

## COMMON COUNCIL AGENDA

Monday, March 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:** None.

**CLOSED SESSION:** Notice is hereby given that the above governmental body will adjourn to the **First Floor Hearing Room-East** for a closed session during the recess of the meeting as authorized by Section 19.85(1)(c) and 19.85(1)(e) of the Wisconsin Statutes, which authorizes the governmental body to convene in closed session for the purposes of considering employment, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; and authorizes a closed session for the purpose of deliberating or negotiating or conducting other specified public business whenever competitive or bargaining reasons require a closed session; and Sec. 111.70 of Wisconsin Statutes which authorizes the governmental body to convene in closed session for the purpose of collective bargaining. The specific subject matter which will be considered in the closed session is the following: **(1) Discussion and possible action on bargaining/negotiating with Teamsters DPW and Transit; and (2) Discussion and possible action on bargaining/negotiating with AFSCME (all units).**

### REPORTS OF OFFICERS:

Presentation by Police Chief Tony Dick on stray/feral cat and dog process.

Presentation by Kathy Beer of Free Roamers organization on new process/arrangement with free roamers.

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 (11-109) of Citizens Advisory Committee of 1/4/11; Crime Prevention Committee of 2/3/11; Great Lakes Utilities Hydroelectric Project Committee of 7/20/10 & 12/14/10; Rahr-West Art Museum Board of 2/16/11; Wastewater Treatment Facility Board of 1/11/11.

### COMMITTEE OF THE WHOLE

General City Claims (11-138) in the amount of \$1,350,583.55 enumerated on list thereof.

### FINANCE

Memo (11-101) from Asst. City Attorney Kathleen McDaniel attaching Order Confirming Sale and Satisfying Judgment of Foreclosure in matter of Wells Fargo Bank v. Brooks et al, Case No. 09 CV 0190.

Memo (11-100) from Asst. City Attorney Kathleen McDaniel attaching Stipulation and Order for Dismissal and discharge of Lis Pendens in matter of MTGLQ Investors v. Radke et al, Case No. 07 CV 0405.

**PARKS AND RECREATION**

Special Events Request (11-137) from Rose Colored Glasses Salon and Spa to hold RCG Salon Earth Month Walk for Water along Mariners Trail on May 1, 2011, as detailed therein.

**PUBLIC PROPERTY AND SAFETY**

Mutual Aid Pact (11-108) Manitowoc County EMS Association providing for intergovernmental cooperation.

Communication (11-104) from Sharon Strouf expressing concerns as to public safety in the City of Manitowoc.

**PUBLIC UTILITIES AND LICENSING**

Request (11-102) from Isaac Notz, 3205 S. 19th St. requesting electrical service to his property outside the city limits.

2011 Section 5311 Capital Assistance Contract (11-103) between State of Wisconsin and City of Manitowoc to promote the general public good by providing financial assistance to surface public transportation systems.

**LICENSE APPLICATIONS REFERRED**

**“CLASS B” INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE LICENSE**

16A	Laiken Holding Group, Inc. Thomas E. Laiken, Agent	1421 S. 39 <sup>th</sup> St.
51A	TLM Investments, Inc. Donald E. Murray, Agent	939 S. 8 <sup>th</sup> St.
52A	TLM Investments, Inc. Donald E. Murray, Agent	3713 Division St.

**ONE YEAR OPERATOR’S LICENSE 2010-11**

None

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

367	Jerrod L. Rathsack	1311 Cherry Rd.
368	Travis Boprey	1441 Elder Dr.
369	Matthew Trost	519 N. 9th St.
370	Lori A. Anderson	1416 Division St.
371	Brandon Staab	1711 Cedar Grove Dr., Apt. 2A
372	Jason Zipperer	500 Buffalo
373	Ryan M. Faust	5119 Sunset Rd.
374	Natasha Zill	502 New York Ave.
375	Sherry K. Barney	3012 School St., Two Rivers, WI

**STREETS AND SANITATION**

Communication (11-107) from David Naidl requesting permission to erect three crosses on the southeast hillside of Evergreen Cemetery from April 17 through April 25, 2011.

Communication (11-106) from Popp Enterprises requesting temporary access easement over an unimproved right-of-way, as detailed therein.

Communication (11-113) from S.M.I. on behalf of Popp Enterprises requesting a change to the Official Map reducing the right-of-way of So. 21<sup>st</sup> Street between Summit and Flambeau Streets from 80 feet to 66 feet due to wetland issues.

Communication (11-110) from Director of Public Works/City Engineer Valerie Mellon with 2010 Annual Report to DNR attached relating to stormwater discharge permit.

Communication (11-105) from Aspire Architecture & Design on behalf of Holiday House for a conditional use permit at 2802 Meadow Lane for use as an adult day care center.

Special Events Request (11-099) to hold National MS Society - Wisconsin Chapter Walk on April 30, 2011, starting and finishing at Manitowoc Lutheran High School, with map of route attached.

Report (11-134) of Board of Public Works of March 2, 2011, regarding bids received for Concrete Curb & Gutter & Sidewalk Construction at York St. and N. 9<sup>th</sup> St., Project WS-11-2.

