) to amend various sections of Chapter 10 relating to parking on N. 18<sup>th</sup> Street and a four-way stop at N. 4<sup>th</sup> and Huron Streets.

**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

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297 Kim M. Novy 6434 CTH JJ

## 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.

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.

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

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.

Capital Improvement Plan (09-569) for the years 2009-2013.

Special Events Request (09-559) from Manitowoc/Two Rivers YMCA to hold first annual Festival Foods

Turkey Trot on Thursday, November 26, 2009, from 8:30 a.m. to 10:30 a.m. with run to start and end at Festival Foods.

Communication (09-570) from Eric G. Nycz, 1437 Hazelwood Dr., contesting an invoice for brush removal on June 4, 2009, in the amount of \$32.75.

Ordinance (09-565) to amend Section 7.32 of the Manitowoc Municipal Code relative to assessment for seal coating of streets, was referred to Streets & Sanitation Committee.

Ordinance (09-581) establishing employee residency requirements, was referred to Personnel 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 (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 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**

### **BOWLING ALLEY LICENSE - 2009-10**

4	Revolutions Bar & Grill, LLC Dana Rohr, Agent	902 York St.
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### **"CLASS B" INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE - 2009-10**

64	Revolutions Bar & Grill, LLC Dana Rohr, Agent	902 York St.
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