

COMMON COUNCIL AGENDA

Monday, December 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:

21st Anniversary Lakeshore Holiday Parade Awards presentation.

APPOINTMENT by Mayor of Election Inspectors and Special Voting Deputies for a two year term from January 1, 2010 through December 31, 2011.

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

Thank You (09-714) from Peter's Pantry for gift from Schuette, Wernecke, Wilda, Rank Christmas Fund.

Thank you (09-717) from Holy Family Memorial for gift from Schuette, Wernecke, Wilda, Rank Christmas Fund.

Minutes (09-716) of Community Development Authority of 11/11/09; Great Lakes Utilities of 10/14/09; Great Lakes Utilities Power Supply Project of 4/30/09; Maritime Metro Transit Development Program Review of 11/19/09; Manitowoc Public Utilities Commission of 11/23/09; Plan Commission of 11/11/09.

COMMITTEE OF THE WHOLE

Communication (09-718) from Wisconsin Dept. of Administration indicating they have reviewed the Great Lakes Energy Technologies Annexation and found that it is not against the public interest.

City Plan Commission, to whom was referred petition (09-678) for Direct Annexation by unanimous approval from Michael J. Potts, Manager, Great Lakes Energy Technologies LLC, 2210 Woodland Dr., for annexation of a 1.40 acre parcel of land abutting Woodland Drive, as described therein and shown on the attached map, returned same with report (09-722) recommending that the Council approve the petition as presented and adopt an annexation ordinance.

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

FINANCE

Notice of Claim and Claim (09-709) from Zahdang Xiong of December 16, 2009, Fleet Claim No. 09-181.

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

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

PARKS AND RECREATION

Special Events Request (09-711) to hold Brady Johnson Memorial Baseball Blast on May 21, 2010, at Municipal Baseball Field.

Special Events Request (09-715) from Manitowoc Sunrise Rotary to hold Lobster Fest in Washington Park on Saturday, September 11, 2010 including the sale of food and alcohol and providing entertainment, as well as waive the rental fees for the day of the stage and park, as detailed therein.

PUBLIC PROPERTY AND SAFETY

None.

PUBLIC UTILITIES AND LICENSING

LICENSE APPLICATIONS

"CLASS B" INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE - 2009-10

65	Get Foamed, LLC Brad Fischer, Agent	806 Buffalo St.
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2010 COMMERCIAL GARBAGE HAULERS

5	Waste Management	1861 E. Allouez Ave., Green Bay, WI
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2010 PAWNBROKER, SECOND-HAND DEALER, FLEA MARKET ETC.

6	Audra Turczynski d/b/a/ Gia's Resale & Consign	1230 Washington Street
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MOBILE HOME PARK LICENSE - 2010

2	Trail's End Park, Inc. Matthew Shechtman, Applicant	2000 Johnston Dr.
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ONE YEAR OPERATOR'S LICENSE 2009-10

50	Thomas L. Kirby	1303 Columbus St., Two Rivers, WI
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51	Rachel A. Leist	814 Madison St. #C
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TWO YEAR OPERATOR'S LICENSE 2009-11

320	Michael J. Pearson	830 Lincoln Blvd.
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321	Alexandria A. Meidl	1730 Hillside Dr., Reedsville, WI
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322	Lori A. Belland	628 N. 10 th St.
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323	Sean B. Jody	3909 Madeline Ln.
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STREETS AND SANITATION

Request (09-710) from WWTF Superintendent Brian Helminger objecting to special assessments of \$28,369.84 levied to WWTF for 2008 asphalt replacement and new sidewalks abutting sludge storage lagoons located adjacent to Michigan Ave.

Agreement (09-712) with Menard, Inc. for stormwater management facility maintenance at 5120 Calumet Ave.

Communication (09-713) from Paul M. Steinbrecher to reconsider issue of developers maintaining stormwater ponds.

Report (09-719) of Board of Public Works of December 2, 2009, regarding bids received for Wastewater

Treatment Facility Raw Wastewater Fine Screening, Project WB-09-21.

Report (09-726) of City Plan Commission relative to request from Dewey Properties for execution of Affidavit to remove setback limitations from certified survey map for property in Harbor Town Center.

Report (09-729) of City Plan Commission outlining multiple issues to be resolved related to Tony's Pizza property at 2204 Washington Street, recommending that Planner, Attorney and Building Inspector be authorized to work with property owner to clarify all relevant issues, as detailed therein.

