

COMMON COUNCIL AGENDA

Monday, December 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: Notice is hereby given that the above governmental body will adjourn to the **First Floor Hearing Room - East** for a closed session during the recess of the meeting as authorized by Section 19.85(1)(c) of the Wisconsin Statutes, which authorizes the governmental body to convene in closed session for the purposes of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. The specific subject matter which will be considered in the closed session in the following: **Discussion and possible action regarding individual employees and their qualifications as to assignment of a position in the reorganizational plan..**

Note: Following deliberation in closed session, the Common Council may take action on the above subject matter during open session.

REPORTS OF OFFICERS:

Presentation of Retirement Certificates 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 (11-811) from Gary L. Bendix from Ethics Board effective immediately.

Minutes (11-817) of Community Development Authority of 11/16/11; Plan Commission of 11/16/11; Police & Fire Commission of 8/9/11; Public Utilities Commission of 11/28/11; Rahr-West Art Museum Board of 11/16/11; Wastewater Treatment Facility Board of 11/2/11 .

COMMITTEE OF THE WHOLE

General City Claims (11-827) in the amount of \$939,723.78 enumerated on list thereof.

FINANCE

Request (11-810) from Council President Able asking Mayor to give presentation relative to deficits in 2011 budget at December 19th Council meeting.

Communication (11-812) from Mainly Manitowoc requesting extension of their current services agreement with the City expiring on December 31, 2011.

Memo (11-816) from City Assessor relative to amended 2011 statement of personal property

from General Electric Capital Corporation recommending refund.

Pilot Site Agreement (11-830) with Springbrook Software, Inc. for a term of one year.

PARKS AND RECREATION

Communication (11-829) from Zoo Board members addressing concerns relative to Lincoln Park Zoo personnel.

PUBLIC PROPERTY AND SAFETY

Communication (11-815) from Alderperson Schema attaching request from George Kapitz to purchase City land abutting his property at corner of 35th and Division Streets.

Joint Powers Agreement (11-818) between Manitowoc County Joint Dispatch Center and City of Manitowoc effective March 1, 2012 for one year.

Report (11-824) of Manitowoc Industrial Development Corporation relative to land sale policies.

PUBLIC UTILITIES AND LICENSING

Communication (11-813) from Ricky Skarvan, Jr. to appeal decision to deny his taxi driver license.

LICENSE APPLICATIONS REFERRED

“CLASS B” INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE - 2011-12

38A	CHANGE OF OFFICERS & AGENT JODO, LLC Jim Behnke, New Agent	939 S. 8 th St.
-----	--	----------------------------

2011 COMMERCIAL GARBAGE HAULERS

1	VEOLIA	428 High St., Chilton, WI 53014
2	Manitowoc Disposal, Inc.	1800 Johnston Dr.
3	Waste Management	1861 E. Allouez Ave., Green Bay, WI
4	Pozorski Hauling & Recycling LLC	2515 Viebahn St., Manitowoc, WI

MOBILE HOME PARK LICENSE - 2011

5	Pentler Family Partnership	770 E. Albert Dr.
---	----------------------------	-------------------

MOBILE HOME PARK LICENSE - 2012

1	Pentler Family Partnership	770 E. Albert Dr.
---	----------------------------	-------------------

ONE YEAR OPERATOR'S LICENSE - 2011-12

None.

TWO YEAR OPERATOR'S LICENSE - 2011-13

286	Diana J. Rohl	2440 Mirro Dr., Suite 12
287	Todd A. Denfeld	2117 31 st S., Two Rivers, WI 54241

STOCK CAR RACES, RACING EXHIBITIONS, DEMOLITION DERBY

1	Manitowoc County Expo	4921 Expo Dr.; Grandstand Area
---	-----------------------	--------------------------------

STREETS AND SANITATION

Temporary Access Easement Agreement Right-of-Way Encroachment (11-814) with Tower Tavern Real Estate LLC to allow patrons to park perpendicular on north side of Park Street and allow parking across existing sidewalk area.

Report (11-819) of the Board of Public Works of December 14, 2011, recommending 4th and final payment to Vinton Construction in the amount of \$7,878.71 for Concrete Curb and Gutter and Sidewalk, WS-11-2.

