

COMMON COUNCIL AGENDA

Monday, November 7, 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 vacation of an “alley for utilities” and corresponding change to the Official Map for an “alley for utilities” in Block 6 of Reed Lawn Subdivision, located north of Reed Avenue, east of N. 2nd Street and west of City lands.

CLOSED SESSION: None.

REPORTS OF OFFICERS:

Showtime Report – Tom Drill.

Mayor presents Proclamation for GIS Day.

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 (11-723) of Jack Culley from Harbor Commission effective immediately.

Minutes (11-714) of Ad Hoc Committee to Evaluate Two-Way Streets on 8th & 10th Streets of 10/13/11; Citizens Advisory Committee of 10/3/11; Crime Prevention Committee of 10/6/11; Great Lakes Utilities Board of 8/23/11 & 9/20/11; Public Utilities Commission of 9/12/11 & 10/10/11; Safety, Traffic & Parking Commission of 9/27/11; Wastewater Treatment Facility Board of 9/13/11.

COMMITTEE OF THE WHOLE

Communication (11-743) from Nilaksh Kothari, General Manager, Manitowoc Public Utilities with information relating to Manitowoc Public Utilities.

General City Claims (11-744) in the amount of \$1,946,268.12 enumerated on list thereof.

FINANCE

Memo (11-722) from Asst. City Attorney Kathleen McDaniel with Notice of Entry of Order Confirming Sale and Order Confirming Sale in the matter of Shipbuilders Credit Union vs. Gary D. Duggan et al.

Claim (11-712) of October 17, 2011, from Donald Goeke, Jr., Claim File No. 11-1076-1.

Claim (11-724) of American Family Insurance in behalf of their insured, Naomi R. Bitter, Claim File No. 11-1077.

Comprehensive Annual Financial Report (11-728) including Auditors' Reports for the City of Manitowoc for the year ended December 31, 2010, along with the Management Letter, prepared by Schenck & Associates.

Communication (11-731) from Lakeshore Technical College advising that the 2011 tax levy amount for the City of Manitowoc is \$2,870,298.00.

Communication (11-732) from Manitowoc Public School District advising that the 2011 tax levy amount for the City of Manitowoc is \$15,275,125.00.

PARKS AND RECREATION

Request (11-725) from Izaak Walton League of America for special fee of \$300.00 for rental of Lincoln Park Cabin #1 for their 2012 monthly meetings.

Contract (11-741) with JAG Outdoor Advertising, Inc. for placement of an outdoor sign at the Lincoln Park Zoo.

Special Events Request (11-733) from Co-Chair of Brutal Wear Open Tennis Tournament to schedule dates for 2012 tennis tournaments at Lincoln Park courts.

PUBLIC PROPERTY AND SAFETY

Special Events Request (11-718) from Tom Drill for the use of the City Hall parking lot and various equipment for Showtime 2011 scheduled August 8 & 9, 2012; copies to Streets & Sanitation, Parks & Recreation, and Public Utilities & Licensing.

Request (11-717) from Dermatology Associates of Wisconsin to extend the curb line along the south side of the building bordering the City owned parking lot.

Communication (11-734) from Federal Mogul expressing safety concerns in the area of a crosswalk between their parking lot and facility.

Communication (11-739) from Dermatology Associates to sublease leased parking spots in N. 9th and Maritime lot and make their leased spots available to the public, as detailed therein.

Request (11-740) from Nichols Electric for refund of duplicate electrical permit.

Communication (11-742) from Jim Brey, Chair of Public Property and Safety, relative to accident recovery fee.

Collection Services Agreement (11-) with Lifeline Systems, Inc. d/b/a LifeQuest.

PUBLIC UTILITIES AND LICENSING

Communication (11-735) from City Clerk Jennifer Hudon requesting permission to distribute identical checks from the Schuette, Wernecke, Wilda & Rank reserve fund in the amount of \$300.00 to five area agencies.

