

## COMMON COUNCIL AGENDA

**Monday, April 2, 2012**  
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 James Blaha, Manitowoc County Health Department, on issues affecting the health and welfare of the community.

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 (12-204) of Great Lakes Utilities Power Supply Project Committee of 2/21/12; Public Utilities Commission of 2/13/12 and 2/27/12; Safety, Traffic and Parking Commission of 12/1/11; Sustainability Committee of 2/23/12; Zoning Board of Appeals of 3/21/12.

Communication (12-186) from Carol Westphal resigning from Manitowoc Sustainability Committee.

Notice (12-201) of an air pollution permit application review for Broadwind Towers, 101 S. 16<sup>th</sup> Street.

### **COMMITTEE OF THE WHOLE**

General City Claims (12-202) in the amount of \$429,607.71 enumerated on list thereof.

Mayor's Veto (12-195) of resolution (12-179) setting hourly wage and hours for the adult crossing guards.

Report (12-203) of City Planner David Less relative to extension of deadline for execution of ground lease with Riverland Ag Corp to May 25, 2012.

### **FINANCE**

Report (12-188) of City Planner David Less relative to request from Steimle Birschbach on behalf of Powers Tire Center Inc. for clarification from the City regarding language in the Tax Incremental Financing Performance Agreement between the City and Dewey Properties LLC.

Notice of Claim and Claim (12-184) of Howard E. Schmill dated March 20, 2012, Claim No. 12-1082.

## PARKS AND RECREATION

Vendor Agreement (12-193) from Tim Becker dba HP Enterprises for bounce house and games at Citizen Park on April 7, 2012.

Vendor Agreement (12-200) from Manitowoc Public Schools for concessions at Citizen Park from March 26 - June 10, 2012 for fastpitch softball season along with request to waive 5% total gross sales requirement.

Request (12-194) from Tom Chermak, Metro Jam, and George Kapitz, Bike in the Park, to switch dates for their events in 2012.

## PUBLIC PROPERTY AND SAFETY

Request (12-187) from Roncalli High School Student Government to waive the noise ordinance for their outdoor dance on May 13, 2012 from 8:00 p.m. until 11:30 p.m.

Collateral Assignment of Ground Lease (12- ) between City Centre LLC and BMO Harris Bank N.A.

Leasehold Mortgage, Security Agreement and Financing Statement (12- ) between City Centre LLC and BMO Harris Bank N.A.

Regional Fire Department Hiring Process Agreement (12- ) between City and Fox Valley Technical College

Request (12-192) of Bonnie Kutchera, 2628 Knuell St., for "No Outlet" or "No thru Street" signage at the beginning of Knuell St.

Request (12-199) from EWSC for a noise ordinance extension for the 2012 race season from 10:00 p.m. to 10:45 p.m. with a grace period of 15 minutes with all excessive noise to cease no later than 11:00 p.m.

Revised By-Laws (12- ) of Crime Prevention Committee.

## PUBLIC UTILITIES AND LICENSING

Request (12-198) from EWSC for an extension of beer sales to 12:00 a.m. for Friday night race season per the attached schedule.

## LICENSE APPLICATIONS REFERRED

### CLASS "A" RETAIL FERMENTED MALT BEVERAGE LICENSE 2012-13

- |   |  |                   |
|---|--|-------------------|
| 1 | Progreso Mexicano LLC<br>Jorge Ibarro, Agent | 3949 Calumet Ave. |
| 2 | ADITHI 1 LLC<br>Chandra Vasireddy, Agent     | 2914 Calumet Ave. |

### "CLASS A" RETAIL INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE 2012-13

- |   |   |                             |
|---|---|-----------------------------|
| 1 | Sly Fox Ventures, Inc.<br>Erik Groll, Agent | 1339 N. 8 <sup>th</sup> St. |
|---|---|-----------------------------|

