

COMMON COUNCIL AGENDA

Monday, June 1, 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:

Presentation by Kathy Beer and Mark Pare, Lakeshore Humane Society.

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 (09-316) of Cemetery Commission of 3/26/09; Police and Fire Commission of 3/24/09; Wastewater Treatment Facility Board of 4/7/09; Zoning Board of Appeals of 5/19/09.

Communication (09-308) from Stephen P. Shellman resigning from the Rahr-West Art Museum Board effective immediately.

COMMITTEE OF THE WHOLE

Communication (09-311) from Wis. Dept. of Administration indicating that they have reviewed the Jinks annexation and it does not appear to be against the public interest.

Communication (09-309) from Mark Pare and Kathy Beer of Lakeshore Humane Society with concerns regarding pets should the Lakeshore Humane Society go out of business.

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

FINANCE

Notice of Claim (09-310) of Brenda Schermetzler of May 22, 2009, Claim No. 09-1020.

Communication (09-331) from Recreation & Parks Director Joe McLafferty requesting to make final payment to Horst Distributing in the amount of \$3,270.00 for beach grooming machine.

Communication (09-332) from Recreation & Parks Director Joe McLafferty requesting the use of room tax money to upgrade the Washington Park sign.

PARKS AND RECREATION

Special Events Request (09-320) from Lakeshore Humane Society to hold their annual Walk for Kindness on the route detailed therein on Saturday, September 26, 2009. (copy to Streets & Sanitation Committee)

Special Events Request (09-328) from Liz Becker, Carol Rose Wester Memorial Walk/Run, requesting to hold a walk/run event on Saturday, August 15, 2009, starting and ending at Red Arrow Park as well as various street closures, as detailed therein. (copy to Streets & Sanitation Committee)

PUBLIC PROPERTY AND SAFETY

Agreement (09-323) with County of Manitowoc relative to tower facility on City property located at the northeast corner of the intersections of So. 35th St. and Viebahn St. for the period January 1, 2009 to December 31, 2014 with option to renew for successive 5-year periods.

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

PUBLIC UTILITIES AND LICENSING

Communication (09-313) from Comcast advising that effective June 12, 2009, Comcast will no longer have the ability to provide City Hall with a signal feed from NBC affiliate WTMJ-TV in Milwaukee.

Special Events Request (09-314) from Debra Andrusak, Skinny Dip Inn, 1107 S. 10th St., to have live music outside on June 14, 2009, from 4:00 p.m. to 9:00 p.m. and to extend their premise, as detailed therein.

Special Events Request (09-322) from Elks Lodge No. 687 to extend their premises on July 4, 2009 for a picnic to benefit the Manitowoc Miracles and area Special Olympics and to allow the use of wristbands as an alternative to fencing in the bar area.

LICENSE APPLICATIONS

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

24 Harbans Kaur 205 N. Rapids Rd.

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

60 Michael E. Wampler 1036 S. 10th St.

61 Capitol Civic Centre, Inc. 913 S. 8th St.
James Kreutzberg, Agent

62 Jody L. Conard 602 N. Water St.

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

30 Harbans Kaur 205 N. Rapids Rd.

ONE YEAR OPERATOR'S LICENSE 2009-10

4

TWO YEAR OPERATOR'S LICENSE 2008-10

425 Pierson Pflieger 235 Park Rd., Two Rivers, WI

TWO YEAR OPERATOR'S LICENSE 2009-11

59 Mary Schanke 13913 Circle Dr., Mishicot, WI

60 Lindsey Corbeil 2720 Jackson St., Two Rivers, WI

61 Tracy Virnoche 938 Shorewood Blvd.

62 Julie Dellemonache 1802 Clermont St.

63 Jamie Risch 3007 Wildwood Ct.

64 Judy Trippler 4129 Ray St.

65 Michaëlle Schrankj 2101 S. 15th St.

66 Scott Nelson 1116 Huron St.

67 Shirley Kalies 415 Forest Home Dr., Francis Creek, WI

68 Andrea Petersohn 2417 Dewey St. #24

69 Stacy Nelson 1116 Huron St.

70	Curtis Olson	1822 S. 10 th St.
71	Vickie House	4845 Vista Rd.
72	Ashley Torrison	11720 Hiullside Dr., Cato, WI
73	Paul Vanderbloomen	512 S. 26 th St.
74	Sandra Leduc	1302 Green St.
75	Michael Barta	913 Huron St.
76	Lynn Komorowski	1521 S. 16 th St.
77	Anna Honzik	812 State St., Apt. 3W
78	Tammy Rosinsky	1326 S. 10 th St.
79	Wade Vaughn	1308 E. Ivy Lane
80	Carrie Zeman	2327 Birch Rd.
81	Jarek Ordiway	3216 Waldo Blvd.
82	Jeffrey VanEss	1430 Elder Dr.
83	Thomas Strathmann	4109 Rock St.
84	Donna Meyer	N135 State Park Rd., Appleton
85	Theresa A. Dueno	4205 Custer St.
86	Marisa J. Blatz	941 S. 30 th St.

