

## COMMON COUNCIL AGENDA

Monday, July 15, 2013  
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 the 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. NOTE: Following deliberation in closed session, the Common Council may take action on the above subject matter during open session.

### 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 (13-358) of Great Lakes Utilities Board of 5/7/13; Great Lakes Utilities Lakeswind Project Committee of 5/7/13; Great Lakes Utilities Power Supply Project Committee of 5/15/13; Transit Commission of 4/24/13.

### COMMITTEE OF THE WHOLE

General City Claims (13-381) in the amount of \$921,960.76 enumerated on list thereof.

### FINANCE

Agreement (13-366) with Tyler Technologies for renewal of IAS Support from July 1, 2013 through June 30, 2014.

Professional Services Agreement (13-369) with Carlson Dettmann Consulting LLC to provide professional consulting services for a comprehensive assessment of City of Manitowoc's current classification/compensation program as well as a market analysis for wages in comparable jobs and design of new salary plan.

### LICENSING, PERMITS & INSPECTIONS (FORMERLY PUBLIC UTILITIES AND LICENSING)

Findings of Fact, Conclusions of Law and Recommendation (13-367) relative to application #35 of VonCeil Otto for 2013-15 Two Year Operator's License.

Communication (13-362) from County Treasurer Cheryl Duchow enclosing public notice of tax foreclosure In Rem 2013 for properties located in the City of Manitowoc.

Communication (13-359) from Shoto Conservation Club on behalf of the Manitowoc County Expo/Fair entertainment pavilion purveyors requesting to extend live band music performance until 11:30 p.m. with beer sales ending at midnight on Friday and Saturday of the County Fair and to have music performances until 11:00 p.m. with beer sales ending at 11:30 p.m. for the remaining nights of the County Fair. (Copy to Public Safety Committee).

Notice (13-372) of Change of Agent for "Class B" Intoxicating Liquor & Fermented Malt Beverage License #25, Manitowoc Lodging Associates LLP, Aaron Lorch, Agent.

Communication (13-382) from Lakeshore Cap relative to concerns relative to the extension of a trail system.

City Plan Commission, to whom was referred communication (13-297) from Pastor Guy Corrigan, Cornerstone Church, requesting conditional use permit to operate church and school at 2711 Wollmer Street, returned same with report (13-390) recommending that Council approve the CUP to Community Bible Church, Inc.

City Plan Commission, to whom was referred request (13-321) from S.M.I., as representatives of Jerry Vandermause, for approval of a conditional use permit for a CBRF in both an R-4 zone and R-5 zone along with an exemption to the 2,500 foot separation for establishment of a CBRF at Dewey and vacated S. 19<sup>th</sup> Street and request (13-357) from Jerry & Karen Vandermause for a conditional use permit to construct a home in an R-4 and R-5 zoning district and stating their intent to build a 26-bed community based residential facility, returned same with report (13-391) recommending Council grant the exception to the 2,500' spacing requirement as well as granting the Conditional Use Permit.

Report (13-392) of City Plan Commission relative to request from Mills Fleet Farm for fixed animated sign at 1235 So. Rapids Road.

Report (13-393) of City Plan Commission relative to request from TLC Homes to extend their July 1, 2013 deadline to secure licenses from the State for the establishment of a CBRF at 703/705 East Cedar Avenue.

City Plan Commission, to whom was referred communication (13-289) from Elks Lodge No. 687 requesting a conditional use permit pursuant to Section 15.270(3)(c) for property at 1807 N. Rapids Road, returned same with report (13-394) recommending granting the CUP subject to attached compliance conditions.

City Plan Commission, to whom was referred request (13-322) from S.M.I., as representatives of Popp Enterprises, for vacation of an Official Map Street – So. 19<sup>th</sup> Street from Dewey Street to a point 383 feet south of the Dewey Street right-of-way, with proposed cul de sac north of Summit Street, returned same with report (13-395) recommending approval of the vacation and Official Map amendment upon completion of the required public hearing.

