

**COMMON COUNCIL AGENDA**

**Monday, April 6, 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:**

Proclamation recognizing the week of April 12 through April 19, 2009 as "Paralyzed Veterans of America (PVA) Awareness Week" in the City of Manitowoc and encourage the citizens of Manitowoc to honor our paralyzed veterans.

Proclamation recognizing Friday, April 24, 2009, as "Arbor Day" in the City of Manitowoc and urge all citizens to support efforts to care for our community forest and to support our city's community forestry program.

Staff Report re: American Recovery and Reinvestment Act Incentives/Manitowoc Projects and Activities.

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.

Mayor may announce appointments to fill vacancies and/or reappointments to various Boards, Committees, Commissions and Ad-Hoc Committees, and requests Council action.

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 (09-186) of Cemetery Commission of 7/23/08; 8/20/08; 12/18/08; Citizens Advisory Committee of 3/3/09; Citizens Physical & Sensory Disability Commission of 3/5/09; Crime Prevention of 3/5/09; Maritime Metro Transit Development Program Review Committee of 3/4/09; Police & Fire Commission of 11/11/08; Wastewater Treatment Facility Board of 2/10/09.

**COMMITTEE OF THE WHOLE**

Communication (09-199) from Koenig & Vits giving official notification that they will be engaging in a business closure/mass layoff at its plant located at 2015 Mirro Drive beginning May 18, 2009 through July 31, 2009.

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

**FINANCE**

Report (09-189) of City Planner David Less that the terms of Note1 have been satisfied relative to Promissory Note effective 3/5/04 in the amount of \$560,000 between City, Wis. Dept. of Commerce and Shipbuilders of Wisconsin.

Notice of Claim (09-194) from Ciro Mares of March 26, 2009, Claim File No. 09-1017.

**PARKS AND RECREATION**

Grant Agreement (09-203) for financial assistance from the Recreational Trails Act Program for Red Arrow Beach Park Dune & Trail Reconstruction project in the amount of \$38,185.00.

Report (09-193) of Board of Public Works of March 25, 2009, regarding bids received for Manitowoc Family Aquatic Center, Project WB-09-16R.

Communication (09-200) from Pete Honzik, Acoustic Fest, requesting use of Washington Park, Metro Stage, waiver of rules prohibiting alcohol in the park, closure of So. 12th St., and use of various equipment, as in the past, on Saturday, July 18, 2009, copies to Public Utilities & Licensing and Streets & Sanitation Committees.

Communication (09-201) from Larry's Piggly Wiggly requesting permission to hold the 3rd Annual Pig-to-Pig Walk, between the Piggly Wiggly stores in Manitowoc and Two Rivers, on Saturday, September 12, 2009, utilizing the Mariner's Trail. (Copy to Streets and Sanitation Committee).

Communication (09-206) from Patricia Kohlman, Manitowoc County TEA Coordinator, to hold a TEA Party in Washington Park on April 15, 2009, from 5:00 p.m. to 7:30 p.m., as detailed therein.

### **PUBLIC PROPERTY AND SAFETY**

Agreement (09-184) to provide ambulance services to the Village of Kellnersville for the period from January 1, 2009, through December 31, 2011.

Request (09-197) from Dir. of Public Works/City Engineer Valerie Mellon to relocate the parking spaces for the two bridge tenders to the City Hall parking lot, as detailed therein, with sketch attached.

Special Events Request (09-198) from American Legion Post 88 requesting the closure of Jay Street from S. 8<sup>th</sup> St. to the west until 813 Jay St. on Saturday, July 18, 2009, for their 2<sup>nd</sup> Annual Pig Roast. (Copy to Streets & Sanitation Committee).

### **PUBLIC UTILITIES AND LICENSING**

Communication (09-202) from Kwik Trip #636, 2819 Meadow Lane, advising that the corporation has made a change of agent to Phillip J. Hamm, effectively immediately.

Communication (09-205) from Amvets Post 99 requesting the use of wristbands in place of fencing off the beer tent for their Memorial Day picnic, as detailed therein.

