

COMMON COUNCIL AGENDA

Monday, November 15, 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:

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 (10-628) of Community Development Authority of 10/13/10; Crime Prevention of 10/7/10; Harbor Commission of 9/30/10; Industrial Development Corporation of 7/1/10; Plan Commission of 10/20/10; Police and Fire Commission of 7/13/10; Wastewater Treatment Facility Board of 9/14/10.

Resignation (10-626) of Joyce Kleppe from Crime Prevention Committee.

COMMITTEE OF THE WHOLE

General City Claims (10-634) in the amount of \$1,691,150.45 enumerated on list thereof.

FINANCE

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.

Communication (10-609) from Lakeshore Technical College advising that the 2010 tax levy amount for the City of Manitowoc is \$2,877,438.00.

Communication (10-312) from Manitowoc Public School District advising that the 2010 tax levy amount for the City of Manitowoc is \$15,011,189.00.

PARKS AND RECREATION

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

PUBLIC PROPERTY AND SAFETY

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.

Amendment No. 4 (10-627) (revised) to Maritime Hotel and Convention Center Associates lease with Manitowoc Lodging Associates LLP.

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.

Indemnification Agreement (10-629) between City of Manitowoc Fire Department and Dr. William Bero for fire training at 1034 S. 21st Street.

PUBLIC UTILITIES AND LICENSING

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

Communication (10-618) from City Clerk Jennifer Hudon requesting permission to distribute identical checks from the Schuette, Wernecke, Wilda & Rank reserve fund in the amount of \$300.00 to five area agencies.

LICENSE APPLICATIONS REFERRED

TWO YEAR OPERATOR'S LICENSE 2010-12

317	Lisa K. Maigatter	1510 Menasha Ave.
318	Amy Tadych	10133 Old Hwy 151
319	Mary Schultz	P.O. Box 261, Tisch Mills, WI 54240
320	Branigan B. Brennan	815 Manitou St.
321	Edward J. Fitzgerald	1805 Waldo Blvd., Apt. A
322	Debra A. O'Connor	1135 N. 17th St.
323	Emily E. Stelzer	1112A Huron St.
324	Tamara L. Robertson	1202 Flambeau St.
325	Frank J. Kapitz	1404 S. 36th St.
326	Alyssa M. Gilbert	1620 Green St.
327	Chad Du Pont	1207 S. 11th St.

ONE YEAR OPERATOR'S LICENSE 2010-11

34	Mandi L. Wachowski	2923 38th St., Two Rivers, WI 54241
35	Sule Surges	824 York St., Apt. 5
36	Amy B. Cayemberg	1030 S. 21 st St.
37	Jamie L. Hood	2015 Jefferson St., Two Rivers, WI
38	Camila Moore	4229 Maplewood Rd., Two Rivers, WI
39	Daniel J. Diederichs	1931 Herman Rd.

STREETS AND SANITATION

Sidewalk Privilege Agreement (10-614) with Carl J. Kuehn for the purpose of placing improvements consisting of a paved concrete pad adjacent to existing driveway, in the right-of-way at 1718 Nagle Avenue.

Report (10-616) of the Board of Public Works of November 10, 2010, recommending 1st (97.31%) payment to Northern Metal & Roofing Company, Inc. in the amount of \$40,383.50 for City Facilities Lighting Upgrade - EECBG.

Sidewalk Privilege Agreement (10-621) with Steven R. Alpert d/b/a Manitowoc City Center Development LLC for the placement of a sandwich board style sign at the corner of So. 8th and Franklin St., as detailed therein.

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

Special Events Request (10-623) from Brennan Seehafer Productions to close east lane of So. 8th Street in front of Capitol Civic Centre on Wednesday, June 22, 2011, from 8:00 a.m. to 7:00 p.m. for red carpet, as detailed therein.

Report (10-631) of City Plan Commission relative to City-wide rezoning of lands annexed into city after March 14, 2000 which received temporary zoning designation.

City Plan Commission to whom was referred application (10-589) for amendment to zoning ordinance district map from Lake Breeze Salon, 1201 S. 13th St., for change in zone from R-7 Central Residence to B-2 Neighborhood Business District, returned same with report (10-630) recommending that Clerk be instructed to call for a public hearing on this matter and approval of ordinance upon completion.

Non-Exclusive License (10-633) for animal trapping at stormwater ponds with Dan Cichantek.

PERSONNEL

None.

RESOLUTIONS

Resolution (10-) to use Wastewater Treatment Facility reserve funds to balance the 2011 City budget, was referred to Finance Committee.

Resolution (10-619) that if three or more candidates file nomination papers for a city office, there shall be a primary election on February 15, 2011, for the nomination of candidates for City offices at the April 5, 2011, Spring election, was referred to Public Utilities & Licensing Committee.

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

COMMITTEE REPORTS

None.

ORDINANCES

Ordinance (10-610) to create Section 8.15(1) of the Municipal Code creating a Park Donation Fund, was referred to Parks and Recreation Committee.

Ordinance (10-617) to create and repeal various sections in Chapter 10 of the Municipal Code related to parking and speed limits, was referred to Public Property and Safety Committee.

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., 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)

ONE YEAR OPERATOR'S LICENSE 2010-11

34 Mandi L. Wachowski 2923 38th St., Two Rivers, WI 54241
35 Sule Surges 824 York St., Apt. 5

TWO YEAR OPERATOR'S LICENSE 2010-12

317 Lisa K. Maigatter 1510 Menasha Ave.
318 Amy Tadych 10133 Old Hwy 151
319 Mary Schultz P.O. Box 261, Tisch Mills, WI 54240
320 Branigan B. Brennan 815 Manitou St.
321 Edward J. Fitzgerald 1805 Waldo Blvd., Apt. A
322 Debra A. O'Connor 1135 N. 17th St.
323 Emily E. Stelzer 1112A Huron St.
324 Tamara L. Robertson 1202 Flambeau St.
325 Frank J. Kapitz 1404 S. 36th 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. 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.

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.

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

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.

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.

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.

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.

Amendment No. 4 (10-545) to Maritime Hotel and Convention Center Associates lease with Manitowoc Lodging Associates LLP (for reconsideration).

PUBLIC UTILITIES & LICENSING
Previously Referred

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.

PENDING APPLICATIONS

ONE YEAR OPERATOR’S LICENSE 2010-12

36	Amy B. Cayemberg	1030 S. 21 st St.
37	Jamie L. Hood	2015 Jefferson St., Two Rivers, WI
38	Camila Moore	4229 Maplewood Rd., Two Rivers, WI
39	Daniel J. Diederichs	1931 Herman Rd.

TWO YEAR OPERATOR’S LICENSE 2010-13

326	Alyssa M. Gilbert	1620 Green St.
327	Chad Du Pont	1207 S. 11th 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.

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.

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.