

COMMON COUNCIL AGENDA

Monday, March 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: 7:10 p.m. - Proposed change in zone from "R-4" Single and Two Family District to "B-3" General Business District in an area located north of Custer Lane, east of Springhill Drive and west of the Canadian National Railroad.

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

Communication (11-155) from Jen Glowaski resigning from the Manitowoc Sustainability Committee.

Communication (11-162) from Wisconsin Public Service informing of new natural gas distribution pipeline beginning at 6150 W. Custer St. and continuing to Alverno Rd. and S. Rapids Rd.

Minutes (11-157) of Citizens Advisory Committee of 3/1/11; Community Development Authority of 2/16/11; Plan Commission of 2/16/11.

COMMITTEE OF THE WHOLE

Communication (11-) from City Clerk/Deputy Treasurer Jennifer Hudon requesting to fill Account Clerk position in Treasurer's office.

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

FINANCE

Claim (11-141) from Mitchell J. Steinmetz of March 10, 2011, Fleet Claim File No. 11-194.

Claim (11-142) from Sara Bentley of March 10, 2011, Claim File No. 11-1062.

Notice of Claim (11-143) from A T & T of March 11, 2011, Fleet Claim File No. 11-195.

Claim (11-144) from Wendy Jones of March 14, 2011, Claim File No. 11-1063.

Amendment No. 1 (11-) to TIF Agreement between City of Manitowoc and Dermatology Associates of Wisconsin.

Report (11-) of City Plan Commission relative to Amendment No. 1 to TIF Agreement

between City of Manitowoc and Dermatology Associates of Wisconsin.

PARKS AND RECREATION

Special Events Request (11-140) from Brandy Konieczny to hold wedding ceremony in Silver Creek Park on June 25, 2011, at 2:00 p.m.

Special Events Request (11-146) from Sunrise Optimists to hold rummage sale at Lincoln Park Fieldhouse on April 29 & 30, 2011 and waive fees for Friday.

Special Events Request (11-153) from Manitowoc Safety Patrol Picnic Association to use picnic area in Silver Creek Park on May 18, 2011 and waive fees for use of facilities.

Report (11-165) of City Plan Commission recommending Council approve location and architectural design as well as preliminary site plan for new Cabin #1 in Lincoln Park.

PUBLIC PROPERTY AND SAFETY

Special events request (11-139) from Tom Drill for the use of the City Hall parking lot and various equipment for Showtime 2011 scheduled August 11 & 12, 2011; copies to Streets & Sanitation, Parks & Recreation, and Public Utilities & Licensing.

Request (11-152) from Tim Nate Plumbing for refund of unused permit fee.

PUBLIC UTILITIES AND LICENSING

Report (11-167) of City Plan Commission recommending Council approve the location and architectural design, as well as the preliminary site plan for new Manitowoc Intermodal Transfer Station.

Request (11-173) from Donald Murray, Agent, of TLM Investments, Inc. for refund of unused license fees in the amount of \$227.99 for License No. 52A.

LICENSE APPLICATIONS REFERRED

TEMPORARY OPERATOR'S LICENSE

- 37 Kenneth A. Skattebo P.O. Box 197, St. Nazianz, WI 54232
- 38 Brenda L. Kaufmann 20517 Point Creek Rd., Kiel, WI 53042

ONE YEAR OPERATOR'S LICENSE 2010-11

- 48 Holley M. Melichar 1233 S. 31st St.

TWO YEAR OPERATOR'S LICENSE 2010-12

- 376 Tammy L. Hatton 3711 Washington St.
- 377 Scott J. Schuette 1147 W. Washington St., Cleveland, WI 53015

STREETS AND SANITATION

Special Events Request (11-145) from Habitat for Humanity for two barricades to block off First Lutheran Church parking lot on April 9 & 10, 2011, for annual Shanty Town event.

Special Events Request (11-149) from Two Rivers Main Street to hold annual Cool City Classic Car Show and Cruise Night on June 24, 2011, beginning at 4:00 p.m. with route detailed therein along with a Police escort and traffic control. (copy to Public Property and Safety Committee)

Progress invoice (11-158) from Wisconsin Dept. of Transportation in the amount of \$22,502.81 for N. 21st Street Bridge Viaduct, Project No. 4991-02-71.

Grant Agreement (11-159) between State of Wisconsin (Wis. Coastal Management Program) in the amount of \$15,000 for Lakeside Blvd. Bluff Erosion Study/Plan.

Communication (11-147) from Veterans of Foreign Wars Otto Oas Post No. 659 Ladies Auxiliary requesting permission to hold their poppy sale on Friday and Saturday, May 20 & 21, 2011.