### **LICENSE APPLICATIONS**

#### **BOWLING ALLEY LICENSE - 2009-10**

None

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

1	Progreso Mexicano LLC Jorge Ibarra, Agent	3949 Calumet Ave.
2	Country Visions Cooperative Robert Lowe, Agent	311 N. Rapids Rd.
3	Kwik Trip, Inc. #491 John G. DuPont, Agent	2103 S. 42 <sup>nd</sup> St.
4	Kwik Trip, Inc. #611 Jeanette R. Austin, Agent	2102 Washington St.
5	Kwik Trip, Inc. #627 Jeffrey P. Tess, Agent	910 Hamilton St.
6	Kwik Trip, Inc. #636 Phillip J. Hamm, Agent	2819 Meadow Ln.
7	Kwik Trip, Inc. #637 Jamie S. Vergenz, Agent	401 N 8 <sup>th</sup> St.
8	Kwik Trip, Inc. #656 Kristine M. Traeger, Agent	2315 Menasha Ave.
9	Wal-Mart Stores East, LP Brett Wiley, Agent	4115 Calumet Ave.
10	Popp's Harbor Town Exxon, Inc. Ann M. Popp, Agent	4611 Dewey St.

11 Popp's University BP, Inc. 2705 S. 10<sup>th</sup> St.  
Jodi Popp, Agent

**"CLASS A" RETAIL INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE - 2009-10**

1 Van's Liquor & Beer Drive Inn, Inc. 3920 Calumet Ave.  
Richard J. Krueger, Agent

2 Red Bird, Inc. 1807 N. Rapids Rd.  
Sue R. Rank, Agent

3 Larry's Markets, Inc. 1339 N. 8<sup>th</sup> St.  
Erik Groll, Agent

4 Ultra Mart Foods, LLC 3300 Calumet Ave.  
Lane Landon, Agent

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

1 PH Green Bay LLC 1022 Washington St.  
Dennis Wery, Agent

**"CLASS B" INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE - 2009-10**

1 AJBL Ltd. 2204 Washington St.  
Anthony Burgarino, Agent

2 Harry J. Parker LLC 702 Buffalo St.  
Harry J. Parker, Agent

3 Saucy's Inc. 1915 Washington St.  
Travis L. Lauson, Agent

4 Eugene V. Lambries 2 Maritime Dr.

5 Harborside of Manitowoc LLC 701 York St.  
James S. Paquette, Agent

6 CP2 LLC 714 York St.  
Patrick McBurney, Agent

7 Amvets Post 99, Inc. 4310 Conroe St.  
Dennis G. Scherer, Agent

8 Dug Out Bar LLC 4117 Broadway St.  
James K. Bialek, Agent

9 Frat. Order of Eagles Aerie 706, Inc. 823 Hamilton St.  
Robert A. Kloida, Agent

10 CT Crashes, LLC 1710 Western Ave.  
Brad Fischer, Agent

**"CLASS C" WINE LICENSE - 2009-10**

None

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

None

**MOBILE HOME PARK LICENSE - 2009**

3 Peterson Properties LLC 3910 Waldo Blvd.  
Craig Peterson, Applicant

**NEAR BEER (NON-INTOXICATING BEVERAGE) LICENSE - 2009-10**

1 Van's Liquor & Beer Drive Inn, Inc. 3920 Calumet Ave.  
Richard J. Krueger, Agent

2 Progreso Mexicano LLC 3949 Calumet Ave.  
Jorge Ibarra, Agent

3 Country Visions Cooperative 311 N. Rapids Rd.  
Robert Lowe, Agent

4 Red Bird, Inc. 1807 N. Rapids Rd.  
Sue R. Rank, Agent

5 Kwik Trip, Inc. #491 2103 S. 42<sup>nd</sup> St.  
John G. DuPont, Agent

6 Kwik Trip, Inc. #611 2102 Washington St.  
Jeanette R. Austin, Agent

7 Kwik Trip, Inc. #627 910 Hamilton St.  
Jeffrey P. Tess, Agent

- |    |  |                              |
|----|--|------------------------------|
| 8  | Kwik Trip, Inc. #636<br>Phillip J. Hamm, Agent       | 2819 Meadow Ln.              |
| 9  | Kwik Trip, Inc. #637<br>Jamie S. Vergenz, Agent      | 401 N 8 <sup>th</sup> St.    |
| 10 | Kwik Trip, Inc. #656<br>Kristine M. Traeger, Agent   | 2315 Menasha Ave.            |
| 11 | Wal-Mart Stores East, LP<br>Brett Wiley, Agent       | 4115 Calumet Ave.            |
| 12 | Larry's Markets, Inc.<br>Erik Groll, Agent           | 1339 N. 8 <sup>th</sup> St.  |
| 13 | Popp's Harbor Town Exxon, Inc.<br>Ann M. Popp, Agent | 4611 Dewey St.               |
| 14 | Popp's University BP, Inc.<br>Jodi Popp, Agent       | 2705 S. 10 <sup>th</sup> St. |
| 15 | Ultra Mart Foods, LLC<br>Lane Landon, Agent          | 3300 Calumet Ave.            |