STREETS AND SANITATION

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.

Communication (09-306) from First Reformed United Church of Christ requesting permission to hold CROP Walk on Saturday, October 3, 2009, from 9:00 a.m. to 12:00 p.m., with route detailed therein.

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

Petition (09-315) from vendors of the 2009 Manitowoc Farmers' Market opposing the closing of Quay Street on Saturday, June 27, 2009.

Report (09-317) of the Board of Public Works of May 27, 2009, recommending 2nd and final payment to MSA Professional Services, Inc. in the amount of \$1,800.00 for Water Quality Pond Alternative Site Selection Analysis.

Report (09-318) of the Board of Public Works of May 27, 2009, recommending 3rd and final payment to Green Bay Pipe and TV in the amount of \$1,351.24 for 2009 Televising Miscellaneous Sewers, WU-09-5.

Communication (09-319) from Mark Balaban of North Valley Subdivision asking the committee to reconsider his prior request to postpone the paving of Albert Drive.

Public Works Petition (09-321) from Michael A. and Susan N. Jinks for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on West Custer Street, as described therein, and shown on the attached map.

Public Works Petition (09-325) from Richard L. and Darla J. Klassen for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on Waldo Blvd., as described therein, and shown on the attached map.

Public Works Petition (09-324) from Richard L. and Darla J. Klassen for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting Fleetwood Dr., as described therein, and shown on the attached map.

Quit Claim Deed (09-326) from Richard L. & Darla J. Klassen for a parcel of land containing 13,791 square feet, more or less, to be used for Fleetwood Drive purposes, as described therein and shown on the attached sketch.

Quit Claim Deed (09-327) from Richard L. & Darla J. Klassen for a parcel of land containing 28,576 square feet, more or less, to be used for Waldo Blvd. purposes, as described therein and shown on the attached sketch.

Agreement (09-329) relative to Hold Harmless Waiver of Liability, Assumption of Risk and Indemnification of the City of Manitowoc with Respect to Issuance of Building Permit to Ryan Kabelowsky to build a garage at 816 Forest Circle.

Request (09-) from SMI as representatives of United One Credit Union for special permit for parking lot expansion in a residential district at 1126 S. 10th Street.

PERSONNEL

None.

RESOLUTIONS

Resolution (09-333) appointing Todd Blaser as Deputy Fire Chief for the City of Manitowoc and establishing a salary for the position, was referred to Personnel Committee.

COMMITTEE REPORTS

None.

ORDINANCES

Ordinance (09-) to revise Section 14.07 of the Municipal Code correcting scrivener's errors within the Social Host Ordinance, was referred to Public Property & Safety 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 "A" RETAIL FERMENTED MALT BEVERAGE LICENSE 2009-10

- | | | |
|----|--|-----------------------------|
| 21 | Indo-Pak, LLC
Muhammad Javeed, Agent | 1409 N. 8 th St. |
| 22 | Fechner Enterprises, Inc.
Gary Fechner, Agent | 808 Memorial Dr. |
| 23 | ADITHI 1 LLC
Chandrasekhar Vasireddy, Agent | 2914 Calumet Ave. |

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

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|----|---|---------------------------------|
| 54 | Manitowoc Yacht Club
Ron Schmidt, Agent | 815 Maritime Dr. |
| 55 | Phoolfox Properties, LLC
Allan L. Erickson, Agent | 807 Quay St. |
| 56 | Manitowoc Football, Inc.
Gary Dworak, Agent | 2301 Clay Pid Rd. |
| 57 | American Legion Drews Bleser Post 80
Arthur Schmatz, Agent | 811 Jay St. |
| 58 | Debra R. Andrusak | 1107 S. 10 th Street |
| 59 | Studio 8 LTD
Robert J. Knox, Agent | 939 S 8 th Street |

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

- | | | |
|----|--|-----------------------------|
| 28 | Indo-Pak, LLC
Muhammad Javeed, Agent | 1409 N. 8 th St. |
| 29 | ADITHI 1 LLC
Chandrasekhar Vasireddy, Agent | 2914 Calumet Ave. |

ONE YEAR OPERATOR'S LICENSE 2009-10

3	Joshuah J. Tuesburg	1106 Philippen St.
TWO YEAR OPERATOR'S LICENSE 2009-11		
58	Norma J. Howe	1115 Madison St.
59	Mary Schanke	13913 Circle Dr., Mishicot, WI
60	Lindsey Corbeil	2720 Jackson St., Two Rivers, WI
61	Tracy Virnoche	938 Shorewood Blvd.
62	Julie Dellemonache	1802 Clermont St.
63	Jamie Risch	3007 Wildwood Ct.
64	Judy Trippler	4129 Ray St.
65	Michaelle Schrankj	2101 S. 15 th St.
66	Scott Nelson	1116 Huron St.
67	Shirley Kalies	415 Forest Home Dr., Francis Creek, WI
68	Andrea Petersohn	2417 Dewey St. #24
69	Stacy Nelson	1116 Huron St.
70	Curtis Olson	1822 S. 10 th St.
71	Vickie House	4845 Vista Rd.
72	Ashley Torrison	11720 Hiullside Dr., Cato, WI

**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.

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.

