

COMMON COUNCIL AGENDA

Monday, February 7, 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: 7:20 p.m. - Proposed amendment to City's Zoning District Map to make permanent the existing zoning for all areas annexed into the City in the period from August 15, 2000 through August 10, 2010 which received a "temporary" zoning designation pursuant to Section 66.021(8)(a) Wis. Stats.

CLOSED SESSION: None.

REPORTS OF OFFICERS:

Introduction of Matt Schliesman, new Executive Director of the Capitol Civic Centre.

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

Tonnage Report (11-051) for the Port of Manitowoc for the year ending 12/31/10.

Notice (11-058) from Public Service Commission of Wisconsin relative to authority to construct a 69/13.8 kilovolt addition to existing Rapids Substation.

Minutes (11-059) of Citizens Advisory Committee of 1/4/11; Crime Prevention Committee of 12/2/10; Industrial Development Corporation of 11/18/10; Internal Strategic Fiscal Planning Committee of 1/25/11; Public Utilities Commission of 11/22/10, 12/13/10, 12/22/10; Wastewater Treatment Facility Board of 11/9/10; Zoning Board of Appeals of 1/18/11.

COMMITTEE OF THE WHOLE

General City Claims (11-) in the amount of \$ enumerated on list thereof.

FINANCE

Claim (11-040) from James Decker of February 2, 2011, Fleet Claim No. 11-193.

Report (11-048) of City Planner David Less relative to consideration of master subordination agreement with First Business, Dept. of Commerce and Orion.

Summons and Complaint (11-038) with Shipbuilders Credit Union vs. Duggan et al.

Claim (11-053) for Excessive Tax Under Wis. Stat. 74.35 from Holy Family Memorial, Inc. for parcel #817-304-010, 333 Reed Ave., Claim File No. 11-1060.

Claim (11-054) for Excessive Tax Under Wis. Stat. 74.37 from Holy Family Memorial, Inc. for parcel #817-304-010, 333 Reed Ave., Claim File No. 11-1061.

Claim (11-037) for Excessive Assessment under Wis. Stat. 74.37 from Zetley Real Estate Co., LLC for parcel #835-402-020, Claim File No. 11-1059.

Services Agreement (11-) between City of Manitowoc, City of Two Rivers and City of Kiel and The Economic Development Corporation of Manitowoc County for the years 2011-2013.

PARKS AND RECREATION

Communication (11-042) from Manitowoc Garden Fair to allow portable toilets at event on June 11, 2011.

Special Events Request (11-047) from Youth TIPS Throwing Clinic to hold event at Citizens Park on April 2 & 9, 2011.

Special Events Request (11-049) from The Crossing to use Mariners Trail on Saturday, May 14, 2011 for Walk for Life fundraiser, as detailed therein.

Contract (11-050) with Neuman Pools, Inc. for deck finish for locker rooms and changing rooms at Manitowoc Family Aquatic Center.

Special Events Request (11-036) to hold 2nd Annual Quadrathlon utilizing Mariners Trail on August 13, 2011 with waiver of fees request attached.

Communication (11-063) from Manitowoc Bandits Baseball Club relative to their intent to return for their 14th season at Municipal Field and to extend their lease for an additional two seasons.

PUBLIC PROPERTY AND SAFETY

Equipment Lease Agreement (11-046) for lease of dive equipment to Manitowoc County Dive Team.

Report (11-061) of Board of Public Works of February 2, 2011, regarding quotes received for two new identical 2011 Ford Crown Victoria full-size four-door automobiles for the Police Department.

PUBLIC UTILITIES AND LICENSING

Report (1-052) on 2011 Weights & Measures assessments for various businesses, as detailed therein.

LICENSE APPLICATIONS REFERRED

“CLASS A” FERMENTED MALT BEVERAGE AND INTOXICATING LIQUOR LICENSE

CLASS “A” RETAIL FERMENTED MALT BEVERAGE LICENSE

Change of Agent for Kwik Trip #636 to Brian D. Lorge
2819 Meadow Lane

PAWNBROKER, SECOND-HAND DEALER, FLEA MARKET ETC.

7 Game Stop, Inc. 4140 Harbor Town Lane, Ste., 700

ONE YEAR OPERATOR’S LICENSE 2010-11

None

TWO YEAR OPERATOR’S LICENSE 2010-12

355	Tyler D. Brennan	2132 Hunters Ridge Ct.
356	Lucyann M. Krepline	3009 Jackson St., Two Rivers, WI 54241
357	Monia Pagels	106 Grant St., Valders, WI 54245
358	Robert J. Nelson	1610 Goodwin Road

359	Cindy L. Richard	1604A Washington St.
360	Michael J. Demske	928 N. 16 th St.
361	Abby N. Ziarnik	1001 N. 13th St.

STREETS AND SANITATION

Special Events Request (11-041) from Yo-Yo Balloons to sell balloons and St. Patrick’s Day novelties along the parade route on March 17, 2011.