**TEMPORARY OPERATOR'S LICENSE - 2008-09**

- |    |                |                            |
|----|----------------|----------------------------|
| 42 | Scott Pankratz | 7402 Cty Rd J, Valders, WI |
|----|----------------|----------------------------|

**ONE YEAR OPERATOR'S LICENSE 2009 - 2010**

None

**TWO YEAR OPERATOR'S LICENSE 2008-10**

- |     |               |                                   |
|-----|---------------|-----------------------------------|
| 403 | Justin Kalies | 2406 W Quarry Rd., Reedsville, WI |
| 404 | Robyn Hahn    | 14725 Hwy. 42, Two Rivers, WI     |
| 405 | Laurie Musial | 519 N 9 <sup>th</sup> St.         |
| 406 | Daniel Moder  | 709 York St.                      |
| 407 | Brett Hicks   | 1313 S. 12 <sup>th</sup> St.      |
| 408 | Kurt Kleiber  | PO Box 356, St. Nazianz, WI       |

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

- |   |                    |   |
|---|--------------------|---|
| 1 | Tammy McDougall    | 628 N. 7 <sup>th</sup> St.                |
| 2 | Chris Stephani     | 836 N. 6 <sup>th</sup> St.                |
| 3 | Allison Castro     | 1623 George St.                           |
| 4 | Holly Lehman       | 1020 Memorial Dr.                         |
| 5 | Robert Zahn        | 1807 S. 10 <sup>th</sup> St.              |
| 6 | Carol L Ronski     | 505 State St.                             |
| 7 | Danielle R. Coenen | 1523 19 <sup>th</sup> St., Two Rivers, WI |

**STOCK CAR RACES, RACING EXHIBITIONS, DEMOLITION DERBY**

None

**WHOLESALERS FERMENTED MALT BEVERAGE - 2009**

None

**STREETS AND SANITATION**

Quit Claim Deed (09-191) from Steven K. Notz and Isaac D. Notz for a parcel of land containing 0.49 acres more or less, to be used for South 19<sup>th</sup> Street purposes, as described therein and shown on the attached sketch.

Public works petition (09-190) from Steven K. Notz for permanent paving, sidewalks, storm and sanitary sewers, water, electric and other public utilities to be installed on property abutting on So. 19th Street, as described therein, and shown on the attached map.

Development Agreement (09-192) signed by Steven K. Notz and Isaac D. Notz, vendor and vendee of a recorded land contract for property located in the Town of Manitowoc.

Communication (09-195) from Bartow Builders requesting an option of 10 years to pay back the street assessments from the improvements scheduled to take place in 2009 for Executive Estates Subdivision No. 7

due to the economic times.

Communication (09-196) from Drews-Bleser Post No. 88 requesting permission to use certain streets for the annual Memorial Day Parade on Monday, May 25, 2009, beginning 9:00 a.m. and in case of inclement weather, the use of the Citizen Park Building for the ceremonies. (Copy to Parks and Recreation Committee).

Communication (09-185) from Manitowoc-Two Rivers Area YMCA requesting permission to hold the YMCA Race Festival on Saturday, August 22, 2009, from 7:00 a.m. until 11:00 a.m., and requesting traffic control, the use of various City streets and equipment, as detailed therein; copy to Public Property & Safety and Parks & Recreation Committees.

Amendment to Joint Construction Agreement (09-204) between City and County of Manitowoc for the purpose of joint construction work on Cty. Trk. Hwy. CR between Viebahn and Dewey Street.

**PERSONNEL**

None.

**RESOLUTIONS**

Resolution (09-207) in support for State of Wisconsin Energy Independence Goals for 2025 and to submit to the Wisconsin Office of Energy Independence for a grant to create an Energy Independent Community 25x25 Plan, was referred to Committee of the Whole.

**COMMITTEE REPORTS**

Streets and Sanitation Committee returned special events request (09-164) from First Candle representatives to hold the 1st Annual Travis William Bubolz Memorial Day motorcycle ride to benefit SIDS research on July 11, 2009, as detailed therein, recommending granting of request with only 15<sup>th</sup> Street to be closed (not Clark St.), and organizers of event be responsible for picking up needed equipment from DPW, and payment be made for any charges at pick-up time.

