

COMMON COUNCIL AGENDA

Tuesday, September 4, 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.

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)(g) of Wisconsin Statutes, which authorizes the governmental body to convene in closed session for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The specific subject matter which will be considered in the closed session is the following: Discussion and update relative to Case No. 08-CV-448, Holy Family Memorial, Inc. v. City of Manitowoc on the action as well as possible settlement consideration.

REPORTS OF OFFICERS:

ELECTION by Common Council of Manitowoc Public Utilities' Commissioner for a term of five (5) years, pursuant to Municipal Code, as the following term will expire: James Morrow, term expires September 30, 2012.

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 (12-540) of Community Development Authority of 7/11/2.

COMMITTEE OF THE WHOLE

General City Claims (12-531) in the amount of \$713,107.79 enumerated on list thereof.

FINANCE

Amended Summons and Complaint (12-536) between EMC Mortgage LLC and Estate of James G. Mott and City of Manitowoc, Case No. 12-CV-0407.

Communication (12-546) from Stafford Rosenbaum LLP relative to settlement recommendation re: Holy Family Memorial, Inc. v. City of Manitowoc, Case No. 08-CV-448.

PARKS AND RECREATION

Request (12-532) from Lincoln High School Football Booster Club to waive fees for rental of equipment on September 28, 2012.

Communication (12-538) from Kathie Nelson, Manitowoc Garden Club, expressing an interest in adding a human sundial to the Mariner's Trail.

Special Use Trail Permit (12-539) from Prevent Suicide WI for use of Mariner's Trail on September 15, 2012.

Special Events Request (12-541) for Manitowoc Garden Fair to be held on June 8, 2013 in Washington Park.

Adopt a Park Program (12-542) giving citizens an opportunity to volunteer in our city's parks.

PUBLIC PROPERTY AND SAFETY

None.

PUBLIC UTILITIES AND LICENSING

LICENSE APPLICATIONS REFERRED

CLASS "A" RETAIL FERMENTED MALT BEVERAGE LICENSE - 2012-13 CHANGE OF AGENT

11 Kwik Trip #636 Karleen Brown, Agent
2819 Meadow Lane

"CLASS B" INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE LICENSE - 2012-13

64 R B & K LLC
Barbara M. Lueptow, Agent 830 S. 8th Street

CLASS "B" TEMPORARY BEER & TEMPORARY WINE LICENSE

52 (Beer) St. Peter the Fisherman Home & School Assn. 2000 Mirro Dr.
13 (Wine) St. Peter the Fisherman Home & School Assn. 2000 Mirro Dr.

TEMPORARY OPERATOR'S LICENSE - 2012-13

29 Douglas G. Gossen 10534 Francis Creek Rd., Two Rivers, WI
30 William E. Kiel, Jr. 2112 43rd St., Two Rivers, WI
31 Gerald W. Paczkowski, Jr. 7000 Tannery Rd., Two Rivers, WI

ONE YEAR OPERATOR'S LICENSE - 2012 -13

31 Ashley R. Reis 1234 S. 16th St.
32 Allen Karl 1802 Kellner St.
33 Melissa Anhalt 1319 Green Street

TWO YEAR OPERATOR'S LICENSE - 2012-14

273 Jeanne C. Cain` 3206 Kete St.
274 Melissa M. Horkman 1017 S. 20th St.
275 Natasha M. Zill 502 New York Ave.
276 Brandy Kirby 954A S. 30th St.
277 Alisha L. Mckee 2812 7th St., Apt. C, Two Rivers, WI

STREETS AND SANITATION

Agreement (12-535) with Strand Associates Inc. to provide services for Safe routes to School Assistance.

Special Events Request (12-537) from Student Senate of Lincoln High School to hold Homecoming Parade on Saturday, September 29th, from the JFK Building to Ron Rubick Municipal Field beginning at 10:30 a.m., as detailed therein.

PERSONNEL

None.

RESOLUTIONS

Resolution (12-533) to hire Straun Boston as City Attorney effective September 10, 2012, and setting salary, was referred to Committee of the Whole.

Resolution (12-545) relative to submission of site assessment grant to Wisconsin Economic Development Corp. for 1615 Spring, LLC (former Rockwell Lime property), was referred to Finance Committee.