Special Events Request (11-160) from Amvets Post 99 to use Conroe Street for the 2011 Gravity Hill Derby on June 18, 2011.

Landscaping Agreement (11-161) with Lake Shore Cleaners, Inc. for landscape services for South 10th Street Storm Water Detention Pond area.

Report (11-164) of the Board of Public Works of March 16, 2011, regarding quotes received for 2011 Ready-Mix, QM-11-3.

Report (11-163) of the Board of Public Works of March 16, 2011, regarding bids received for 2011 Concrete Paving Program, WS-11-1.

City Plan Commission, to whom was referred declaration of dedication (11-095) of property for Michigan Avenue purposes from City of Manitowoc, returned same with report (11-170) recommending that Council approve and accept the declaration of dedication.

City Plan Commission, to whom was referred request (11-136) from Manitowoc County Habitat for Humanity for a right-of-way easement on S. 19th St. to provide owner and contractors access to the property at 19th and Flambeau, returned same with report (11-166) recommending that Council approve entering into the agreement with City Attorney to draft same, as detailed therein.

City Plan Commission, to whom was referred communication (11-106) from Popp Enterprises requesting temporary access easement over an unimproved right-of-way, as detailed therein, returned same with report (11-168) recommending that Council approve entering into the agreement with City Attorney to draft same, as detailed therein.

City Plan Commission, to whom was referred 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, returned same with report (11-171) recommending that Council approve a CUP under Section 15.27(3)7 subject to attached conditions.

City Plan Commission, to whom was referred 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, returned same with report (11-169) recommending that Council instruct the City Clerk to call for a public hearing.

Agreement (11-174) with FOTH Infrastructure & Environment, LLC for professional engineering services relative to Lakeside Blvd. Bluff Erosion Study/Plan.

PERSONNEL

Policies and Procedures Manual (11-151) for Evergreen Cemetery.

Policies and Procedures Manual (11-150) for Maritime Metro Transit.

Agreement (11-) between City of Manitowoc and City of Manitowoc Police Department Employees, Law Enforcement Employee Relations Division of the Wis. Professional Police Assn., 2011-2012.

RESOLUTIONS

Resolution (11-156) authorizing various appropriations which were budgeted in 2010 for the departments listed therein to be carried forward into the respective 2011 departmental budgets effective as of December 31, 2010, was referred to Finance Committee.

Resolution (11-154) that certain parks' improvements be included in the 2011 Public Works Program, was referred to Streets and Sanitation Committee.

COMMITTEE REPORTS

Streets and Sanitation Committee returned 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, recommending approval of request subject to City policy.

ORDINANCES

Ordinance (11-148) to create the Manitowoc Transit Commission, was referred to Public Utilities and Licensing Committee.

Ordinance (11-) to amend Section 17.105 of the Manitowoc Municipal Code regulating cross connections with the City water system, was referred to Public Utilities and Licensing Committee.

Ordinance (11-172) to amend the amended zone map of the City of Manitowoc in the area located south of Clark St. and east and west of S. 17th St. from "R-6" Multiple Family Residential and "B-2" Neighborhood Business District to "I-2" Heavy Industrial District, 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

51A TLM Investments, Inc. 939 S. 8th St.
Donald E. Murray, Agent

TEMPORARY OPERATOR LICENSE

37 Kenneth A. Skattebo Maple Terrace Ct., Lot 60, St. Nazianz, WI

TWO YEAR OPERATOR'S LICENSE 2010-12

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

377 Scott J. Schuette 1147 W. Washington St., Cleveland, WI 53015

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.

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.

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.

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 (11-037) 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.

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

PUBLIC UTILITIES & LICENSING
Previously Referred

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.

PENDING APPLICATIONS

“CLASS B” INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE LICENSE

16A	Laiken Holding Group, Inc. Thomas E. Laiken, Agent	1421 S. 39 th St.
52A	TLM Investments, Inc. Donald E. Murray, Agent	3713 Division St.

TEMPORARY OPERATOR’S LICENSE

38	Brenda L. Kaufmann	20517 Point Creek Rd., Kiel, WI 53042
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ONE YEAR OPERATOR’S LICENSE 2010-11

48	Holley M. Melichar	1233 S. 31st St.
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TWO YEAR OPERATOR’S LICENSE 2010-13

375	Sherry K. Barney	3012 School St., Two Rivers, WI
376	Tammy L. Hatton	3711 Washington St.

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.

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.

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.

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. 21st Street between Summit and Flambeau Streets from 80 feet to 66 feet due to wetland issues.

PERSONNEL
Previously Referred

None.