### **LICENSE APPLICATIONS REFERRED**

#### **"CLASS B" INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE LICENSE – 2013-14**

25 CHANGE OF AGENT:  
Manitowoc Lodging Associates, LLP 101 Maritime Dr.  
Aaron Lorch, Agent

#### **ONE YEAR OPERATOR'S LICENSE – 2013-14**

16 Kendra B. Aukamp 927 N. 8<sup>th</sup> St.  
17 Jeffrey L. Anhalt 1303 Ahrens St.  
18 Todd V. Pagliaro 1425 N. 9<sup>th</sup> St.  
19 Tami Kuik 1417 Hamilton St.  
20 Elizabeth A. Armstrong General Delivery, Francis Creek, WI 54214

#### **TWO YEAR OPERATOR'S LICENSE – 2013-15**

204	Louise C. Stuebs	114 Gardner St., Two Rivers, WI 54241
205	Geralyn A. Barcenas	1902 28 <sup>th</sup> St., Two Rivers, WI 54241
206	Anthony Vogel	4318 Goodwin Rd.
207	Amy Andrews	1607 S. 26 <sup>th</sup> St.
208	Thomas Hudon	948 Rosemere Circle
209	Arsene H. Breuninger	630 S. 35 <sup>th</sup> St.
210	Tim Ruhl	5625 Quail Circle
211	Michael R. Kouba	6262 Willow Lane, Two Rivers, WI 54241
212	Ryan Burns	5025 Elmer Lane
213	Haly Lindholm	6632 Dutch Rd.
214	Donna M. Meyer	N135 State Park Rd., Appleton, WI 54915
215	Kevin Hurley	930 S. 36 <sup>th</sup> St.
216	Kelly Koeppen	203 S. 4 <sup>th</sup> Ave., St. Nazianz, WI 54232
217	Randall R. Heinzen	3507 Foxfire Ct.
218	Heidi Schiefelbein	2060 Silver Street
219	Richard Kosarzycki	1127 S. 19 <sup>th</sup> St.
220	Theresa Vraney	3209 Lindbergh Dr.

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

7	Lakeshore Weekend Randall Heinzen, Applicant	Breakwater near Manitowoc Marina & YMCA
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### **PARKS AND RECREATION**

Mariner's Trail Special Use Permit (13-360) from Alzheimer's Association for walk event on September 28, 2013.

Special Events Request (13-364) from Randy Heinzen, Chr., Lakeshore Weekend, requesting a variance of the sound and beverage ordinance for the annual Lakeshore Weekend event to be held August 2, 3 & 4, 2013, until 12:00 midnight on Friday and Saturday, and permission to block off the access street to the boat launch north of the YMCA, and the use of various equipment, as detailed therein; copies to Licensing, Permits & Inspections and Public Safety Committees.

Report (13-375) of Board of Public Works of July 10, 2013, regarding bids for 2013 HVAC Replacement at Citizen Park Armory Building, WB-13-13.

Revised Mariner's Trail Special Use Permit (13-376) from Painting Pathways to change the date of their trail permit from October 5 to October 12, 2013.

### **PERSONNEL**

Communication (13-361) from Fire Chief William P. Manis II requesting review of compression factor in salaries of not only the Fire Department but all departments.

### **PUBLIC INFRASTRUCTURE (FORMERLY STREETS AND SANITATION)**

Report (13-370) of the Board of Public Works of July 10, 2013, recommending 1st and final payment to Crafts, Inc. in the amount of \$81,740.00 for Safety Building Roof Replacement, WB-13-15.

Report (13-371) of the Board of Public Works of July 10, 2013, recommending 1st and final payment to Guide Lines Pavement Markings, LLC in the amount of \$48,167.85 for 2013 Epoxy Pavement Marking Program, WS-13-9.

