

**COMMON COUNCIL AGENDA**

**Monday, July 19, 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:**

Proclamation reaffirming our commitment to work toward full ADA compliance in the City of Manitowoc.

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 (10-384) before the Dept. of Natural Resources Northeast Region Air Program regarding the air pollution permit for Federal Mogul Piston Ring, Inc., 2318 Waldo Blvd.

Minutes (10-385) of Rahr-West Art Museum Board of 6/12/10.

Communication (10-419) from Georgia Lusk resigning from the Sustainable Manitowoc Committee effective April 26, 2010.

Minutes (10-422) of Rahr-West Art Museum Board of 7/14/10.

**COMMITTEE OF THE WHOLE**

General City Claims (10- ) in the amount of \$ enumerated on list thereof.

Communication (10-424) from Bay Lakes Regional Planning submitting the Manitowoc County, Wisconsin 2008 All Hazards Mitigation Plan.

**FINANCE**

Notice of Claim (10-383) of Deborah S. Kerr of July 8, 2010, Claim File No. 10-1047.

Notice of Claim (10-389) of A T & T of June 7, 2010, Claim File No. 10-048.

Report (10-414) of Plan Commission relative to City of Manitowoc; public hearing pursuant to s. 66.1105(4) and (4)(a) Wis. Stats. regarding Boundary and Text Amendment No. One (1) to TIF

District No. 16, and Boundary Amendment No. One (1) to TIF Districts No. 7, 9 and 10.

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.

Communication (10-423) from Manitowoc County Treasurer relative to notice of tax foreclosure action In Rem 2010.

**PARKS AND RECREATION**

Special Events Request (10-404) from Dale Plansky requesting to sell Kettle Korn & lemonade at the Lincoln Park Zoo on August 14, 2010.

Special Events Request (10-403) from Manitowoc Professional Police Association to hold the 8<sup>th</sup> Annual MPPA Police Chase 4 Mile Run/Walk on October 9, 2010. (Copy to Streets and Sanitation Committee)

**PUBLIC PROPERTY AND SAFETY**

Communication (10-391) from Kevin Neelis, Heritage Real Estate offering properties for possible sale to the City of Manitowoc.

**PUBLIC UTILITIES AND LICENSING**

Communication (10-392) from Phoolfoz Properties LLC, Allan Erickson, Agent requesting a change to the description of their premise at 807 Quay St. to permanently add an outside seating area.

Communication (10-396) from Kwik Trip, Inc. advising of a change of agent to Paula Wilson for Kwik Trip #636 located at 2819 Meadow Lane effectively immediately.

Communication (10-397) from Van's Liquor & Beer Drive-In, Inc., Richard Krueger, Agent surrendering the "Combination Class A" Retail Intoxicating Liquor & Fermented Malt Beverage License for the premises at 3920 Calumet Ave. in favor of a "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage License effective on/after 9/1/2010.

Special Events request (10-402) of Shoto Conservation Club requesting extension of noise ordinance until 11:30 p.m. and extension of the beer sales until midnight on Friday, August 27<sup>th</sup> and Saturday, August 28<sup>th</sup>, 2010 and extension of the noise ordinance until 11:00 p.m. and extend beer sales until 11:30 p.m. on August 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup>, and 29<sup>th</sup>, 2010. (Copy to Public Property & Safety).

