

COMMON COUNCIL AGENDA

Monday, December 6, 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:

7:10 p.m. - Proposed changes to the City's Official Map to make uniform, consistent and the same, areas delineated on the City's Zoning District Map as "Erosion Hazard Areas" in the City - AND - Proposed changes to the City's Zoning District Map to make uniform, consistent and the same, areas delineated on the City's Official Map as "Erosion Hazard Areas" in the City.

7:20 p.m. - Proposed change in zone from "R-7" Central Residence District to "B-2" Neighborhood Business District, in an area located at the southeast corner of Hamilton and So. 13th Streets.

CLOSED SESSION: None.

REPORTS OF OFFICERS:

Holiday Parade Awards.

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

2011 Annual Report (10-652) of Bay-Lake Regional Planning Commission

Minutes (10-649) of Manitowoc Public Utilities Commission of 10/25/10; Rahr-West Art Museum Board of 10/20/10; Safety, Traffic & Parking Commission of 9/28/10 & 10/26/10; Zoning Board of Appeals of 11/16/10.

COMMITTEE OF THE WHOLE

General City Claims (10-660) in the amount of \$1,265,224.73 enumerated on list thereof.

FINANCE

Notice of Claim (10-647) received December 1, 2010, from Circle B Bison Ranch, LLC, Claim File No. 10-1058.

Notice of Claim and Claim (10-638) received November 30, 2010, from Maritime Properties, Claim File No. 10-1057.

Summons and Complaint (10-636) of Associated Bank, N.A. vs. Granger, et al, Case No. 10-CV-944.

County Clerk's apportionment (10-637) of state taxes in the amount of \$337,939.57 and county taxes and special charges in the amount of \$9,748,316.51.

Memo (10-658) from City Planner David Less relative to Best Western Lakefront Hotel Summary of Key Provisions of 2010 Amendment to Lease.

PARKS AND RECREATION

License Agreement (10-646) for trapping of mink and other furbearer animals within the City Parks with Dan Cichantek.

Special Events Request (10-654) from Tom Chermak requesting the use of Washington Park for Metro Jam Weekend, June 24 & 25, 2011, the use of the Metro Stage, a waiver of rules prohibiting alcohol beverages to be consumed in the park for the weekend, closing So. 11th & So. 12th Street for a portion of the weekend, and City employees to help with the Children's Area and for setup and preparation of the event, as detailed therein. (Copy to Streets & Sanitation, Public Utilities & Licensing and Public Property & Safety).

Special Events Request (10-659) from Debbie Seehafer, Tournament Director, to hold 2011 tennis tournaments at Lincoln Park on June 11-13, July 2-4, August 6-8 and August 27-29.

PUBLIC PROPERTY AND SAFETY

Notice (10-657) from Wisconsin Public Service relative to their new single upgraded facility on W. Custer Street.

PUBLIC UTILITIES AND LICENSING

Agreement (10-651) for 2011 specialized transportation master agreement extension with Assist-to-Transport, LLC to extend original agreement dated January 2, 2007 for the year 2011.

Vehicle Lease (10-650) with Assist-to-Transport, LLC for seven vehicles to be used to provide specialized transportation services, as detailed therein, for the 2011 calendar year.

Communication (10-615) from Rich Steckmann relative to addition of bus route through Kellner Street.

Architect/Engineering Services Contract (10-) with Somerville, Inc. for the design of a new Intermodal Transfer Facility building at 915 S. 11th St.

LICENSE APPLICATIONS REFERRED

"CLASS B" INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE LICENSE

Manitowoc Lodging Associates, LLP 101 Maritime Drive
Change of Agent to Nicole Bergquist

2011 COMMERCIAL GARBAGE HAULERS

- 1 Manitowoc Disposal, Inc. 1800 Johnston Dr.
- 2 Pozorski Hauling & Recycling LLC 2515 Viebahn St.

2011 PAWNBROKER, SECOND-HAND DEALER, FLEA MARKET, ETC.

- 1 Megean Lauson 910 S. 8th St.
 d/b/a Modern by Megean
- 2 Rummele, Inc. 4101 Calumet Ave.
 David Pahmeier, Applicant
- 3 James Steckmesser 843 N. 13th St.
 d/b/a Timeless Treasurers

MOBILE HOME PARK LICENSE - 2011

- 1 Pentler Family Limited Partnership 88 Albert Drive

TWO YEAR OPERATOR'S LICENSE 2010-12

- 328 Jim Foote 932 Rosemere Cir.

329	Daniel Miller	1301 Two Creeks Rd., Mishicot, WI 54228
330	Steven Diederichs	3435 Barkwood Lane
331	Halli Bubollz	4122 Custer St.
332	Kristin Muench	204 N. 8th St., Apt. 304
333	Stacia J. Green	841 N. 8th St., Apt. A
334	Patricia A. Heinzen	1616 S. 16th St.
335	Neil R. Hall	2130 Paul Rd.
336	Brittany Siehr	1003 N. 8th St., Apt. A
337	Deborah J. Detroye	2110 School St., Two Rivers, WI 54241
338	Amanda Borgens-Abraham	910 S. 24th St.
339	John Mueller	714 York St., Apt. 15
340	Ann Chapman Narten	1310 S. 21 st St.

ONE YEAR OPERATOR'S LICENSE 2010-11

40	Chia Moua	1338 S. 22nd St., Apt. 3
41	Carly Madsen	817 Waldo Blvd.
42	Cesar Alvarez	814 Madison St., Apt. B
43	Thalia Carreno	836 N. 14 th St.

STREETS AND SANITATION

Report (10-639) of the Board of Public Works of December 1, 2010, recommending 3rd (100%) payment to Vinton Construction Company in the amount of \$1,932.40 for 2010 Sanitary Sewer Construction, WU-10-12.

