

## COMMON COUNCIL AGENDA

Monday, October 17, 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 “B-2” Neighborhood Business District to “B-3” General Business District, in an area located at 940 N. 11<sup>th</sup> Street.

7:20 P.M. – Proposed change in zone from “R-5” Low Density Multiple-Family District and “R-6” Multiple-Family District to “I-1” Light Industrial District, in an area located at 2424 Johnston Drive.

**CLOSED SESSION:** None.

### **REPORTS OF OFFICERS:**

Mayor presents proclamation declaring the month of October, 2011 Fire Prevention Month.

Mayor presents proclamation to Manitowoc Jaycees proclaiming the week of October 17 through October 21 “Jaycees Week”.

Presentation relative to donations taken during the Police and Fire Exhibit at the Rahr-West Art Museum.

Budget presentation by Mayor Justin M. Nickels.

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 (11-679) of Collin Braunel from Community Development Authority effective immediately.

Minutes (11-689) of Committee on Aging of 9/12/11; Citizens Advisory Committee of 9/6/11; Community Development Authority of 9/14/11; Crime Prevention Committee of 9/1/11; Plan Commission of 9/14/11; Rahr-West Art Museum Board of 9/21/11; Zoological Board of 9/14/11.

### **COMMITTEE OF THE WHOLE**

Grant Agreement (11-704) between City of Manitowoc and Dept. of Administration re: Wisconsin Coastal Management Program Grant.

General City Claims (11-703) in the amount of \$1,126,075.49 enumerated on list thereof.

### **FINANCE**

General City Budget (11- ) of proposed 2011 levy for 2012, in the amount of \$ including the Manitowoc Public Library, with \$ in proposed tax incremental financing.

Notice of Claim (11-676) of October 4, 2011 from Virginia Podrabsky, Claim File No. 11-1075.

Amended Claim (11-678) recommendation from City Attorney Juliana Ruenzel relative to claim of Patrick Knorr, Fleet Claim No. 11-200-2.

Claim (11-677) of Lynn Groeschel and Steven Kaczecka dated October 7, 2011 relative to itemized statement of relief sought, Claim No. 09-1026-1.

Communication (11-688) from Jeffery Beyer, Manitowoc County Director of Public Works, relative to sale of tax foreclosed real estate at 2406 S. 14<sup>th</sup> Street.

Scope of Engagement (11-674) relative to proposed issuance of \$6,180,000 City of Manitowoc Taxable General Obligation Refunding Bonds.

Notice of Claim (11-705) of October 14, 2011 from Donald Goeke, Jr., Claim File No. 11-1076.

### **PARKS AND RECREATION**

Memorandum of Understanding (11-686) between Dawn Ebben and City of Manitowoc relative to her donation of a pygmy goat to the Lincoln Park Zoo.

Report (11-693) of the Board of Public Works of October 12, 2011, recommending 1st and final payment to Jos Schmitt Construction in the amount of \$10,862.00 for Lincoln Park Zoo Entrance Gates.

Report (11-695) of the Board of Public Works of October 12, 2011, recommending 2<sup>nd</sup> and final payment to Roffers Concrete Construction in the amount of \$8,503.00 for Lincoln Park Cabin #1 Foundation.

Memorandum (11-706) from Dir. Public Works/Engineer/Parks & Recreation Valerie Mellon on proposals received on September 30, 2011, for beverage services for the City of Manitowoc Parks and Recreation Department.

City Plan Commission, to whom was referred communication (11-580) from College Glen Developers LLP, the owners of Silveridge Subdivision, relative to City Park development, returned same with report (11-702) outlining the Commission's six-point recommendation for Council approval.

### **PUBLIC PROPERTY AND SAFETY**

Ambulance Service Agreement (11-681) with Super Pull for services provided at Manitowoc County Expo racetrack on October 7 & 8, 2011.

Request (11-680) from Dir. Public Works/Engineer/Parks & Recreation Greg Minikel, with proposed changes to Section 10.750 (Heavy Traffic Routes) of the Municipal Code.

Request (11- ) from Miron Construction to place crane in N. 9<sup>th</sup> and Maritime Drive parking lot, to allow for work on DAW's 5<sup>th</sup> floor balcony.

Communication (11-692) from Alderperson Jim Brey addressing citizen concerns relative to lack of stop bars and crosswalks on the north side of Viebahn Street at S. 18<sup>th</sup> St., S. 21<sup>st</sup> St., S. 23<sup>rd</sup> St. and S. 30<sup>th</sup> St.

Request (11-697) from Veteran Claim Appeals to lease parking stall for their clients in the N. 9<sup>th</sup> and Maritime Drive parking lot.

License Agreement (11- ) with MironConstructon Company for construction staging area for the period October 18 thru November 30, 2011, in the N. 9<sup>th</sup> and Maritime Drive parking lot.

### **PUBLIC UTILITIES AND LICENSING**

Request (11-683) from B & T Enterprises, LLC, Patrick Brooks, Agent, for refund of license fee for premise at 204 N. 8<sup>th</sup> Street.

