

COMMON COUNCIL AGENDA

Monday, January 3, 2011

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:

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 (10-676) from Holy Family Memorial, the Salvation Army, St. Vincent de Paul Society, Peter's Pantry and Catholic Charities for donation from the Schuette, Wernecke, Wilda and Rank Fund.

Notice (10-682) before the Dept. of Natural Resources Air Management Program regarding the air pollution permit for Tramontina US Cookware, Inc., 2005 Mirro Dr.

Notice (10-681) before the Dept. of Natural Resources regarding application for proposed dredging to remove materials from the bed of the Manitowoc River by Wisconsin Central, Ltd.

Notice (10-663) from Public Service Commission of Wisconsin relative to Strategic Energy Assessment for 2010 - 2016.

Minutes (10-664) of Citizens Advisory Committee of 11/9/20 & 12/7/10; Plan Commission of 11/10/10; Rahr-West Art Museum Board of 12/15/10; Zoning Board of Appeals of 12/22/10.

COMMITTEE OF THE WHOLE

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

FINANCE

Communication (10-688) from City Assessor Sarah Hoppe to reduce the 2010 residential undeveloped property assessment for parcel 825-202-010 from \$20,000 to \$4,300 due to palpable error resulting in rescinding of taxes of \$326.87.

Communication (10-670) from City Clerk Jennifer Hudon to adjust 2010 taxes on parcel 000-191-874 from \$4,507.47 to \$3,641.37 per recommendation of City Assessor.

PARKS AND RECREATION

None.

PUBLIC PROPERTY AND SAFETY

Joint Powers Agreement (10-673) between Manitowoc County Joint Dispatch Center and City of Manitowoc for the period 3/1/11 thru 2/28/12.

Memo (10-680) from Manitowoc County Public Works Dept. notifying City of tax deed property that will be offered for sale (parcel no. 816-103-051).

PUBLIC UTILITIES AND LICENSING

Amendment (10-679) to 2010 Section 5311 Capital Assistance Contract with State of Wisconsin to provide financial assistance to surface public transportation systems operating in areas other than urbanized areas.

Agreement (10-697) between Lakeshore Humane Society and City of Manitowoc for services regarding stray, abandoned or animals taken into custody by law enforcement within the City of Manitowoc. (Copy to Public Property & Safety Committee).

Communication (10-698) of Department of Natural Resources submitting 2010 Sanitary Survey Report for the Water Supply Service the City of Manitowoc.

LICENSE APPLICATIONS REFERRED

"CLASS B" INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE LICENSE

63A Tower Tavern LLC 602 N. Water St.
Brian Laurent, Agent

2011 COMMERCIAL GARBAGE HAULERS

3 Larry's Hauling, Inc. 111 Balsam Rd., Sheboygan Falls, WI

4 Veolia ES 428 High St., Chilton, WI

5 Waste Management 1861 E. Allouez Ave., Green Bay, WI

2011 PAWNBROKER, SECOND-HAND DEALER, FLEA MARKET, ETC.

4 Brian A. Mrotek 114 N. 8th Street
d/b/a The Junque Box

5 Leo P. Jadowski 1022 S. 10th Street
d/b/a L & B Resale & Pawn Shop

6 Richard Francois 2101 Washington Street
d/b/a Boelters Jewelers

MOBILE HOME PARK LICENSE - 2010

5 Pentler Family Limited Partnership 770 E. Albert Dr.

MOBILE HOME PARK LICENSE - 2011

2 Trail's End Park Inc. 2000 Johnston Drive

TWO YEAR OPERATOR'S LICENSE 2010-12

341 Heather D. Tadych 1705 Cedar Grove Dr., 3B

342 Tania L. Brown 400 E. Reed Ave., #4

343 Paul Mihalakakos 1840 Abbey Ridge Lane

344 Karleen Brown 308 Mark St., Mishicot, WI 54228

345 Deborah R. Kienbaum 1827 Randolph Ave., New Holstein, WI 53061

346 Heidi L. Koch 2604 13th St., Two Rivers, WI 54241

347 Jaime L. Labinsky 1813 13th St., Two Rivers, WI 54241

ONE YEAR OPERATOR'S LICENSE 2010-11

44 Lori St. Cyr

1102 New York Ave.

STREETS AND SANITATION

Progress invoice (10-684) from Wisconsin Dept. of Transportation in the amount of \$1,472.99 for North 21st St. Bridge (Viaduct), Project No. 4991-02-00.

