

## COMMON COUNCIL AGENDA

Tuesday, September 6, 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:** None.

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 (11-572) from Wisconsin Dept. of Natural Resources revising air pollution control permit for air containment source at 838 S. 16<sup>th</sup> Street.

Annual Report (11-573) of Bay-Lake Regional Planning Commission of 2010.

Notice (11-574) of Wisconsin Dept of Natural Resources of air pollution permit application review of Federal Mogul Piston Ring, Inc. 2318 Waldo Blvd.

Copy (11-575) of County's resolution authorizing joint construction agreement for CTH B.

Communication (11-576) from Wisconsin Dept. of Administration that Eberhardt proposed annexation is found to be in the public interest.

Minutes (11-570) of Citizen's Advisory Committee of 5/3/11; Crime Prevention Committee of 8/4/11; Great Lakes Utilities Power Supply Committee of 6/7/11 & 7/20/11; Great Lakes Utilities Hydroelectric Project Committee of 6/7/11; Great Lakes Utilities Board of 8/2/11 & 8/9/11; Manitowoc Public Utilities Commission of 7/18/11; Zoning Board of Appeals of 8/16/11.

### COMMITTEE OF THE WHOLE

General City Claims (11-596) in the amount of \$1,583,981.90 enumerated on list thereof.

### FINANCE

Notice of Claim and Claim (11-584) of Patrick B. Knorr dated August 31, 2011. Fleet Claim File No. 11-200.

Amended Claim (11-595) of Patrick B. Knorr dated September 2, 2011, Fleet Claim File No. 11-200-1.

### PARKS AND RECREATION

Concession Stand Agreement (11-559) with Roncalli High School for space at Lincoln Park on September 10, 2011.

Communication (11-580) from College Glen Developers LLP, the owners of Silveridge Subdivision, relative to City Park development.

Special Events Request (11-583) from Sunrise Optimists to hold Art in the Park in Washington Park on October 1, 2011, with waiver of fee request attached.

Report (11-585) of the Board of Public Works of August 31, 2011, regarding bids received for 2011 Mariner's Trail – Walkway Replacement, Project WS-11-16.

Vendor Agreement (11-591) with The Pancake Bros. for space at Lincoln Park on September 18, 2011.

Special Events Request (11-601) from First Lutheran Church requesting use of playground across from Cabin 2 in Lincoln Park to set up bounce house on September 11, 2011, as part of their church picnic.

Vendor Agreement (11-602) with Tim F. Becker d/b/a H P Enterprises for space at Lincoln Park on September 18, 2011.

Vendor Agreement (11-603) with Brandt Buses, Inc. for space at Lincoln Park on September 18, 2011.

Special Events Request (11- ) from Lincoln Park Zoological Society to hold Breakfast with the Bison at Lincoln Park on September 18, 2011 from 10 a.m. to 1 p.m.

#### **PUBLIC PROPERTY AND SAFETY**

Request (11-565) from Lori Schroeder for four-way stop sign at the intersection of S. 10<sup>th</sup> and Dewey Streets.

Agreement (11-568) for ambulance services with Village of Kellnersville for term ending December 31, 2016.

Communication (11-579) from Alderman Allan Schema (District 9) addressing safety concerns at the corner of Expo Drive and Vista Road.

Quit Claim Deed (11-581) from City of Manitowoc to Anthony J. Burgarino, for property being a part of So. 22<sup>nd</sup> Street.

Closing Statement (11-582) between City and Anthony J. Burgarino for sale of 825 square feet of land abutting So. 22<sup>nd</sup> Street.

Report (11-586) of the Board of Public Works of August 31, 2011, regarding bids received for demolition of the existing and the construction of the new Intermodal Transfer Station, Project WB-11-10.

Report (11-587) of the Board of Public Works of August 31, 2011, regarding quotes received for one new 2011 wheel loader with 4-yard bucket for the Department of Public Works, QE-11-8.

