

## COMMON COUNCIL AGENDA

Monday, June 20, 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 to the Official Map to remove a portion of So. 17<sup>th</sup> Street, south of Clark Street, as shown in the sketch below.

**CLOSED SESSION:** None.

### REPORTS OF OFFICERS:

City Clerk swears in new police officer, Miranda Lea Benthien.

City Clerk swears in new police dog, Ullly.

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 (11-407) before the Dept. of Natural Resources Air Management Program regarding Manitowoc Public Utility, 700 Columbus St., application for a research and testing exemption from air pollution control permit.

Minutes (11-389) of Community Development Authority of 5/11/11; Great Lakes Utilities Board of 4/19/11; Great Lakes Utilities Hydroelectric Project Committee of 3/22/11, 4/19/11, 5/10/11 & 5/31/11; Great Lakes Utilities Power Supply Project Committee of 3/22/11 & 5/31/11; Plan Commission of 5/11/11; Public Utilities Commission of 4/25/11.

### COMMITTEE OF THE WHOLE

General City Claims (11-405) in the amount of \$3,846,933.16 enumerated on list thereof.

### FINANCE

Notice of Claim (11-361) of Joaquim Martinez, Claim File No. 11-1068.

Communication (11-380) from City Assessor Sarah Hoppe to refund personal property tax on parcel 000-917-803.

Notice of Claim and Claim (11-364) of Yorkshire Lane Apartments, Claim File No. 11-1069.

Report (11-383) of City Planner David Less relative to consideration to consent to collateral subordination relative to Orion Energy Systems.

### PARKS AND RECREATION

Request (11-381) from Anna Hebert for assistance with passes to Family Aquatic Center.

Concession Stand Agreements (11-385), (11-386), (11-387) and (11-388) with Lates, O'Connor Concessions, Tim F. Becker d/b/a HP Enterprises and Party Pizazz for July 4<sup>th</sup> picnic in Washington Park.

Request (11-391) from Ann Barbeau to allow her sons to sell worms at the lake.

Special Events Request (11-390) from the Daughters of Union Veterans to hold picnic in Union Park on July 9, 2011.

Special Events Request (11-363) from Friends of Mariners Trail to hold fun run on Mariner's Trail on July 16, 2011.

Farm Animal Loan Agreements (11-393), (11-394), (11-395), (11-396), (11-397), (11-398), (11-399) and (11-400) from various individuals for loan of farm animals for the Big Red Barn at the Zoo for the 2011 season.

Special Events Request (11-401) from D'Angelo Cowley to sell inflatable and light-up novelty items at this summer's Park and Recreational events.

Special Events Request (11-358) from Manitowoc County Tennis Club to hold tennis tournament at Lincoln Park on July 14-27 and July 29-31, 2011, and waiver of all fees.

Waiver of Fees (11-402) from Manitowoc/Two Rivers YMCA to reduce the amount of \$8.00 per hour, per court for rental of Lincoln Park Tennis Courts.

Special Events Request (11-362) from Faith Church to hold Family Movie Night on July 8, 2011 at Washington Park, and waiver of fees for Metro Stage.

Special Events Request (11-357) from Party Pizazz to sell novelties at 4<sup>th</sup> of July picnic and fireworks.

Special Events Request (11-356) from United Way to hold 2011 Campaign Kickoff Concert in Washington Park and use of barricades on August 14, 2011.

Special Events Request (11-403) from New Beginnings Church to hold block party on July 16, 2011 at Pulaski Park.

Recommendation (11- ) from Dir. of Public Works/City Engineer/Parks & Recreation Valerie Mellon to rescind award of contract for Lincoln Park Cabin #1 Site Preparation and Utility Construction, Project No. WO-11-11, to JM & Sons Excavating (not low responsive bidder).

Recommendation (11- ) from Dir. of Public Works/City Engineer/Parks & Recreation Valerie Mellon to award contract for Lincoln Park Cabin #1 Site Preparation and Utility Construction, Project No. WO-11-11, to David Katers LLC.

## **PUBLIC PROPERTY AND SAFETY**

Request (11-370) from Steimle Birschbach for 2-hour parking on east side of N. 9<sup>th</sup> Street adjacent to their building.

Ambulance Service Agreement (11-373) between Combat USA and Manitowoc Fire Department for event on July 2, 2011.

Ambulance Service Agreement (11-374) between Roncalli High School and Manitowoc Fire Department for period August 19, 2011 to December 31, 2011.

Request (11-379) from Fraternal Order of Eagles to have bands play on their grounds for their annual picnic on August 13, 2011.

Request (11-382) from Veteran Claim Appeals for refund of \$182.99 for leased parking space in N. 9<sup>th</sup> and Maritime Dr. parking lot.

