

COMMON COUNCIL AGENDA

Monday, March 5, 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:

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 (12-154) of Crime Prevention Committee of 12/1/11; Great Lakes Utilities Power Supply Project Committee of 11/15/11; Great Lakes Utilities Board of 12/20/11; Great Lakes Utilities Hydroelectric Project Committee of 2/1/12; Maritime Metro Transit Commission of 2/14/12; Police and Fire Commission of 2/14/12; Wastewater Treatment Facility Board of 12/13/11.

COMMITTEE OF THE WHOLE

General City Claims (12-130) in the amount of \$495,108.29 enumerated on list thereof.

FINANCE

Notice of Claim and Claim (12-128) from Steven Hartman, Hartman's Bakery, Claim File No. 12-1081.

PARKS AND RECREATION

Discussion and possible action regarding the Lease Agreement termination between the City of Manitowoc and the Rollaire Skate Center LLC.

Special Events Request (12-134) from Manitowoc Sunrise Rotary to hold 7th annual Lobsterfest at Washington Park and permission to dispense liquor in the park, on Saturday, September 8, 2012 with waiver of fees request attached. (Copy to Public Utilities & Licensing.)

Special Events Request (12-136) from The Crossing to use Mariner's Trail on Saturday, June 16, 2012 from 8:30 a.m. until noon for Third Annual Walk for Life fundraiser.

Special Events Request (12-135) from Dawn Dabeck to hold Zombie Walk (organized charity pub crawl) on May 12, 2012, and brat fry and scavenger hunt on May 5, 2012 utilizing Burger Boat Park. (Copy to Streets and Sanitation Committee).

Request (12-138) from Amvets Post 99 for Waiver of part or all fees for use of Wenger bandwagon on May 28, 2012.

Special Events Request (12-143) from Manitowoc Citizen's Safety Patrol Picnic Association

to hold picnic at Silver Creek Park on May 16, 2012, with fee to be waived, as detailed therein.

Waiver of Fees Request (12-144) from Discover Eastern Wisconsin Disc Golf for basement of Silver Creek Fieldhouse on Saturday, March 17, 2012 from 8 a.m. to 5 p.m.

PUBLIC PROPERTY AND SAFETY

Request (12-129) from New Fields seeking permission to collect groundwater samples on City property south of Holy Family property, as detailed therein.

Petition (12-139) for public safety from residents of 36th Street from Marshall to Calumet requesting a sign allowing no u-turns from McDonald's restaurant onto 36th Street.

Communication (12-140) from Bernard Starzewski withdrawing his proposal to remove loading zone and parking restrictions at 928 S. 12th Street.

Communication (12-145) from Amanda Behnke, Owner, Hair with Flair, relative to parking tickets issued to her customers.

Hold Harmless (12-147) waiver of liability, assumption of risk and indemnification of Riverland Ag Corp relative to St. Patrick's Day firework display.

Agreement (12-148) for automatic assistance rapid intervention team (RIT) between City of Manitowoc and City of Two Rivers with Memorandum of Understanding attached.

Communication (12-152) from James Blaha, Health Officer, relative to a variety of problems that affect the health and welfare of the community.

PUBLIC UTILITIES AND LICENSING

Special Events Request (12-142) from The Fat Seagull to extend their licensed premise on various dates including bands in their parking lot and close a portion of Quay St, on July 28, 2012 for anniversary celebration. (Copy to Streets and Sanitation Committee).

Statement of Canvassers (12-146) of election returns for February 21, 2012 Election in Districts 4 and 6 for Alderperson.

Paratransit Aids Contract (12-151) between State of Wisconsin, Dept. of Transportation and City of Manitowoc for 2012.

Lease Agreement (12-) between the City and Lake Michigan Trans-Lake Shortcut, Inc.

Communication (12-149) from Jim Muenzenmeyer, Transit/Recreation/Facilities Manager relative to Maritime Metro Transit service alterations to take effect March 19, 2012.

Retail License Transfer (12-153) Person to Person for transfer of "Class B" Intoxicating Liquor and Fermented Malt Beverage License #32A.