Report (11-590) of the Board of Public Works of August 31, 2011, recommending 1st and final payment to Klein Asphalt Inc. in the amount of \$5,200.80 for N. 9<sup>th</sup> Street/Maritime Dr. Parking Lot repair for fire lane.

#### **PUBLIC UTILITIES AND LICENSING**

Pre-Closing Agreement (11- ) between Sailboats, Inc. and Manitowoc Marina, LLC relative to the assignment of the Manitowoc Marina Lease Agreement, as detailed therein.

Assignment of Lease and Consent (11- ) of the Manitowoc Marina Lease Agreement to Manitowoc Marina, LLC.

First Amendment (11- ) to Marina Lease Agreement commencing April 1, 2000 between Sailboats, Inc. and City of Manitowoc.

Supporting Documents (11-600) for transfer of assets from Sailboats, Inc. to Manitowoc Marina, LLC.

### LICENSE APPLICATIONS REFERRED

#### TEMPORARY OPERATOR'S LICENSE – 2011-12

34	Gary Bents	3518 Silver Creek Rd.
35	Darlene K. Wotachek	5535 Springwood Lane
36	Mark F. Nickels	948 N. 22 <sup>nd</sup> St.

#### ONE YEAR OPERATOR'S LICENSE – 2011-12

40	Laura Petrzelka	12112 Melnik Rd., Whitelaw, WI 54247
41	Crystal Krueger	3706 Dale St.
42	Andrew Raboine	6957 Tall Oaks Rd.

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

226	Brooke D. Kiel	5119 Cty Rd. T, Whitelaw, WI 54247
227	Lindsey M. Endries	905 S. 31 <sup>st</sup> St.
228	Lisa A. Whitney	919 Summit St.
229	Bailey C. Hunt	1017 N. 20 <sup>th</sup> St.
230	Amber L. Hoeffner	18436 Carstens Lake Rd., Valders, WI 54245
231	Peter J. Dorner	1624 Miriam Rd.
232	Jessica L. Van	161B Menasha Ave., Whitelaw, WI 54247
233	Jon M. Garza	545 S. 30 <sup>th</sup> St., Manitowoc, WI 54220
234	Donna Vankham	935 S. 35 <sup>th</sup> St.
235	Stephanie A. Stein	1513 S. 39 <sup>th</sup> St.
236	Sonya M. Sharlein	1012B Marshall St.

### STREETS AND SANITATION

Permanent Easement (11-557) from Holiday House of Manitowoc County, Inc. for the purpose of a bus shelter on Meadow Lane.

Permanent Easement (11-563) from Matthias and Charlotte Wagner to be utilized for an existing storm sewer system.

Temporary Access Easement Agreement (11-567) over unimproved right-of-way with Oak Park Developers for street purposes.

Temporary Access Easement Agreement (11-560) over unopened street with Popp Enterprises, LLC for street purposes.

Communication (11-571) from Mary Bloom asking to set aside invoice for grass cutting.

Communication (11-558) from Lamar Outdoor Advertising to renew lease for signs on Hwy. 42 (Waldo Blvd.) and at the carferry for an additional five-year term.

Application (11-561) to Amend Zoning Ordinance from "B-2" Neighborhood Business District to "B-3" General Business District for property at 940 N. 11<sup>th</sup> St.

Joint Construction Agreement (11-569) with Manitowoc County for the purpose of joint City/County construction work on portion of CTH B between Waldo Blvd. and Albert Dr.

Agreement (11- ) for sanitary sewer smoke testing services with Strand Associates, Inc.

Temporary Access Easement Agreement (11-578) over unimproved right-of-way with Habitat for Humanity, Inc.

Report (11-588) of the Board of Public Works of August 31, 2011, recommending 1st and final payment to Seiler Bros. Construction, Inc. in the amount of \$6,220.00 for 41<sup>st</sup> and Custer Street pond repair.

