

COMMON COUNCIL AGENDA

Monday, September 19, 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.

ELECTION by Common Council of Manitowoc Public Utilities' Commissioner for a term of five (5) years, pursuant to Municipal Code, as the following term will expire: David Diedrich, term expires September 30, 2011.

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

Resignation (11-617) from Alderperson Lee Thennes, District 1, effective immediately.

Resignation (11-620) of Carol M. Behringer from Crime Prevention Committee effectively immediately.

Minutes (11-621) of Cemetery Commission of 4/15/10; Community Development Authority of 8/10/11; Harbor Commission of 4/7/11; Plan Commission of 8/10/11; Public Utilities Commission of 8/8/11; Safety, Traffic & Parking Commission of 11/30/10 & 1/25/11.

COMMITTEE OF THE WHOLE

City Plan Commission, to whom was 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, returned same with report (11-627) recommending Council approve the Petition and adopt an annexation ordinance.

General City Claims (11-639) in the amount of \$932,753.12 enumerated on list thereof.

FINANCE

Notice of Claim and Claim (11-625) of David and Eliner Waegedated September 15, 2011, Claim File No. 11-1074.

PARKS AND RECREATION

Special Events Request (11-611) from Manitowoc Sunrise Rotary to hold sixth annual run/walk event at and near Lincoln Park on October 15, 2011, with route attached. (copy to Streets and Sanitation Committee).

Special Events Request (11-622) from MCCA to hold Harvestfest and the 26th annual Manitowalker in downtown Manitowoc on Saturday, October 1, 2011, as detailed therein. (copy to Streets and Sanitation Committee).

Vendor Agreement (11-626) with Manitowoc County Dairy Promotion Committee for Haunted Barn event at Lincoln Park on October 21, 22 & 28, 2011.

PUBLIC PROPERTY AND SAFETY

Request (11-616) from Roseann Brennan relative to balance of ambulance invoice.

Collateral Assignment (11-623) of ground lease by City Centre, LLC and M & I Marshall & Ilsley Bank for dockwall riverfront improvement project.

Leasehold Mortgage (11-624), security agreement and financing statement by City Centre, LLC in favor of M & I Marshall & Ilsley Bank for the dockwall riverfront improvement project.

Service Agreement (11-638) for technical support with TriTech Emergency Medical Systems.

PUBLIC UTILITIES AND LICENSING

LICENSE APPLICATIONS REFERRED

“CLASS B” INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE LICENSE

46B	The Leapin Lizard, LLC Julia M. Brooks, Agent	214 N. 8 th St.
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CLASS “B” TEMPORARY BEER & TEMPORARY WINE LICENSE

56 (Beer) 4 (Wine)	St. Peter the Fisherman Home School Association, 2000 Mirro Drive St. Peter the Fisherman Home School Association, 2000 Mirro Drive
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TEMPORARY OPERATOR’S LICENSE – 2011-12

37	Brian L. Schroeder	1420 Crystal Spring Rd., Two Rivers, WI
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ONE YEAR OPERATOR’S LICENSE – 2011-12

43	Shirley M. Basken	6304 Rawley Rd., Two Rivers, WI 54241
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TWO YEAR OPERATOR’S LICENSE – 2011-13

237	Sara M. Nadeau	609 Marshall St.
238	Matthew J. Sheeter	2306 Washington St., Apt. 2, Two Rivers, WI
239	Clay D. Kautzer	1819 Fairmont St.
240	Samantha B. Schroeder	909 21 st St., Two Rivers, WI 54241
241	Laura Braunel	4526 Broadway St.
242	Cassandra P. Seidl	4510 Menasha Ave.
243	Marlene R. Allen	1316 Irving Cir.
244	Angela M. Schmulke	N5701 Herman Rd., Shiocton, WI 54170
245	Monica Kiszka	1464 N. 8 th St.
246	Peter J. Lehman	420 N. 7 th St.
247	Tracy L. Mahloch	1415 S. 36 th St.

STREETS AND SANITATION

Special Events Request (11-615) from Midwest LLC to sell balloons and Christmas novelties along the Christmas parade route on November 23, 2011.

Special Events Request (11-610) from Michael Pearson, Shoot The Bull, to hold Downtown Manitowoc Halloween Bash on October 29, 2011, closing off a portion of Buffalo Street between N. 8th and N. 9th and extending their licensed premise for sale of alcohol (drawing attached).

Temporary Access Easement Agreement (11-618) with Rodger D. Whiteside, Jr. for access at 1021 N. 8th Street.

Request (11-619) from Jonathan & Cheryl Saunders, Lake Breeze Salon, for an extension of the November 15, 2011, deadline to create a parking lot in a residential zoning district.

Report (11-636) of City Plan Commission of September 19, 2011, relative to request to rezone property at 2424 Johnston Dr. from "R-5" Low Density Multiple-Family District and "R-6" Multiple-Family District to "I-1" Light Industrial District, recommending that Council instruct the Clerk to call for public hearing and upon completion adopt a rezoning ordinance.

