

COMMON COUNCIL AGENDA

Monday, October 3, 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:

Bird City Presentation.

Fire Prevention Month Proclamation.

Presentations by District 1 Alderperson candidates.

Appointment of District 1 Alderperson for the City of Manitowoc.

Introduction of Jon Vadney, Rahr-West Art Museum Director.

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 (11-649) of Jane Pfeffer from Manitowoc Public Library Board effective immediately.

Resignation (11-660) of Sandra Diedrich from Manitowoc Public Library Board effective July, 2011.

Notice (11-650) of Air Pollution Permit for Riverland Ag Corp., 605 Washington St.

Minutes (11-654) of Safety, Traffic & Parking of 4/26/11; Wastewater Treatment Facility Board of 8/9/11.

COMMITTEE OF THE WHOLE

Communication (11-651) from Mayor Justin M. Nickels submitting his veto of resolution (11-640) to appoint replacements to vacant aldermanic seats for the remainder of the two-year term.

Statement of Intent (11-665) between Riverland Ag Corp and City of Manitowoc.

Application (11-644) of Collin Braunel for District 1 Alderperson.

Application (11-645) of Linda Gratz for District 1 Alderperson.

Application (11-646) of Todd Holschbach for District 1 Alderperson.

Application (11-647) of Nicholas Levenduksy for District 1 Alderperson.

General City Claims (11-664) in the amount of \$1,413,961.31 enumerated on list thereof.

FINANCE

None.

PARKS AND RECREATION

Special Events Request (11-643) from Wisconsin School Psychologists Association to hold Mariner's Trail walk on October 28, 2011.

Request (11-648) from United States National Defense Corps to waive fee for rental of Silver Creek Fieldhouse on October 29 & 30, 2011.

Animal Acquisition and Disposition Policy (11-) to responsibly manage the acquisition and disposition activities of the Lincoln Park Zoo.

Report (11-656) of the Board of Public Works of September 28, 2011, recommending 3rd and final payment to Seiler Bros Construction in the amount of \$11,995.51 for Lincoln Park Zoo Remove and Replace Walkways, WS-11-12.

Request (11-668) from Heart-a-Rama for waiver of fee for use of Lincoln Park Fieldhouse on March 12, 2012 for ticket sales.

PUBLIC PROPERTY AND SAFETY

Request (11-669) from Mark Eberhardt for agricultural lease to continue to farm land in City's street right-of-way.

Communication (11-670) from City Clerk regarding leased parking stalls in N. 9th Street and Maritime Drive parking lot.

PUBLIC UTILITIES AND LICENSING

LICENSE APPLICATIONS REFERRED

CLASS "B" TEMPORARY BEER & TEMPORARY WINE LICENSE

57 (Beer)	St. Francis of Assisi	2000 Mirro Dr. (Internat'l Food Fair)
6 (Wine)	St. Francis of Assisi	2000 Mirro Dr. (Internat'l Food Fair)

ONE YEAR OPERATOR'S LICENSE – 2011-12

44	Audra F. Roecker	1319 Flambeau St.
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TWO YEAR OPERATOR'S LICENSE – 2011-13

237	Sara M. Nadeau	609 Marshall St.
248	Rod A. LuMaye	2311 School St., Two Rivers, WI 54241
249	Adam A. Deehr	1401 Grand Ave., Sheboygan, WI 53083
250	Shelly A. Leonard	2012 Washington St., Two Rivers, WI 54241
251	Kara E. Roberts	2743 S. 23 rd St., Apt. 9

STREETS AND SANITATION

Special Events Request (11-652) from Festival Foods relative to Turkey Trot on November 24, 2011 beginning at 8:00 a.m. and requesting partial street closures beginning and ending at Red Arrow Park, as detailed therein. (Copy to Parks and Recreation).

Request (11-653) from TLC Homes for conditional use permit to operate a day service program serving disabled adults at 5151 Expo Drive.

Report (11-659) of Board of Public Works of September 28, 2011, relative to sidewalk privilege agreement for retaining wall along So. 20th Street next to Garfield Gardens.

Report (11-662) of Board of Public Works of September 28, 2011, regarding bids received for Broadway Street Bridge Repairs, Project WS-11-17.

Report (11-657) of the Board of Public Works of September 28, 2011, recommending 7th and final payment to AECOM in the amount of \$914.37 for Broadway Bridge Slope and Sheetpile Wall Evaluation.

Report (11-655) of the Board of Public Works of September 28, 2011, recommending 1st and final payment to Green Bay Pipe and TV in the amount of \$50,170.70 for 2011 Televising Miscellaneous Sewers II, WU-11-13.

PERSONNEL

None.

RESOLUTIONS

Resolution (11-667) of support for the Great Lakes Basin Fish Habitat Partnership and approval of the pursuit of GLBFHP grant funds by the Bay Lakes Regional Planning Commission for the Silver Creek Fish Passage/Habitat Restoration project, was referred to Finance Committee.

Resolution (11-666) of support for the Great Lakes Basin Fish Habitat Partnership and approval of the pursuit of GLBFHP program grant funds by the Wisconsin Waterfowl Association for projects advanced within the City and its extraterritorial limits, was referred to Finance Committee.

Resolution (11-663) to accept the recommendation of WisDOT to not re-bid the Maritime Metro Transit Transfer Facility project and to accept the low bid of Mike Koenig Construction, pending architectural review, and proceed with the construction of the transfer facility, was referred to Public Property and Safety Committee.

COMMITTEE REPORTS

Streets and Sanitation Committee returned communication (11-571) from Mary Bloom asking to set aside invoice for grass cutting, recommending placing on file.

Streets and Sanitation Committee returned request (11-477) for waiver of snow removal assessment incurred while resident was hospitalized on parcel #220-012-250, recommending placing on file.

Streets and Sanitation Committee returned communication (11-547) from Manitowoc Elks Lodge to hold button drive on October 21 & 22, 2011 to benefit Police Department canine unit, recommending approval of request subject to City policy.

Streets and Sanitation Committee returned 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., recommending entering into contract.

ORDINANCES

Ordinance (11-) amending section 3.560 of the Manitowoc Municipal Code describing duties of the Director of Parks and Recreation, was referred to Parks and Recreation and Personnel Committees.

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

Ordinance (11-) amending section 10.390 of the Manitowoc Municipal Code regulating parking on N. 4th Street, was referred to Public Property and Safety 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" TEMPORARY BEER & TEMPORARY WINE LICENSE

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**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.

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 ArmondKuetter 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.

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 (11-625) of David and ElinerWaege dated September 15, 2011, Claim File No. 11-1074.

PARKS AND RECREATION

Previously Referred

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.

Ordinance (11-641) to amend Section 14.330(3) and create Section 14.330(4) of the City of Manitowoc Municipal Code regarding concealed weapons.

Ordinance (11-642) amending Section 6.120 of the Manitowoc Municipal Code regarding lighting fires.

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

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

46B TheLeapin Lizard, LLC 214 N. 8th St.
Julia M. Brooks, Agent

TEMPORARY OPERATOR’S LICENSE – 2011-12

None.

ONE YEAR OPERATOR’S LICENSE – 2011-12

None.

TWO YEAR OPERATOR’S LICENSE – 2011-13

251 Kara E. Roberts 2743 S. 23rd St., Apt. 9

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.

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.

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.

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

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.

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.

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.

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.

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.