Agreement (10-405) between AECOM Technical Services Inc. and the City of Manitowoc consulting services and authorization to proceed for the City Center Dockwall located at the 16<sup>th</sup> Street peninsula property,

**LICENSE APPLICATIONS REFERRED**

**"CLASS B" INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE - 2010-11**

65 Van's Liquor & Beer Drive In, Inc. 3920 Calumet Ave.  
Richard Krueger, Agent

**CLASS "B" TEMPORARY BEER & TEMPORARY WINE LICENSE**

**TEMPORARY OPERATOR'S LICENSE 2010**

1 Richard J. Orth 1608 Columbus Street

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

15 Samantha Schurrer 1135 S. 13th St., Apt. A.

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

244	Allen J. Karl	1802 Kellner St.
245	Joanne H. Brauer	1221 Summit St.
246	Matthew D. Mohelnitzky	922 MacArthur Dr.
247	Jacob Lueptow	2015 Clark St., Apt. A
248	George M. Kapitz	1503 S. 35th St.
249	Barbara Bundy-Jost	5519 Point Creed Rd., Cleveland, WI 53015
250	Kylie A. Beaver	1150 S. 39th St.
251	Justehn Hetue	4531 CTH Q
252	Samantha Faber	103 S. 4th Ave., P.O. Box 3 St. Nazianz, WI 54232
253	Monika N. Nowak	4307 Conroe St.
254	Tricia Ronkowski	1033 S. 25th St.
255	Stephanie A. Kulpa	2324 Mirro Dr.

**STREETS AND SANITATION**

Report (10-386) of the Board of Public Works recommending the special assessments for 2009 street improvements for concrete paving, concrete paving reconstruction, asphaltic concrete resurfacing storm sewers, as detailed therein.

Communication (10-390) of Wisconsin Department of Administration indicating that the proposed Olson annexation has been found to be in the public interest.

Quit Claim Deed (10-387) from Kenneth J. Noskowiak, Roger J. Noskowiak, Kathy A. Schrank, Karen M. Knapp and Lois J. Brandl to the City of Manitowoc for S. 19<sup>th</sup> Street purposes.

Quit Claim Deed (10-388) from Kenneth J. Noskowiak and Christine Noskowiak to the City of Manitowoc for S. 15<sup>th</sup> Street purposes.

Report (10-386) of the Board of Public Works of June 16, 2010 & July 14, 2010 on 2009 Special Assessments.

Report (10-394) of the Board of Public Works of July 14, 2010 recommending 1<sup>st</sup> and final payment to F. Radandt Sons Inc. in the amount of \$33,000.00 for concrete crushing.

Report (10-395) of the Board of Public Works of July 14, 2010 recommending 4<sup>th</sup> and final payment to Fred Radandt Sons Inc. in the amount of \$22,968.32 for the South 30<sup>th</sup> Street Detention Pond.

Progress Invoice (10-393) of the Wisconsin Dept. of Transportation requesting payment on the North 21<sup>st</sup> Street Bridge Project State Project Number 4991-02-71 in the amount of \$165,439.23.

Public Works Petition (10-398) from Donald V. Olson and Audrey Olson for permanent paving, sidewalks, storm, sanitary sewers and other public utilities to be installed on property abutting W. Custer Street, as described therein, and shown on the attached map (Parcel No. 010-026-011-007.00).

Public Works Petition (10-399) from Donald V. Olson and Audrey Olson for permanent paving, sidewalks, storm, sanitary sewers and other public utilities to be installed on property abutting Edgewood Lane, as described therein, and shown on the attached map (Parcel No. 010-026-011-007.00).

Quit Claim Deed (10-400) from David V. Olson and Audrey Olson to the City of Manitowoc for

street purposes, as shown on the attached map, (Parcel No. 010-026-011-007.00).

Communication (10-401) from S M I as representatives of Holy Family Memorial Medical Center for an amendment to their conditional use permit to expand an existing parking lot in a R-3 zone, located west of the Western Avenue site with Liberty Place, Riverview Drive, and Meadow Lane being the north, east, and south boundaries.

Report (10-407) of Plan Commission relative to SMI. Inc./Manitowoc Tool and Machining LLC; Release of Easement in Manitowoc Industrial Park.

Report (10-408) of Plan Commission relative to Manitowoc Public School District structure moving application under Section 15.37(3).

Report (10-409) of Plan Commission relative to American Home & Garden; proposed animated sign at 2950 Menasha Avenue pursuant to Section 15.45(18) of the Manitowoc Municipal Code.