Report (11-820) of the Board of Public Works of December 14, 2011, recommending 4th and final payment to Vinton Construction in the amount of \$6,020.24 for 2011 Concrete Paving, WS-11-1.

Report (11-825) of Manitowoc Industrial Development Corporation relative to wetland delineation report for property in Manitowoc I-43 Industrial Park at the southwest corner of Dufek Dr. and West Dr.

Report (11-826) of City Plan Commission relative to annual compliance review of conditional use permit of Great Lakes energy Technologies LLC/Orion Energy Systems for small wind energy system.

Communication (11-) to increase cemetery fees.

PERSONNEL

Employee Policy Manual (11-) for non-represented employees, full-time elected officials and general municipal employees previously covered under a collective bargaining agreement, or where a current collective bargaining agreement does not address specific subjects addressed in this manual, effective January 1, 2012.

RESOLUTIONS

Resolution (11-821) to approve revised land sale credit policy relative to the Manitowoc I-43 Industrial Park, was referred to Public Property and Safety Committee.

Resolution (11-822) setting charges for transportation and care by the Fire Department Rescue Ambulance, effective January 1, 2012, was referred to Public Property and Safety Committee.

Resolution (11-) to approve the filling of the vacant Finance Director/Treasurer position through hiring at will, employment contract or contract for services, was referred to Personnel Committee.

COMMITTEE REPORTS

None.

ORDINANCES

Ordinance (11-828) to amend, repeal and recreate various sections of Chapter 10 of the Manitowoc Municipal Code entitled "Traffic Regulations", was referred to Public Property and Safety Committee.

Ordinance (11-823) amending Section 20.010(1) and (2) of the Municipal Code relating to City-Employee Relationship, was referred to Personnel 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" INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE - 2011-12

46C	Rattfan Sports, LLC David E. Stuebs, Agent	214 N. 8 th St.
64	DJH Enterprises, LLC Dennis J. Harrigan, Agent	620 N. Water St.
38A	CHANGE OF OFFICERS & AGENT JODO, LLC Jim Behnke, New Agent	939 S. 8 th St.

2011 COMMERCIAL GARBAGE HAULERS

1	VEOLIA	428 High St., Chilton, WI 53014
---	--------	---------------------------------

2 Manitowoc Disposal, Inc. 1800 Johnston Dr.
3 Waste Management 1861 E. Allouez Ave., Green Bay, WI
4 Pozorski Hauling & Recycling LLC 2515 Viebahn St., Manitowoc, WI

MOBILE HOME PARK LICENSE - 2011

5 Pentler Family Partnership 770 E. Albert Dr.

MOBILE HOME PARK LICENSE - 2012

1 Pentler Family Partnership 770 E. Albert Dr.

ONE YEAR OPERATOR'S LICENSE - 2011-12

TWO YEAR OPERATOR'S LICENSE - 2011-13

286 Diana J. Rohl 2440 Mirro Dr., Suite 12

STOCK CAR RACES, RACING EXHIBITIONS, DEMOLITION DERBY

1 Manitowoc County Expo 4921 Expo Dr.; Grandstand Area

**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 Armond Kueter 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 Eliner Waege 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.

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

Amended Summons and Complaint (11-790) of Wisconsin Housing and Economic Development Authority vs. Vang, et al, Case No. 11-CV-615.

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.

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.

Communication (11-793) from Zorica Dent, Z's Wisconsin Cheese Store, relative to parking on Jay Street.

Report (11-800) of Board of Public Works of November 30, 2011 relative to quotes for two (2) new full-size four-door automobiles (Police squads) for the Police Department.

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 Arlene A. DeGuzman, Agent	1802 Washington St.
----	---	---------------------

TEMPORARY OPERATOR'S LICENSE - 2011-12

None.

ONE YEAR OPERATOR'S LICENSE - 2011-12

None.

TWO YEAR OPERATOR'S LICENSE - 2011-13

287	Todd A. Denfeld	2117 31 st S., Two Rivers, WI 54241
-----	-----------------	--

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.

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.

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

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.

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.