

**COMMON COUNCIL AGENDA**

**Monday, December 7, 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: 7:10 p.m.** - for the purpose of hearing any and all interested parties in the matter of the draft 2009 City of Manitowoc Comprehensive Plan pursuant to section 66.1001(4)(d) Wis. Stats.

**7:20 p.m.** - to provide an opportunity to describe the CDBG Program, including funding criteria, eligible activities as well as the proposed project, and for stakeholder input.

**CLOSED SESSION:** None.

**REPORTS OF OFFICERS:**

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 (09-690) before the Dept. of Natural Resources Air Management Program regarding the air pollution permit for Manitowoc Grey Iron Foundry, 2701 Division St.

Notice (09-691) before the Dept. of Natural Resources Air Management Program regarding the air pollution permit for Parker Hannifin Corp., 1717 Dufek Dr.

Notice (09-692) before the Dept. of Natural Resources Air Management Program regarding the air pollution permit for Manitowoc Cranes, 2401 S. 30<sup>th</sup> St.

Minutes (09-693) of Crime Prevention Committee of 11/5/09; Library Board of 10/26/09; Manitowoc Industrial Development Corp. of 9/10/09; Manitowoc Area Visitor & Convention Bureau of 8/20/09; Public Utilities Commission of 10/12/09 & 10/26/09; Municipal Tree Commission of 11/17/09.

**COMMITTEE OF THE WHOLE**

Petition (09-678) for Direct Annexation by unanimous approval from Michael J. Potts, Manager, Great Lakes Energy Technologies LLC, 2210 Woodland Dr., for annexation of a 1.40 acre parcel of land abutting Woodland Drive, as described therein and shown on the attached map.

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

**FINANCE**

Notice of Claim and Claim (09-673) from Susan L. Lindholm of November 30, 2009, Claim File No. 09-1034.

Notice of Claim and Claim (09-674) from Mary Kaufman of December 1, 2009, Claim File No. 09-1035.

Report (09-680) of City Planner David Less requesting affirmative actions relative to Dermatology Associates of Wisconsin, S.C. Redevelopment Project at 8<sup>th</sup> and York Streets, as outlined therein.

Tax Incremental Financing Performance Agreement (09-681) with DAW Buildings, LLC and Dermatology Associates of Wisconsin, SC.

County Clerk's apportionment (09-694) of state taxes in the amount of \$349,110.63 and county taxes and special charges in the amount of \$9,777,665.60.

Report (09-701) affirming committee's November 23, 2009 action on budget.

### **PARKS AND RECREATION**

Proposal (09-702) from Riederer Engineering for engineering services for the replacement of the HVAC system in the Parks and Recreation building at 930 N. 18<sup>th</sup> St., as detailed therein.

Contractor Agreement (09-703) with Look Creative, LLC for fabrication of various signs, as detailed therein.

### **PUBLIC PROPERTY AND SAFETY**

None.

### **PUBLIC UTILITIES AND LICENSING**

Communication (09-687) from City Clerk Jennifer Hudon requesting permission to distribute identical checks from the Schuette, Wernecke, Wilda & Rank reserve fund in the amount of \$300.00 to five area agencies.

### **LICENSE APPLICATIONS**

#### **2010 COMMERCIAL GARBAGE HAULERS**

1	Manitowoc Disposal, Inc.	1800 Johnston Dr.
2	Michael A. Pozorski d/b/a Pozorski Hauling & Recycling, LLC	2515 Viebahn St.
3	Veolia ES	428 High St., Chilton, WI
4	Larry's Hauling, Inc.	111 Balsam Rd., Sheboygan Falls, WI

#### **2010 PAWNBROKER, SECOND-HAND DEALER, FLEA MARKET ETC.**

1	Gamestop, Inc. Michael L. Nichols, Applicant	4140 Harbor Town Ln. #700
2	Rummele's, Inc. David J. Pahmeier, Applicant	4101 Calumet Ave.
3	Leo Jadowski d/b/a L & B Resale & Pawn	1022 So. 10 <sup>th</sup> St.
4	Richard L. Francois d/b/a Boelter's Jewelers	2101 Washington St.
5	Brian A. Mrotek d/b/a The Junque Box	1114 N. 8 <sup>th</sup> St.

