

COMMON COUNCIL AGENDA

Monday, February 20, 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: None.

REPORTS OF OFFICERS:

Annual Report from the Manitowoc County Economic Development Corp.

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 (12-123) of Community Development Authority of 12/14/11; Public Utilities Commission of 1/9/12; Plan Commission of 1/11/12.

Report (12-097) of the Director of Public Works/City Engineer Valerie Mellon of the tonnage report for the year ending December 31, 2011.

Resignation (12-099) of Paul Kohlmeier from Safety, Traffic & Parking Commission effective immediately.

COMMITTEE OF THE WHOLE

General City Claims (12-093) in the amount of \$ 10,740,748.49 enumerated on list thereof.

FINANCE

Notice of Claim and Claim (12-096) of Reginald Edwards dated February 14, 2012, Claim File No. 12-1080.

Notice of Claim and Claim (12-103) of American Family Insurance for their insured John Brigham, dated February 9, 2012, Fleet Claim No. 12-201.

PARKS AND RECREATION

Request (12-095) from Manitowoc County Miracles Special Olympics to hold volleyball practice at Citizen Park gym on various dates in September, October, November and December, 2012, with waiver of fees request attached.

Special Events Request (12-098) from Autism Society to shut down route outlined on map in Lincoln Park for run/walk on May 19, 2012, from 9:30 a.m. to 10:45 a.m.

Special Events Request (12-100) from Holy Family Memorial for use of Silver Creek Park for their 2012 summer picnic as outlined therein including a beer and wine license. (Copy to Public

Utilities & Licensing).

Agreement (12-104) with Manitowoc Public School District re baseball field maintenance.

Report (12-122) of Board of Public Works of February 15, 2012, recommending 8th and final payment to Valders Building Supply in the amount of \$900.00 for Lincoln Park Cabin #1 Material Only, WB-11-14.

PUBLIC PROPERTY AND SAFETY

Contract (12-) with Bartolotta Fireworks Company, Inc. to produce and perform a pyrotechnic display as detailed therein on March 16, 2012.

Agreement (12-113) with Manitowoc County Joint Dispatch relative to time system indirect agency access.

PUBLIC UTILITIES AND LICENSING

Report (12-105) of Deputy City Planner relative to Three Year Harbor Development Statement of Intentions 2012-2014.

Agreement (12-094) with Assist to Transport to provide Americans with Disabilities Act compliant paratransit transportation services for the City of Manitowoc effective January 1, 2012 for three years.

Report (12-112) from MPU Commission highlighting the 2011 activities of Great Lakes Utilities.

Report (12-114) of City Plan Commission confirming its support of the Three Year Harbor Assistance Program Statement of Intentions for 2012-2014.

LICENSE APPLICATIONS REFERRED

CLASS "A" RETAIL FERMENTED MALT BEVERAGE LICENSE

CHANGE OF AGENT:

Kwik Trip, Inc. 2819 Meadow Lane
Brent M. Brogwardt

CHANGE OF AGENT:

Wal-Mart Stores East, LP 4115 Calumet Avenue
Jason D. Radue

"CLASS B" FERMENTED MALT BEVERAGE

7 Abba, LLC 204 N. 8th St.
Abby Garcia, Agent

"CLASS C" WINE LICENSE

3 Abba, LLC 204 N. 8th St.
Abby Garcia, Agent

TWO YEAR OPERATOR'S LICENSE - 2011-13

318	Kayla B. Johnson	1514 Lower Falls Rd.
319	Daren G. DeWitt	1301 N. 11 th St.
320	Robert J. Walkner	2517 N. 36 th St., Apt. 102, Sheboygan, WI
321	Karen J. Sincere	5130 Expo Dr.
322	Jacqueline M. Sonnentag	311 Mero St.
323	Brandy L. Wright	910 Parkway Ct., Two Rivers, WI 54241
324	Scott L. Krogh	1648 W. Main Ave., Apt. 2, DePere, WI
325	David G. Bentley	1021 Division St.
326	Tanya Lehman	811 Schroeder Dr.
327	Lisa Schneckloth	227 Superior Ave., Sheboygan, WI 53081

STREETS AND SANITATION

Report (12-) of Board of Public Works of February 15, 2012, regarding bids received for 2012 Slurry Sealing Various Streets, Project WS-12-6.

Report (12-) of Board of Public Works of February 15, 2012, regarding bids received for 2012 Re-Lining Sanitary Sewers, Project WU-12-7.

Report (12-) of Board of Public Works of February 15, 2012, regarding bids received for Televising Miscellaneous Sewers I, Project WU-12-5.

Report (12 101) of City Plan Commission authorizing issuance of special permit for the construction of a fixed animated sign at 3624 Calumet Avenue as detailed therein.