Progress invoice (10-685) from Wisconsin Dept. of Transportation in the amount of \$23,605.06 for North 21st St. Bridge (Viaduct), Project No. 4991-02-71.

Progress invoice (10-686) from Wisconsin Dept. of Transportation in the amount of \$20.32 for Madison St. - 10th St. - 8th St., Project No. 4347-05-71.

Progress invoice (10-687) from Wisconsin Dept. of Transportation in the amount of \$14.34 for 8th Street - Madison St. - Washington St., Project No. 4347-04-00.

Public works petition (10-678) from Volta Holdings LLC for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on Johnston Drive, as described therein, and shown on the attached map (Parcel No. 808-401-012).

Quit Claim Deed (10-677) from Volta Holdings, LLC for a parcel of land containing 1,171 s.f. more or less, to be used for Johnston Drive purposes, as described therein and shown on the attached sketch.

Report (10-672) of City Plan Commission relative to easement by Holiday House of Manitowoc County to the City for area north of Meadow Lane and west of Riverview Drive, recommending Council approval of the easement subject to City Attorney's re-drafting of the document, as detailed therein.

Report (10-689) of City Plan Commission outlining proposed changes to current fee structure relative to modification of Planning Fees.

Report (10-691) of City Plan Commission advising that compliance review produced no negative findings or material disclosures as to conditional use permits for Orion Energy Systems, Inc. and Great Lakes Energy Technologies, LLC relative to proposed small wind energy system on Woodland Drive.

Report (10-693) of City Plan Commission relative to City-wide rezoning of lands annexed into City from August 15, 2000 to August 10, 2010.

Report (10-665) of City Plan Commission relative to Official Map Amendment and Comprehensive Zoning Map Amendment regarding erosion hazard areas.

Report (10-690) of City Plan Commission to enter into access easement agreement with Lisa M. Duveneck.

Cell Tower Lease Agreement (10-) between City of Manitowoc and Clear Wireless LLC.

PERSONNEL

None.

RESOLUTIONS

Resolution (10-695) establishing an Internal Strategic Fiscal Planning Committee was referred to Committee of the Whole.

Resolution (10-674) outlining the charges for transportation and care by the Fire Department Rescue Ambulance effective January 1, 2011, was referred to Public Property & Safety Committee.

Resolution (10-666) authorizing the 2011 City-wide sidewalk construction and repair program, providing for the appropriate notices to be sent, and special assessments to be levied, as detailed

therein, was referred to Streets and Sanitation Committee.

Resolution (10-667) that seal coating be placed on the streets listed therein in 2011, and assessments be made against the abutting property owners, per foot, per side, was referred to Streets and Sanitation Committee.

Resolution (10-668) that dust palliatives be placed on the streets listed therein in 2011 and the assessments be made against the abutting property owners for the cost on a front foot basis, was referred to Streets & Sanitation Committee.

Resolution (10-669) that certain infrastructure improvements listed therein be included in the 2011 Public Works Program, and assessments be made against the abutting property owners, per foot, per side, was referred to Streets and Sanitation Committee.

Resolution (10-692) amending the established fee schedule to establish certain new service categories and associated fees and to modify certain other currently established fees, was referred to Streets and Sanitation Committee.

Resolution (10-683) recommending a one and one-half percent wage increase for the Municipal Judge effective July 1, 2009, was referred to Personnel Committee.

COMMITTEE REPORTS

Personnel Committee returned resolution (10-606) restricting City employees from taking city vehicles home overnight on a daily basis, recommending placing on file.

Personnel Committee returned resolution (10-607) to eliminate the Vehicle Allowance for the Mayor and City Engineer, recommending placing on file.

ORDINANCES

Ordinance (10-671) to amend various sections in Chapter 10 of the Manitowoc Municipal Code related to parking, was referred to Public Property and Safety Committee.

