

## COMMON COUNCIL AGENDA

Monday, February 21, 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

Notice (11-073) from Dept. of Natural Resources of an Air Pollution Permit Application review for Tower Tech Systems, 101 S. 16<sup>th</sup> St.

Report (11-076) of Department of Building Inspection for the year 2010.

Minutes (11-074) of Code Review Committee of 2/10/11; Community Development Committee of 1/12/11; Manitowoc Public Utilities Commission of 1/24/11; Plan Commission of 1/12/11; Rahr-West Art Museum Board of 1/19/11.

### COMMITTEE OF THE WHOLE

Communication (11-071) from Mayor Justin M. Nickels Vetoing Resolution (11-069) regarding reorganization of Parks and Recreation Department and Department of Public Works adopted 2/7/11.

Communication (11-097) from Mayor Justin M. Nickels Vetoing Resolution (11-066) to furlough non-represented employees for 80 hours in 2011.

Communication (11-098) from Mayor Justin M. Nickels Vetoing Resolution (11-070) to lay off 29 union positions in 2011.

General City Claims (11-096) in the amount of \$9,659,689.99 enumerated on list thereof.

### FINANCE

Report (11-065) of Asst. City Attorney Kathleen McDaniel to place documents relating to Mercedes M. Wilda v. Shoreline Leasing et al, Case No. 09 CV 387, on file.

Report (11-079) of City Attorney Juliana Ruenzel with copy of Summons and Complaint attached to place documents relating to MRE of Manitowoc LLC v. City of Manitowoc et al, Case No. 09 SC 672 on file.

## **PARKS AND RECREATION**

Special Events Request (11-068) from Kiwanis Club of Greater Manitowoc to hold car show in Washington Park on August 7, 2011 including street closures, alcohol in the park and waiver of fees, as detailed therein. (Copies to Public Utilities & Licensing and Streets & Sanitation).

Special Events Request (11-072) to hold Manitowoc County Civil War Round Table event at Washington Park on April 16, 2011, as detailed therein.

## **PUBLIC PROPERTY AND SAFETY**

City Plan Commission, to whom was referred notice (11-005) from Manitowoc County Public Works Dept. relative to sale of parcel no. 000-287-190, returned same with report (11-083) recommending that the Council place notice on file and no further action be taken.

Report (11-089) of City Planner David Less requesting authorization for City Planner to continue to act as the City's agent in administering all aspects of the 2011 Farmers' Market program and approval of the Agreement for Management Services, as detailed therein

## **PUBLIC UTILITIES AND LICENSING**

Statement of Canvassers (11-078) of election returns for February 15, 2011 Election in District 1 for Alderperson.

Communication (11-082) from Nilaksh Kothari, General Manager MPU, attaching 2009 annual report of Great Lakes Utilities.

Report (11-086) of City Plan Commission relative to three year harbor assistance program statement of intentions (2011-2013).

## **LICENSE APPLICATIONS REFERRED**

### **"CLASS B" INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE LICENSE**

Amended 56	Manitowoc Yacht Club, Inc. 815 Maritime Dr.	Jude Gosz Agent
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### **ONE YEAR OPERATOR'S LICENSE 2010-11**

None

### **TWO YEAR OPERATOR'S LICENSE 2010-12**

362	Trent C. Dondlinger	1301 Grand Ave
363	Jolie S. Meyer	728 Waldo Blvd.
364	L. A. M.	(Confidential)
365	Tina K. Lindemann	10706 Highway 151, Manitowoc, WI
366	Lori A. Polifka	1208 S. 17 <sup>th</sup> St.

## **STREETS AND SANITATION**

Request (11-075) from Rodger D. Whiteside Jr., to pave alley behind his residence at 1021 N 8<sup>th</sup> Street.

Report (11-080) of Board of Public Works of February 16, 2011, regarding bids received for 2011 New Sidewalk Construction and Removing & Replacing Existing Sidewalk, Project WS-11-3.

Report (11-081) of Board of Public Works of February 16, 2011, regarding bids received for 2011 Televising Miscellaneous Sewers I, Project WU-11-5.

Report (11-092) of the Board of Public Works of February 16, 2011, recommending 4th and final payment to Vinton Construction in the amount of \$44,243.80 for Sanitary Sewer Relay, WU-10-8.

Report (11-093) of the Board of Public Works of February 16, 2011, recommending 4<sup>th</sup> and final payment to Vinton Construction in the amount of \$5,710.53, for Sanitary Sewer Construction, WU-10-12.

Report (11-084) of City Plan Commission supporting the redesign of So. 21<sup>st</sup> Street and revision to preliminary plat and outlining steps to be taken by subdivider.

Report (11-085) of City Plan Commission recommending to Council that two special permits for fixed animated signs at Leonard Lane and 2406 Washington Street be terminated for the reasons detailed therein.

City Plan Commission, to whom was referred quit claim deed (11-055) from Sack Realty, LLC to the City of Manitowoc for N. Rapids Road purposes, returned same with report (11-087) recommending that Council approve and accept the quit claim deed and record same.

Report (11-088) of City Plan Commission recommending that Council adopt the ordinance to effectuate the changes relative to the City-wide rezoning of lands annexed into the City.

Report (11-090) of City Plan Commission recommending that Council call for a public hearing on proposed rezoning for property located at Custer Street owned by Steven Kratz.

Declaration of Dedication (11-095) of property for Michigan Avenue purposes from City of Manitowoc.

**PERSONNEL**

None.

**RESOLUTIONS**

Resolution (11-094) to approve the attached Three Year Harbor Development Statement of Intentions (2011-2013), was referred to Public Utilities & Licensing Committee.

**COMMITTEE REPORTS**

None.

**ORDINANCES**

Ordinance (11-077) to amend Section 1.03(2) of the Municipal Code changing the location of the voting place for the Second Aldermanic District, was referred to Public Utilities and Licensing Committee.

Ordinance (11-091) to amend Section 15.05 of the amended zone map for an area located north of Custer Lane, west of the Canadian National Rail Road and east of Springhill Drive, 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**

Amended 56      Manitowoc Yacht Club, Inc.      Jude Gosz Agent  
815 Maritime Dr.

**TWO YEAR OPERATOR’S LICENSE 2010-12**

362      Trent C. Dondlinger      1301 Grand Ave  
363      Jolie S. Meyer      728 Waldo Blvd.  
364      L. A. M.      (Confidential)

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

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**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**

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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.

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

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.

#### **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.

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.

**PUBLIC UTILITIES & LICENSING**  
**Previously Referred**

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**PENDING APPLICATIONS**

**TWO YEAR OPERATOR'S LICENSE 2010-13**

365	Tina K. Lindemann	10706 Highway 151, Manitowoc, WI
366	Lori A. Polifka	1208 S. 17 <sup>th</sup> St.

**STREETS AND SANITATION**  
**Previously Referred**

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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.

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.

**PERSONNEL**  
**Previously Referred**

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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.