

## COMMON COUNCIL AGENDA

Monday, December 5, 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:** 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: Discussion and possible action regarding individual employees and their qualifications as to assignment of a position in the new organizational plan. NOTE: Following deliberation in closed session, the Common Council may take action on the above subject matter during open session.

### REPORTS OF OFFICERS:

Presentation of awards for Lakeshore Holiday Parade.

Mainly Manitowoc annual presentation.

**APPOINTMENT** by Mayor of Election Inspectors and Special Voting Deputies for a two year term from January 1, 2011 through December 31, 2012.

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 (11-804) of Crime Prevention Committee of 11/3/11; Industrial Development Corporation of 7/21/11; Maritime Metro Transit Commission of 11/30/11; Public Utilities Commission of 10/24/11; Safety, Traffic and Parking of 10/25/11.

Thank You (11-787) from The Salvation Army for donation from the Schuette, Wernecke, Wilda and Rank Christmas Fund.

Thank You (11-792) from the Society of St. Vincent De Paul for donation from the Schuette, Wernecke, Wilda and Rank Christmas Fund

Notice (11-789) from Wisconsin Department of Natural Resources that Federal Mogul Piston Ring, 2318 Waldo Blvd., has applied for air pollution construction permit, as detailed therein.

Communication (11-788) from Jenny Heinzen resigning from the Manitowoc Sustainability Committee.

## COMMITTEE OF THE WHOLE

Report (11-791) of Springsted relative to 2012 Budget Options and Strategic Initiatives along with State Tax Policy Implications for Manitowoc.

General City Claims (11-798) in the amount of \$1,403,219.42 enumerated on list thereof.

### FINANCE

Amended Summons and Complaint (11-790) of Wisconsin Housing and Economic Development Authority vs. Vang, et al, Case No. 11-CV-615.

County Clerk's apportionment (11-797) of state taxes in the amount of \$335,454.59 and county taxes and special charges in the amount of \$9,734,057.08.

Capital Improvement Plan (11-794) for 2011-2015.

### PARKS AND RECREATION

Special Events Request (11-799) from Wisconsin AFLCIO on behalf of workers at Manitowoc Crane to use soccer field area on corner of 35<sup>th</sup> and Dewey Street for rally on December 10, 2011, as detailed therein.

Special Events Request (11-795) from Manitowoc County Miracles Special Olympics to hold summer sports tournament on June 16, 2012, with practice dates attached, along with request for waiver of fees.

### PUBLIC PROPERTY AND SAFETY

Communication (11-793) from Zorica Dent, Z's Wisconsin Cheese Store, relative to parking on Jay Street.

Report (11-800) of Board of Public Works of November 30, 2011 relative to quotes for two (2) new full-size four-door automobiles (Police squads) for the Police Department.

### PUBLIC UTILITIES AND LICENSING

Memo (11-801) from Police Department recommending denial of application no. 13002 Taxicab Driver's license.

### LICENSE APPLICATIONS REFERRED

#### "CLASS B" INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE - 2011-12

46C	Rattfan Sports, LLC David E. Stuebs, Agent	214 N. 8 <sup>th</sup> St.
64	DJH Enterprises, LLC Dennis J. Harrigan, Agent	620 N. Water St.

#### 2012 PAWNBROKER, SECOND-HAND DEALER, FLEA MARKET ETC.

4	Leo P. Jadowski d/b/a L & B Resale & Pawn	1022 S. 10 <sup>th</sup> St.
5	Game Stop, Inc. Michael L. Nichols, Applicant	4140 Harbor Town Lane, Ste. 700
6	Richard W. Saari d/b/a The Junque Box	114 N. 8 <sup>th</sup> St.

#### ONE YEAR OPERATOR'S LICENSE - 2011-12

None.

#### TWO YEAR OPERATOR'S LICENSE - 2011-13

281	Megan M. Krizek	1702 Viebahn St.
282	Stehanie A. Troullier	632 N. 5 <sup>th</sup> St.
283	Cara B. Haberli	6710 Tagge Rd., Sturgeon Bay, WI 54235

284  
285

McKenzie M. Brennan  
Derek Muench

815 Manitou St.  
2723 S. 23<sup>rd</sup> St., #6

### **STREETS AND SANITATION**

Report (11-796) of Board of Public Works for 5<sup>th</sup> and final payment to H. Tod Culver, Inc. for 5<sup>th</sup> and final payment for 2010 Remove and Replace Existing Sidewalks, WS-10-3.

### **PERSONNEL**

None.

### **RESOLUTIONS**

Resolution (11-802) requesting Mayor present to Finance Committee the First 3-5 Year Financial Plan by the first regular Common Council meeting in May, commencing May, 2012, with updates yearly, was referred to Committee of the Whole.