Agreement (11-043) for professional services with McMahon for native vegetative landscape design and construction for 2011 and 2012 at the So. 10th Street Stormwater Pond.

Communication (11-039) from Kathie Bundy, St. Patrick’s Day Parade Coordinator, requesting permission to hold the annual St. Patrick’s Day Parade on Thursday, March 17, 2011, following the route described therein, with fireworks to follow, as in the past. (copy to Parks and Recreation Committee).

Special events request (11-044) from Northeastern Wisconsin Great Lakes Sport Fishermen to hold the annual Salmon Derby at the Manitowoc Marina from Friday, July 1 through Monday, July 3, 2011, use of various City equipment, permission to sell fermented beverages until 11:30 p.m. and extension of the noise ordinance until 11:30 p.m. on Friday, Saturday and Sunday nights, as detailed therein. (Copy to Parks & Recreation and Public Utilities & Licensing).

Agreement (11-045) for sale of real estate to Anthony J. Bugarino for property located at the corner of So. 22nd Street and Washington Street.

Quit Claim Deed (11-055) from Sack Realty, LLC to the City of Manitowoc for N. Rapids Road purposes.

Public Works Petition (11-056) from Sack Realty, LLC for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on N. Rapids Rd., as described therein, and shown on the attached map (Parcel No. 811-403-030).

Communication (11-057) from DP Enterprises, LLC asking for removal of the portion of sidewalk installation for their property in Shar-Ann Subdivision #2, Block 2, located on So. 21st Street between Dewey and Summit St. until their lots are sold or the economy improves.

Report (11-060) of Board of Public Works of February 2, 2011, regarding bids received for 2011 Slurry Sealing Various Streets, Project WS-11-6.

PERSONNEL

None.

RESOLUTIONS

Resolution (11-) to furlough non-represented employees for 80 hours in 2011, was referred to Committee of the Whole.

Resolution (11-) to lay off 29 union positions in 2011, was referred to Committee of the Whole.

Resolution (11-) to reorganize Parks and Recreation Department, was referred to Committee of the Whole.

COMMITTEE REPORTS

None.

ORDINANCES

Ordinance (11-062) to amend various sections of 10.104 of the Manitowoc Municipal Code restricting parking hours on Fairmont Street, LaFollette Avenue, North 23rd Street, North 24th Street and providing for no parking between driveways in the 800 block of Madison Street, was referred to Public Property and 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)

CLASS "A" RETAIL FERMENTED MALT BEVERAGE LICENSE

Change of Agent for Kwik Trip #636 to Brian D. Lorge
2819 Meadow Lane

TWO YEAR OPERATOR'S LICENSE 2010-12

355	Tyler D. Brennan	2132 Hunters Ridge Ct.
356	Lucyann M. Krepline	3009 Jackson St., Two Rivers, WI 54241
357	Monia Pagels	106 Grant St., Valders, WI 54245
358	Robert J. Nelson	1610 Goodwin Road
359	Cindy L. Richard	1604A Washington St.
360	Michael J. Demske	928 N. 16 th St.

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

COMMITTEE OF THE WHOLE
Previously Referred

Resolution (11-020) amending Council Rule 2 changing Co-Chairperson to Vice-Chairperson and having the Council President make committee appointments subject to the approval of the Common Council, was referred to Committee of the Whole.

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. Keding 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.

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

PARKS AND RECREATION
Previously Referred

None.

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.

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.

Communication (11-006) from James Brey, Chairman of Public Property and Safety Committee relative to parking issues on Madison St. and Manila St.

Communication (11-009) from Federal Mogul with safety concerns for their employees crossing Fairmont St. just west of the railroad tracks.

Communication (11-014) from Alderperson Matt Kadow on behalf of Tony Bugarino to have "Yield to Oncoming Traffic" signs placed on Springhill Drive.

Communication (11-015) from Alderperson Matt Kadow on behalf of Karen Schweigl to add traffic controls to the intersection of S. 25th St. and Clark St.

Communication (11-021) from Sure Site Consulting Group, LLC asking for consent to upgrade A T & T cell site at Revere Drive.

PUBLIC UTILITIES & LICENSING
Previously Referred

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

PENDING APPLICATIONS

"CLASS A" FERMENTED MALT BEVERAGE AND INTOXICATING LIQUOR LICENSE

4A	Sly Fox Ventures, Inc. Erik Groll, Agent	1339 N. 8 th St.
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NEAR BEER (NON-INTOXICATING BEVERAGE) LICENSE

31	Sly Fox Ventures, Inc. Erik Groll, Agent	1339 N. 8 th St.
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ONE YEAR OPERATOR'S LICENSE 2010-11

TWO YEAR OPERATOR'S LICENSE 2010-13

354	Joseph M. Nixon	850 N. 6 th St.
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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.

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

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

Application (11-018) from Steven Kratz for a change in zone from R-4, Single and Two Family District, to B-3, General Business District, for property located at Custer Street.

PERSONNEL
Previously Referred

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.