

## COMMON COUNCIL AGENDA

Monday, August 3, 2009

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:**

EDC Report by Ken Stubbe, Exec. Dir., Economic Development Corp.

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 (09-451) of Cemetery Commission of 4/16/09, 5/14/09; Crime Prevention Committee of 5/7/09; Great Lakes Utilities Board of Directors of 6/9/09, 6/17/09, 6/19/09, 7/9/09; Safety, Traffic and Parking Commission of 2/26/08, 3/25/08, 4/29/08, 5/27/08, 6/24/08, 10/28/08, 11/25/08, 1/27/09, 3/31/09 and 6/30/09.

Notice (09-447) before the Dept. of Natural Resources Air Management Program regarding the air pollution permit for Busch Agricultural Resources, Inc., 605 Washington St.

### **COMMITTEE OF THE WHOLE**

General City Claims (09- ) in the amount of \$ enumerated on list thereof.

### **FINANCE**

Comprehensive Annual Financial Report (09-443) including Auditors' Reports for the City of Manitowoc for the year ended December 31, 2008, along with the Management Letter, prepared by Schenck & Associates.

### **PARKS AND RECREATION**

Special events request (09-448) to hold the 2010 Garden Fair in Washington Park on June 12, 2010 from 10:00 a.m. to 3:30 p.m.

### **PUBLIC PROPERTY AND SAFETY**

Request (09-444) from Municipal Judge Steven R. Olson to approve a resolution raising the deposit for Operating After Revocation to a forfeiture of \$225 plus costs.

Communication (09-445) from Michael & Toni Duvall requesting a "silent crossing ordinance" relative to the noise level of trains passing through the City in the early morning hours.

Ambulance Service Agreement (09-455) with Metz Martial Arts Academy for August 8, 2009 event.

**PUBLIC UTILITIES AND LICENSING**

Special Events Request (09-453) from Shooter Malone's, 901 Buffalo St. to close Buffalo St. between N. 9<sup>th</sup> and N. 10<sup>th</sup> Streets, extend their licensed premise to serve alcohol outside from 10:00 a.m. until 10:00 p.m. and have live music outside from 6:00 p.m. to 10:00 p.m. on September 19, 2009. (copy to Streets & Sanitation).

**LICENSE APPLICATIONS**

**CLASS "A" RETAIL FERMENTED MALT BEVERAGE LICENSE 2009-10**

**(Change of Agent)**

4	Kwik Trip #611 Donald J. Ziegler, Agent	2102 Washington St.
3	Kwik Trip #491 Jeanette R. Austin, Agent	2103 S. 42 <sup>nd</sup> St.

**TEMPORARY OPERATOR'S LICENSE - 2009-10**

5	Donna Petska	6275 Homestead Ln., Two Rivers, WI
6	Thomas Rysticken	3215 Bellevue Pl., Two Rivers, WI
7	Paul Meissner	6334 Johnston Dr., Two Rivers, WI
8	Robert Diener	5026 Wagon Wheel Rd.
9	Jeffrey Schmid	1819 Cty. Rd. VV, Two Rivers, WI 54241
10	Craig Rysticken	1405 Terrace Ct., Two Rivers, WI
11	Francis Holly	1922 Sharon Ln.
12	Cary Nate	16119 Taus Rd., Cato, WI
13	Sharon Nate	16119 Taus Rd., Cato, WI
14	Tabitha Nate	16119 Taus Rd., Cato, WI
15	Jacob Nate	16119 Taus Rd., Cato, WI
16	Travis Nate	16119 Taus Rd., Cato, WI
17	Christopher Sieracki	10817 Hwy. 42, Newton, WI
18	Bryan Baryenbruch	7004 Newton Rd., Newton, WI
19	Kelly Christiansen	8520 Gass Lake Rd., Newton, WI
20	Elroy Jaeger	12719 Westview Rd., Cleveland, WI
21	Cynthia Holschbach	2706 Silver Creek Rd.
22	Carol Christiansen	8520 Gass Lake Rd., Newton, WI
23	Thomas Nonnemacher	1609 Viebahn St.
24	Steven Hutchison	7213 Scheffler Rd., Newton, WI
25	Lisa Baryenbruch	7004 Newton Rd., Newton, WI
26	Mary Jo Eis	3105 Shoto Rd., Two Rivers, WI
27	Bill Eis	3105 Shoto Rd., Two Rivers, WI
28	Tina Jaeger	14610 Hwy. 42, Newton, WI
29	Larry Huhn	1481 Lake Shore Dr.
30	Bonnie Kracht	11228 S. Union Rd., Newton, WI
31	Doris Schnelle	14213 Pigeon River Rd., Cleveland, WI
32	Peter Sixel	13722 Pioneer Rd., Newton, WI

