

## COMMON COUNCIL AGENDA

Monday, January 17, 2011

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:**

Check Presentation to the Manitowoc Fire Department.

Introduction of Matt Schliesman, new Executive Director of the Capitol Civic Centre.

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**

Notice (11-013) before the Dept. of Natural Resources Air Management Program regarding the air pollution permit for Wisconsin Aluminum Foundry, 838 S. 16<sup>th</sup> St.

Minutes (11-029) of Community Development Authority of 11/10/10; Plan Commission of 12/15/10; Police & Fire Commission of 11/9/10.

### **COMMITTEE OF THE WHOLE**

General City Claims (11-033) in the amount of \$9,376,908.22 enumerated on list thereof.

### **FINANCE**

Communication (11-010) from Dewane Law Offices on behalf of Perry Kingsbury relative to Agreement with the City of Manitowoc.

### **PARKS AND RECREATION**

Special Events Request (11-004) of Summer M. Pellow and Wolf Luc to holding wedding ceremony at Silver Creek Park on June 28, 2011, as detailed therein.

Special Events Request (11-016) of Manitowoc Sunrise Rotary to hold Lobsterfest on

September 10, 2011, in Washington Park including waiver of fees and waiver of rules prohibiting alcoholic beverages in the park. (Copy to Public Utilities & Licensing Committee).

Special Events Request (11-019) of March of Dimes to hold Lakeshore Walk for Babies event along Mariners Trail on Saturday, May 7, 2011 from 7:00 a.m. to 12:00 p.m.

Report (11-026) of City Plan Commission relative to Comprehensive Outdoor Park and Recreation Plan 2011-2016, recommending Council adopt the Plan.

### **PUBLIC PROPERTY AND SAFETY**

Notice (11-005) from Manitowoc County Public Works Dept. relative to sale of parcel no. 000-287-190.

Communication (11-006) from James Brey, Chairman of Public Property and Safety Committee relative to parking issues on Madison St. and Manila St.

Communication (11-009) from Federal Mogul with safety concerns for their employees crossing Fairmont St. just west of the railroad tracks.

Communication (11-014) from Alderperson Matt Kadow on behalf of Tony Burgarino to have "Yield to Oncoming Traffic" signs placed on Springhill Drive.

Communication (11-015) from Alderperson Matt Kadow on behalf of Karen Schweigl to add traffic controls to the intersection of S. 25<sup>th</sup> St. and Clark St.

Communication (11-021) from Sure Site Consulting Group, LLC asking for consent to upgrade A T & T cell site at Revere Drive.

City Plan Commission, to whom was referred memo (10-680) from Manitowoc County Public Works Dept. notifying City of tax deed property that will be offered for sale (parcel no. 816-103-051), returned same with report (11-023) recommending that the Council place the communication on file and that no further action be taken regarding this property.

Ambulance Service Agreement (11- ) between Manitowoc County Expo and City of Manitowoc.

### **PUBLIC UTILITIES AND LICENSING**

Memo (11-007) from City Clerk Jennifer Hudon relative to 2010 Weights and Measures license fee and recommending refund to Indo Pac in the amount of \$144.00.

Paratransit Service Agreement (11-012) with Manitowoc County to extend renewal period for one year.

Report (11-027) of City Plan Commission of the annual review of Community Living Arrangements, recommending approval of the associated licenses for 2011.

Communication (11-028) from Jody L. Conard surrendering the "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage license for 602 N. Water St. in favor of Tower Tavern, LLC, effective upon granting of new license.

Communication (11-031) from Larry's Markets, Inc., surrendering the "Class A" fermented malt beverage and intoxicating license for 1339 N. 8<sup>th</sup> St. in favor of Sly Fox Ventures, Inc., effective January 30, 2011.

**LICENSE APPLICATIONS REFERRED**

**“CLASS A” FERMENTED MALT BEVERAGE AND INTOXICATING LIQUOR LICENSE**

4A Sly Fox Ventures, Inc. 1339 N. 8<sup>th</sup> St.  
Erik Groll, Agent

**“CLASS B” RETAIL INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGE LICENSE**

63A Tower Tavern LLC 602 N. Water St.  
Amended Brian Laurent, Agent

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

348 Jonathon F. Martell 536 Maple St.  
349 Heather M. Hansen 1516 Johnston Dr.  
350 MacKenzie Virnoche 938 Shorewood Blvd.  
351 Katelyn G. Vater 5904 Point Creek Rd., Cleveland, WI 53015  
352 Amanda Sinkula 2302 Washington St.  
353 Jeremiah Jennerman 2104 Division St.  
354 Joseph M. Nixon 850 N. 6<sup>th</sup> St.

**ONE YEAR OPERATOR’S LICENSE 2010-11**

45 Jessica Martinez-Hernandez 1821 S. 39th St., Apt. 121  
46 Michelle Meyer 1302 N. 11th St.

**STREETS AND SANITATION**

Report (11-001) of the Board of Public Works of January 12, 2011, recommending 5th and final payment to Riederer Engineering, LLC in the amount of \$1,750.00 for Parks and Recreation HVAC services.