Resolution (11-803) requesting Mayor present to Common Council annually a detailed Strategic Plan at first regular Council Meeting in May, commencing May 2012, with updates yearly, was referred to Committee of the Whole.

### **COMMITTEE REPORTS**

None.

### **ORDINANCES**

Ordinance (11- ) to amend sections of Chapter 11 of the Municipal Code regarding commercial garbage haulers, was referred to Public Utilities and Licensing Committee.

Ordinance (11- ) to amend various sections of Chapter 13 of the Municipal Code regarding solid waste recycling and disposal 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)

### **2012 PAWNBROKER, SECOND-HAND DEALER, FLEA MARKET ETC.**

4	Leo P. Jadowski d/b/a L & B Resale & Pawn	1022 S. 10 <sup>th</sup> St.
5	Game Stop, Inc. Michael L. Nichols, Applicant	4140 Harbor Town Lane, Ste. 700

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285	Derek Muench	2723 S. 23 <sup>rd</sup> St., #6

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

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

Resolution (11-556) to revise position description and to fill the vacant position of Parks Worker II.

#### **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 (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.

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.

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.

Notice of Claim and Claim (11-625) of David and Eliner Waege dated September 15, 2011, Claim File No. 11-1074.

General City Budget (11-713) of proposed 2011 levy for 2012, in the amount of \$13,116,398.00 including the Manitowoc Public Library, with \$917,945.00 in proposed tax incremental financing.

Notice of Claim (11-676) of October 4, 2011 from Virginia Podrabsky, Claim File No. 11-1075.

Notice of Claim (11-705) of October 14, 2011 from Donald Goeke, Jr., Claim File No. 11-1076.

Memo (11-722) from Asst. City Attorney Kathleen McDaniel with Notice of Entry of Order Confirming Sale and Order Confirming Sale in the matter of Shipbuilders Credit Union vs. Gary D. Duggan et al.

Claim (11-712) of October 17, 2011, from Donald Goeke, Jr., Claim File No. 11-1076-1.

Claim (11-724) of American Family Insurance in behalf of their insured, Naomi R. Bitter, Claim File No. 11-1077.

Notice of Claim and Claim (11-745) of November 2, 2011, from Martial H. Ledvina, Claim File No. 11-1078.

Notice of Claim and Claim (11-750) of November 6, 2011 from Greg J. Zabler, Claim File No. 11-1079.

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

Animal Acquisition and Disposition Policy (11-661) to responsibly manage the acquisition and disposition activities of the Lincoln Park Zoo.

Ordinance (11-671) amending section 3.560 of the Manitowoc Municipal Code describing duties of the Director of Parks and Recreation, (copy to Personnel Committee).

**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 (11-734) from Federal Mogul expressing safety concerns in the area of a crosswalk between their parking lot and facility.

Communication (11-768) from Dan and Pauline Burton expressing their concerns relative to parking on Shady Lane.

Request (11-771) from Bernard Starzewski to eliminate loading zone in front of 928 So. 12<sup>th</sup> Street along with two hour parking in the 900 block of So. 12<sup>th</sup> Street.

Communication (11-770) from Deputy City Engineer Greg Minikel relative to the installation of pedestrian crossing signs at both of the intersections on Western Avenue near Holy Family Hospital.

**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 Arlene A. DeGuzman, Agent	1802 Washington St.
46C	Rattfan Sports, LLC David E. Stuebs, Agent	214 N. 8 <sup>th</sup> St.
64	DJH Enterprises, LLC Dennis J. Harrigan, Agent	620 N. Water St.

**2012 PAWNBROKER, SECOND-HAND DEALER, FLEA MARKET ETC.**

6	Richard W. Saari	114 N. 8 <sup>th</sup> St.
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d/b/a The Junque Box

TEMPORARY OPERATOR'S LICENSE - 2011-12

None.

ONE YEAR OPERATOR'S LICENSE - 2011-12

None.

TWO YEAR OPERATOR'S LICENSE - 2011-13

282

Stephanie A. Troullier

632 N. 5<sup>th</sup> St.

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

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.

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.

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

Request (11-653) from TLC Homes for conditional use permit to operate a day service program serving disabled adults at 5151 Expo Drive.

Ordinance (11-690) to create Section 7.280(1)(4) of the Municipal Code regarding alley assessments, was referred to Streets and Sanitation Committee.

Lease (11-746) between Lease Finance Group and City of Manitowoc Evergreen Cemetery for credit card equipment.

Request (11-747) to amend 1986 Temporary Access Easement Agreement Over Unopened Street with Ann Wenzel on East Spruce Drive.

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

Report (11-783) of City Plan Commission relative to request for temporary access easement agreement over unopened street at 1919 E. Spruce Drive.

Sidewalk Privilege Agreement (11-720) with KB Brothers LLC for the purpose of placing a concrete retaining wall along S. 20th Street in the right-of-way located at 2000 Clark St.

**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.