Communication (11-384) from County Treasurer Cheryl Duchow enclosing public notice of tax foreclosure In Rem 2011 for properties located in the City of Manitowoc.

Report (11- ) of City Clerk Jennifer Hudon on parking leases entered into during the period of June 1, 2010, through May 31, 2011.

Special Events Request (11-392) from Replay Bar & Grill to include music outdoors for special event on June 17-18, 2011 until 9:00 p.m.

Business Associate Agreement (11-408) with LGTC and Provider Transportation Packet for non-emergency medical transportation.

### **PUBLIC UTILITIES AND LICENSING**

Findings of Fact Conclusions of Law and Recommendation (11-376) regarding the application of Patrick R. Brooks, d/b/a Bullpen Sports Bar for renewal of liquor license.

### **LICENSE APPLICATIONS REFERRED**

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

62	The Chunky Monkey, LLC Shelie M. Brooks, Agent	214 N. 8 <sup>th</sup> St.
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#### **ONE YEAR OPERATOR'S LICENSE 2011-12**

5	Tanya L. Bouc	6612 Northeim Road
6	Suzanne G. Schiesl	3404 Memorial Dr., Apt. I4, Two Rivers, WI 54241
7	Janessa Matthies	1317 S. 20th St.
8	Michael J. Gallagher	925 N. 22nd St.
9	Patricia McKay	706 N. 8th St., Apt. 110
10	Daniel J. Fish	1914A Washington St.
11	Angela Dejardine	1222 Philippen St.
12	Felicia R. Yauger	1316 S. 14 <sup>th</sup> St. Apt. A
13	Shawna Voigt-Woodside	1914 Clark St.

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

417	Collin L. Braunel	1216 S. 13th Street
418	Carissa Mrotek	1011 Flambeau St.
419	Nathan M. Zigmunt	411 Maplewood Dr., Francis Creek, WI 54214

#### **TWO YEAR OPERATOR'S LICENSE 2011-13**

81	Samantha Ray	2227 S. 10th St.
82	Kim T. Schweigert	541 S. 30th St.
83	Tracy Virnoche	938 Shorewood Blvd.
84	Jarek Ordiway	3216 Waldo Blvd.
85	Peter Tuschl	711 N. 8th St.
86	Kelly Lynn Kurtzbach	6404 Polifka Rd., Whitelaw, WI 54247
87	Jeffry L. Anhalt	1303 Ahrens St.
88	Patricia L. McKane	13166 Pieschel Rd., Reedsville, WI 54230
89	Chantal M. Cater	1228 Memorial Dr.
90	Thomas Albright	1526 George St.
91	Carla Schmidlkofer	2002 Washington St.
92	Casey T. Severson	1727 Nagle Ave.
93	Kristin M. Henry	340 Albert Dr., Apt. 9

94	Jon Holschbach	920 N. 15th St.
95	Pat Krieser	826 S. 25th St.
96	David Soukup	1007 N. 15th St.
97	Phillip R. Herman	828 N. 19th St.
98	Geralyn A. Barcnas	1902 28th St., Two Rivers, WI 54241
99	Jennifer R. Johnson	1133 N. 16th St.
100	Charleen Baumann	16532 W. Washington Rd., Kiel, WI 53042
101	Theresa Dueno	4205 Custer St.
102	James Kocian	4917 Nicyssa Lane
103	Anna Honzik	812 State St., Apt. 3W
104	Wade Vaughn	1308 E. Ivy Lane
105	Tammy McDougall	628 N. 7th St.
106	Samantha Piazza	1308 S. 15th St., Apt. 1
107	Patricia A. Bushmaker	1716 Cedar Grove Dr., Apt. 3A
108	Tyler D. Teesch	1402 S. 19th St.
109	Michelle M. Greetan	1306 Madison St.
110	Terri Bunnell	813 Wilson St.
111	Gary Stock	3510 Dewey St.
112	Misty Hood	1025 28th St., Two Rivers, WI 54241
113	David P. Sanders	1413A Clark St.
114	Aaron D. Wodsedalek	725A S. 26th St.
115	Benjamin R. Peterson	630 N. 9th St.
116	Tammy M. Rosinsky	1326 S. 10th St.
117	Tom A. Kubichka	1510 S. 39th St.
118	Karen A. Schroeder	1410 S. 20th St.
119	Scott Koch	1410 S. 20th St.
120	Barbara A. Gaedtke	1708 Cedar Grove Dr., #1B
121	MacKenzie M. Reed	619A S. 26th St.
122	Andrea L. Petersohn	2113 Lafollette Ave.
123	Kaidan Whitehouse	1716 Cedar Grove Dr., Apt. 1D
124	Ann M. Krueger	814 S. 35th St.
125	Tauno J. Mike	918 N. 14th St.
126	Jesse Sukowaty	1826 Belmont St.
127	Christopher R. Emond	4120 Custer St.
128	Margaret M. Stangel	1229 N. 9th St.
129	Gary O. Maylander	2813 11th St., Two Rivers, WI 54241
130	Bette L. Keehan	2307 Clark St.
131	Barbara A. Krizizke	770 E. Albert Dr.
132	Allison Herzog	1216 Dueno St.
133	Peggy E. Fuller	1213 S. 20th St.
134	Andrew J. Janda	2350 S. 23rd St., Lot 1031
135	Peggy Krey	2123 S. 11th St.
136	Patty M. Jarosh	770 E. Albert Dr., Lot 56