Request (11-682) from The Chunky Monkey, LLC, Shelie M. Brooks, Agent, for refund of license fee for premise at 204 N. 8<sup>th</sup> Street.

Notice of Hearing (11-691) from Public Service Commission relative to application of Manitowoc Public Utilities for authority to increase water rates.

### **LICENSE APPLICATIONS REFERRED**

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

45	Amy B. Suchocki	1704 Clark Street
46	Andrew P. Roekle	2419A S. 10 <sup>th</sup> St.

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

252	Trevor M. Mesick	440 E. Reed Ave., #4
253	Melody M. Flinn	850 Lawton Terrace
254	Diane C. Komsi	1623 20 <sup>th</sup> St., Two Rivers, WI 54241
255	Amber Schultz	109 Church St., St. Nazianz, WI
256	Bradley Elliott	1815 Belmont St.

### **STREETS AND SANITATION**

Memorandum of Agreement (11-685) with Bytof Limited Family Partnership relative to Site Plan Developer Performance Agreement dated September 30, 2011.

Amendment No. 1 (11-687) to Consulting Agreement dated June 20, 2011 with AECOM for Broadway Street Bridge, Retaining Wall and Roadway Slope Repair Design Services, Project WS-11-17.

Report (11-694) of the Board of Public Works of October 12, 2011, recommending 4<sup>th</sup> and final payment to PTS Contractors in the amount of \$152,177.11 for Sanitary and Storm Sewer Construction, WU-11-8.

Report (11-696) of the Board of Public Works of October 12, 2011, recommending 3<sup>rd</sup> and final payment to A & M Concrete & Construction, Inc. in the amount of \$59,024.82 for 2011 New and Remove & Replace Existing Sidewalks, WS-11-3.

City Plan Commission, to whom was referred 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, returned same with report (11-701) recommending that Council approve an extension of the Special Permit project completion date to November 15, 2012.

Amended Report (11-707) of the Board of Public Works of October 3, 2011, recommending 1st and final payment to Great Lakes TV Seal, Inc. in the amount of \$50,170.70 for 2011 Televising Miscellaneous Sewers II, WU-11-13.

### **PERSONNEL**

None.

### **RESOLUTIONS**

Resolution (11-700) authorizing the acceptance and implementation of of FY 2011-2012 grant under the Wisconsin Coastal Management Grant Program, was referred to Committee of the Whole.

Resolution (11-675) providing for the sale of approximately \$6,180,000 taxable general obligation refunding bonds for the public purpose of refunding outstanding obligations of the City, including interest on them, was referred to Finance Committee.

Resolution (11-698) providing for the sale of approximately \$5,090,000 general obligation refunding bonds for the public purpose of refunding outstanding obligations of the City, including interest on them, was referred to Finance Committee.

Resolution (11- ) providing for the lease of all parking stalls in the City's N. 9<sup>th</sup> and Maritime Drive parking lot, was referred to Public Property and Safety Committee.

Resolution (11-684) that Manitowoc Public Utilities install four ornamental street lights in the 2200-2300 blocks of South 21<sup>st</sup> Street, was referred to Public Utilities and Licensing Committee.

### **COMMITTEE REPORTS**

Finance Committee returned 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, recommending adoption of the resolution and placing on file.

Finance Committee returned 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, recommending adoption of the resolution and placing on file.

### **ORDINANCES**

Ordinance (11-699) to create Section 3.270(3) of the Municipal Code to limit the term of non-elected board, commission and committee appointments, was referred to Committee of the Whole.

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

Ordinance (11-690) to create Section 7.280(1)(4) of the Municipal Code regarding alley assessments, 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" TEMPORARY BEER & TEMPORARY WINE LICENSE**

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

45	Amy B. Suchocki	1704 Clark Street
46	Andrew P. Roekle	2419A S. 10 <sup>th</sup> St.

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

252	Trevor M. Mesick	440 E. Reed Ave., #4
253	Melody M. Flinn	850 Lawton Terrace
254	Diane C. Komsi	1623 20 <sup>th</sup> St., Two Rivers, WI 54241

### **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 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. 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.

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.

Animal Acquisition and Disposition Policy (11-661) to responsibly manage the acquisition and disposition activities of the Lincoln Park Zoo.

Ordinance (11-671) amending section 3.560 of the Manitowoc Municipal Code describing duties of the Director of Parks and Recreation, (copy to Personnel Committee).

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

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.

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

Ordinance (11-673) 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

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

None.

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

None.

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

255 Amber Schultz 109 Church St., St. Nazianz, WI  
256 Bradley Elliott 1815 Belmont 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.

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.

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. 11<sup>th</sup> St.

Resolution (11-634) to vacate an unpaved public alley for utility purposes in an area north of Reed Avenue and east of N. 2<sup>nd</sup> 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. 11<sup>th</sup> 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.

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

Report (11-655) 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**  
**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.