Report (10-410) of Plan Commission relative to Domestic Violence Center; request for a conditional use permit under Section 15.23(3)2. for property at 300 E. Reed Avenue.

Report (10-411) of Plan Commission relative to Olson; petition for direct annexation pursuant to s. 66.0217(2) Wis. Stats. for property on West Custer - Interstate #15.

**PERSONNEL**

Labor Agreement (10-420) Between City of Manitowoc and City of Manitowoc Employees, Local 731 for 2010.

Seasonal Employee Policy Manual (10-406).

**RESOLUTIONS**

Resolution (10-415) to approve a Boundary and Text Amendment Number One (1) to Tax Incremental Financing (TIF) District No. 16 Project Plan was referred to Finance Committee.

Resolution (10-416) to approve a Boundary Amendment Number One (1) to Tax Incremental Financing (TIF) District No. 7 Project Plan was referred to Finance Committee.

Resolution (10-417) to approve a Boundary Amendment Number One (1) to Tax Incremental Financing (TIF) District No. 9 Project Plan was referred to Finance Committee.

Resolution (10-418) to approve a Boundary Amendment Number One (1) to Tax Incremental Financing (TIF) District Number 10 Project Plan was referred to Finance Committee.

Resolution (10-412) creating Ward Number 41, population two, for the Interstate #15 Annexation Area and providing the boundary description therein, was referred to Streets and Sanitation Committee.

**COMMITTEE REPORTS**

None.

**ORDINANCES**

Ordinance (10- ) to amend Section 10.105(3) of the Municipal Code of the City of Manitowoc revising the hours of the street sweeping ban was referred to Streets and Sanitation.

Ordinance (10-413) to annex a certain territory from the Town of Manitowoc Rapids to the City of Manitowoc as part of the 9<sup>th</sup> Aldermanic District and the 17<sup>th</sup>, 18<sup>th</sup>, 22<sup>nd</sup>, 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup>, 28<sup>th</sup>, 29<sup>th</sup>, 30<sup>th</sup>, 32<sup>nd</sup>, 36<sup>th</sup>, 38<sup>th</sup>, 39<sup>th</sup>, and 41<sup>st</sup> Wards of the City 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” INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE - 2010-11**

64 Popp's Riverwalk Citgo, Inc. 50 Maritime Drive West  
Randall W. Popp, Agent

**CLASS "B" TEMPORARY BEER & TEMPORARY WINE LICENSE**

**TEMPORARY OPERATOR'S LICENSE 2010**

1 Richard J. Orth 1608 Columbus Street

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

15 Samantha Schurrer 1135 S. 13th St., Apt. A.

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

235 Marcy Ciha 915 Summit St.  
236 Rachel A. Monka 4930 Benley Ct., Apt. 6  
237 Samantha T. Hood 204 N. 8th St., Apt. 804  
238 Bradley J. Rusboldt 2237 Russell Lane  
241 Stephanie Horkman 1118 S. 14th St.  
244 Allen J. Karl 1802 Kellner St.  
245 Joanne H. Brauer 1221 Summit St.  
246 Matthew D. Mohelnitzky 922 MacArthur Dr.  
247 Jacob Lueptow 2015 Clark St., Apt. A  
248 George M. Kapitz 1503 S. 35th St.  
249 Barbara Bundy-Jost 5519 Point Creed Rd., Cleveland, WI 53015  
250 Kylie A. Beaver 1150 S. 39th St.  
251 Justehn Hetue 4531 CTH Q  
252 Samantha Faber 103 S. 4th Ave., P.O. Box 3  
St. Nazianz, WI 54232

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

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

Petition (10-348) for direct annexation from Donald and Audrey Olson, 5141 Edgewood Lane, for annexation of a 1.002 acre parcel of land abutting Edgewood Lane and W. Custer Street, as described therein and shown on the attached map.