### "CLASS B" FERMENTED MALT BEVERAGE - 2012-13 (6 MONTH)

- |   |  |                                  |
|---|--|----------------------------------|
| 1 | Manitowoc Amateur Baseball Inc.<br>James Maurer, Agent | S. 23 <sup>rd</sup> & Grand Ave. |
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### "CLASS B" INTOXICATING LIQUOR & FERMENTED MALT B **EVERAGE** - 2012-13

- |   |   |                     |
|---|---|---------------------|
| 1 | Harry J. Parker, LLC<br>Harry Parker, Agent                     | 702 Buffalo St.     |
| 2 | Van's Liquor & Beer Drive In, Inc.<br>Richard J. Krueger, Agent | 3920 Calumet Ave.   |
| 3 | AJBL Limited<br>Anthony J. Bugarino, Agent                      | 2204 Washington St. |
| 4 | Chewy's LLC   |                     |

5	Barbara A. Piaskowski, Agent Goldiggers Inc.	215 N. 8 <sup>th</sup> St.
6	Dale Trostorff, Agent Amvets Post 99 Inc.	924 Washington St.
7	Dennis Scherer, Agent Fraternal Order of Eagles Aerie 706, Inc.	4310 Conroe St.
8	Robert Kloida, Agent Manitowoc Lodging Associates LLP	823 Hamilton St.
9	Mike Shriner, Agent DJH Enterprises LLC	101 Maritime Dr.
10	Dennis Harrigan, Agent Manitowoc Football, Inc.	620 N. Water St.
11	Gary Dworak, Agent Wisconsin Maritime Museum	2301 Clay Pit Rd.
	Norma Bishop, Agent	75 Maritime Dr.

### **NEAR BEER (NON-INTOXICATING) BEVERAGE LICENSE - 2012-13**

1	Sly Fox Ventures, Inc. Erik Groll, Agent	1339 N. 8 <sup>th</sup> St.
2	Progreso Mexicano LLC Jorge Ibarro, Agent	3949 Calumet Ave.
3	ADITHI 1 LLC Chandra Vasireddy, Agent	2914 Calumet Ave.

### **TWO YEAR OPERATOR'S LICENSE - 2011-13**

345	Miranda Sadowski	5319 Cedar Lane
346	Katrina L. Leifer	811 State St.
347	Brooke E. Hardtke	1125 S. 25 <sup>th</sup> St.
348	Sara Champion	1612A Division St.
349	Bonnie Popp	W740 Cty Rd JJ, Brillion, WI 54110
350	Jay Budnik	383 N. 10 <sup>th</sup> St
351	Ron Cisler	1305 S. Main St., Two Rivers, WI 54241

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

2	Jamie Hansen EWSC	4921 Expo Dr.; Grandstand Area
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### **STREETS AND SANITATION**

Progress Invoice (12-189) from Wisconsin Dept. of Transportation in the amount of \$14,572.98 for N. Rapids Rd. & Broadway St. Intersection, Project No. WISC 2010805.

Progress Invoice (12-190) from Wisconsin Dept. of Transportation in the amount of \$8,717.67 for Waldo Blvd. CTH R - 8<sup>th</sup> Street, Project No. WISC 2011619.

Communication (12-191) from S.M.I. as representatives of Popp Enterprises LLC requesting Final Plat approval of Popp Subdivision No. 3.

Request (12-185) from First Lutheran Church for use of barricades for the annual Shanty Town event on April 21, 2012.

Request (12-196) from TLC Homes Inc. for an exception to the 2500' rule for CBRF's for property at 2127 Menasha Avenue which will eventually be licensed as a 4-bed adult family home.

Request (12-197) from TLC Homes Inc. for an exception to the 2500' rule for CBRF's for property at 4436-4438 Fleetwood Dr. which will eventually be licensed as a 8-bed community based residential facility.