Report (11-589) of the Board of Public Works of August 31, 2011, recommending 1<sup>st</sup> and final payment to Struck & Irwin Paving, Inc. in the amount of \$44,699.89 for 2011 Slurry Sealing, Project WS-11-6.

Special Events Request (11-594) from Lincoln High School Student Senate Advisor requesting permission for parade on Saturday, October 8, 2011, as detailed therein.

Service Agreement (11- ) with Montgomery Associates for Little Manitowoc River restoration.

### **PERSONNEL**

None.

### **RESOLUTIONS**

Resolution (11-577) joining in the National Moment of Remembrance of the 10<sup>th</sup> Anniversary of September 11, 2001, was referred to Committee of the Whole.

Resolution (11-597) to amend resolution no. 10-412 changing all references to Ward 41 of the 9<sup>th</sup> Aldermanic District to Ward 21 pursuant to the requirements in 2011 Wisconsin Act 31, was referred to Committee of the Whole.

Resolution (11-598) to amend resolution no. 11-428 revising the boundary description for Supervisory District #9, Ward #18 and creating Ward 21 pursuant to the requirements in 2011 Wisconsin Act 31, was referred to Committee of the Whole.

Resolution (11-599) to create Ward 22, population 0, for the North 8<sup>th</sup> Street No. 3 annexation area, as described therein and shown on the attached map, and that Ward 22 be combined with Wards 3 & 4, for voting purposes and use a common polling place as established for the 2nd Aldermanic District, was referred to Committee of the Whole.

Resolution (11-564) authorizing submission of an application for funding from the Wisconsin Dept. of Transportation Facilities Economic Assistance and Development Program to improve the transportation infrastructure of the City Centre So. 16<sup>th</sup> St. manufacturing campus, was referred to Finance Committee.

### **COMMITTEE REPORTS**

None.

### **ORDINANCES**

Ordinance (11-592) to amend ordinance no. 10-413 changing all references to Ward 41 of the 9<sup>th</sup> Aldermanic District to Ward 21 pursuant to the requirements in 2011 Wisconsin Act 31, was referred to Committee of the Whole.

Ordinance (11-593) to annex territory known as North 8<sup>th</sup> Street No. 3 Annexation Area from the Town of Manitowoc to the City of Manitowoc, as part of the 2nd Aldermanic District and 22nd Ward, to be zoned "R-4" Single and Two Family Residential District, "R-5" Low Density Multiple Family Residential District, "R-6" Multiple Family Residential District and "P-1" Conservancy District, as described therein and shown on the attached map, was referred to Committee of the Whole.

Ordinance (11-562) to amend Section 10.490 of the Municipal Code regulating two-hour parking on the east side of North 9<sup>th</sup> Street from the Manitowoc River to Maritime Drive, was referred to Public Property and Safety Committee.

Ordinance (11-566) to adjust rates for sewer service charges effective September 1, 2011, 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)

### **TEMPORARY OPERATOR'S LICENSE – 2011-12**

35 Darlene K. Wotachek 5535 Springwood Lane

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

40 Laura Petrzelka 12112 Melnik Rd., Whitelaw, WI 54247  
41 Crystal Krueger 3706 Dale St.  
42 Andrew Raboine 6957 Tall Oaks Rd.

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

226 Brooke D. Kiel 5119 Cty Rd. T, Whitelaw, WI 54247  
227 Lindsey M. Endries 905 S. 31<sup>st</sup> St.  
228 Lisa A. Whitney 919 Summit St.  
229 Bailey C. Hunt 1017 N. 20<sup>th</sup> St.  
230 Amber L. Hoeffner 18436 Carstens Lake Rd., Valders, WI 54245  
231 Peter J. Dorner 1624 Miriam Rd.  
232 Jessica L. Van 161B Menasha Ave., Whitelaw, WI 54247  
233 Jon M. Garza 545 S. 30<sup>th</sup> St., Manitowoc, WI 54220  
234 Donna Vankham 935 S. 35<sup>th</sup> St.

