

COMMON COUNCIL AGENDA

Monday, November 21, 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. – To hear citizen or taxpayer on the proposed budget for upcoming year.

CLOSED SESSION: None.

REPORTS OF OFFICERS:

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

Minutes (11-763) of Citizens Advisory Committee of 11/1/11; Community Development Authority of 10/12/11; Great Lakes Utilities Board of 10/12/11 & 10/14/11; Great Lakes Utilities Power Supply Project Committee of 8/2/11 & 10/14/11; Plan Commission of 10/12/11; Wastewater Treatment Facility Board of 10/25/11.

Notice (11-773) from Wisconsin Dept. of Natural Resources of intent to reissue a pollutant discharge elimination system permit to City of Manitowoc Wastewater Treatment Facility.

COMMITTEE OF THE WHOLE

General City Claims (11-784) in the amount of \$699,368.68 enumerated on list thereof.

FINANCE

Notice of Claim and Claim (11-745) of November 2, 2011, from Martial H. Ledvina, Claim File No. 11-1078.

Notice of Claim and Claim (11-750) of November 6, 2011 from Greg J. Zabler, Claim File No. 11-1079.

Communication (11-766) from City Assessor Sarah Hoppe to rescind 2009 and 2010 personal property taxes on parcel 000-132-860 due to closure of business in 2008.

Communication (11-762) from Moody's Investors Service advising of an assignment of rating of A1 with a negative outlook to Manitowoc.

City Plan Commission, to whom was referred 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, returned same with report (11-779) recommending placing communication (11-688) on file and no further action be taken.

PARKS AND RECREATION

Report (11-752) of the Board of Public Works of November 9, 2011, recommending 4th and final payment to David Katers LLC in the amount of \$6,537.19 for Lincoln Park Cabin #1 Site Preparation, WO-11-11.

Agreement (11-765) with Heidi Satori for purchase of pygmy goats for the Lincoln Park Zoo.

PUBLIC PROPERTY AND SAFETY

Communication (11-768) from Dan and Pauline Burton expressing their concerns relative to parking on Shady Lane.

Request (11-771) from Bernard Starzewski to eliminate loading zone in front of 928 So. 12th Street along with two hour parking in the 900 block of So. 12th Street.

Communication (11-770) from Deputy City Engineer Greg Minikel relative to the installation of pedestrian crossing signs at both of the intersections on Western Avenue near Holy Family Hospital.

PUBLIC UTILITIES AND LICENSING

Report (11-767) of Board of Public Works regarding bids received for demolition of the existing and the construction of the new Intermodal Transfer Station, Project WB-11-10R.

LICENSE APPLICATIONS REFERRED

2012 PAWNBROKER, SECOND-HAND DEALER, FLEA MARKET ETC.

1	Megean E. Lauson d/b/a Modern by Meagean	910 S. 8 th Street
2	David J. Pahmeier d/b/aRummele Inc.	4101 Calumet Ave.
3	Richard Francois d/b/aBoelter's Jewelers	2101 Washington St.

ONE YEAR OPERATOR'S LICENSE – 2011-12

49	Kassy M. Stuart	2611 Clark St., Apt. A
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TWO YEAR OPERATOR'S LICENSE – 2011-13

266	Ryan A. Gelbuda	1522 S. 23 rd St.
267	Cassandra L. Eisner	6612 N. Union Rd.
268	Angela A.P. Linderud	1321 S. 21 st St.
269	Luann Myers	2719 Forest Ave., Two Rivers, WI 54241
270	Becky Novak	2414 Herman Rd.
271	Sarah Powell	510 E. Reed Ave
272	Kevin Schmidt	947 N. 5 th St
273	Melissa S. Snyder	1704 Meadowbrook Dr., Apt. 9
274	Richard Thiry	1814 Jefferson St., Two Rivers, WI 54241
275	Joshua Ursprung	3783 Mackert St., #7
276	Mark H. Prudowsky	1210 Philippen St.
277	Ryan M. Schultz	866 N. 17 th St.
278	Nathan V. Radue	522 Lime Kiln Rd., Green Bay, WI
279	Jackie L. Mraz	811 S. 19 th St.
280	Heather M. Altman	8022 Village Dr., Whitelaw, WI

STREETS AND SANITATION

Report (11-751) of the Board of Public Works of November 8, 2011, recommending 1st and final payment to Underwater Inspectors LLE in the amount of \$7,000.00 for Professional Services for Underwater Bridge Inspection, QO-11-2.

