

COMMON COUNCIL AGENDA

Monday, March 19, 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:

Department of Corrections Case Manager Presentation.

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 (12-171) of Citizen's Advisory Committee of 3/6/12; Crime Prevention Committee of 2/2/12; Rahr-West Art Museum of 2/15/12.

Notice (12-162) of air pollution permit for GKN Sinter Metals, 5710 Vits Road.

Notice (12-168) of air pollution permit for Manitowoc Public Utilities, 701 Columbus St.

COMMITTEE OF THE WHOLE

General City Claims (12-166) in the amount of \$819,561.10 enumerated on list thereof.

FINANCE

None.

PARKS AND RECREATION

Request (12-160) from YMCA for use of Mariner's Trail on April 28, 2012 for family bike ride from 2 p.m. to 4 p.m.

Report (12-174) of Parks and Recreation Committee recommending terminating lease with Rollaire Skate Center and authorizing the City Attorney to send termination letter to Rollaire.

Request (12-175) for proposal for Roller Skating Business for City of Manitowoc Armory Building.

PUBLIC PROPERTY AND SAFETY

Communication (12-165) from First German Ev. Lutheran Church requesting a change in signage at the entrance driveway to the church.

Memo (12-170) from Manitowoc County Planning & Zoning Dept. relative to eligibility to apply

for funding through the Hazard Mitigation Grant Program, Pre-Disaster Mitigation Program, the Flood Mitigation Assistance Program, and the Repetitive Flood Claims Program, for projects identified in the Plan.

PUBLIC UTILITIES AND LICENSING

Communication (12-159) from Express Convenience Centers relative to the City's local ordinance relative to 8:00 a.m. liquor sales.

Lease Agreement (12-172) between City of Manitowoc and Wisconsin Maritime Museum for property at 1221 Franklin Street for the period ending December 31, 2012 for temporary Transit Transfer Station.

Lease Agreement (12-157) between the City and Lake Michigan Trans-Lake Shortcut, Inc.

Communication (12-176) from Lake Michigan Carferry to share costs of replacing air conditioning units at the carferry ticket office.

LICENSE APPLICATIONS REFERRED

"CLASS B" INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE - 2011-12

| | | |
|----|---------------------------------------|-----------------------------|
| 65 | Glenn Helgerson | 835 S. 15 th St. |
| 66 | Dobis LLC Matthew S. Kanter, Agent | 714 York St. |

TWO YEAR OPERATOR'S LICENSE - 2011-13

| | | |
|-----|--------------------|--|
| 336 | Thomas A. Lapean | 905 Summit St. |
| 337 | Cherie L. Manier | 3809 Heather Valley Rd., Sheboygan, WI |
| 338 | Mailee Vang | 1134A S. 21 st St. |
| 339 | Ryan Sorge | 613 S. 27 th St. |
| 340 | Deborah A. Koeppen | 730 S. 28 th St. |
| 341 | Lauren Radtke | 3312 N. Rapids Rd. |
| 342 | Victor A. Thor | 610 E. Linden Ave. |
| 343 | Kayla M. Mathiesen | 2210 S. 42 nd St. |
| 344 | Rebecca A. Mleziva | 1226A S. 17 th St. |

STREETS AND SANITATION

Amendment No. 3 (12-) to AECOM Technical Services, Inc. current Consulting Agreement and Authorization to Proceed relative to City Centre Dockwall Project (Harbor Assistance Program Grant).

Request (12-161) from David Naidl to erect three crosses on the southeast hillside of Evergreen Cemetery from March 31, 2012 thru April 9, 2012.

Application (12-163) from Lee Meyer, Ecology Technology, Inc., for a change in zone from R-4 to C-1 for property on S. 10th Street, parcel #805-202-040.

Communication (12-164) from Dir. Public Works/Engineer/Parks & Recreation Valerie Mellon with 2011 Annual Report to DNR attached relating to stormwater discharge permit.

Special Events Request (12-158) from Two Rivers Main Street for 12th Annual Cool City Classic Car Show and Cruise Night on Friday, June 29, 2012, traveling from Silver Creek Park along the route detailed therein to Two Rivers, and asking for police assistance.

Special Events Request (12-169) requesting permission to use certain streets for the annual Memorial Day Parade on Monday, May 28, 2012, beginning at 9:00 a.m.

Report (12-173) of the Board of Public Works of March 15, 14, 2012, regarding bids received for 2012 New Sidewalk Construction Program, Project WS-12-2.

PERSONNEL

None.

RESOLUTIONS

Resolution (12-177) authorizing and designating public depositories, was referred to Finance

Committee.

Resolution (12-178) setting hourly wage and hours for the adult crossing guards, was referred to Public Property and Safety Committee.

COMMITTEE REPORTS

None.

ORDINANCES

Ordinance (12-) to create section 10.070 of the Municipal Code regarding unnecessary acceleration, was referred to Public Property and Safety Committee.

Ordinance (12-) to amend Section 10.010 of the Municipal Code adopting state laws by reference, was referred to Public Property and Safety Committee.

Ordinance (12-167) to amend Section 11.030(3) of the Municipal Code regarding adult entertainment licenses, was referred to Public Utilities and Licensing Committee.

Ordinance (12-) to amend Section 11.150 of the Municipal Code regulating pawnbrokers and secondhand article and jewelry dealers, 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)

TWO YEAR OPERATOR'S LICENSE - 2011-13

| | | |
|-----|--------------------|--|
| 336 | Thomas A. Lapean | 905 Summit St. |
| 337 | Cherie L. Manier | 3809 Heather Valley Rd., Sheboygan, WI |
| 339 | Ryan Sorge | 613 S. 27 th St. |
| 340 | Deborah A. Koeppen | 730 S. 28 th St. |
| 341 | Lauren Radtke | 3312 N. Rapids Rd. |
| 342 | Victor A. Thor | 610 E. Linden Ave. |

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.

PARKS AND RECREATION
Previously Referred

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.

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.

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

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 & 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.

PENDING APPLICATIONS

"CLASS B" INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE LICENSE

| | | |
|----|---|-----------------------------|
| 62 | El Caballo Loco-Crazy Horse, LLC Arlene A. DeGuzman, Agent | 1802 Washington St. |
| 65 | Glenn Helgerson | 835 S. 15 th St. |
| 66 | Dobis LLC Matthew S. Kanter, Agent | 714 York St. |

"CLASS B" FERMENTED MALT BEVERAGE

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

"CLASS C" WINE LICENSE

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

TWO YEAR OPERATOR'S LICENSE - 2011-13

| | | |
|-----|--------------------|-------------------------------|
| 338 | Mailee Vang | 1134A S. 21 st St. |
| 343 | Kayla M. Mathiesen | 2210 S. 42 nd St. |
| 344 | Rebecca A. Mleziva | 1226A S. 17 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.

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

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 (12-108) 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.