

## COMMON COUNCIL AGENDA

Monday, February 6, 2012  
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 any and all interested parties in the matter of a proposed change in zone from "I-1" Light Industrial District to "R-4" Single and Two Family District, in an area located at 1919 Spruce Drive.

### REPORTS OF OFFICERS:

Proclamation proclaiming April 29, 2011 as Arbor Day in the City of Manitowoc since the City of Manitowoc has been recognized as TREE CITY USA by the National Arbor Day Foundation.

Presentation of Jaycee awards to Manitowoc Fire Department and Manitowoc Police Department.

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 (12-073) of the December 1, 2011 Manitowoc Crime Prevention Committee.

Report (12-064) of the 2011 activities of the Department of Building Inspection.

### COMMITTEE OF THE WHOLE

General City Claims (12-071) in the amount of \$ 1,204,413.27 enumerated on list thereof.

### FINANCE

Communication (12-052) from Northland Associated on behalf of College Glen Developers LLP, the owners of Silveridge Subdivision agreeing to begin construction of the park per attached park design with conditions contained therein.

Claim (12-054) of Virginia Podrabsky for expenses incurred due to an incident that occurred on Washington Street on October 1, 2011.

Claim (12-055) of Holy Family Memorial Medical Center for Recovery of Unlawful Taxes.

Report (12- ) of ad hoc Committee on City Structure.

### PARKS AND RECREATION

Request (12-053) from Friends of Citizen Park Recreation Center for waiver of fees for use of Citizen Park recreation building on April 21, 2012.

Request (12-061) of the Friends of Citizens Park Recreation Center for use of the Mariner's Train on May 19, 2012.

Special Events Request (12-062) of the Kiwanis Club of Manitowoc to use Washington Park on August 5, 2012 for the 30<sup>th</sup> Annual Car Show and waiver of fees.

### **PUBLIC PROPERTY AND SAFETY**

Agreement (12-067 for ambulance services between the Manitowoc County Expo and the City of Manitowoc Fire Department for January 28, 2012.

Communication (12-081) from Mayor Nickels requesting the City to close Jay Street between 7<sup>th</sup> and 8<sup>th</sup> on Friday, March 16<sup>th</sup> from 4:30 p.m. - 9:00 p.m.

### **PUBLIC UTILITIES AND LICENSING**

Findings of Fact, Conclusions of Law and Final Determination (12-074) in the Matter of Taxicab License Application of Ricky J. Skarvan.

Special Events Request (21-076) to extend the licensed premise at the Happy Hour Tavern, close part of the street and allow bands on Saturday, June 23, 2012 from noon until 10p.m.

### **LICENSE APPLICATIONS REFERRED**

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

38 Stephanie J. Macdonald 619A S. 26<sup>th</sup> St.

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

305	Kelly Peterman	2625 S. 21 <sup>st</sup> St.
306	Raechel M. Waskow	1801 Menasha
307	Heidi L. Schiefelbein	2060 Silver St.
308	Rosemary L. Counard	1017 N. 43 <sup>rd</sup> St.
309	Anthony L. Fischer	918 N. 21 <sup>st</sup> St.
310	Lawrence L. Fischer	846 Freeway Lane
311	Rena A. Balliew	5830 CTH R
312	Victoria Perez	713 S. 24 <sup>th</sup> St
313	Amy J. Bordeau	1409 S. 16 <sup>th</sup> St.
314	Adreanne Learman	2668 S. 21 <sup>st</sup> St.
315	Rachel Linn	204 N. 8 <sup>th</sup> St., Apt. 605
316	Victoria M. Franz	2012 Pleasant St.
317	Ansley Erdmann	3912 Memorial Dr., Two Rivers, WI 54241
318	Kayla Johnson	1514 Lower Falls Rd.
319	Daren G. Dewitt	1301 N. 11 <sup>th</sup> St.
320	Robert J. Walkner	2517 N. 36 <sup>th</sup> St., Apt. 102, Sheboygan, WI

### **STREETS AND SANITATION**

Communication (12-072) of Theresa Guerin requesting access to property at 4111 Custer Street, which was referred from the Board of Public Works.

Communication (12-068) of Midwest LLC to sell balloons and novelties at the St. Patrick's Day parade route on March 17, 2012.

Special Events request (12-060) of Kathie Bundy, Parade Coordinator for permission to hold the 14<sup>th</sup> annual St. Patrick's Day parade in the City of Manitowoc.

Report (12-056) of the Board of Public Works for 3<sup>rd</sup> and final payment in the amount of \$112,102.09 to Zenith Tech Inc. for Broadway Bridge repairs. (Contingent on receipt of Final Lien Waiver)

Report (12-057) of the Board of Public Works for 2<sup>nd</sup> and Final payment in the amount of \$1,939.40 to Stone Creek Contractors for the Mariners Trail Walkway Reed Ave to Magnolia Ave. Project.

Report (12-058) of the Board of Public Works for 2<sup>nd</sup> and Final payment in the amount of \$12,850.82 to Michels Corporation for Re-Lining Sanitary Sewers project.

Public Works Petition (12-075) from Richard Wenzel, General Durable Power of Attorney for Ann A. Wenzel for property abutting Spruce Drive.

Public Works Petition (12-077) from Richard Wenzel, General Durable Power of Attorney for Ann A. Wenzel for property abutting Woodland Drive.

Quit Claim Deed (12-078) from Richard Wenzel, General Durable Power of Attorney for Ann A. Wenzel for property located on Woodland Drive.

Amendment No.1 to the Temporary Access Easement Agreement (12-079) over unopened street between City of Manitowoc and Ann A. Wenzel.