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

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

Petition (11-531) for direct annexation from Herzog, Eberhardts and Griesbach, for annexation of a 13.02 acre parcel of land east of CTH B and north of Woodridge Drive, as described therein and shown on the attached map.

Resolution (11-556) to revise position description and to fill the vacant position of Parks Worker II, 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.

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.

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.

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.

Summons and Complaint (11-412) in the matter of Manitowoc County Habitat for Humanity, Inc. v. Estate of Wendy Koepke et al.

Notice of Claim and Claim (11-508) of Gerald Hebel dated August 5, 2011, Claim File No. 11-1073.

Notice of Claim and Claim (11-502) of Zachary J. Nikolai dated July 19, 2011, Claim File No. 11-1072.

**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.

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.

**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.

Ordinance (11-497) to amend Section 10.490 of the Municipal Code extending two hour parking on N. 9th Street between Maritime Drive and the Manitowoc River.

Communication (11-551) from Alderperson James Brey, Chair of Public Property & Safety Committee, relative to whether or not to move Parks and Recreation Department to City Hall.

Communication (11-518) from Tyler Pribyl with safety concerns in the area of his residence at 1301 S. 13<sup>th</sup> Street.

Communication (11-519) from Manitowoc Public Schools requesting the creation of a special no parking/no stopping/no standing zone in the 700 block of N. 4<sup>th</sup> Street on the east side of the road in front of Madison School.

**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.

Ordinance (11-514) to amend Section 3.270 of the Municipal Code to reflect the repealing of the Better Literature and Entertainment Committee and creation of the Transit Commission, was referred to Public Utilities and Licensing Committee.

**PENDING APPLICATIONS**

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

62                    El Caballo Loco-Crazy Horse, LLC    1802 Washington St.  
                          Arlene A. DeGuzman, Agent

**TEMPORARY OPERATOR’S LICENSE – 2011-12**

36                    Mark F. Nickels                                    948 N. 22<sup>nd</sup> St.

**ONE YEAR OPERATOR’S LICENSE – 2011-12**

None

**TWO YEAR OPERATOR’S LICENSE – 2011-13**

235                    Stephanie A. Stein                                1513 S. 39<sup>th</sup> St.  
236                    Sonya M. Sharlein                                1012B Marshall 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 (11-192) 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.

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.

Request (11-477) for waiver of snow removal assessment incurred while resident was hospitalized on parcel #220-012-250.

Special Events Request (11-483) from Aurora Medical Center to hold "Monster Dash" 5K run/walk on October 29, 2011, with route attached.

Correction Instrument (11-510) for Doneff's Custer Village Subdivision revising easements in the area of a proposed 16 unit apartment building on Expo Dr.

Special Events Request (11-507) from Courthouse Pub to hold anniversary celebration on September 18, 2011 to include closure of a portion of S. 8<sup>th</sup> Street, along with an outdoor band and beer and wine tent enclosure in parking lot, as detailed therein. (Copy to Public Utilities & Licensing).

Quit Claim Deed (11-525) from Eberhardt, Herzog et al for N. 8<sup>th</sup> Street purposes.

Quit Claim Deed (11-526) from Eberhardt, Herzog, et al for unnamed street east of CTH B and north of Woodridge Drive.

Quit Claim Deed (11-530) from Eberhardt, Herzog et al for Keegan Drive purposes

Application (11-544) from Lakeshore Mini Storage for a change in zone from R-5 Low Density Multiple Family District to I-1 Light Industrial District for property located at 2424 Johnston Drive, as detailed therein.

Communication (11-547) from Manitowoc Elks Lodge to hold button drive on October 21 & 22, 2011 to benefit Police Department canine unit.

**PERSONNEL**  
**Previously Referred**

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

Aquatic Center Staff Manual (11-445) for 2011.