Ordinance (10-696) to create Section 6.15(1a) entitled Frequency of Inspections, was referred to Public Property and Safety Committee.

Ordinance (10-694) to amend the amended zone map of the City of Manitowoc, as detailed therein, was referred to Streets and 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)

“CLASS B” INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE LICENSE

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Brian Laurent, Agent

2011 COMMERCIAL GARBAGE HAULERS

3 Larry’s Hauling, Inc. 111 Balsam Rd., Sheboygan Falls, WI
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5 Waste Management 1861 E. Allouez Ave., Green Bay, WI

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MOBILE HOME PARK LICENSE - 2011

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2011 PAWNBROKER, SECOND-HAND DEALER, FLEA MARKET, ETC.

- | | | |
|---|---|---------------------------------|
| 4 | Brian A. Mrotek
d/b/a The Junque Box | 114 N. 8 th Street |
| 5 | Leo P. Jadowski
d/b/a L & B Resale & Pawn Shop | 1022 S. 10 th Street |
| 6 | Richard Francois
d/b/a Boelters jewelers | 2101 Washington Street |

ONE YEAR OPERATOR'S LICENSE 2010-11

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| 44 | Lori St. Cyr | 1102 New York Ave. |
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TWO YEAR OPERATOR'S LICENSE 2010-12

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| 341 | Heather D. Tadych | 1705 Cedar Grove Dr., 3B |
| 342 | Tania L. Brown | 400 E. Reed Ave., #4 |
| 343 | Paul Mihalakakos | 1840 Abbey Ridge Lane |
| 344 | Karleen Brown | 308 Mark St., Mishicot, WI 54228 |
| 345 | Deborah R. Kienbaum | 1827 Randolph Ave., New Holstein, WI 53061 |
| 346 | Heidi L. Koch | 2604 13th St., Two Rivers, WI 54241 |

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

**COMMITTEE OF THE WHOLE
Previously Referred**

None.

**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 (09-392) 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. Kedinger of December 10, 2009, Claim File No. 09-1036.

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

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

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

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

Notice (10-092) of Motion and Motion to Reopen Case of Alex v. Augustine, etc., Case No. 06-CV-0329.

Communication (10-111) from Manitowoc Area Visitor & Convention Bureau to consider a new animated sign, replacing the current signage, for the VIC at 4221 Calumet Ave.

Affidavit (10-172) of No Objection and Order of U.S. Bank National Association for Relief from Automatic Stay and Abandonment and Relief of Co-debtor Stay in re: Teresa M. Bonino f/k/a Teresa M. Strzyzewski.

Application (10-180) and Order for Dismissal relative to BAC Home Loan Servicing LP v Bohart, et al, Case No. 10 CV 218.

Notice (10-204) of Circumstances of Claim on behalf of Violet M. Rue, Fleet Claim File No. 10-186.

Notice (10-205) of Circumstances of Claim on behalf of The Estate of Robert Rue, Fleet Claim File No. 10-187.

Summons & Complaint (10-311) of June 4, 2010, Investors Community Bank v. Schuette Building LLC, Case No. 10 CV 465.

Notice of Claim (10-316) of Tracy Weiler of June 11, 2010, Claim File No. 10-1045.

Notice of Claim (10-389) of A T & T of June 7, 2010, Claim File No. 10-048.

Answer and Affirmative Defenses (10-421) relative to Investors Community Bank Plaintiff, v. Schuette Building LLC and Thomas D. Hansen and John W. Raettig Defendants, and W-1 Management, LLC and City of Manitowoc and John Doe and Jane Doe, Added Defendants.

Resolution (10-415) to approve a Boundary and Text Amendment Number One (1) to Tax Incremental Financing (TIF) District No. 16 Project Plan.

Summons and Complaint (10-431) of BAC Home Loans Servicing, L.P. v. Sherry L. Close et al, Case No. 10 CV 582.

Claim (10-497) for Injuries of August 23, 2010 relative to Tara M. Novak, Fleet Claim No. 10-191.

Notice of Claim and Claim (10-496) of August 25, 2010, from Diane Smith, Claim File No. 10-1054.

