

## COMMON COUNCIL AGENDA

Monday, November 1, 2010

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:** None.

**REPORTS OF OFFICERS:**

Oath of Office and Badge presentation for Firefighters Eric Rebedew and Richard Barbier.

Showtime Report - Tom Drill

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 (10-588) of Citizens' Advisory Committee of 10/5/10; Great Lakes Utilities Board of 8/26/10 & 10/14/10; Manitowoc Public Utilities Commission of 9/13/10 and 10/14/10; Zoning Board of Appeals of 10/19/10.

### COMMITTEE OF THE WHOLE

General City Claims (10- ) in the amount of \$ enumerated on list thereof.

### FINANCE

Report (10-600) of City Planner David Less relative to Services Agreement between City of Manitowoc, City of Two Rivers and City of Kiel and Economic Development Corporation of Manitowoc County.

### PARKS AND RECREATION

None.

### PUBLIC PROPERTY AND SAFETY

Communication (10-592) from Paul Schermetzler, Community Policing Lieutenant, to move the adult crossing guard from the intersection of S. 14<sup>th</sup> and Flambeau to the north entrance of Monroe School with a new crosswalk to be placed as detailed therein. (copy to Streets & Sanitation)

### PUBLIC UTILITIES AND LICENSING

None.

## LICENSE APPLICATIONS REFERRED

### TWO YEAR OPERATOR'S LICENSE 2010-12

310	Kevin J. Blanchette	721 Columbus St., Two Rivers, WI 54241
311	Danielle Krerowicz	505 Buffalo St.
312	Harley Ludwig	1932 Roosevelt Ave., Apt. A, Two Rivers, WI 54241
313	Keshia Davis	914A Division St.
314	Kristin Voss-Borgwardt	2220 S. 42 <sup>nd</sup> St. #16
315	Cassandra K. Stock	6015 Clover Rd.
316	Christine M. Honzik	838 N. 5 <sup>th</sup> St.

## STREETS AND SANITATION

Utility Easement (10-585) to Manitowoc Public Utilities for the purpose of constructing, maintaining, repairing and replacing electrical utility facilities.

Progress invoice (10-586) from Wisconsin Dept. of Transportation in the amount of \$66,502.62 for N. 21st Street Bridge (Viaduct), Project No. 4991-02-71

Service Agreement (10-584) for underground facilities locating and marking with Excel Underground LLC for the period January 1, 2011 thru December 31, 2012.

Request (10-587) from Cheryl and Jon Saunders, Lake Breeze Salon, 1201 So. 13<sup>th</sup> Street, to construct a parking lot in a residential zoning district per Chapter 15.43(11) of the Municipal Code.

Application (10-589) for amendment to zoning ordinance district map from Lake Breeze Salon, 1201 S. 13<sup>th</sup> St., for change in zone from R-7 Central Residence to B-2 Neighborhood Business District.

Report (10-593) of the Board of Public Works of October 27, 2010, recommending 3rd (95%) payment to H Tod Culver, Inc. in the amount of \$45,459.66 for 2010 Remove & Replace Existing Sidewalks, WS-10-3.

Report (10-594) of the Board of Public Works of October 27, 2010, recommending 4th and final payment to Lake Shore Cleaners, Inc. in the amount of \$9,338.58 for So. 30<sup>th</sup> St. Pond Native Vegetation Landscaping, Inv. #21808.

Report (10-595) of the Board of Public Works of October 27, 2010, recommending 10th and final payment to Quasius Construction Inc. in the amount of \$68,198.68 for Family Aquatic Center, WB-09-16R.

Report (10-596) of the Board of Public Works of October 27, 2010, recommending 7th (95%) payment to Vinton Construction in the amount of \$428,783.91 for 2010 Concrete Paving & Reconstruction & So. 10<sup>th</sup> St. Pond, WS-10-1.

Report (10-597) of the Board of Public Works of October 27, 2010, recommending 2<sup>nd</sup> (95%) payment to Vinton Construction in the amount of \$235,304.20 for 2010 Sanitary Sewer Relay, WU-10-8.

Report (10-598) of the Board of Public Works of October 27, 2010, recommending 2nd (95%) payment to Vinton Construction in the amount of \$150,457.31 for So. 41<sup>st</sup> St./Custer St. Pond, WU-10-10.

Report (10-599) of the Board of Public Works of October 27, 2010, recommending 2nd (95%) payment to Vinton Construction in the amount of \$77,046.77 for 2010 Sanitary Sewer Construction, WU-10-12.

Report (10-601) of City Plan Commission relative to the need for an Official Map amendment and Comprehensive Zoning Map Amendment to make Erosion Hazard Areas the same and identical on both maps.