City Plan Commission, to whom was referred sidewalk privilege agreement (09-675) with Harold K. Salzberg and Cherilyn C. Stewart for the purpose of maintaining a fence on the right-of-way located at 3104 Waldo Blvd., returned same with report (09-723) recommending that agreement be placed on file as a replacement will be resubmitted to Council.

Report (09-724) of City Plan Commission approving temporary storage of fill or related materials by Dermatology Associates on City-owned property.

City of Plan Commission, to whom was referred quit claim deed (09-689) from Great Lakes Energy Technologies, LLC for a parcel of land containing 0.45 acres more or less, to be used for Woodland Drive purposes, as described therein and shown on the attached sketch, returned same with report (09-725) recommending Council approve and accept the deed.

City Plan Commission, to whom was referred 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, returned same with report (09-727) recommending Council adopt the ordinance to effectuate the proposed rezoning.

Report (09-730) of City Plan Commission relative to proposed modifications to collateral arrangement in TIF District 6 for City Centre LLC property.

City Plan Commission, to whom was referred request (09-656) from Orion Energy Systems for a conditional use permit for a 115-foot wind turbine to be located at 2210 Woodland Drive, returned same with report (09-728) recommending approval of the conditional use permit subject to the attached conditions.

PERSONNEL

None.

RESOLUTIONS

Resolution (09-731) amending the City of Manitowoc Comprehensive Position Classification and Compensation Plan repealing a section of the Overtime Compensation Policy concerning employees in Pay Ranges 1 to 6, was referred to Personnel Committee.

Resolution (09-721) to create Ward 40, population 0, for the Woodland Dr. No. 2 annexation area, as described therein and shown on the attached map, and that Ward 40 be combined with Wards 3, 4 and 21, for voting purposes and use a common polling place as established for the 2nd Aldermanic District, was referred to Committee of the Whole.

COMMITTEE REPORTS

Personnel Committee returned resolution (09-660) recommending a one and one-half percent wage increase for School Crossing Guards and Rahr-West Art Museum Security Guards, recommending approval of resolution.

ORDINANCES

An ordinance (09- 720) to annex territory known as Woodland Dr. No. 2 Annexation Area from the Towns of Manitowoc and Two Rivers to the City of Manitowoc, as part of the 2nd Aldermanic District and 40th Ward, to be zoned "I-2 Heavy Industrial Zoning 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 - 2009-10

65	Get Foamed, LLC Brad Fischer, Agent	806 Buffalo St.
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2010 PAWNBROKER, SECOND-HAND DEALER, FLEA MARKET ETC.

6 Audra Turczynski 1230 Washington St.
d/b/a Gia's Resale & Consign

ONE YEAR OPERATOR'S LICENSE 2009-10

50 Thomas L. Kirby 1303 Columbus St., Two Rivers, WI

51 Rachel A. Leist 814 Madison St. #C

TWO YEAR OPERATOR'S LICENSE 2009-11

320 Michael J. Pearson 830 Lincoln Blvd.

321 Alexandria A. Meidl 1730 Hillside Dr., Reedsville, WI

322 Lori A. Belland 628 N. 10th St.

323 Sean B. Jody 3909 Madeline Ln.

**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 (09-438) from Chief Manis recommending implementing fees for vehicle clean up spills.

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

Request (09-662) from Tony Burgarino, Tony's Pizza, relative to four foot overhang on garage in City right-of-way.

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.

Contractor Agreement (09-703) with Look Creative, LLC for fabrication of various signs, as detailed therein.

Ordinance (09-679) to adopt the 2009 City of Manitowoc Comprehensive Plan, was referred to Streets & Sanitation Committee.

Ordinance (09-700) to amend Section 7.09(6) requiring sidewalks, was referred to Streets & Sanitation Committee.

Ordinance (09-699) to amend Section 16.07 regarding demolition of buildings, was referred to Streets & Sanitation Committee.

Notice of Claim and Claim (09-673) from Susan L. Lindholm of November 30, 2009, Claim File No. 09-1034.

Notice of Claim and Claim (09-674) from Mary Kaufman of December 1, 2009, Claim File No. 09-1035.

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

Notice of Claim and Claim (09-637) from Greg Comstock - Rollaire of October 30, 2009, Claim File No. 09-1032.

Resolution (09-677) outlining the charges for transportation and care by the Fire Department Rescue

Ambulance effective January 1, 2010, was referred to Public Property & Safety 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.

PENDING APPLICATIONS

MOBILE HOME PARK LICENSE - 2010

2	Trail's End Park, Inc. Matthew Shechtman, Applicant	2000 Johnston Dr.
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