

## COMMON COUNCIL AGENDA

Monday, August 15, 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:** 7:10 p.m. - Proposed change in zone from "P-1" Conservancy to "R-4" Single and Two Family Residential District for a portion of Lots 7, 8 and 9 in the Replat of Venture Estates Subdivision abutting Mapleleaf Court.

**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)(c) of the Wisconsin Statutes, which authorizes the governmental body to convene in closed session for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. The specific subject matter which will be considered in the closed session is the following: **Review qualifications and establish salary of Rahr-West Art Museum Director.**

Note: Following deliberation in closed session, the Common Council may take action on the above subject matter during open session.

### REPORTS OF OFFICERS:

Check Presentation for Lincoln Park Cabin 1 from the Manitowoc Unit Fish & Game

Introduction of Jason Ring, MAVCB President

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

Resignation (11-521) of Fred Radandt from Cemetery Board effective August 1, 2011.

Resignation (11-522) of Tom Wall from Ad Hoc Diversity Advisory Council effective August 1, 2011.

Minutes (11-532) of Community Development Authority of 6/15/11; Great Lakes Utilities Board of 7/20/11; Plan Commission of 7/13/11; Police and Fire Commission of 5/10/11 and 5/23/11; Wastewater Treatment Facility Board of 7/12/11.

### COMMITTEE OF THE WHOLE

Report (11-517) of City Planner David Less relative to 2010 Economic Development Corporation of Manitowoc County Financial Statement for year ending December 31, 2010.

Petition (11-531) for direct annexation from Herzog, Eberhardts and Griesbach, for annexation of a 13.02 acre parcel of land east of CTH B and north of Woodridge Drive, as described therein and shown on the attached map.

General City Claims (11-542) in the amount of \$6,624,221.46 enumerated on list thereof.

### **FINANCE**

Notice of Claim and Claim (11-508) of Gerald Hebel dated August 5, 2011, Claim File No. 11-1073.

Notice of Claim and Claim (11-502) of Zachary J. Nikolai dated July 19, 2011, Claim File No. 11-1072.

### **PARKS AND RECREATION**

Special Events Request (11-511) from Roncalli High School to hold 44<sup>th</sup> Annual Cross Country Invite on September 10, 2011, as detailed therein.

Special Events Request (11-509) to hold Garden Fair in Washington Park on Saturday, June 9, 2012.

### **PUBLIC PROPERTY AND SAFETY**

Communication (11- ) from Alderperson James Brey, Chair of Public Property & Safety Committee, relative to whether or not to move Parks and Recreation Department to City Hall.

Agreement (11-516) for ambulances services with the Village of Cleveland.

Communication (11-518) from Tyler Pribyl with safety concerns in the area of his residence at 1301 S. 13<sup>th</sup> Street.

Communication (11-519) from Manitowoc Public Schools requesting the creation of a special no parking/no stopping/no standing zone in the 700 block of N. 4<sup>th</sup> Street on the east side of the road in front of Madison School.

Report (11- ) of Board of Public Works of August 10, 2011, regarding bids received for Union Park/Dale Street Park site grading, Project WS-11-15R.

Request (11-545) from Matthew Kouba for refund of duplicated electrical permit fee.

Request (11-546) from Schnell Electric for refund of duplicated electrical permit fee.

Request (11- ) from Police Chief Tony Dick to fill Clerk I and Clerk III position at Police Department.

### **PUBLIC UTILITIES AND LICENSING**

Communication (11-543) from Manitowoc County Planning & Zoning Department advising of public hearing concerning moratorium for large wind farms submitted by Townships of Mishicot and Two Creeks.

### **LICENSE APPLICATIONS REFERRED**

#### **TEMPORARY OPERATOR'S LICENSE – 2011-12**

19	Scott A. Schmidtman	110 E. Washington, Valders, WI 54245
20	Karl J. Baryenbruch	7004 Newton Rd., Newton, WI 53063
21	Scott Pankratz	7402 CHT J, Valders, WI 54245
22	Francis Holly	1922 Sharon Lane
23	Craig A. Rysticken	1405 Terrace Ct., Two Rivers, WI 54241
24	John Engstrom	4105 Clover St., Two Rivers, WI 54241
25	Paul Meissner	6334 Johnston Dr., Two Rivers, WI 54241
26	Robert F. Diener	5026 Wagon Wheel Rd.
27	Jeffrey P. Schmid	1819 CTY RD VV, Two Rivers, WI 54241
28	Douglas G. Gossen	10534 Francis Creek Rd., Two Rivers, WI 54241
29	Robert W. Voss	16025 Hwy 151, Valders, WI 54245
30	Michael Schwoerer	109 Grant St., Valders, WI 54245