City Plan Commission, to whom was referred permanent utility easement (10-524) from Airgas - North Central, Inc. for an area located west of So. 41st Street and north of Clipper Drive, returned same with report (10-602) recommending that the Council approve and accept the easement.

City Plan Commission, to whom was referred communication (10-544) from Kummer, Lambert and Fox LLP requesting removal of restriction contained in a 1977 land contract for property sold by the City to Michael J. Dickey, returned same with report (10-605) recommending that Council remove the restriction by signing a Quit Claim Deed to the current property owner.

**PERSONNEL**

None.

**RESOLUTIONS**

Initial Resolution (10-591) regarding industrial development revenue bond financing for Salm Partners, LLC, was referred to Finance Committee. Information with respect to the job impact of the project will be available at the time of consideration of the Initial Resolution.

Resolution (10-582) authorizing Manitowoc Public Utilities to install one, 250 watt, Cobra head style, non-ornamental, high pressure sodium street light at the intersection of So. 23<sup>rd</sup> and Flambeau Streets, was referred to Committee on Public Utilities and Licensing.

Resolution (10-583) authorizing Manitowoc Public Utilities to replace three existing, 250 watt, non-ornamental street lights with three each, 70 watt ornamental street lights in the 800 block of York Street, was referred to Committee on Public Utilities and Licensing.

Resolution (10- ) to eliminate the Vehicle Allowance for the Mayor and City Engineer, was referred to Personnel Committee.

Resolution (10- ) restricting City employees from taking city vehicles home overnight on a daily basis, was referred to Personnel Committee.

**COMMITTEE REPORTS**

None.

**ORDINANCES**

Ordinance (10-590) to amend Section 10.101(1) of the Manitowoc Municipal Code regarding parking regulated December 1 to March 31 was referred to Public Property & Safety Committee.

Ordinance (10-604) to amend Section 15.05 of the amended zone map of the City of Manitowoc to provide that certain Erosional Hazard Areas of land are amended, as detailed therein, was referred to Streets and Sanitation Committee.

Ordinance (10-603) to amend Section 22.01 of the Municipal Code relative to Erosion Hazard Area on Official Map, 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)

**TWO YEAR OPERATOR'S LICENSE 2010-12**

- 310 Kevin J. Blanchette 721 Columbus St., Two Rivers, WI 54241
- 311 Danielle Krerowicz 505 Buffalo St.
- 312 Harley Ludwig 1932 Roosevelt Ave., Apt. A, Two Rivers, WI 54241

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

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

None.

**FINANCE**  
**Previously Referred**

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Summons and Complaint (08-428) from Holy Family Memorial, Inc. vs. City of Manitowoc, Case No. '08 CV 448.

Amended Summons and Complaint (09-105) between MTGLQ Investors and Radke et al.

Summons and Complaint (09-277) from JPMC Specialty Mortgage, LLC vs. Tammy & Brian Heili et al., Case No. 09 CV 0335.

Summons, Complaint and Lis Pendens (09-278) from Mark Balaban vs. Don Klein, Robin Klein & Daniel Tupper et al, Case No. 09-CV-0363.

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.

Summons & Complaint (09-349) from Mercedes M. Wilda v. Shoreline Leasing, Inc., et al, Case No. 09-CV-387.

Notice of Claim (09-390) of Michael E. Augustine of June 26, 2009, Claim File No. 09-1024.

Amended Summons & Complaint (09-392) of Wells Fargo Bank vs. Brooks, et al, Case No. 09 CV 0190.

Summons and Complaint (09-459) between M & I Marshall & Ilsley Bank v. Herman/Knox et al.

Notice of Injury (09-494) from Lynn S. Groeschel and Steven Kaczecka, of August 24, 2009, Claim File No. 09-1026.

Summons & Complaint (09-498) from BAC Home Loans Servicing, L.P. v. Eric J. & Kristin N. Hrudka et al, Case No. 09CV622.

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.

Notice of Claim (09-751) from Jeanette Kakuk of December 30, 2009, Claim File No. 09-1038.

Defendants' Answer (10-017) relative to Case No. 09-C-1157, Brian W. Swetlik vs. Former Mayor Kevin Crawford et al.

Summons & Complaint (10-057) of First National Bank v. Sittman, et al, Case No. 10-CV-77.

Notice (10-092) of Motion and Motion to Reopen Case of Alex v. Augustine, etc., Case No. 06-CV-0329.

Communication (10-111) from Manitowoc Area Visitor & Convention Bureau to consider a new animated sign, replacing the current signage, for the VIC at 4221 Calumet Ave.