LICENSE APPLICATIONS REFERRED

ONE YEARS OPERATOR'S LICENSE - 2011-12

51	Gina Crowe	1412 Hamann Rd.
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TWO YEAR OPERATOR'S LICENSE - 2011-13

328	Jacob M. Wilker	2520 45 th St., Two Rivers, WI 54241
329	Martha E. Corrigall	2709 Clark St.
330	Jolene Lodel	8629 Carstens Lake Rd.
331	Matthew LeClair	316 N. 6 th St.
332	Chia Moua	1338 S. 22 nd St., Apt. 3
333	Sherry A. Kugel	10634 County Rd. X, Newton, WI 53063
334	Clair M. DeWitt	1301 N. 11 th St.
335	Samantha Zich	961 S. 37 th St.

STREETS AND SANITATION

Report (12-133) of the Board of Public Works of February 29, 2012, recommending 3rd and

final payment to Montgomery Associates in the amount of \$1,500.00 for Little Manitowoc River Wetland Restoration #11-605.

Special Events Request (12-137) from Brennan Seehafer Productions to hold Ultimate Tribute Red Carpet event on July 18, 2012 with setup on July 17, 2012, in front of the Capitol Civic Centre, as detailed therein.

Memo (12-141) from Dep. Dir. of Public Works/City Eng'r Greg Minkel relative to proposed modifications to Municipal code Section 10.390 (Parking Prohibited).

Report (12-) of Board of Public Works of February 29, 2012, regarding bids received for 2012 Remove and Replace Existing Sidewalk Construction, Project WS-12-3.

Special events request (12-155) from Northeastern Wisconsin Great Lakes Sport Fishermen to hold the annual Salmon Derby at the Manitowoc Marina from Friday, June 29 through Sunday, July 1, 2012, use of various City equipment, permission to sell fermented beverages until 11:30 p.m. and extension of the noise ordinance until 11:30 p.m. on Friday, Saturday and Sunday nights, as detailed therein. (Copy to Parks & Recreation and Public Utilities & Licensing).

PERSONNEL

Agreement (12-132) between City and City of Manitowoc Transit Employees Teamsters Local No. 662.

RESOLUTIONS

None.

COMMITTEE REPORTS

Public Property and Safety Committee returned ordinance (12-082) Amending Section 10.610 regarding parking penalties for winter parking ban and snow emergency parking, recommending adoption of ordinance.

Public Property and Safety Committee returned ordinance (12-083) to amend the Deposit Schedule for the Manitowoc Municipal Code, Section 10.610 parking Penalties, recommending adoption of ordinance.

Public Property and Safety Committee returned communication (11-768) from Dan and Pauline Burton expressing their concerns relative to parking on Shady Lane, recommending placing on file.

Public Property and Safety Committee returned 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, recommending placing on file.

Public Property and Safety Committee returned 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, recommending placing on file.

ORDINANCES

Ordinance (12-150) to amend Section 21.030(4)(f)(5) of the Manitowoc Municipal Code regulating the use of funds provided by developers in lieu of parkland dedication, was referred to Parks and Recreation Committee.

Ordinance (12-131) setting assessment rates for seal coating, was referred to Streets and Sanitation 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

TWO YEAR OPERATOR'S LICENSE - 2011-13

329
331

Martha E. Corrigan
Matthew LeClair

2709 Clark St.
316 N. 6th St.

**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.

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

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

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

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.

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).

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.

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

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

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

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.

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.

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.

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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ONE YEARS OPERATOR'S LICENSE - 2011-12

51	Gina Crowe	1412 Hamann Rd.
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TWO YEAR OPERATOR'S LICENSE - 2011-13

330	Jolene Lodel	8629 Carstens Lake Rd.
332	Chia Moua	1338 S. 22 nd St., Apt. 3
333	Sherry A. Kugel	10634 County Rd. X, Newton, WI 53063
334	Clair M. DeWitt	1301 N. 11 th St.
335	Samantha Zich	961 S. 37 th St.

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.

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

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.

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

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

Document (12-092) City of Manitowoc Employee Policy Manual.