**ONE YEAR OPERATOR'S LICENSE 2009-10**

27	Mathew Mauhar	924 Washington St.
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28	Lindsey Jacquart	4006 Ellis St.
29	Tammy Hatton	3711 Mangin St.
30	Oscar Rodriguez	PO Box 221
31	Katelyn Birringer	3027 Orchard Ln.
32	Chantel Czerp	1301 S. 31 <sup>st</sup> St.
33	Carolyn Leclair	401 S. State St., Mishicot, WI

**TWO YEAR OPERATOR'S LICENSE 2009-11**

227	John Orr	1241 N. 9 <sup>th</sup> St.
228	Jeanette Deschene	204 N. 8 <sup>th</sup> #802
229	Becky Novak	2414 Herman Rd.
230	Valentine Schindler	770 E. Albert Dr. #11
231	Nicole Beacham	1220 N. Water St.
232	Sarah Schmidt	19412 US Hwy 151, Valders, WI
233	Debbie Nicholson	1113 Division St.
234	Mary Kiel	1011 Grand Ave.
235	Randall Larzelere	2702 S. 23 <sup>rd</sup> St. #5
236	Dawn Wetzel	W1373 Hwy HH #27, New Holstein, WI
237	Kelly Sharlein	524 Washington St.
238	Joseph Hafemann	3722 Superior Ave. #B11
239	Sarah Barbarossa	5824 CTH R
240	Danielle Olivera	1117A Hamilton St.
241	Melissa Reindl	2846 45 <sup>th</sup> St., Two Rivers, WI
242	Manuel Renteria	430 E. Reed Ave., #2
243	Vicki Schiesl	910 E. Cedar Ave. #802
244	Becki Meidl	12775 San Rd., Whitelaw, WI
245	Roy Williams	3817 Cty. Rd. V
246	Ann Keil	3929 Springhill Dr.

**STREETS AND SANITATION**

Report (09-440) of the Board of Public Works of July 29, 2009, recommending 1st and final payment to Brickline, Inc. in the amount of \$36,388.48 for 2009 Epoxy Pavement Marking Program, WS-09-9.

Report (09-441) of the Board of Public Works of July 29, 2009, recommending 1st and final payment to Struck & Irwin Paving, Inc. in the amount of \$48,085.89 for 2009 Slurry Sealing Various Streets, WS-09-6.

Report (09-442) of the Board of Public Works of July 29, 2009, recommending 1st and final payment to SMI in the amount of \$6,680.00 for Evergreen Cemetery Open Air Chapel Design.

Amendment No. 1 (09-446) with MSA relative to design of So. 41<sup>st</sup> and Custer St. Stormwater Detention Pond.

Temporary Access Easement (09-449) with Merwynn Trade Group on the unimproved right-of-way at 3813 Dewey St. to pave with bituminous the access across So. 39<sup>th</sup> St. to Dewey St.

Application (09-450) from Anthony M. Hoffman, Sr. for a change in zone from C-1 Commercial District to I-1 Light Industrial District for property located at 2410 N. Rapids Rd., as detailed therein.

Agreement (09-452) to terminate Ayers sidewalk privilege agreement at 770 N. 18<sup>th</sup> St.

Report (09-454) of the Board of Public Works recommending not to rescind snow removal bill for property owned by The Manitowoc Company on Quay St.

Agreement (09-456) for Professional Services with McMahon for native vegetative landscape design and construction at So. 30<sup>th</sup> St. Storm Water Pond.

**PERSONNEL**

None.

**RESOLUTIONS**

Resolution (09- ) implementing fees for vehicle clean up spills, was referred to Public Property & Safety Committee.

**COMMITTEE REPORTS**

Streets & Sanitation Committee returned communication (09-284) from Jeff Leifer and Greg Wolff to hold a Freedom Walk on July 4, 2009, in support of "open carry" in the state of Wisconsin, recommending placing on file.

Streets & Sanitation Committee returned communication (09-351) from Patricia Roth, on behalf of Manitowoc City Center Association, requesting permission for use of sidewalks and various City equipment for Krazy Daze on Saturday, July 11, 2009, as well as the closing of Franklin St. between 7th and 8th and the use of Burger Park, recommending granting request subject to City policy.

Streets & Sanitation Committee returned petition (09-315) from vendors of the 2009 Manitowoc Farmers' Market opposing the closing of Quay Street on Saturday, June 27, 2009, recommending placing on file.

Streets & Sanitation Committee returned special events request (09-307) from Jeff Leifer to hold a Freedom Walk on July 4, 2009, from 9:00 a.m. to 11:00 a.m. with route detailed therein, recommending placing on file.

**ORDINANCES**

None.