31	Michael J. Jannette	9122B Glen Flora, Kiel, WI 53042
32	Russell J. Zipperer	1405 Hampton Cir., Cato, WI 54230
33	Steven E. Hutchison	7213 Scheffler Rd., Newton, WI

**ONE YEAR OPERATOR'S LICENSE – 2011-12**

37	Dawn Wetzel	2409 Western Ave.
38	Jessica A. Klein	2350 S. 23 <sup>rd</sup> St., \$1058
39	Sharlene Becker	1026A N. 18 <sup>th</sup> St.

**TWO YEAR OPERATOR'S LICENSE – 2011-13**

219	Ricky L. Vogt	3028 S. 15 <sup>th</sup> St.
220	Adrienne C. Spaulding	6494 County Rd. B, Two Rivers, WI 54241
221	Lee L. Engelbrecht	4928 Two Creeks Rd., Two Rivers, WI 54241
222	Mary Kiel	1011 Grand Ave.
223	Emilee Green	2104A Division St.
224	Maureen T. Shebesta	1301 Hillcrest Dr.
225	Debbie Nicholson	1113 Division St.

**STREETS AND SANITATION**

Correction Instrument (11-510) for Doneff's Custer Village Subdivision revising easements in the area of a proposed 16 unit apartment building on Expo Dr.

Special Events Request (11-507) from Courthouse Pub to hold anniversary celebration on September 18, 2011 to include closure of a portion of S. 8<sup>th</sup> Street, along with an outdoor band and beer and wine tent enclosure in parking lot, as detailed therein. (Copy to Public Utilities & Licensing).

Sidewalk Privilege Agreement (11-512) with William J. Bero, DDS, S. C. for the purpose of placing improvements consisting of a brick façade at 2102 Marshall St.

Amendment No. 1 (11-520) to consulting agreement with AECOM for Broadway Bridge slope and sheetpile wall evaluation.

Report (11-523) of the Board of Public Works of August 10, 2011, recommending 1st and final payment to Brickline, Inc. in the amount of \$53,088.50 for 2011 Epoxy Pavement Marking Program, Project WS-11-9.

Report (11-524) of the Board of Public Works of August 10, 2011, recommending 2<sup>nd</sup> and final payment to Northeast Asphalt, Inc. in the amount of \$44,430.03 for 2010 Asphaltic Concrete Paving Program, WS-10-4.

Quit Claim Deed (11-525) from Eberhardt, Herzog et al for N. 8<sup>th</sup> Street purposes.

Quit Claim Deed (11-526) from Eberhardt, Herzog, et al for unnamed street east of CTH B and north of Woodridge Drive.

Quit Claim Deed (11-530) from Eberhardt, Herzog et al for Keegan Drive purposes

Public works petition (11-527) from Eberhardt, Herzog and Griesbach for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on North 8<sup>th</sup> Street, as described therein, and shown on the attached map (Parcel No. 108-007-000).

Public works petition (11-528) from Eberhardt, Herzog and Griesbach for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on an unnamed east-west street, as described therein, and shown on the attached map (Parcel Nos. 108-007-000 & 108-008-000).

Public works petition (11-529) from Eberhardt, Herzog and Griesbach for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on Keegan Drive, as described therein, and shown on the attached map (Parcel No. 108-008-000).

Report (11- ) of Board of Public Works of August 10, 2011, regarding quotes received for ferric chloride for Wastewater Treatment Facility, Project QM-11-6.

Report (11-533) of City Plan Commission advising that compliance review of conditional use permit of Domestic Violence Center produced no negative findings.

Report (11-548) of City Plan Commission advising that compliance review of conditional use permit of Lakeshore Interfaith Hospitality Network for adaptive reuse of property at 1110 S. 10<sup>th</sup> Street produced no negative findings.

Report (11-534) of City Plan Commission authorizing issuance of special permit for the construction of a fixed animated sign at Coldwell Banker property at 2406 Washington Street, as detailed therein.

Streets and Sanitation Committee, to whom was referred request (11-460) from Keith Counard to move garage within City limits to property at 3813 Waldo Blvd., returned same with report (11-536) of City Plan Commission recommending Council to approve the structure move, subject to conditions stated therein.