#### **MOBILE HOME PARK LICENSE - 2009**

5	Pentler Family Limited Partnership Robert Pentler, Applicant	770 E. Albert Dr.
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#### **MOBILE HOME PARK LICENSE - 2010**

1	Pentler Family Limited Partnership Robert Pentler, Applicant	770 E. Albert Dr.
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#### **ONE YEAR OPERATOR'S LICENSE 2009-10**

49	Edward J. Fitzgerald	1805 Waldo Blvd., Apt. A
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#### **TWO YEAR OPERATOR'S LICENSE 2009-11**

310	Lisa Hansen	2005 Madison St.
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311	Zachary A. Traurig	809 Huron St.
312	Heather M. Allen	1821 N. Rapids Rd.
313	Julie A. Jaskolski	912 S. 20 <sup>th</sup> St.
314	Christopher R. Arnold	2306 Washington St., Apt. A, Two Rivers
315	Kara E. Roberts	2320 10 <sup>th</sup> St., Two Rivers
316	Zach A. Kennedy	1355 N. 16 <sup>th</sup> St.
317	Casey T. Severson	1727 Nagle Ave.
318	John Janda	1213 Fleetwood Dr.
319	Shaunda M. Johnson	1565 So. 35 <sup>th</sup> St. #25

**STREETS AND SANITATION**

Sidewalk Privilege Agreement (09-675) with Harold K. Salzberg and Cherilyn C. Stewart for the purpose of maintaining a fence on the right-of-way located at 3104 Waldo Blvd.

Correction No Street Access Agreement (09-676) with Harvey E. and Grace A. Krish to forego **2009** resurfacing special assessments on Nagle Avenue.

No Street Access Agreement (09-682) with Rick A. and Michelle A. Pecore to forego 2008 grading and graveling & sanitary and storm sewers on Packer Lane.

Public Works Petition (09-688) from Great Lakes Energy Technologies, LLC for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting Woodland Drive, as described therein, and shown on the attached map.

Quit Claim Deed (09-689) from Great Lakes Energy Technologies, LLC for a parcel of land containing 0.45 acres more or less, to be used for Woodland Drive purposes, as described therein and shown on the attached sketch.

Report (09-695) of City Planner David Less relative to Dermatology Associates of Wisconsin request to place fill on City-owned property in Block 175 of Original Plat pursuant to Section 15.37(6) of the Municipal Code.

Report (09-696) of the Board of Public Works of December 2, 2009, recommending 2nd and final payment to Bobbie's Marine Services in the amount of \$14,057.35 for 2009 Tree Planting, WS-09-15.

Report (09-697) of the Board of Public Works of December 2, 2009, recommending 2nd and final payment to K & L Construction Co., Inc. in the amount of \$6,456.00 for Red Arrow Beach Erosion Control, WS-09-12.

Report (09-698) of the Board of Public Works of December 2, 2009, recommending 5th and final payment to Stratapoint, Inc. in the amount of \$10,000.00 for Tree Inventory.

**PERSONNEL**

None.

**RESOLUTIONS**

Resolution (09-677) outlining the charges for transportation and care by the Fire Department Rescue Ambulance effective January 1, 2010, was referred to Public Property & Safety Committee.

Resolution (09-683) that dust palliatives be placed on the streets listed therein in 2010 and the assessments be made against the abutting property owners for the cost on a front foot basis, was referred to Streets & Sanitation Committee.

Resolution (09-684) authorizing the 2010 City-wide sidewalk repair program, providing for the appropriate notices to be sent, and special assessments to be levied, as detailed therein, was referred to Streets and Sanitation Committee.

Resolution (09-685) that seal coating be placed on the streets listed therein in 2010, and assessments be made against the abutting property owners, per foot, per side, was referred to Streets and Sanitation Committee.

Resolution (09-686) that certain infrastructure improvements listed therein be included in the 2010 Public Works Program, and assessments be made against the abutting property owners, per foot, per side, was referred to Streets and Sanitation Committee.

**COMMITTEE REPORTS**

None.

### ORDINANCES

Ordinance (09-679) to adopt the 2009 City of Manitowoc Comprehensive Plan, was referred to Streets & Sanitation Committee.

Ordinance (09-700) to amend Section 7.09(6) requiring sidewalks, was referred to Streets & Sanitation Committee.

Ordinance (09-699) to amend Section 16.07 regarding demolition of buildings, was referred to Streets & 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)

#### 2010 COMMERCIAL GARBAGE HAULERS

- |   |  |                           |
|---|--|---------------------------|
| 1 | Manitowoc Disposal, Inc.                                       | 1800 Johnston Dr.         |
| 2 | Michael A. Pozorski<br>d/b/a Pozorski Hauling & Recycling, LLC | 2515 Viebahn St.          |
| 3 | Veolia ES  | 428 High St., Chilton, WI |