LICENSE APPLICATIONS REFERRED

ONE YEAR OPERATOR'S LICENSE – 2011-12

47	Peter A. Tait	2515 Dewey St.
48	Haelee R. Bauer	1233 S. 22 nd St.

TWO YEAR OPERATOR'S LICENSE – 2011-13

257	Keith E. Graff	534 S. 26 th St.
258	Bernard W. Kleiman	N3166 Landing Rd., Weyauwega, WI 54983
259	Susie L. Leist	414 Berge St., Valders, WI 54245
260	Paul D. Kraemer	1470B N. 7 th Street
261	Linda L. Vandenbusch	908 S. 21 st St.
262	Elizabeth R. Trombley	1901 S. 39 th St., #234
263	Cheryl Allen	932 N. 10 th St.
264	Holly M. Sundquist	1625 S. 14 th St
265	Christopher G. Begley	3131 Southbrook Ct.

STREETS AND SANITATION

Special Events Request (11-719) from Krauth Vending to sell novelties at the Christmas Parade and St. Patrick's Day Parade.

Sidewalk Privilege Agreement (11-720) with KB Brothers LLC for the purpose of placing a concrete retaining wall along S. 20th Street in the right-of-way located at 2000 Clark St.

Communication (11-721) from Homes for Independent Living of Wisconsin LLC to operate a CBRF at 4705 Whitetail Ct. and requesting that the City grant a location exception to the 2,500' spacing requirement to establish a CBRF at this location.

Quit Claim Deed (11-716) from Lakeshore Mini Storage, LLC to City of Manitowoc for Johnston Drive purposes.

Extended Delayed Assessment Agreement (11-715) with Robert Eberhardt and June Carstens for sanitary sewer improvements in the amount of \$19,106.62. (Parcel No. 835-401-010).

Report (11-729) of Board of Public Works of October 26, 2011, recommending 1st and final payment to Holschbach Excavating, Inc. in the amount of \$43,142.68 for Union Park/Dale Street Park Site Grading, WS-11-15R.

Report (11-730) of Board of Public Works of October 26, 2011, recommending assessing fee of \$24.00 per foot for sanitary sewer hookup at 1919 E. Spruce Dr. (parcel no. 809-404-030).

Request (11-) from Shady Lane for conditional use to allow for clinic as accessory use and skilled nursing facility and RCAC.

Lease (11-) between Lease Finance Group and City of Manitowoc Evergreen Cemetery for credit card equipment.

Request (11-) to amend 1986 Temporary Access Easement Agreement Over Unopened Street with Ann Wenzelon East Spruce Drive.

PERSONNEL

None.

RESOLUTIONS

Resolution (11-736) authorizing the issuance and sale of approximately \$6,770,000 Taxable General Obligation Refunding Bonds, was referred to Finance Committee.

Resolution (11-726) that a primary election be held on February 21, 2012 if three or more candidates file nomination papers for a City office, was referred to Public Utilities and Licensing Committee.

Resolution (11-727) setting the wage rates for the 2012 Election Board, was referred to Public Utilities and Licensing Committee.

Resolution (11-) relative to tipping fees was referred to Public Utilities and Licensing Committee.

COMMITTEE REPORTS

Streets and Sanitation Committee returned communication (10-064) from SMI requesting that Streets and Sanitation Committee take action on various issues relating to storm water pond maintenance costs, recommending that the City assume maintenance costs and responsibilities for existing and future stormwater management ponds in privately developed subdivisions. Ponds that are owned by individual lot owners are excluded.

ORDINANCES

None.

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)

ONE YEAR OPERATOR'S LICENSE – 2011-12

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262	Elizabeth R. Trombley	1901 S. 39 th St., #234
263	Cheryl Allen	932 N. 10 th St.
264	Holly M. Sundquist	1625 S. 14 th St
265	Christopher G. Begley	3131 Southbrook Ct.

**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.

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.

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.

General City Budget (11-713) of proposed 2011 levy for 2012, in the amount of \$13,116,398.00 including the Manitowoc Public Library, with \$917,945.00 in proposed tax incremental financing.

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

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. 14th Street.

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

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.

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).

Report (11-702) of City Plan Commission outlining the Commission's six-point recommendation relative to City Park development by College Glen Developers LLP, the owners of Silveridge Subdivision.

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.

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.

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. 18th St., S. 21st St., S. 23rd St. and S. 30th St.

Ordinance (11-711) amending Section 6.120 of the Manitowoc Municipal Code regarding lighting fires, was referred to Public Property and Safety Committee.

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

None.

STREETS AND SANITATION
Previously Referred

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.

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.

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

Ordinance (11-690) to create Section 7.280(1)(4) of the Municipal Code regarding alley assessments, 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.