**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)

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**(Change of Agent)**

- |   |   |                              |
|---|---|------------------------------|
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| 3 | Kwik Trip #491<br>Jeanette R. Austin, Agent | 2103 S. 42 <sup>nd</sup> St. |

**"CLASS B" INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE - 2008-09**

**(Change of Agent)**

- |    |   |                  |
|----|---|------------------|
| 49 | Manitowoc Lodging Associates LLP<br>Mike Shriver, Agent | 101 Maritime Dr. |
|----|---|------------------|

**TEMPORARY OPERATOR'S LICENSE - 2009-10**

- |    |                  |  |
|----|------------------|--|
| 5  | Donna Petska     | 6275 Homestead Ln., Two Rivers, WI     |
| 6  | Thomas Rysticken | 3215 Bellevue Pl., Two Rivers, WI      |
| 7  | Paul Meissner    | 6334 Johnston Dr., Two Rivers, WI      |
| 8  | Robert Diener    | 5026 Wagon Wheel Rd.                   |
| 9  | Jeffrey Schmid   | 1819 Cty. Rd. VV, Two Rivers, WI 54241 |
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239	Sarah Barbarossa	5824 CTH R
240	Danielle Olivera	1117A Hamilton St.
241	Melissa Reindl	2846 45 <sup>th</sup> St., Two Rivers, WI
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243	Vicki Schiesl	910 E. Cedar Ave. #802
244	Becki Meidl	12775 San Rd., Whitelaw, WI
245	Roy Williams	3817 Cty. Rd. V.
246	Ann Keil	3929 Springhill Dr.

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

Communication (08-461) from Manitowoc Cranes, Inc. relative to traffic flow on So.30th Street between Dewey and Viebahn Streets.

Resolution (08-531) regarding Performance Evaluation Review Committee review of 2007 performance of non-represented personnel and recommendations regarding merit adjustments retroactive to 2008.

Amended Summons and Complaint (09-014) of Wells Fargo Bank, N.A. v. Schroeder, City of Manitowoc and Capital One Bank, Case No. 08-CV-662.

Appeal (09-061) from August D. Krieser relative to accessibility issues that exist at the Rahr-West Art Museum.

Notice of Claim (09-236) received April 16, 2009, from Gimbel, Reilly, Guerin & Brown representing Brian Swetlik.

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.

Amended Summons & Complaint (09-300) from PHH Mortgage Corporation vs. Gosz & City of Manitowoc, Case No. 09-CV-0197.

Communication (09-330) from Dana Bongle requesting a reduction in ambulance invoice 281149 for 4/20/08 services for his wife and daughter.

Request (09-347) from Lee Troullier to purchase parcels 448-002-000 and 448-019-000 from the City in the Manitowoc Industrial Park.

Communication (09-312) from Harvey Krish requesting a reduced assessment for resurfacing of street in front of 1816 Nagle Avenue.

Communication (09-411) from Marie Hawkins relative to changing the curfew hours.

Communication (09-436) of Christopher Sanchez, 1210 Hamilton Street, expressing concerns for erratic driving and need for more stop signs near his home.

Communication (09-438) from Chief Manis recommending implementing fees for vehicle clean up spills.

Communication (09-421) of Wayne R. Popp, WRP Properties, LLC requesting a temporary access easement over an unimproved right of way on S. 21<sup>st</sup> Street.

Communication (09-433) of S. M. I., as representatives of the Doneff Company, owners of Custer Village Apartments, requesting revisions to easements to facilitate construction of new apartment buildings and garages.

Resolution (09-418) regarding withdrawal from post-employment health plan for Manitowoc Professional Police Association Local No. 20, was referred to Personnel Committee

Ordinance (09-419) amending Section 16.35(b) Fences and Hedges, was referred to Public Property and Safety.

Ordinance (09-422) creating Sections 10.061(26m)(c) and Section 10-065 of the Municipal Code relative to a stop sign in the alley between Park Row Boulevard and North 21<sup>st</sup> Street was referred to Public Property and Safety.

Amended Summons and Complaint (09-105) between MTGLQ Investors and Radke et al.

Summons and Complaint (08-428) from Holy Family Memorial, Inc. vs. City of Manitowoc, Case No. '08 CV 448.

Notice of Claim and Claim (09-340) of GAB Robins on behalf of International Paper Co., as successor to Weyerhaeuser Co. relative to a slip and fall by Patricia Hall, Claim No. 09-1023.

Notice of Claim and Claim (09-345) of Jerome Zipperer dated May 30, 2009, Claim File No. 09-1022.

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 (09-391) of BAC Home Loans Servicing, LP vs. Hammersley, et al, Case No. 09 CV 243.

Amended Summons & Complaint (09-392) of Wells Fargo Bank vs. Brooks, et al, Case No. 09 CV 0190.

## **PENDING APPLICATIONS**

### **TEMPORARY OPERATOR'S LICENSE 2009-10**

17 Christopher Sieracki

10817 Hwy. 42, Newton, WI

18	Bryan Baryenbruch	7004 Newton Rd., Newton, WI
19	Kelly Christiansen	8520 Gass Lake Rd., Newton, WI
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**TWO YEAR OPERATOR'S LICENSE 2009-11**

231	Nicole Beacham	1220 N. Water St.
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**ONE YEAR OPERATOR'S LICENSE 2009-10**

30	Oscar Rodriguez	1112 Washington St. #4
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