Report (10-640) of the Board of Public Works of December 1, 2010, recommending 4th and final payment to Aero-Metric, Inc. in the amount of \$3,650.00 for professional services for photogrammetric survey program.

Report (10-641) of the Board of Public Works of December 1, 2010, recommending 1st and final payment to Bobbie's Marine Services in the amount of \$13,319.28 for 2010 Tree Planting, QS-10-8.

Report (10-642) of the Board of Public Works of December 1, 2010, recommending 2nd and final payment to Northern Metal & Roofing Company, Inc. in the amount of \$5,020.50 for City facilities lighting upgrade - EECBG.

Report (10-643) of the Board of Public Works of December 1, 2010, recommending 3rd (99.4%) payment to Vinton Construction Company in the amount of \$143,608.88 for 2010 Sanitary Sewer Relay, WU-10-8.

Report (10-644) of the Board of Public Works of December 1, 2010, recommending 8th (98.7%) payment to Vinton Construction Company in the amount of \$123,483.34 for 2010 Concrete Paving & Reconstruction & S. 10th St. Pond, WS-10-1.

Report (10-645) of the Board of Public Works of December 1, 2010, recommending 3rd (98.9%) payment to Vinton Construction Company in the amount of \$6,740.25 for S. 41st Street/Custer Street Pond, WU-10-10.

Permanent Easement (10-656) by Holiday House of Manitowoc County to the City for area north of Meadow Lane and west of Riverview Drive.

Report (10-661) of Board of Public Works of December 1, 2010, regarding bids received for Dockwall Improvement and Dredging - City Center LLC, Project WO-10-14.

PERSONNEL

None.

RESOLUTIONS

Resolution (10-648) to implement a hiring freeze of all current or future vacant City employment positions for 2011, to include full, part-time and temporary positions with vacancies being filled with approval by 2/3 vote of the Common Council, was referred to Personnel Committee.

Resolution (10-653) to appoint an Interim Rahr-West Art Museum Director and establishment of compensation, was referred to Personnel Committee.

COMMITTEE REPORTS

None.

ORDINANCES

Ordinance (10-655) to create section 14.226 of the Municipal Code regarding possession and sale of synthetic cannabinoids, 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 B” INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE LICENSE

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Change of Agent to Nicole Bergquist

2011 COMMERCIAL GARBAGE HAULERS

1	Manitowoc Disposal, Inc.	1800 Johnston Dr.
2	Pozorski Hauling & Recycling LLC	2515 Viebahn St.

2011 PAWNBROKER, SECOND-HAND DEALER, FLEA MARKET, ETC.

1	Megean Lauson d/b/a Modern by Megean	910 S. 8 th St.
2	Rummele, Inc. David Pahmeier, Applicant	4101 Calumet Ave.
3	James Steckmesser d/b/a Timeless Treasurers	843 N. 13 th St.

ONE YEAR OPERATOR'S LICENSE 2010-11

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335	Neil R. Hall	2130 Paul Rd.

336 Brittany Siehr 1003 N. 8th St., Apt. A
337 Deborah J. Detroye 2110 School St., Two Rivers, WI 54241
340 Ann Chapman Narten 1310 S. 21st 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) 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 (10-389) 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.

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.

General City Budget (10-611) of proposed 2010 levy for 2011, in the amount of \$12,647,519, including the Manitowoc Public Library, with \$985,339.00 in proposed tax incremental financing.

Summons and Complaint (10-613) between M & I Marshall & Ilsley Bank and Denise A. Herman and John Doe et al, Case No. 10 CV 925.

PARKS AND RECREATION
Previously Referred

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.

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.

Report (10-625) from Public Property and Safety Committee Chair to refer the following requests to Safety, Traffic & Parking Commission: (1) request from Randy DeRoche, 1701 Washington St., to have parking along the east side of his building (10000 block of So. 17th St.); and (2) request from neighbors of N. 24th and N. 23rd Streets near Fairmont St. to have two hour parking on both sides of N. 24th St. near Federal Mogul and two hour parking extended on N. 23rd St. to Markham St.

Request (10-624) from Maritime Metro Transit Manager Derek Muench to have no parking on N. 6th Street north of the Manitou Manor entrance to alleviate problems with right turn out of Manitou Manor onto N. 6th Street.

Ordinance (10-617) to create and repeal various sections in Chapter 10 of the Municipal Code related to parking and speed limits.

PUBLIC UTILITIES & LICENSING
Previously Referred

Communication (10-615) from Rich Steckmann objecting to new bus route through Kellner St.

PENDING APPLICATIONS

ONE YEAR OPERATOR'S LICENSE 2010-12

42 Cesar Alvarez 814 Madison St., Apt. B

TWO YEAR OPERATOR'S LICENSE 2010-13

338 Amanda Borgens-Abraham 910 S. 24th St.

MOBILE HOME PARK LICENSE - 2011

1 Pentler Family Limited Partnership 88 Albert Drive

STREETS AND SANITATION
Previously Referred

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.

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

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

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.

Temporary Access Easement Agreement (10-622) with Lisa M. Duvneck for temporary access on unimproved right-of-way at 3608 Menasha Avenue.

Ordinance (10-632) to amend the amended zone map of the City of Manitowoc for an area located south of Hamilton St. and east of S. 13th St.

PERSONNEL
Previously Referred

Resolution (10-607) to eliminate the Vehicle Allowance for the Mayor and City Engineer, was referred to Personnel Committee.

Resolution (10-606) restricting City employees from taking city vehicles home overnight on a daily basis, was referred to Personnel Committee.

Resolution (10-620) regarding hiring of Director of Parks and Recreation and establishment of compensation, was referred to Personnel Committee.

