

COMMON COUNCIL AGENDA

Monday, September 20, 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:

Presentation by Jamie Zastrow, Executive Director, Mainly Manitowoc, relative to update on 2010 activities.

Presentation by Citizens Physical & Sensory Disability Commission to Copps Food Center.

ELECTION by Common Council of Manitowoc Public Utilities' Commissioner for a term of five (5) years, pursuant to Municipal Code, as the following term will expire: David P. Luckow, term expires September 30, 2010.

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 (10-531) before the Dept. of Natural Resources Air Management Program regarding the air pollution permit for Manitowoc Public Utilities, 701 Columbus Street.

Notice (10-532) before the Dept. of Natural Resources Air Management Program regarding the air pollution permit for Burger Boat Company, 1811 Spring Street.

Minutes (10-528) of Citizens Advisory Committee of 9/7/10; Plan Commission of 8/11/10; Manitowoc Public Utilities Commission of 8/9/10; Rahr-West Art Museum Board of 8/18/10; Wastewater Treatment Facility of 8/10/10.

COMMITTEE OF THE WHOLE

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

FINANCE

Notice of Claim and Claim (10-521) of September 13, 2010, from Larry Dehne, Claim File No. 10-1055.

Report (10-525) of City Planner David Less related to developer-funded TIF at Dewey and CTH "CR".

Memorandum (10-527) from City Assessor Sarah Hoppe relative to personal property palpable errors on parcel nos. 000-1120037 and 000-917-583 and to rescind the 2009 tax bills.

Report (10-533) of City Planner David Less relative to Orion Energy Systems, Ltd. and Great Lakes Energy Technologies, LLC request for consent to collateral subordination.

PARKS AND RECREATION

Special Events Request (10-526) from Lincoln Football Booster Club to waive fees for use of various equipment on October 9, 2010 at Ron Rubick Municipal Field.

PUBLIC PROPERTY AND SAFETY

Ambulance Service Agreement (10-522) to provide ambulance services to Manitowoc Lincoln High School for the period expiring December 31, 2010.

Ambulance Service Agreement (10-523) to provide ambulance services to Roncalli High School for the period expiring December 31, 2010.

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

Continuing Guaranty (10-) for Bharat N. Patel relative to Maritime Hotel and Convention Center Associates lease with Manitowoc Lodging Associates LLP.

Report (10-) of City Planner David Less relative to Amendment No. 4 to Maritime Hotel and Convention Center Associates lease and continuing guaranty for Bharat N. Patel.

PUBLIC UTILITIES AND LICENSING

None.

LICENSE APPLICATIONS REFERRED

CLASS "B" TEMPORARY BEER & TEMPORARY WINE LICENSE

- | | | |
|----|---|------------------|
| 50 | (Beer) St. Peter the Fisherman Catholic Home School Assn. | 2000 Mirro Drive |
| 7 | (Wine) St. Peter the Fisherman Catholic Home School Assn. | 2000 Mirro Drive |

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

- | | | |
|-----|--|------------------------------|
| 58 | Surrender License:
My Holdings, LLC
Patrick Young, Agent | 1144 S. 21 st St. |
| 58A | Kristen S. Remiker | 1144 S. 21 st St. |

TEMPORARY OPERATOR'S LICENSE 2010

- | | | |
|----|-----------------|---|
| 36 | Todd W. Hofmann | 3016 Memorial Dr., Two Rivers, WI 54241 |
|----|-----------------|---|

ONE YEAR OPERATOR'S LICENSE 2010-11

- | | | |
|----|---------------------|--|
| 24 | Sara Champion | 1612A Division St. |
| 25 | Dawn Ouelette | 1909 School Street, Two Rivers, WI 54241 |
| 26 | Tiffany Stewart | 1319 Fleetwood Dr. |
| 27 | Janessa M. Matthies | 430 S. 31st St. |

TWO YEAR OPERATOR'S LICENSE 2010-12

- | | | |
|-----|-----------------------|---------------------------------------|
| 283 | Dawn L. Geren | 604 Ranchview Ct., Mishicot, WI 54228 |
| 284 | Nichole L. Lesperance | 1917 31st St., Two Rivers, WI 54241 |
| 285 | Justin J. Krey | P.O. Box 13 |
| 286 | Karen Elfner | 1128 N. 17th St. |

287	Matthew Kakuk	724 S. 24th St.
288	Barbara Kiel	744 S. 23rd St.
289	Thida Yang	1411 S. 19th St.
290	Aaron M. Nell	2129 33 rd St., Two Rivers, WI
291	Jessica M. Gibeault	2904 45 th St., Two Rivers, WI
292	Dale L. Henrickson	3105 Maplewood Rd., Two Rivers, WI
293	Steven A. Charles	3509 Cimarron Ct.

STREETS AND SANITATION

Permanent Utility Easement (10-524) from Airgas - North Central, Inc. for an area located west of So. 41st Street and north of Clipper Drive.

Special Events Request (10-529) from Patricia Roth, HarvestFest Co-Chair, to hold sidewalk sales downtown, use Burger Boat Park and have horse and wagon rides on October 2 from 8 a.m. to 4 p.m. as part of HarvestFest as well as to hold 25th annual Manitowalker, as detailed therein. (Copy to Parks and Recreation Committee).