Notice of Claim and Claim (10-494) of August 12, 2010 from Mary Schleis, Claim File No. 10-1051-1.

Summons and Complaint (10-613) between M & I Marshall & Ilsley Bank and Denise A. Herman and John Doe et al, Case No. 10 CV 925.

Notice of Claim (10-647) received December 1, 2010, from Circle B Bison Ranch, LLC, Claim File No. 10-1058.

Notice of Claim and Claim (10-638) received November 30, 2010, from Maritime Properties, Claim File No. 10-1057.

Summons and Complaint (10-636) of Associated Bank, N.A. vs. Granger, et al, Case No. 10-CV-944.

PARKS AND RECREATION
Previously Referred

Communication (10-568) from Alderperson James Brey relative to Manitowoc Aquatic Center staff.

PUBLIC PROPERTY AND SAFETY
Previously Referred

Communication (10-285) from Manitowoc Yacht Club requesting extension of their occupancy of the real property commonly known as the Manitowoc Yacht Club.

Report (10-429) of Public Property and Safety Committee relative to various traffic, parking and signage issues referred to Safety, Traffic and Parking Commission for consideration.

Communication (10-579) from City Clerk Jennifer Hudon indicating that Manitowoc County will no longer contract with Lakeshore Humane Society as the County pound for 2011.

Report (10-625) from Public Property and Safety Committee Chair to refer the following requests to Safety, Traffic & Parking Commission: (1) request from Randy DeRoche, 1701 Washington St., to have parking along the east side of his building (10000 block of So. 17th St.); and (2) request from neighbors of N. 24th and N. 23rd Streets near Fairmont St. to have two hour parking on both sides of N. 24th St. near Federal Mogul and two hour parking extended on N. 23rd St. to Markham St.

Ordinance (10-655) to create section 14.226 of the Municipal Code regarding possession and sale of synthetic cannabinoids, was referred to Public Property and Safety Committee.

PUBLIC UTILITIES & LICENSING
Previously Referred

Communication (10-615) from Rich Steckmann objecting to new bus route through Kellner St.

PENDING APPLICATIONS

ONE YEAR OPERATOR'S LICENSE 2010-11

TWO YEAR OPERATOR'S LICENSE 2010-13

347	Jaime L. Labinsky	1813 13 th St., Two Rivers, WI 54241
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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.

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

Report (10-359) of Dir. of Public Works/City Engineer Valerie Mellon requesting unimproved right-of-way access agreement for parcel 719-005-010 at 3608 Menasha Ave.

Request (10-506) from SMI as representatives of the Allie Family Partnership and St. Francis of Assisi Parish for a change to the Official Map removing three streets south of Michigan Ave. and west of N. Rapids Rd.

Utility Easement (10-585) to Manitowoc Public Utilities for the purpose of constructing, maintaining, repairing and replacing electrical utility facilities.

Request (10-587) from Cheryl and Jon Saunders, Lake Breeze Salon, 1201 So. 13th Street, to construct a parking lot in a residential zoning district per Chapter 15.43(11) of the Municipal Code.

Ordinance (10-604) to amend Section 15.05 of the amended zone map of the City of Manitowoc to provide that certain Erosional Hazard Areas of land are amended, as detailed therein, was referred to Streets and Sanitation Committee.

Ordinance (10-603) to amend Section 22.01 of the Municipal Code relative to Erosion Hazard Area on Official Map, was referred to Streets and Sanitation Committee.

Temporary Access Easement Agreement (10-622) with Lisa M. Duveneck for temporary access on unimproved right-of-way at 3608 Menasha Avenue.

Permanent Easement (10-656) by Holiday House of Manitowoc County to the City for area north of Meadow Lane and west of Riverview Drive.

PERSONNEL
Previously Referred

Resolution (10-620) regarding hiring of Director of Parks and Recreation and establishment of compensation, was referred to Personnel Committee.

Resolution (10-648) to implement a hiring freeze of all current or future vacant City employment positions for 2011, to include full, part-time and temporary positions with vacancies being filled with approval by 2/3 vote of the Common Council, was referred to Personnel Committee.