Streets and Sanitation Committee, to whom was referred request (11-496) from Wisconsin Aluminum Foundry for conditional use permit pursuant to Section 15.370(27) to allow for the construction of an addition to WAF, returned same with report (11-537) of City Plan Commission recommending Council issue and grant to WAF a CUP pursuant to attached conditions.

Report (11-538) of City Plan Commission advising that compliance review of conditional use permit of Spencer's Total Auto Repair & Towing property at 734 N. 8<sup>th</sup> Street produced no negative findings.

Report (11-539) of City Plan Commission advising that compliance review of conditional use permit of Larry's Hauling property at 901 S. 17<sup>th</sup> Street produced no negative findings.

Report (11-541) of City Plan Commission advising that compliance review of conditional use permit of Candy Apple Tattoo property at 904 S. 8<sup>th</sup> Street produced no negative findings.

Report (11-540) of City Plan Commission advising that compliance review of conditional use permit of Eagles Club property at 823 Hamilton Street produced no negative findings.

Report (11-535) of City Plan Commission advising Council proceed with city-initiated vacation and Official Map proceeding to correct problems with private improvements existing in area east of N. 2<sup>nd</sup> Street, Block 6, Reed Lawn Subdivision.

Application (11-544) from Lakeshore Mini Storage for a change in zone from R-5 Low Density Multiple Family District to I-1 Light Industrial District for property located at 2424 Johnston Drive, as detailed therein.

Communication (11-547) from Manitowoc Elks Lodge to hold button drive on October 21 & 22, 2011 to benefit Police Department canine unit.

#### **PERSONNEL**

None.

#### **RESOLUTIONS**

Resolution (11- ) to recall four streets laborers and one mechanic at Department of Public Works effective August 22, 2011, was referred to Committee of the Whole.

Resolution (11- ) to allow Municipal Judge to hire a retired employee on an intermittent basis for Municipal Court Clerk's extended absences and establishing a rate of pay, was referred to Committee of the Whole.

Resolution (11- ) to revise position description and to fill the vacant position of Parks Worker II, was referred to Committee of the Whole.

Resolution (11- ) establishing a pay rate for the incoming Rahr-West Art Museum Director and returning the Interim Director to his former position, was referred to Committee of the Whole.

Resolution (11-513) to install two ornamental street lights adjacent to 724 Woodridge Drive, was referred to Public Utilities and Licensing Committee.

#### **COMMITTEE REPORTS**

None.

## ORDINANCES

Ordinance (11-515) to amend Section 10.390 of the Municipal Code prohibiting parking in designated areas on South 21<sup>st</sup> Street, was referred to Public Property and Safety Committee.

Ordinance (11-514) to amend Section 3.270 of the Municipal Code to reflect the repealing of the Better Literature and Entertainment Committee and creation of the Transit Commission, was referred to Public Utilities and Licensing 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)

### TEMPORARY OPERATOR'S LICENSE – 2011-12

11	Orv D. Langohr	14230 Pigeon Ave., Cleveland, WI
12	Elroy N. Jaeger	12719 Westview Rd., Cleveland, WI
13	Cynthia A. Holschbach	2706 Silver Creek Rd.
14	Larry L. Huhn	1481 L.S., Cleveland
15	Bonnie L. Kracht	10303 S. Union Rd., Newton
16	Doris A. Schnelle	14213 Pigeon River Rd., Cleveland
17	Peter A. Sixel	13722 Pioneer Rd., Newton
18	Brian Eis	3105 Shoto Rd., Two Rivers
19	Scott A. Schmidtman	110 E. Washington, Valders, WI 54245
20	Karl J. Baryenbruch	7004 Newton Rd., Newton, WI 53063
21	Scott Pankratz	7402 CHT J, Valders, WI 54245
22	Francis Holly	1922 Sharon Lane
23	Craig A. Rysticken	1405 Terrace Ct., Two Rivers, WI 54241
24	John Engstrom	4105 Clover St., Two Rivers, WI 54241
25	Paul Meissner	6334 Johnston Dr., Two Rivers, WI 54241
26	Robert F. Diener	5026 Wagon Wheel Rd.
27	Jeffrey P. Schmid	1819 CTY RD VV, Two Rivers, WI 54241
28	Douglas G. Gossen	10534 Francis Creek Rd., Two Rivers, WI 54241
29	Robert W. Voss	16025 Hwy 151, Valders, WI 54245
30	Michael Schwoerer	109 Grant St., Valders, WI 54245
31	Michael J. Jannette	9122B Glen Flora, Kiel, WI 53042
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38	Jessica A. Klein	2350 S. 23 <sup>rd</sup> St., \$1058
39	Sharlene Becker	1026A N. 18 <sup>th</sup> St.