137	Chad R. Vanderbloomen	88 W. Albert Dr., #57
138	Jean A. Huempfer	1433 Terrace Ct., Two Rivers, WI
139	Sandra K. Leduc	1302 Green St.

**STOCK CAR RACES, RACING EXHIBITIONS, DEMOLITION DERBY**

2	Ant Hill Mob Limited	4921 Expo Dr., Grandstand Area
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**STREETS AND SANITATION**

Professional Service Agreement (11-372) with AECOM for Design Engineering Services for Broadway Street Bridge, Retaining Wall and Roadway Slope Repair.

Contract (11-371) with Klein Asphalt, Inc. for asphalt repair and striping of N. 9<sup>th</sup> and Maritime Drive parking lot.

Communication (11-377) from Laurie Sickinger expressing concerns of street flooding in the area of Ash and Elder Drive.

Communication (11-378) from Regional Real Estate to move an existing garage from Cato to 1911 Wild Oak Drive.

Reports (11-365), (11-366), (11-367), (11-368) and (11-369) of the Board of Public Works of June 15, 2011, recommending final payments to Fahrner Asphalt Sealers in the amount of \$2,122.56 for 2010 Slurry Sealing, WS-10-6; Green Bay Pipe and TV in the amount of \$2,617.71 for 2011 Televising Miscellaneous Sewers, WU-11-5; Mead & Hunt in the amount of \$1,884.80 for professional services to administer the CDBG project for S. 10<sup>th</sup> St.; Robert E. Lee & Associates in the amount of \$4,745.51 for inspection of the 40<sup>th</sup> Street and Archer lift station; and Strand Associates in the amount of \$2,391.03 for sanitary sewer capacity analysis update.

Report (11- ) of Board of Public Works of June 15, 2011, regarding bids received for 2011 Televising Miscellaneous Sewers II, WU-11-13.

Special Events Request (11-355) from First Reformed United Church of Christ to hold annual CROP Walk on Saturday, October 1, 2011, with maps attached.

Special Events Request (11-360) from Rahr-West Art Museum to hold 911 Remembrance Ceremony on September 11, 2011, and requesting the closure of Park Street between N. 8<sup>th</sup> and N. 10<sup>th</sup>, as detailed therein.

Special Events Request (11-359) from Apple Natural Health Clinic to hold Healthy Kids Manitowoc County Fun Day on August 6, 2011 with closure of Jay Street between S. 8<sup>th</sup> and S. 9<sup>th</sup>.

**PERSONNEL**

None.

**RESOLUTIONS**

Resolution (11-404) creating the Ad-Hoc Committee to evaluate 2-way streets on 8<sup>th</sup> and 10<sup>th</sup> in the City of Manitowoc, was referred to Committee of the Whole.

Resolution (11-375) authorizing implementation of grant awards through U.S. Environmental Protection Agency for community wide services for brownfield site assessments and associated activities, was referred to Finance Committee.

Non-Represented Personnel Salary and Benefit Resolution (11-409) to rescind portions of Council document number 11-187, the Non-Represented Personnel Salary and Benefit Resolution, adopted by the Common Council on March 28, 2011, with regard the Non-Represented Police and Fire Personnel, was referred to Personnel Committee.