Special Events Request (13-374) from RWAM Charitable Foundation to hold Sputnikfest on September 7, 2013, with the closure of Park Street from 9<sup>th</sup> to 7<sup>th</sup> and No. 8<sup>th</sup> from State to St. Clair, as well as request to waive all inter-departmental fees.

Federal Certifications and Assurances (13-380) for Section 5311 Capital Contracts for 2013 prepared by Wisconsin Dept. of Transportation.

Section 5311 Capital Assistance Contract (13-379) with State of Wisconsin Dept. of Transportation for 2013 to administer the Federal Small Urban and Rural Public Transportation Program.

**PUBLIC SAFETY  
(FORMERLY PUBLIC PROPERTY AND SAFETY)**

Communication (13-365) from Carol Schultz relative to invoice for large hazardous fluid cleanup fees.

Special Events Request (13-363) from Cris Muldrow to extend noise ordinance for a party at her residence on July 19, 2013.

Ambulance Service Agreement (13-377) with Leukemia & Lymphoma Society for July 20, 2013.

Special Events Request(13-373) from Manitowoc Fire Fighters Local 368 to hold the annual MDA Fill the Boot Drive to benefit Muscular Dystrophy on August 8, 9 and 10, 2013 at the intersection of So. 10<sup>th</sup> and Franklin Streets.

**RESOLUTIONS**

Resolution (13-388) to vacate a portion of So. 19<sup>th</sup> Street, north of Summit Street and south of Dewey Street, was referred to Licensing, Permits & Inspections Committee.

Resolution (13-383) modifying Addendums "A", "B" and "C" of the Employee Policy Manual relative to new hires being paid 85% of the specified rate of pay, was referred to Personnel Committee.

Resolution (13-384) modifying Addendum "C" to increase the hourly rate of pay for the Recreation Team Leader, was referred to Personnel Committee.

Resolution (13-385) that the position of Plumbing Inspector be increased from a half-time position to a full-time position at the rate of \$31.12 per hour, according to the Employee Policy Manual, effective upon approval by the Common Council, was referred to Personnel Committee.

Resolution (13-368) to calculate the yearly General Transportation Aids for Rapids Road (CTH "R") project from Broadway Street to Custer Street and bill the County accordingly, was referred to Public Infrastructure Committee.

Resolution (13-378) authorizing the Director of Public Infrastructure to submit an application to the Department of Natural Resources for the purpose of planning, constructing or operating a recycling program, as detailed therein, was referred to Public Infrastructure Committee.

**COMMITTEE REPORTS**

Licensing, Permits & Inspections Committee returned communication (13-239) from Hein Plumbing asking the City to consider hiring full time inspectors, recommending placing on file.

**ORDINANCES**

Ordinance (13-389) to amend Section 22.010 of the Manitowoc Municipal Code entitled "Official Map – Master Subdivision Plans" for an area located at S. 19<sup>th</sup> Street, north of Summit Street, was referred to Licensing, Permits & Inspections Committee.

Ordinance (13-387) to repeal Section 20.010(3) of the Manitowoc Municipal Code establishing a residency requirement for department heads, was referred to Personnel Committee.

Ordinance (13-396) to create Section 4.130 of the Manitowoc Municipal Code for establishing a bulkhead line for the Red Arrow Park beach, was referred to Public Infrastructure Committee.