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219	Ricky L. Vogt	3028 S. 15 <sup>th</sup> St.
220	Adrienne C. Spaulding	6494 County Rd. B, Two Rivers, WI 54241
221	Lee L. Engelbrecht	4928 Two Creeks Rd., Two Rivers, WI 54241
222	Mary Kiel	1011 Grand Ave.

### 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.

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

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.

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

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

Notice (09-705) of Event giving rise to claim from D. T. Kedinger 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.

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

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

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.

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 (11-038) with Shipbuilders Credit Union vs. Duggan et al.

Summons and Complaint (11-200) from Manitowoc Properties LLC of March 2, 2011, Case No. 11 SC 0333.

Summons and Complaint (11-276) between Zetley Real Estate Co., LLC and City of Manitowoc, Case No. 11 CV 296.

Notice of Claim and Claim (11-293) of May 2, 2011 from Bradley A. Jacobson, Claim File No. 11-1066.

Notice of Claim (11-361) of Joaquim Martinez, Claim File No. 11-1068.

Communication (11-380) from City Assessor Sarah Hoppe to refund personal property tax on parcel 000-917-803.

Summons and Complaint (11-412) in the matter of Manitowoc County Habitat for Humanity, Inc. v. Estate of Wendy Koepke et al.

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

Communication (11-193) from Peter Holm, RRMAF Committee, submitting plans for new Ron Rubick Municipal Athletic Field entrance and memorial.

Special Events Request (11-401) from D'Angelo Cowley to sell inflatable and light-up novelty items at this summer's Park and Recreational events.

**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 (11-104) from Sharon Strouf expressing concerns as to public safety in the City of Manitowoc.

Ordinance (11-497) to amend Section 10.490 of the Municipal Code extending two hour parking on N. 9<sup>th</sup> Street between Maritime Drive and the Manitowoc River, was referred to Public Property and Safety Committee.

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

Request (11-102) from Isaac Notz, 3205 S. 19th St. requesting electrical service to his property outside the city limits.

**PENDING APPLICATIONS**

**“CLASS B” INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE LICENSE**

62            El Caballo Loco-Crazy Horse, LLC    1802 Washington St.  
                  Arlene A. DeGuzman, Agent

**TEMPORARY OPERATOR'S LICENSE – 2011-12**

33            Steven E. Hutchison                    7213 Scheffler Rd., Newton, WI

**ONE YEAR OPERATOR'S LICENSE – 2011-12**

None

**TWO YEAR OPERATOR'S LICENSE – 2011-13**

223            Emilee Green                            2104A Division St.  
224            Maureen T. Shebesta                    1301 Hillcrest Dr.  
225            Debbie Nicholson                        1113 Division St.

**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.

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.

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.

Communication (11-192) from Director of Public Works and City Engineer Valerie Mellon regarding DOT Project on USH 151 (Calumet Avenue) - STH 42 to I-Tec Drive Reconstruction.

Request (11-203) from SMI on behalf of Popp Enterprises LLC (with Petition attached) for a vacation of a portion of an official map street reducing the right-of-way of So. 21st Street from Summit St. to Flambeau St.

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

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.

Application (11-446) from Hidden Hollow Condominiums LLC to amend the zoning ordinance district map from P-1 Conservancy District to R-4 Single and Two Family District for lots abutting Maple Leaf Court, as detailed therein.

Request (11-477) for waiver of snow removal assessment incurred while resident was hospitalized on parcel #220-012-250.

Ordinance (11-471) to amend the amended zone map of the City of Manitowoc for an area north of Mapleleaf Court and east of Indian Creek to be changed from "P-1" Conservancy District to "R-4" Single and Two Family District.

Special Events Request (11-483) from Aurora Medical Center to hold "Monster Dash" 5K run/walk on October 29, 2011, with route attached.

**PERSONNEL**  
**Previously Referred**

Resolution (11-319) to adjust job titles for Business Manager of Dept. of Public Works, Fleet Manager and Administrative Assistant to Director.

Aquatic Center Staff Manual (11-445) for 2011.