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

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

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.

City Plan Commission, to whom was referred petition (09-264) for direct annexation from Michael A. Susan N. and Jennifer E. Jinks, 5100 W. Custer St., for annexation of a 1.09 acre parcel of land abutting W. Custer St., as described therein and shown on the attached map, returned same with report (09-294) recommending that the Council approve the petition as presented and adopt an annexation ordinance.

Special Events Request (09-276) from Patricia Kohlman, Manitowoc County TEA Coordinator, to use Washington Park on 7/4/09 and 9/7/09 for a TEA Party Rally, as detailed therein.

Application (09-295) from Patricia Roth, Manitowoc Coffee, of May 8, 2009, for Sidewalk Café Permit at 836 S. 8th Street.

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 and Claim (09-280) from Howard Thielen of May 12, 2009, Claim No. 09-1019.

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

Resolution (09-289) to create Ward 39, population 4, for the Interstate #14 annexation area, as described therein and shown on the attached map, and that Ward 39 be combined with Wards 17, 18, 22, 24, 25, 26, 28, 29, 30, 32, 36 and 38, for voting purposes and use a common polling place as established for the 9th Aldermanic District, was referred to Committee of the Whole.

Notice of Claim and Claim (09-239) received April 20, 2009 from USPS, Fleet Claim No. 09-179.

Temporary Access Easement Agreement (09-283) on unimproved right-of-way to Mike Check Builders for property located at 2727 Red Fox Lane.

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.

Communication (09-275) from Manitowoc Public School District and Felician Village requesting a change to make So. 21st Street a one-way street going south from Division St. to Grand Ave.

City Plan Commission, to whom was referred communication (09-267) from Keith Gauthier requesting an adaptive reuse conditional use permit for Clarkbridge Hall located at 1402 Clark St., formerly the "Old Vocational School",

An ordinance (09- 288) to annex territory known as Interstate #14 Annexation Area from the Town of Manitowoc Rapids to the City of Manitowoc, as part of the 9th Aldermanic District and 39th Ward, to be zoned "R-4" Single and Two Family Residential District, as described therein and shown on the attached map, was referred to Committee of the Whole.

Possible reconsideration of communication (09-299) from Mainly Manitowoc urging the Council to grant request to close Quay Street from 8th Street to 7th Street on June 27, 2009 for the River Rendezvous festival.

Possible reconsideration of request (09-244) from Mainly Manitowoc to use various city equipment and City Hall parking lot, close a portion of Quay St. and a portion of So. 8th St., a waiver of the noise ordinance and various other requests as outlined therein for River Rendezvous on June 27, 2009 with alternate plan attached.

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

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.

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

Notice of Claim (09-209) received April 6, 2009, from James Szymczyk, Claim File No. 09-1018.

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

PENDING APPLICATIONS

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

24 Harbans Kaur 205 N. Rapids Rd.

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

63 Ozone Nightclub, LLC 1819 S. 9th St. STILL PENDING
Douglas Scherwinski, Agent

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

38	KJ Operating Co., LLC Keith D. Klein, Agent	901 Buffalo St.
60	Michael E. Wampler	1036 S. 10 th St.
61	Capitol Civic Centre, Inc. James Kreuzberg, Agent	913 S. 8 th St.
62	Jody L. Conard	602 N. Water St.

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

30	Harbans Kaur	205 N. Rapids Rd.
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TWO YEAR OPERATOR'S LICENSE 2009-11

73	Paul Vanderbloomen	512 S. 26 th St.
74	Sandra Leduc	1302 Green St.
75	Michael Barta	913 Huron St.
76	Lynn Komorowski	1521 S. 16 th St.
77	Anna Honzik	812 State St., Apt. 3W
78	Tammy Rosinsky	1326 S. 10 th St.
79	Wade Vaughn	1308 E. Ivy Lane
80	Carrie Zeman	2327 Birch Rd.
81	Jarek Ordiway	3216 Waldo Blvd.
82	Jeffrey VanEss	1430 Elder Dr.
83	Thomas Strathmann	4109 Rock St.
84	Donna Meyer	N135 State Park Rd., Appleton
85	Theresa A. Dueno	4205 Custer St.
86	Marisa J. Blatz	941 S. 30 th St.