Memorandum (11-769) from Dir. Public Works/Engineer/Parks & Recreation Valerie Mellon relative to reduction of snow shoveling assessment for Manitowoc Baptist Church, parcel no. 000-199-010.

Request (11-775) from Don Murray, Rock-N-Blues Haus, 939 S. 8th Street to have holiday music on corner of S. 8th and Washington prior to the Christmas parade.

City Plan Commission, to whom was referred 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, returned same with report (11-776) recommending that the Council grant the exception, as detailed therein.

City Plan Commission, to whom was referred request (11-748) from Shady Lane for conditional use to allow for clinic as accessory use and skilled nursing facility and RCAC, returned same with report (11-777) recommending that the Council amend the CUP to allow for clinic, as detailed therein.

City Plan Commission, to whom was referred 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., returned same with report (11-778) recommending that Council place document (11-720) on file and redraft same, as detailed therein.

City Plan Commission, to whom was referred quit claim deed (11-716) from Lakeshore Mini Storage, LLC to City of Manitowoc for Johnston Drive purposes, returned same with report (11-780) recommending that Council approve and accept the deed.

Report (11-781) of City Plan Commission relative to vacation for portion of alley and Official Map amendment in Reed Lawn Subdivision.

Report (11-782) of City Plan Commission relative to request to rezone property at 940 N. 11th Street.

Report (11-783) of City Plan Commission relative to request for temporary access easement agreement over unopened street at 1919 E. Spruce Drive.

Agreement (11-) of Vacation of Alley for Utilities between the City and Michael Arendt.

PERSONNEL

None.

RESOLUTIONS

Resolution (11-760) requesting Mayor to present to Finance Committee a 3-5 year Financial Plan by December 20, 2011, to be updated yearly and presented to Finance Committee with a presentation to Common Council no later than October 30th annually, was referred to Committee of the Whole.

Resolution (11-761) requesting Mayor to present, annually, to the Common Council a Strategic Plan at the second regular Common Council meeting in April, commencing April 2012, and that the plan be updated yearly, was referred to Committee of the Whole.

Resolution (11-) to approve the filling of a vacant Operator position at the Wastewater Treatment Facility, was referred to Personnel Committee.

COMMITTEE REPORTS

None.

ORDINANCES

Ordinance (11-764) to amend Section 10.410(1) of the Municipal Code regulating parking from December 1 to March 31, was referred to Public Property and Safety Committee.

Ordinance (11-772) to amend Section 10.750 of the Municipal Code regulating heavy traffic in the City of Manitowoc, 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)

2012 PAWNBROKER, SECOND-HAND DEALER, FLEA MARKET ETC.

1	Megean E. Lauson d/b/a Modern by Meagean	910 S. 8 th Street
2	David J. Pahmeier d/b/aRummele Inc.	4101 Calumet Ave.
3	Richard Francois d/b/aBoelter's Jewelers	2101 Washington St.

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279	Jackie L. Mraz	811 S. 19 th St.
280	Heather M. Altman	8022 Village Dr., Whitelaw, WI

**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 (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.

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.

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

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.

PARKS AND RECREATION
Previously Referred

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

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 (11-739) 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.

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.

Communication (11-774) from Transit Manager Derek Muench relative to agency fares for Maritime Metro Transit paratransit services.

PENDING APPLICATIONS

“CLASS B” INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE LICENSE

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

Lease (11-746) between Lease Finance Group and City of Manitowoc Evergreen Cemetery for credit card equipment.

Request (11-747) to amend 1986 Temporary Access Easement Agreement Over Unopened Street with Ann Wenzel on East Spruce Drive.

Communication (10-064) from SMI requesting that Streets and Sanitation Committee take action on various issues relating to storm water pond maintenance costs.

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.