Communication (12-111) from Wisconsin Dept. of Administration stating they do not object to final plat of Popp Subdivision No. 3.

City Plan Commission, to whom was referred 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, returned same with report (12-115) recommending that Council approve the temporary permit subject to conditions stated therein.

City Plan Commission, to whom was referred amendment no.1 to the Temporary Access Easement Agreement (12-079) over unopened street between City of Manitowoc and Ann A. Wenzel, returned same with report (12-116) recommending that Council approve and accept the amendment.

City Plan Commission, to whom was referred 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, returned same with report (12-110) recommending that Council approve the preliminary plat, subject to the attached conditions.

City Plan Commission, to whom was referred Declaration of Dedication (12-088) of City of Manitowoc owned property, 20' strip of land adjacent to Spruce Drive, returned same with report (12-119) recommending that Council approve and accept the Declaration of Dedication.

City Plan Commission, to whom was referred quit claim deed (12-078) from Richard Wenzel, General Durable Power of Attorney for Ann A. Wenzel for property located on Woodland Drive and quit claim deed (12-080) from Richard Wenzel, General Durable Power of Attorney for Ann A. Wenzel for property located at Spruce Drive, returned same with report (12-120) recommending that Council approve and accept the deeds.

Report (12-121) of Board of Public Works of February 15, 2012, recommending 2nd and final payment to Vinton Construction Company in the amount of \$1,938.22 for 2011 Asphaltic Concrete Paving Program, WS-11-4.

Report (12-102) of Streets and Sanitation Committee relative to communication (12-072) of Theresa Guerin requesting access to property at 4111 Custer Street, which was referred from the Board of Public Works, recommending property owner pay only the original assessment amount of \$11,831.68 and waiving all of the interest payments.

PERSONNEL

None.

RESOLUTIONS

Resolution (12-118) to accept two WDNR Urban Nonpoint Source and Stormwater Management Grant Awards for the calendar year 2012-2013, was referred to Finance Committee.

Resolution (12-117) to not accept two WDNR Urban Nonpoint Source and Stormwater Management Grant Awards for the calendar year 2012-2013, was referred to Finance Committee.

Resolution (12-107) to approve Three Year Harbor Development Statement of Intentions for 2012-2014 relative to improvements of the Manitowoc harbor and river, was referred to Public Utilities and Licensing Committee.

Resolution (12-109) accepting preliminary plat of Silveridge Subdivision No. 3, as detailed therein, was referred to Streets and Sanitation Committee.

Resolution (12-108) implementing a hiring freeze for 2012 and vacant positions for 2012 to be filled with approval by 2/3 vote of the Common Council, was referred to Personnel Committee

COMMITTEE REPORTS

None.

ORDINANCES

Ordinance (12-106) to create Section 11.010(8)(c) and Section 11.010(10)(e) of the Manitowoc Municipal Code regulating hours when intoxicated liquor and fermented malt beverages can be sold by retailers, was referred to Public Utilities and Licensing 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 "A" RETAIL FERMENTED MALT BEVERAGE LICENSE

CHANGE OF AGENT:

Kwik Trip, Inc. 2819 Meadow Lane
Brent M. Brogwardt

CHANGE OF AGENT:

Wal-Mart Stores East, LP 4115 Calumet Avenue
Jason D. Radue

TWO YEAR OPERATOR'S LICENSE - 2011-13

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323	Brandy L. Wright	910 Parkway Ct., Two Rivers, WI 54241
324	Scott L. Krogh	1648 W. Main Ave., Apt. 2, DePere, 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 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. Keding 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.

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

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.

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

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. 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.

Ordinance (12-085) amending Section 14.020(2) governing restricted species.

Ordinance (12-082) Amending Section 10.610 regarding parking penalties for winter parking ban and snow emergency parking.

Ordinance (12-083) to amend the Deposit Schedule for the Manitowoc Municipal Code, Section 10.610 parking Penalties.

Ordinance (12-087) to amend Section 10.490 regarding two hour parking on Maritime Drive between N 8th and N 10th Streets.

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.

Ordinance (12-070) amending various sections of Chapter 12 of the Manitowoc Municipal Code regarding water main extension and assessment policy.

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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7	Abba, LLC Abby Garcia, Agent	“CLASS B” FERMENTED MALT BEVERAGE 204 N. 8 th St.
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“CLASS C” WINE LICENSE

3	Abba, LLC Abby Garcia, Agent	204 N. 8 th St.
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TWO YEAR OPERATOR’S LICENSE - 2011-13

325	David G. Bentley	1021 Division St.
326	Tanya Lehman	811 Schroeder Dr.
327	Lisa Schneekloth	227 Superior Ave., Sheboygan, WI 53081

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.

Resolution (12-084) establishing a complete streets policy.

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.

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