City Plan Commission, to whom was 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., returned same with report (10-537) recommending Clerk to call for public hearing and Council approve amendment upon completion of the public hearing.

Report (10-534) of City Plan Commission relative to request of William J. Bero, DDS, SC for special permit under Section 15.43(11) for creation of a parking lot in a residential zoning district with development plan attached.

City Plan Commission, to whom was referred sidewalk privilege agreement (10-510) with Mainly Manitowoc, Inc. for planters to be placed in the right-of-way outside building entrances in the downtown area, returned same with report (10-535) recommending agreement be placed on file and City Attorney to re-draft the SPA to reflect the suggested modifications.

Communication (10-) from Kummer, Lambert and Fox LLP requesting removal of restriction contained in a 1977 land contract for property sold by the City to Michael J. Dickey.

City Plan Commission, to whom was referred request (10-505) from SMI as representatives of St. Francis of Assisi Parish for a conditional use permit for a school and possible future church in a R-5 zone south of Michigan Ave. and west of N. Rapids Rd., returned same with report (10-539) recommending approval of the CUP, subject to the conditions detailed therein.

Report (10-) of City Plan Commission relative to review of boundary survey for 602 N. Water Street and consideration of concept for pedestrian walkway at N. Water Street to Manitowoc River.

Report (10-) of City Plan Commission relative to Popp Enterprises LLC, Popp Subdivision No. 3.

PERSONNEL

Communication (10-538) from Manitowoc Zoological Board and Lincoln Park Zoological Society with concerns regarding Lincoln Park Zoo and requesting City to fill Parks and Recreation Director's position as soon as possible.

Labor Agreement (10-) between City of Manitowoc and City of Manitowoc Wastewater Treatment Facility Employees, Local 731, AFSCME AFL-CIO for 2010.

RESOLUTIONS

Resolution (10-530) establishing a Mayor's Youth Action Council for youth to make a difference in the City of Manitowoc, was referred to Committee of the Whole.

COMMITTEE REPORTS

None.

ORDINANCES

Ordinance (10-536) amending Section 22.01 of the Municipal Code for property south of Michigan Avenue and east of River Bluff Drive, 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" TEMPORARY BEER & TEMPORARY WINE LICENSE

- | | | |
|----|---|------------------|
| 50 | (Beer) St. Peter the Fisherman Catholic Home School Assn. | 2000 Mirro Drive |
| 7 | (Wine) St. Peter the Fisherman Catholic Home School Assn. | 2000 Mirro Drive |

TEMPORARY OPERATOR'S LICENSE 2010

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TWO YEAR OPERATOR'S LICENSE 2010-12

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| 285 | Justin J. Krey | P.O. Box 13 |
| 286 | Karen Elfner | 1128 N. 17th St. |
| 287 | Matthew Kakuk | 724 S. 24th St. |
| 288 | Barbara Kiel | 744 S. 23rd St. |
| 289 | Thida Yang | 1411 S. 19th St. |
| 290 | Aaron M. Nell | 2129 33 rd St., Two Rivers, WI |

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. Keding 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 (10-383) 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.

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 and Claim (10-446) from Maple Ventures, LLC of August 4, 2010, Claim File No. 10-1050.

Notice of Claim and Claim (10-447) from Maple Ventures, LLC of August 4, 2010, Claim File No. 10-1049.

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

Notice of Claim and Claim (10-452) from Richard A. Yanda of August 9, 2010, Claim File No. 10-1052.

Notice of Claim and Claim (10-488) from Janet Dokey of August 13, 2010, Claim File No. 10-1053.

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.

Notice of Claim (10-503) of August 31, 2010 from American Family Insurance Company and/or Rose M. Malick, Fleet Claim File No. 10-192.

PARKS AND RECREATION
Previously Referred

Communication (10-502) from 2 Man Golf League with suggestions to improve Lincoln Park.

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.

PUBLIC UTILITIES & LICENSING
Previously Referred

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.

PENDING APPLICATIONS

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

65	Van's Liquor & Beer Drive In, Inc. Richard Krueger, Agent	3920 Calumet Ave.
58	Surrender License: My Holdings, LLC Patrick Young, Agent	1144 S. 21 st St.
58A	Kristen S. Remiker	1144 S. 21 st St.

TWO YEAR OPERATOR'S LICENSE 2010-12

291	Jessica M. Gibeault	2904 45 th St., Two Rivers, WI
292	Dale L. Henrickson	3105 Maplewood Rd., Two Rivers, WI
293	Steven A. Charles	3509 Cimarron Ct.

TEMPORARY OPERATOR'S LICENSE

36	Todd W. Hofmann	3016 Memorial Dr., Two Rivers, WI 54241
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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.

Proposal (10-465) from Montgomery Associates for professional service for recreating a small pond adjacent to Little Maniwoc River.

PERSONNEL
Previously Referred

Resolution (10-461) establishing nonrepresented employee compensation for 2010, was referred to Personnel Committee.