COMMITTEE REPORTS

None.

ORDINANCES

Ordinance (12-543) to repeal Section 10.170 of the Manitowoc Municipal Code regulating the intersection of S. 6th and Quay Street, was referred to Public Property & Safety Committee.

Ordinance (12-544) to amend Section 10.730 of the Manitowoc Municipal Code regulating angle parking in the City of Manitowoc, was referred to Public Property & Safety Committee.

Ordinance (12-534) to amend Section 10.390 of the Manitowoc Municipal Code regulating prohibited parking on Clay Pit Road, was referred to Public Property and Safety 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 - 2012-13 CHANGE OF AGENT

11 Kwik Trip #636 Karleen Brown, Agent
2819 Meadow Lane

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276 Brandy Kirby 954A S. 30th St.

DOCUMENTS PREVIOUSLY REFERRED AND/OR SUBJECT MATTER WHICH MAY BE CONSIDERED AT THIS SESSION

COMMITTEE OF THE WHOLE Previously Referred

None.

FINANCE Previously Referred

Summons and Complaint (08-428) of Holy Family Memorial, Inc. v. City of Manitowoc, Case

No. 08-CV 488.

Notice of Claim (12-217) from EMC Insurance Companies on behalf of Patricia McCarthy of April 10, 2012, Claim File No. 12-1083.

Summons and Complaint (12-303) between Bank of America vs. Hrudka, et al, Case No. 12 CV 0256.

Summons and Complaint (12-401) BMO Harris Bank vs. Christine C. Spencer and City, Case No. 12 CV 0395.

Summons and Complaint (12-402) EMC Mortgage vs. Estate of James G. Mott and City, Case No. 12 CV 0407.

Communication (12-441) from Nash, Spindler, Grimstad & McCracken LLP relative to final settlement of Novak v. Cities and Villages Mutual Insurance Co., et al, Case No. 11-CV-366.

Notice of Claim (12-476) of Carolyn Barnett of August 1, 2012, Claim File No. 12-1085.

Notice of Appeal (12-494) in the matter of Swetlik v. Kevin Crawford, et al, Case No. 09-CV-1157.

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.

City Plan Commission, to whom was referred communication (12-220) from Kummer, Lambert, Fox & Glandt, on behalf of Northland Associates relative to moving forward with development of City park located in Silveridge Subdivision, as detailed therein, returned same with report (12-380) outlining the Commission's recommendations.

Memorandum of Understanding (12-492) between City of Manitowoc and Friends of the Park, Inc. relative to funds for the continued maintenance of the community built playground at Upper Henry Schuette Park.

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 (12-399) from Manitowoc City Center Association expressing their concerns regarding pedestrian safety in our cross walks.

Communication (12-367) from Patty Sturtz relative to a safety issue along the Mariner's Trail at the Maritime Drive wayside.

Communication (12-371) from Malcolm Shaw relative to posted two-hour parking limit in the 600 block of Chicago Street.

Ordinance (12-529) amending Chapters 3, 14, 15 and 21 of the Manitowoc Municipal Code.

PUBLIC UTILITIES & LICENSING
Previously Referred

Communication (12-444) from Clint Michael Rusch requesting reconsideration of denial of 2011-13 Two Year Operator's license #384.

Communication (12-527) from Lisa Ann Gilbert asking for reconsideration of her application for an operator's license.

PENDING APPLICATIONS

"CLASS B" INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE LICENSE - 2012-13

TWO YEAR OPERATOR'S LICENSE - 2012-14

277 Alisha L. Mckee

2812 7th St., Apt. C, Two Rivers, WI

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.

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.

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

Communication (12-335) from Doneff Companies relative to streetscape improvements and changes to Jay Street between 8th and 9th.

Communication (12-417) from Luisier Plumbing relative to sewer repair at 1403 Nagle Avenue.

\ Communication (12-430) from Patrick Young relative to street sweeping parking regulations.

Request (12-510) from Amvets Post 99 for a conditional use permit for a new one story clubhouse which will be located on County Rd. R and Conroe Street.

PERSONNEL
Previously Referred

Resolution (12-452) updating the Employee Policy Manual to include Battalion Chiefs working 24 hour shifts.