Resolution (10-322) authorizing Mayor Nickels as the City's officer in charge at the City picnic on July 4, 2009, to be held at Washington Park, was referred to Committee of the Whole.

**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. Kedingler 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.

Notice of Claim and Claim (10-097) from Maritime Plumbing of February 23, 2010, Case No. 10-1039.

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.

Notice of Claim (10-203) and Claim from Justin P. Massart, Claim File No. 10-1042.

Notice of Claim (10-269) and Claim of May 18, 2010, from Norman H. Reichard, Claim File No. 10-1043.

Report (10-289) of City Clerk Jennifer Hudon, Secretary, Board of Review relative to palpable error discovered for parcel 824-301-010 located on Michigan Avenue, recommending refund of \$12,968.61 for years 2007-08-09.

Summons & Complaint (10-311) of June 4, 2010, Investors Community Bank v. Schuette Building LLC, Case No. 10 CV 465.

Notice of Claim and Claim (10-312) of John Peak of June 3, 2010, Claim File No. 10-1044.

Notice of Claim (10-316) of Tracy Weiler of June 11, 2010, Claim File No. 10-1045.

Notice of Claim and Claim (10-317) of Jeannette Junk of June 11, 2010, Claim File No. 10-1046.

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

None

**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.

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

**PENDING APPLICATIONS**

**"CLASS B" INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE - 2010-11**

- |    |  |                             |
|----|--|-----------------------------|
| 60 | Legend Larry's LLC<br>Larry Schaefer, Agent                  | 921 S. 10 <sup>th</sup> St. |
| 65 | Van's Liquor & Beer Drive In, Inc.<br>Richard Krueger, Agent | 3920 Calumet Ave.           |

Communication (10-397) from Van's Liquor & Beer Drive-In, Inc., Richard Krueger, Agent surrendering the "Combination Class A" Retail Intoxicating Liquor & Fermented Malt Beverage License for the premises at 3920 Calumet Ave. in favor of a "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage License effective on/after 9/1/2010.

**"CLASS B" FERMENTED MALT BEVERAGE - 2009-10**

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

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

- |     |                    |                  |
|-----|--------------------|------------------|
| 253 | Monika N. Nowak    | 4307 Conroe St.  |
| 254 | Tricia Ronkowski   | 1033 S. 25th St. |
| 255 | Stephanie A. Kulpa | 2324 Mirro Dr.   |

**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.

Application (10-162) from Paul Reiser, for a change in zone from B-3 General Business District to C-1 Commercial District for property located at 2410 Marshall Street.

City Plan Commission, to whom was referred application (10-162) for a change in zone from B-3 General Business District to C-1 Commercial District for property located at 2410 Marshall Street,

Sidewalk Privilege Agreement (10-176) with NST Manitowoc Acquis LLC for the purpose of moving, installing and maintaining five signs to be placed in City right-of-way located at 1440 N. 24th St.

Request (10-208) from SMI, as representatives of Popp Enterprises, owners of Popp Subdivision No. 3, for approval of a preliminary plat and other pertinent data to the applicable agencies, for property located on So. 21st St. between Summit St. and Flambeau St.

Communication (10-326) from Manitowoc Public School District to move a 24' x 30' garage from 721 Green St. to the north parking lot of Lincoln High School (1433 S. 8th St.).

Release (10-352) of Easement to MTM Real Estate, LLC of a 10' wide drainage easement across property located west of South 41st Street between Clipper Dr. and Expo Dr.

Request (10-363) from Manitowoc County Domestic Violence Center requesting a conditional use permit for property located at 300 E. Reed Ave.

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.

Petition (10-348) for Direct Annexation from the Town of Manitowoc Rapids to the City of Manitowoc by Donald V. Olson and Audrey Olson for property located on Edgewood Lane.

**PERSONNEL**  
**Previously Referred**

None.