**COMMITTEE REPORTS**



**TWO YEAR OPERATOR'S LICENSE 2011-13**

80	Holly F. Behnke	1032 S. 10 <sup>th</sup> St.
81	Samantha Ray	2227 S. 10th St.
82	Kim T. Schweigert	541 S. 30th St.
83	Tracy Virnoche	938 Shorewood Blvd.
84	Jarek Ordiway	3216 Waldo Blvd.
85	Peter Tuschl	711 N. 8th St.
86	Kelly Lynn Kurtzbach	6404 Polifka Rd., Whitelaw, WI 54247
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118	Karen A. Schroeder	1410 S. 20th St.
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127	Christopher R. Emond	4120 Custer St.
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130	Bette L. Keehan	2307 Clark St.
131	Barbara A. Krizizke	770 E. Albert Dr.
132	Allison Herzog	1216 Dueno St.
133	Peggy E. Fuller	1213 S. 20th St.
134	Andrew J. Janda	2350 S. 23rd St., Lot 1031
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136	Patty M. Jarosh	770 E. Albert Dr., Lot 56
137	Chad R. Vanderbloomen	88 W. Albert Dr., #57
138	Jean A. Huempfner	1433 Terrace Ct., Two Rivers, WI

**STOCK CAR RACES, RACING EXHIBITIONS, DEMOLITION DERBY**

2	Ant Hill Mob Limited	4921 Expo Dr., Grandstand Area
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**DOCUMENTS PREVIOUSLY REFERRED AND/OR SUBJECT MATTER  
WHICH MAY BE CONSIDERED AT THIS SESSION**

**COMMITTEE OF THE WHOLE**  
**Previously Referred**

**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.

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.

Notice of Claim (09-390) of Michael E. Augustine of June 26, 2009, Claim File No. 09-1024.

Notice of Injury (09-494) from Lynn S. Groeschel and Steven Kaczecka, of August 24, 2009, Claim File No. 09-1026.

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.

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



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

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.

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

Summons and Complaint (11-200) from Manitowoc Properties LLC of March 2, 2011, Case No. 11 SC 0333.

Communication (11-208) from Recreation and Zoo Supervisor Jeremy Crees regarding request from Bandits Baseball regarding their purchase of a concession stand building at Municipal Field.

Summons and Complaint (11-276) between Zetley Real Estate Co., LLC and City of Manitowoc, Case No. 11 CV 296.

Notice of Claim and Claim (11-293) of May 2, 2011 from Bradley A. Jacobson, Claim File No. 11-1066.

#### **PARKS AND RECREATION**

##### **Previously Referred**

Communication (11-193) from Peter Holm, RRMAF Committee, submitting plans for new Ron Rubick Municipal Athletic Field entrance and memorial.

#### **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.

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

Memo (11-330) from Manitowoc County Public Works Dept. notifying City of tax deed property that will be offered for sale (parcel no. 000-157-010).

Ordinance (11-353) amending Section 16.150(15)(3), Responsibilities of Owners Relating to the Maintenance of Nondwelling Structures, Fences, and Premises, to include birds.

Communication (11-279) from Alderwoman Jill Hennessey requesting a yield sign to be placed at S. 21st Street and Grand Avenue.

#### **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.

#### **PENDING APPLICATIONS**

##### **“CLASS B” INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE LICENSE - 2011-12**

**14 Eugene V. Lambries**

**2 Maritime Dr.**

**ONE YEAR OPERATOR'S LICENSE 2011-12**

13            Shawna Voigt-Woodside            1914 Clark St.

**TWO YEAR OPERATOR'S LICENSE 2011-13**

139           Sandra K. Leduc            1302 Green 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.

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 (11-113) 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.

Communication (11-192) from Director of Public Works and City Engineer Valerie Mellon regarding DOT Project on USH 151 (Calumet Avenue) - STH 42 to I-Tec Drive Reconstruction.

Request (11-203) from SMI on behalf of Popp Enterprises LLC (with Petition attached) for a vacation of a portion of an official map street reducing the right-of-way of So. 21st Street from Summit St. to Flambeau St.

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

Resolution (11-251) to vacate a portion of So. 21st Street between Flambeau St. and Summit St.

Ordinance (11-252) amending Section 22.01 of the Municipal Code for a change in the Official Map in an area located along So. 21st Street between Flambeau St. and Summit St.

Request (11-290) from Wisconsin Aluminum Foundry Co., Inc. for a vacation of a portion of S. 17th St., south of Clark St.

Request (11-291) from Wisconsin Aluminum Foundry Co., Inc. for a change to the Official Map for a portion of S. 17th St., south of Clark St.

Request (11-304) from Shady Lane, Inc. for conditional use permit to operate current 52 bed CBRF with permission to expand by 36 beds within the next 5 years.

Resolution (11-328) to vacate a portion of So. 17th Street south of Clark St.

Ordinance (11-329) to amend Section 22.01 of the Municipal Code for a change to the Official Map in an area located at S. 17th and Clark Streets.

Request (11-343) from Wisconsin Aluminum Foundry Co. to privatize sanitary sewer line that currently services the right-of-way that WAF had requested the City to vacate and amend its Official Map.

**PERSONNEL**  
**Previously Referred**

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Resolution (11-319) to adjust job titles for Business Manager of Dept. of Public Works, Fleet Manager and Administrative Assistant to Director.