Report (11-632) of City Plan Commission of September 19, 2011, relative to request to rezone property at 940 N. 11th St. from "B-2" Neighborhood Business District to "B-3" General Business District, recommending that Council instruct the Clerk to call for public hearing and upon completion refer back to Plan Commission.

Report (11-633) of City Plan Commission of September 19, 2011, relative to vacation of portion of an alley and Official Map amendment in an area located north of Reed Avenue and east of N. 2nd Street with recommendations attached.

City Plan to whom was referred 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., returned same with report (11-630) recommending that Council approve, as detailed therein.

City Plan Commission, to whom was referred 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, returned same with report (11-628) recommending that Council approve the third and final renewal under the Lease for an additional 5 years commencing November 1, 2011, as detailed therein.

City Plan Commission, to whom were referred various deeds and easements, returned same with report (11-629) recommending that Council approve and accept the following documents:

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.

Quit Claim Deed (11-525) from Eberhardt, Herzog et al for N. 8th 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

PERSONNEL

Grievance Procedures (11-613) for employee termination, discipline and workplace safety.

Policy (11-614) for Family, Medical and Military Leave.

RESOLUTIONS

Resolution (11-612) to fill vacant positions of Clerk Typist I and Clerk Typist III, and the anticipated resulting vacancy in a second Clerk Typist I position at the Police Department, was referred to Committee of the Whole.

Resolution (11-) to appoint replacements to vacant aldermanic seats for the remainder of the two-year term, was referred to Committee of the Whole.

Resolution (11-634) to vacate an unpaved public alley for utility purposes in an area north of Reed Avenue and east of N. 2nd Street, was referred to Streets and Sanitation Committee.

COMMITTEE REPORTS

None.

ORDINANCES

Ordinance (11-) to amend Section 14.330(3) and create Section 14.330(4) of the City of Manitowoc Municipal Code regarding concealed weapons, was referred to Public Property and Safety Committee.

Ordinance (11-) amending Section 6.120 of the Manitowoc Municipal Code regarding lighting fires, was referred to Public Property and Safety Committee.

Ordinance (11-631) amending the amended zone map of the City of Manitowoc in an area south of Wisconsin Ave. and west of N. 11th Street to be changed from "B-2" Neighborhood Business District to "B-3" General Business District, was referred to Streets and Sanitation Committee.

Ordinance (11-635) amending Section 22.010 of the Municipal Code entitled "Official Map – Master Subdivision Plans" in an area located between Lot 4 and Lot 9, Block 6 of Reed Lawn Subdivision, was referred to Streets and Sanitation Committee.

Ordinance (11-637) amending the amended zone map of the City of Manitowoc in an area east of Johnston Drive and north of Albert Drive from "R-5" Low Density Multiple-Family District and "R-6" Multiple-Family District to "I-1" Light 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)

TEMPORARY OPERATOR'S LICENSE – 2011-12

37 Brian L. Schroeder 1420 Crystal Spring Rd., Two Rivers

ONE YEAR OPERATOR'S LICENSE – 2011-12

43 Shirley M. Basken 6304 Rawley Rd., Two Rivers, WI

TWO YEAR OPERATOR'S LICENSE – 2011-13

238 Matthew J. Sheeter 2306 Washington St., Apt. 2, Two Rivers, WI
239 Clay D. Kautzer 1819 Fairmont St.
240 Samantha B. Schroeder 909 21st St., Two Rivers, WI 54241
241 Laura Braunel 4526 Broadway St.
242 Cassandra P. Seidl 4510 Menasha Ave.
243 Marlene R. Allen 1316 Irving Cir.
244 Angela M. Schmulke N5701 Herman Rd., Shiocton, WI 54170

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

COMMITTEE OF THE WHOLE Previously Referred

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

Resolution (11-599) to create Ward 22, population 0, for the North 8th 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.

Ordinance (11-593) to annex territory known as North 8th 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.

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 ArmondKueter 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. 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.

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.

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
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.

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

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.

Communication (11-518) from Tyler Pribyl with safety concerns in the area of his residence at 1301 S. 13th 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. 4th Street on the east side of the road in front of Madison School.

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

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

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.

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

None.

ONE YEAR OPERATOR’S LICENSE – 2011-12

None.

TWO YEAR OPERATOR’S LICENSE – 2011-13

237	Sara M. Nadeau	609 Marshall St.
245	Monica Kiszka	1464 N. 8 th St.
246	Peter J. Lehman	420 N. 7 th St.
247	Tracy L. Mahloch	1415 S. 36 th St.

STREETS AND SANITATION Previously Referred

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.

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.

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

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

Ordinance (11-566) to adjust rates for sewer service charges effective September 1, 2011, was referred to Streets and Sanitation Committee.

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.