Report (11-002) of the Board of Public Works of January 12, 2011, recommending 4<sup>th</sup> and final payment to AECOM in the amount of \$80,444.98 for City Centre Dockwall HAP Design #10-405.

Request (11-011) from Custer Village to postpone installation of sidewalks on east side of Expo Drive from Vista Drive to Custer Street due to hardship for Custer Village.

Application (11-018) from Steven Kratz for a change in zone from R-4, Single and Two Family District, to B-3, General Business District, for property located at Custer Street.

Report (11-022) of City Plan Commission relative to request from Jonathan and Cheryl Saunders for special permit for creation of parking lot in residential zoning district at 1205 S. 13<sup>th</sup> St.

City Plan Commission, to whom was referred quit claim deed (10-677) from Volta Holdings, LLC for a parcel of land containing 1,171 s.f. more or less, to be used for Johnston Drive purposes, as described therein and shown on the attached sketch, returned same with report (11-024) recommending that the Council approve and accept the quit claim deed.

Cell Tower Lease Agreement (11- ) between City of Manitowoc and Clear Wireless LLC.

**PERSONNEL**

None.

**RESOLUTIONS**

Resolution (11-020) amending Council Rule 2 changing Co-Chairperson to Vice-Chairperson and having the Council President make committee appointments subject to the approval of the Common Council, was referred to Committee of the Whole.

Resolution (11-030) for adjustments to be made in the appropriate funds to transfer excess resources in the Debt Service Fund to the General Fund to offset the negative labor expenses budgeted in the 2011 contingencies budget, was referred to Finance Committee.

Resolution (11-025) to adopt City of Manitowoc Comprehensive Outdoor Park and Recreation Plan 2011-2016, was referred to Parks and Recreation Committee.

Resolution (11-008) establishing salaries for election board officials serving at various elections to be held in 2011, was referred to Public Utilities and Licensing Committee.

Resolution (11-003) instituting a hiring freeze for 2011, as detailed therein, was referred to Personnel Committee.

**COMMITTEE REPORTS**

Personnel Committee returned resolution (10-683) recommending a one and one-half percent wage increase for the Municipal Judge effective July 1, 2009, recommending approval of the resolution.

**ORDINANCES**

Ordinance (11-032) to amend section 14.01(5) of the Municipal Code dealing with the Listing of Dogs and Cats in which payment of money is directed from the County to the Humane Society, was referred to Public Utilities and Licensing Committee.

Ordinance (11-0171) to amend Section 25.05(8) of the Municipal Code to adjust rates for sewer service charges effective January 1, 2011, 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)

**“CLASS B” RETAIL INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGE LICENSE**

63A Tower Tavern LLC 602 N. Water St.  
Amended Brian Laurent, Agent

**ONE YEAR OPERATOR’S LICENSE 2010-11**

45 Jessica Martinez-Hernandez 1821 S. 39th St., Apt. 121  
46 Michelle Meyer 1302 N. 11th St.

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

348 Jonathon F. Martell 536 Maple St.  
349 Heather M. Hansen 1516 Johnston Dr.

350 MacKenzie Virnoche

938 Shorewood Blvd.

351 Katelyn G. Vater

5904 Point Creek Rd., Cleveland, WI 53015

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

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**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 (10-389) 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.

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.

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

#### **PARKS AND RECREATION**

##### **Previously Referred**

None.

**PUBLIC PROPERTY AND SAFETY**

**Previously Referred**

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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.

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.

Memo (10-680) from Manitowoc County Public Works Dept. notifying City of tax deed property that will be offered for sale (parcel no. 816-103-051).

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.

Ordinance (10-671) to amend various sections in Chapter 10 of the Manitowoc Municipal Code related to parking, was referred to Public Property and Safety Committee.

**PUBLIC UTILITIES & LICENSING**

**Previously Referred**

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

**PENDING APPLICATIONS**

**“CLASS A” FERMENTED MALT BEVERAGE AND INTOXICATING LIQUOR LICENSE**

4A	Sly Fox Ventures, Inc. Erik Groll, Agent	1339 N. 8 <sup>th</sup> St.
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**ONE YEAR OPERATOR’S LICENSE 2010-11**

**TWO YEAR OPERATOR’S LICENSE 2010-13**

352	Amanda Sinkula	2302 Washington St.
353	Jeremiah Jennerman	2104 Division St.
354	Joseph M. Nixon	850 N. 6 <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.

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

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

Quit Claim Deed (10-677) from Volta Holdings, LLC for a parcel of land containing 1,171 s.f. more or less, to be used for Johnston Drive purposes, as described therein and shown on the attached sketch.

Ordinance (10-694) to amend the amended zone map of the City of Manitowoc, as detailed therein, was referred to Streets and Sanitation Committee.

## **PERSONNEL**

### **Previously Referred**

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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.