Report (11-133) of Board of Public Works of March 2, 2011, regarding bids received for 2011 Epoxy Pavement Marking Program, Project WS-11-9.

Report (11-131) of Board of Public Works of March 2, 2011, regarding bids received for 2011 Re-Lining Sewers, Project WU-11-7.

Report (11-132) of Board of Public Works of March 2, 2011, regarding quotes received for Underwater Bridge Inspection, Project QO-11-2.

Report (11-115) of Board of Public Works of March 2, 2011, recommending 4th and final payment to Vinton Construction in the amount of \$8,021.34 for S. 41<sup>st</sup> St./Custer St. Pond, WU-10-10.

Report (11-116) of Board of Public Works of March 2, 2011, recommending 9<sup>th</sup> and final payment to Vinton Construction in the amount of \$131,947.61 for 2010 Concrete Paving & Reconstruction & S. 10<sup>th</sup> St. Pond, WS-10-1.

Special Events Request (11-135) from The American Legion to hold Memorial Day Parade on Monday, May 30, 2011, beginning at 9:00 a.m. with route detailed therein.

Application (11-117) from Wisconsin Aluminum Foundry Co., Inc. for a change in zone from R-6 Multiple Family and B-2 Neighborhood Business District to I-2 Heavy Industrial District for property located at 1623 Clark St. and 1701-1703 Clark St., as detailed therein.

Request (11-136) from Manitowoc County Habitat for Humanity for a right-of-way easement on S. 19<sup>th</sup> St. to provide owner and contractors access to the property at 19<sup>th</sup> and Flambeau.

Special Events Request (11-114) from Heavy Pedal Velo Club to hold bike race on August 13, 2011 from 9:00 a.m. to 7:00 p.m. on route detailed therein.

## **PERSONNEL**

None.

## **RESOLUTIONS**

Initial Resolution (11-118) Authorizing General Obligation Bonds in an Amount Not to Exceed \$355,000 for Sanitary Sewer Projects, was referred to Finance Committee.

Initial Resolution (11-119) Authorizing General Obligation Bonds in an Amount Not to Exceed \$820,000 for Storm Sewer Projects, was referred to Finance Committee.

Initial Resolution (11-120) Authorizing General Obligation Bonds in an Amount Not to Exceed \$400,000 for Street Improvement Projects, was referred to Finance Committee.

Initial Resolution (11-121) Authorizing General Obligation Bonds in an Amount Not to Exceed \$10,000 for Police Facilities Projects, was referred to Finance Committee.

Initial Resolution (11-122) Authorizing General Obligation Bonds in an Amount Not to Exceed

\$65,000 for Fire Engine House Projects, was referred to Finance Committee.

Initial Resolution (11-123) Authorizing General Obligation Bonds in an Amount Not to Exceed \$20,000 for Buildings Projects, was referred to Finance Committee.

Initial Resolution (11-124) Authorizing General Obligation Bonds in an Amount Not to Exceed \$315,000 for Parks and Public Grounds Projects, was referred to Finance Committee.

Initial Resolution (11-125) Authorizing General Obligation Bonds in an Amount Not to Exceed \$240,000 for Acquisition of Fire Engines and Equipment, was referred to Finance Committee.

Initial Resolution (11-126) Authorizing General Obligation Bonds in an Amount Not to Exceed \$1,010,000 for Refunding Purposes, was referred to Finance Committee.

Initial Resolution (11-127) Authorizing General Obligation Promissory Notes in an Amount Not to Exceed \$1,605,000, was referred to Finance Committee.

Resolution (11-128) Directing Publication of Notice to Electors Relating to Bond Issues, was referred to Finance Committee.

Resolution (11-129) Providing for the Sale of General Obligation Corporate Purpose Bonds, Series 2011, was referred to Finance Committee.

Resolution (11-130) Providing for the Sale of General Obligation Promissory Notes, Series, 2011, was referred to Finance Committee.

Resolution (11-112) 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.

**COMMITTEE REPORTS**

None.

**ORDINANCES**

None.

**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)

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

366	Lori A. Polifka	1208 S. 17 <sup>th</sup> St.
367	Jerrod L. Rath sack	1311 Cherry Rd.
368	Travis Boprey	1441 Elder Dr.
369	Matthew Trost	519 N. 9th St.
370	Lori A. Anderson	1416 Division St.
371	Brandon Staab	1711 Cedar Grove Dr., Apt. 2A
372	Jason Zipperer	500 Buffalo
373	Ryan M. Faust	5119 Sunset Rd.

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

**COMMITTEE OF THE WHOLE  
Previously Referred**

None.

**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.

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**

None.

**PENDING APPLICATIONS**

**“CLASS B” INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE LICENSE**

16A	Laiken Holding Group, Inc. Thomas E. Laiken, Agent	1421 S. 39 <sup>th</sup> St.
51A	TLM Investments, Inc. Donald E. Murray, Agent	939 S. 8 <sup>th</sup> St.

52A TLM Investments, Inc. 3713 Division St.  
Donald E. Murray, Agent

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

374 Natasha Zill 502 New York Ave.

375 Sherry K. Barney 3012 School St., Two Rivers, WI

**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.

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.

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.

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

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

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.

**PERSONNEL**  
**Previously Referred**

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