**ORDINANCES**

Ordinance (09-187) amending Sections 1.03(1) and (7) of the Municipal Code regarding location of voting places, was referred to Public Utilities & Licensing Committee.

Ordinance (09-188) amending Section 13.03(3)(b) of the Municipal Code correcting the reference to a section of the state statutes regarding commercial garbage haulers, was referred to Public Utilities & Licensing 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 - 2009-10**

27A PhoolFoz Properties LLC 807 Quay St.  
Allan Lee Erickson, Agent

**2008 - 09 TEMPORARY OPERATOR'S LICENSE**

42 Scott Pankratz 7402 Cty Rd J, Valders, WI

**TWO YEAR OPERATOR'S LICENSE 2008-10**

403 Justin Kalies 2406 W Quarry Rd., Reedsville, WI

404 Robyn Hahn 14725 Hwy. 42, Two Rivers, WI

405 Laurie Musial 519 N 9<sup>th</sup> St.

406 Daniel Moder 709 York St.

408 Kurt Kleiber PO Box 356, St. Nazianz, WI

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

1 Tammy McDougall 628 N. 7<sup>th</sup> St.

2 Chris Stephani 836 N. 6<sup>th</sup> St.

3	Allison Castro	1623 George St.
4	Holly Lehman	1020 Memorial Dr.
5	Robert Zahn	1807 S. 10 <sup>th</sup> St.

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

Communication (08-277) from Ronald F. DeMark requesting that the City vacate a proposed street east of 2014 Lexington Dr., and report (08-322) of City Plan Commission recommending that the Council place communication on file.

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

Communication (08-513) from Donald Vogt submitting an ethics complaint against the Mayor and Common Council.

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.

Communication (09-033) from Tony Bugarino relative to purchase of strip of City land adjacent to 2204 Washington St.

Request (09-025) from Ellen Reinertson to move a home to the corner lot on Pine and N. 9<sup>th</sup> Streets, as detailed therein.

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

Ordinance (09-106) to create Section 10.1015 of the Manitowoc Municipal Code regulating parking for the purposes of street sweeping from April 1st thru September 30th of each year, was referred to Public Property & Safety Committee and Streets & Sanitation Committee.

Communication (09-137) from Champs of Manitowoc, LLC, Allen Kubsch, Agent, surrendering the tavern license for 807 Quay Street in favor of PhoolFoz Properties, LLC, Allan Lee Erickson, Agent, effective upon granting of license and issuance.

Communication (09-139) from Eastern Wisconsin Stock Cars asking the City of Manitowoc for a racing permit for the 2009 race season and extension of the noise ordinance to 10:45 p.m. with a grace period of 15 minutes to 11:00 pm. on race dates per attached schedule.

Communication (09-140) from Eastern Wisconsin Stock Cars asking for an extension of beer sales to 12:00 midnight on race dates.

Easement (09-175) from Aurora Medical Group, Inc. for the Dewey Street/County CR Project for utility and traffic signal purposes.

Ordinance (09-183) creating section 14.321 of the Municipal Code regulating chronic nuisance properties in the City of Manitowoc was referred to Public Property & Safety Committee.

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

Claim (09-157) of Todd Blashka received March 3, 2009, Claim File No. 09-1016.

Notice of Claim (09-069) of Jane Barton received January 21, 2009, Claim File No. 09-1015.

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

**PENDING APPLICATIONS**

**"CLASS B" INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE - 2009-10**

63 Ozone Nightclub, LLC 1819 S. 9<sup>th</sup> St.  
Douglas Scherwinski, Agent

**MOBILE HOME PARK LICENSE - 2009**

3 Peterson Properties LLC 3910 Waldo Blvd.  
Craig Peterson, Applicant

**TWO YEAR OPERATOR'S LICENSE 2008-10**

407 Brett Hicks 1313 S. 12<sup>th</sup> St.

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

6 Carol L Ronski 505 State St.

7 Danielle R. Coenen 1523 19<sup>th</sup> St., Two Rivers, WI

**STOCK CAR RACES, RACING EXHIBITIONS, DEMOLITION DERBY**

2 Eastern Wisconsin Stock Cars 4921 Expo Dr.; Grandstand Area