Ordinance (13-386) to amend Section 10.490 of the Manitowoc Municipal Code establishing parking time limits on South 26<sup>th</sup> Street, was referred to Public 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 – 2013-14**

- |    |   |                              |
|----|---|------------------------------|
| 24 | Vandan Ventures, Inc.<br>Ashokkumar Patel, Agent  | 1710 S. 10 <sup>th</sup> St. |
| 25 | Arya Enterprises, Inc.<br>Ashokkumar Patel, Agent | 1807 Washington St.          |

**“CLASS B” INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE LICENSE – 2013-14**

- |    |   |                  |
|----|---|------------------|
| 25 | CHANGE OF AGENT:<br>Manitowoc Lodging Associates, LLP<br>Aaron Lorch, Agent | 101 Maritime Dr. |
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**ONE YEAR OPERATOR’S LICENSE – 2013-14**

- |    |                        |   |
|----|------------------------|---|
| 16 | Kendra B. Aukamp       | 927 N. 8 <sup>th</sup> St.                |
| 17 | Jeffry L. Anhalt       | 1303 Ahrens St.                           |
| 18 | Todd V. Pagliaro       | 1425 N. 9 <sup>th</sup> St.               |
| 20 | Elizabeth A. Armstrong | General Delivery, Francis Creek, WI 54214 |

**TWO YEAR OPERATOR’S LICENSE – 2013-15**

- |     |                      |  |
|-----|----------------------|--|
| 204 | Louise C. Stuebs     | 114 Gardner St., Two Rivers, WI 54241              |
| 205 | Geraldyn A. Barcenas | 1902 28 <sup>th</sup> St., Two Rivers, WI 54241    |
| 206 | Anthony Vogel        | 4318 Goodwin Rd.                                   |
| 207 | Amy Andrews          | 1607 S. 26 <sup>th</sup> St.                       |
| 208 | Thomas Hudon         | 948 Rosemere Circle                                |
| 209 | Arsene H. Breuninger | 630 S. 35 <sup>th</sup> St.                        |
| 210 | Tim Ruhl             | 5625 Quail Circle                                  |
| 211 | Michael R. Kouba     | 6262 Willow Lane, Two Rivers, WI 54241             |
| 212 | Ryan Burns           | 5025 Elmer Lane                                    |
| 213 | Haly Lindholm        | 6632 Dutch Rd.                                     |
| 214 | Donna M. Meyer       | N135 State Park Rd., Appleton, WI 54915            |
| 215 | Kevin Hurley         | 930 S. 36 <sup>th</sup> St.                        |
| 216 | Kelly Koeppen        | 203 S. 4 <sup>th</sup> Ave., St. Nazianz, WI 54232 |
| 217 | Randall R. Heinzen   | 3507 Foxfire Ct.                                   |
| 218 | Heidi Schiefelbein   | 2060 Silver Street                                 |
| 219 | Richard Kosarzycki   | 1127 S. 19 <sup>th</sup> St.                       |

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

- |   |   |   |
|---|---|---|
| 7 | Lakeshore Weekend<br>Randall Heinzen, Applicant | Breakwater near Manitowoc Marina & YMCA |
|---|---|---|

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

**COMMITTEE OF THE WHOLE**  
**Previously Referred**

Petition (13-105) from the tenants of The Riverview Drive Apartments of Manitowoc.

Mayor’s Veto (13-319) of ordinance (13-264) to amend various sections of Chapter 10 of the Manitowoc Municipal Code which regulate parking time restrictions in the downtown area.

**FINANCE**  
**Previously Referred**

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

Notice of Claim (12-630) of October 17, 2012, from Alpert & Fellows in behalf of Marcella B. Krall, Claim File No. 12-1087.

Notice of Claim (12-679) of November 29, 2012 of Wesco Electric relative to payment bond for public project, Intermodal Transfer Station, Claim No. 12-1089.



**Previously Referred**

Ordinance (13-264) to amend various sections of Chapter 10 of the Manitowoc Municipal Code which regulate parking time restrictions in the downtown area.

Communication (13-318) from Ian Nelson requesting a “No Parking Between Driveways” sign between his driveway at 519A N. 9<sup>th</sup> Street and the neighboring driveway.

Communication (13-323) from LifeQuest recommending adjustment for ambulance services for call #182-13-0415 on 2/5/13 and #182-12-3560 on 12/11/12.

Communication (13-330) from Jonathan Menk relative to bicyclists’ safety in the downtown.