Affidavit (10-172) of No Objection and Order of U.S. Bank National Association for Relief from Automatic Stay and Abandonment and Relief of Co-debtor Stay in re: Teresa M. Bonino f/k/a Teresa M. Strzyzewski.

Application (10-180) and Order for Dismissal relative to BAC Home Loan Servicing LP v Bohart, et al, Case No. 10 CV 218.

Notice (10-204) of Circumstances of Claim on behalf of Violet M. Rue, Fleet Claim File No. 10-186.

Notice (10-205) of Circumstances of Claim on behalf of The Estate of Robert Rue, Fleet Claim File No. 10-187.

Summons & Complaint (10-311) of June 4, 2010, Investors Community Bank v. Schuette Building LLC, Case No. 10 CV 465.

Notice of Claim (10-316) of Tracy Weiler of June 11, 2010, Claim File No. 10-1045.

Notice of Claim (10-383) of Deborah S. Kerr of July 8, 2010, Claim File No. 10-1047.

Notice of Claim (10-389) of A T & T of June 7, 2010, Claim File No. 10-048.

Answer and Affirmative Defenses (10-421) relative to Investors Community Bank Plaintiff, v. Schuette Building LLC and Thomas D. Hansen and John W. Raettig Defendants, and W-1 Management, LLC and City of Manitowoc and John Doe and Jane Doe, Added Defendants.

Resolution (10-415) to approve a Boundary and Text Amendment Number One (1) to Tax Incremental Financing (TIF) District No. 16 Project Plan.

Summons and Complaint (10-431) of BAC Home Loans Servicing, L.P. v. Sherry L. Close et al, Case No. 10 CV 582.

Notice of Claim and Claim (10-446) from Maple Ventures, LLC of August 4, 2010, Claim File No. 10-1050.

Notice of Claim and Claim (10-447) from Maple Ventures, LLC of August 4, 2010, Claim File No. 10-1049.

Notice of Claim (10-451) from Mary E. Schleis of August 9, 2010, Claim File No. 10-1051.

Notice of Claim and Claim (10-452) from Richard A. Yanda of August 9, 2010, Claim File No. 10-1052.

Notice of Claim and Claim (10-488) from Janet Dokey of August 13, 2010, Claim File No. 10-1053.

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.

Notice of Claim and Claim (10-521) of September 13, 2010, from Larry Dehne, Claim File No. 10-1055.

Notice of Claim and Claim (10-547) of September 23, 2010, from Manitowoc Properties, Claim File No. 10-1056.

**PARKS AND RECREATION**  
**Previously Referred**

Ordinance (10-557) to create Section 8.15(1) of the Municipal Code creating a Park Donation Fund.

Communication (10-568) from Alderperson James Brey relative to Manitowoc Aquatic Center staff.

**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.

Report (10-429) of Public Property and Safety Committee relative to various traffic, parking and signage issues referred to Safety, Traffic and Parking Commission for consideration.

Ordinance (10-548) to amend Section 26.01(2) of the Municipal Code changing the term of office for Municipal Judge from two to four years.

Ordinance (10-570) revising Section 10.061(93) and to create Section 10.104 (48c) of the Manitowoc Municipal Code regarding traffic and parking on streets, was referred to Public Property and Safety Committee.

Ordinance (10-580) to amend Section 3.32 of the Manitowoc Municipal Code changing the term of office of members of the Code Review Committee, was referred to Public Property and Safety Committee.

Communication (10-579) from City Clerk Jennifer Hudon indicating that Manitowoc County will no longer contract with Lakeshore Humane Society as the County pound for 2011.

**PUBLIC UTILITIES & LICENSING**  
**Previously Referred**

**PENDING APPLICATIONS**

**TWO YEAR OPERATOR'S LICENSE 2010-12**

313	Keshia Davis	914A Division St.
314	Kristin Voss-Borgwardt	2220 S. 42 <sup>nd</sup> St. #16
315	Cassandra K. Stock	6015 Clover Rd.
316	Christine M. Honzik	838 N. 5 <sup>th</sup> St.

**STREETS AND SANITATION**  
**Previously Referred**

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Resolution (10-042) to vacate a portion of So. 22nd Street containing 1,649 square feet.

Ordinance (10-043) amending Section 22.01 of the Municipal Code entitled "Official Map-Master Subdivision Plans" in an area located on South 22nd Street, was referred to Streets & Sanitation Committee.

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

Report (10-359) of Dir. of Public Works/City Engineer Valerie Mellon requesting unimproved right-of-way access agreement for parcel 719-005-010 at 3608 Menasha Ave.

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.

**PERSONNEL**  
**Previously Referred**

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