#### 2010 PAWNBROKER, SECOND-HAND DEALER, FLEA MARKET ETC.

- |   |   |                               |
|---|---|-------------------------------|
| 1 | Gamestop, Inc.<br>Michael L. Nichols, Applicant | 4140 Harbor Town Ln. #700     |
| 2 | Rummele's, Inc.<br>David J. Pahmeier, Applicant | 4101 Calumet Ave.             |
| 3 | Leo Jadowski<br>d/b/a L & B Resale & Pawn       | 1022 So. 10 <sup>th</sup> St. |
| 4 | Richard L. Francois<br>d/b/a Boelter's Jewelers | 2101 Washington St.           |

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

- |   |   |                            |
|---|---|----------------------------|
| 8 | The Bubbler Theatre, LLC<br>Lisa Callsen, Agent | 421 N. 8 <sup>th</sup> St. |
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#### MOBILE HOME PARK LICENSE - 2009

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|---|---|-------------------|
| 5 | Pentler Family Limited Partnership<br>Robert Pentler, Applicant | 770 E. Albert Dr. |
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#### MOBILE HOME PARK LICENSE - 2010

- |   |   |                   |
|---|---|-------------------|
| 1 | Pentler Family Limited Partnership<br>Robert Pentler, Applicant | 770 E. Albert Dr. |
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#### ONE YEAR OPERATOR'S LICENSE 2009-10

- |    |                      |                          |
|----|----------------------|--------------------------|
| 49 | Edward J. Fitzgerald | 1805 Waldo Blvd., Apt. A |
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#### TWO YEAR OPERATOR'S LICENSE 2009-11

- |     |                       |   |
|-----|-----------------------|---|
| 309 | Melody M. Williams    | 1234 S. 9 <sup>th</sup> St.             |
| 310 | Lisa Hansen           | 2005 Madison St.                        |
| 311 | Zachary A. Traurig    | 809 Huron St.                           |
| 312 | Heather M. Allen      | 1821 N. Rapids Rd.                      |
| 313 | Julie A. Jaskolski    | 912 S. 20 <sup>th</sup> St.             |
| 314 | Christopher R. Arnold | 2306 Washington St., Apt. A, Two Rivers |
| 315 | Kara E. Roberts       | 2320 10 <sup>th</sup> St., Two Rivers   |
| 316 | Zach A. Kennedy       | 1355 N. 16 <sup>th</sup> St.            |
| 317 | Casey T. Severson     | 1727 Nagle Ave.                         |

**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.

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.

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

An ordinance (09-553) to amend the amended zone map in an area located south of Michigan Avenue, southeast of Winnetka Court, and north of the Manitowoc River, was referred to Streets & Sanitation Committee.

Communication (09-595) from Manitowoc County Corporation Counsel regarding the County's Lakeshore Humane Society Service Contract proposal, as detailed therein.

Special Events Request (09-655) from United States National Defense Corps requesting use of Silver Creek Park on August 7 & 8, 2010 for a fund raising event.

Request (09-662) from Tony Burgarino, Tony's Pizza, relative to four foot overhang on garage in City right-of-way.

Request (09-656) from Orion Energy Systems for a conditional use permit for a 115-foot wind turbine to be located at 2210 Woodland Drive

Request (09-669) from Mark and Christine Nickels, 3104 Wildwood Dr., to waive fee for sidewalk repair, as detailed therein.

Resolution (09-660) recommending a one and one-half percent wage increase for School Crossing Guards and Rahr-West Art Museum Security Guards, was referred to Personnel Committee.

Notice of Claim (09-635) from Armond Kueter of October 30, 2009, Claim File No. 09-1031.

Notice of Claim and Claim (09-637) from Greg Comstock - Rollaire of October 30, 2009, Claim File No. 09-1032.

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 (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.

Summons and Complaint (09-459) between M & I Marshall & Ilsley Bank v. Herman/Knox et al.

Notice of Claim & Claim (09-499) from Bradley J. Olivera of September 1, 2009, Claim File No. 09-1029.

Summons & Complaint (09-498) from BAC Home Loans Servicing, L.P. v. Eric J. & Kristin N. Hrudka et al, Case No. 09CV622.

Notice of Injury (09-494) from Lynn S. Groeschel and Steven Kaczecka, of August 24, 2009, Claim File No. 09-1026.

Notice of Claim and Claim (09-663) of Michelle B. Shea, Claim File No. 09-1033.

## **PENDING APPLICATIONS**

### **2010 COMMERCIAL GARBAGE HAULERS**

4 Larry's Hauling, Inc. 111 Balsam Rd., Sheboygan Falls, WI

### **2010 PAWNBROKER, SECOND-HAND DEALER, FLEA MARKET ETC.**

5 Brian A. Mrotek 1114 N. 8<sup>th</sup> St.  
d/b/a The Junque Box

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

319 Shaunda M. Johnson 1565 So. 35<sup>th</sup> St. #25