Quit Claim Deed (12-080) from Richard Wenzel, General Durable Power of Attorney for Ann A. Wenzel for property located at Spruce Drive.

Declaration of Dedication (12- ) of City of Manitowoc owned property, 20' strip of land adjacent to Spruce Drive.

Communication (12-063) from S.M.I. as representatives of the Northland Associates/College Glen Developers, owners of Silveridge Subdivision No. 3, requesting approval of the preliminary and final plat of said subdivision.

Communication (12-066) from R. Turner Construction LLC requesting to build a new garage in an erosion control area for Rich Krueger at Ravine Drive.

#### **PERSONNEL**

Tentative Agreement (12- ) between the City of Manitowoc and Local 368, IAFF for a 2013-2014 collective bargaining agreement.

Memorandum of Agreement (12- ) between the City of Manitowoc and Local 368, IAFF to modify the terms of the 2011-2012 collective bargaining agreement

Document (12 ) City of Manitowoc Employee Policy Manual.

#### **RESOLUTIONS**

Resolution (12-059) to adopt two Promissory Notes representing Five Million Dollar loan from Manitowoc Public Utilities to balance the 2011 budget, was referred to Finance Committee.

Resolution (12-069) to install one, 100 Watt Open Bottom style high pressure sodium street light at the intersection of South 18<sup>th</sup> and Flambeau Streets, was referred to Public Utilities & Licensing.

Resolution (12- ) regarding health insurance and WRS contributions for the Fire chief and Deputy Fire Chiefs.

Resolution (12- ) establishing a complete streets policy, was referred to Streets and Sanitation.

#### **COMMITTEE REPORTS**

None.

#### **ORDINANCES**

Ordinance (12- ) amending Section 14.020(2) governing restricted species, was referred to Public Property and Safety.

Ordinance (12- ) amending Section 10.610 regarding parking penalties for winter parking ban and snow emergency parking, was referred to Public Property and Safety.

Ordinance (12- ) to amend the Deposit Schedule for the Manitowoc Municipal Code, Section

10.610 parking Penalties, was referred to Public Property and Safety.

Ordinance (12- )to amend Section 10.490 regarding two hour parking on Maritime Drive between N 8<sup>th</sup> and N 10<sup>th</sup> Streets, was referred to Public Property and Safety.

Ordinance (12- )creating Section 11.010(8)(c) and 11.010(10)(e) regulating hours of sale for intoxicating liquors and fermented malt beverages was referred to Public Utilities & Licensing.

Ordinance (12-070) amending various sections of Chapter 12 of the Manitowoc Municipal Code regarding water main extension and assessment policy was referred to Public Utilities and Licensing.

**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)

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

38 Stephanie Macdonald **619A S 26<sup>th</sup> St.**

CLASS "A" MALT BEVERAGE - 2011-12

5 CHANGE OF AGENT  
Kwik Trip #636 2819 Meadow Lane  
Karleen A. Brown, New Agent

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

305	Kelly A. Peterman	2625 S. 21 St.
306	Raechel M. Waskow	1801 Menasha Ave.
307	Heidi L. Schiefelbein	2060 Silver St.
308	Rosemary L. Counard	1017 N 43 <sup>rd</sup> St.
309	Anthony L. Fischer	918 N. 21 <sup>st</sup> St.
310	Lawrence Fischer	846 Freeway Ln.
311	Rena Anne Balliew	5830 CTH R
312	Victoria Perez	713A S 24 <sup>th</sup> St.
313	Amy J. Bordeau	1409 S 16 <sup>th</sup> St.

**STOCK CAR RACES, RACING EXHIBITIONS, DEMOLITION DERBY**

**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 (11-200) 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 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.

Communication (12-021) from Manitowoc Public Utilities relative to proposed \$5.0 Million Promissory Note with City with Promissory Note and Promissory Note, Release and Discharge attached.

Resolution (12-051 ) to adopt two Promissory Notes representing a Five Million Dollar loan from Manitowoc Public Utilities to balance the 2011 budget, was referred to Finance Committee.

Resolution (12-051 ) to adopt two Promissory Notes representing a Five Million Dollar loan from Manitowoc Public Utilities to balance the 2011 budget.

**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.

Special Events Request (12-030) from Friends of Citizen Park to hold events at Citizen Park building on 3/24/12, with waiver of fee request attached.

**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 (11-768) 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. 12<sup>th</sup> Street along with two hour parking in the 900 block of So. 12<sup>th</sup> 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.

Communication (12-037) from Mayor Nickels on behalf of Flower Gallery relative to leased parking stalls in the N. 9<sup>th</sup> and Maritime Drive parking lot.

Communication (12-037) from Mayor Nickels on behalf of Flower Gallery relative to leased parking stalls in the N. 9<sup>th</sup> and Maritime Drive parking lot.

**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.
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**MOBILE HOME PARK LICENSE - 2012**

ONE YEAR OPERATOR'S LICENSE - 2011-12

TWO YEAR OPERATOR'S LICENSE - 2011-13

**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.

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

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

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

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.

Application (12-016) from Donald C. Popp for change in zone from I-1 Light Industrial District to R-4 Single and Two Family District for property at 1919 E. Spruce Dr.

Ordinance (12-031) amending the amended zone map of the City of Manitowoc for property north of Assessor's Plat No. 2, west of Woodland Drive and south of the Canadian National Railroad tracks from "I-1" Light Industrial District to "R-4" Single and Two Family Residential 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.

Ordinance (11-823) amending Section 20.010(1) and (2) of the Municipal Code relating to City-Employee Relationship.