Communication (12-205) from S.M.I. as representatives of Apex Leasing requesting a 30 foot easement between Lots 6 and 7, Block 1, Manitowoc I-43 Industrial Park Subdivision No. 2 be vacated.

### **PERSONNEL**

None.

### **RESOLUTIONS**

Resolution (12- ) hiring a Finance Director/Treasurer and setting a salary.

### **COMMITTEE REPORTS**

None.

### **ORDINANCES**

An ordinance (12- ) to create section 2.110 of the Manitowoc Municipal code establishing term limits for the Mayor and Alderpersons, was referred to Committee of the Whole.

Ordinance (12- ) amending Section 10.390 of the Manitowoc Municipal Code regulating prohibited parking, was referred to Public Property and Safety Committee.

Ordinance (12- ) amending the deposit schedule for various provisions of Chapters 13, 15, 16, 17 and 18 setting the standard deposit amount for violations of housing, building, plumbing and electrical codes, was referred to Public Property and 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 B” FERMENTED MALT BEVERAGE**

7 Abba, LLC 204 N. 8<sup>th</sup> St.  
Abby Garcia, Agent

#### **“CLASS C” WINE LICENSE**

3 Abba, LLC 204 N. 8<sup>th</sup> St.  
Abby Garcia, Agent

#### **TWO YEAR OPERATOR'S LICENSE - 2011-13**

343	Kayla M. Mathiesen	2210 S. 42 <sup>nd</sup> St.
344	Rebecca A. Mleziva	1226A S. 17 <sup>th</sup> St.
345	Miranda Sadowski	5319 Cedar Lane
346	Katrina L. Leifer	811 State St.
347	Brooke E. Hardtke	1125 S. 25 <sup>th</sup> St.
348	Sara Champion	1612A Division St.
349	Bonnie Popp	W740 Cty Rd JJ, Brillion, WI 54110
350	Jay Budnik	383 N. 10 <sup>th</sup> St
351	Ron Cisler	1305 S. Main St., Two Rivers, WI 54241

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

2 Jamie Hansen EWSC 4921 Expo Dr.; Grandstand Area

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

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

Resolution (11-556) to revise position description and to fill the vacant position of Parks Worker II.

#### **FINANCE** **Previously Referred**

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

Summons and Complaint (09-277) from JPMC Specialty Mortgage, LLC vs. Tammy & Brian Heili et al., Case No. 09 CV 0335.

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.

Notice of Claim (09-390) of Michael E. Augustine of June 26, 2009, Claim File No. 09-1024.

Notice (09-705) of Event giving rise to claim from D. T. Kedinger 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.

Defendants' Answer (10-017) relative to Case No. 09-C-1157, Brian W. Swetlik vs. Former Mayor Kevin Crawford et al.

Notice (10-092) of Motion and Motion to Reopen Case of Alex v. Augustine, etc., Case No. 06-CV-0329.

Notice (10-205) of Circumstances of Claim on behalf of The Estate of Robert Rue, Fleet Claim File No. 10-187.

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

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

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

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.

Summons and Complaint (11-200) from Manitowoc Properties LLC of March 2, 2011, Case No. 11 SC 0333.

Summons and Complaint (11-276) between Zetley Real Estate Co., LLC and City of Manitowoc, Case No. 11 CV 296.

Notice of Claim and Claim (11-293) of May 2, 2011 from Bradley A. Jacobson, Claim File No. 11-1066.

Notice of Claim (11-361) of Joaquim Martinez, Claim File No. 11-1068.

Communication (11-380) from City Assessor Sarah Hoppe to refund personal property tax on parcel 000-917-803.

Summons and Complaint (11-412) in the matter of Manitowoc County Habitat for Humanity, Inc. v. Estate of Wendy Koepke et al.

Notice of Claim and Claim (11-625) of David and Eliner Waege dated September 15, 2011, Claim File No. 11-1074.

General City Budget (11-713) of proposed 2011 levy for 2012, in the amount of \$13,116,398.00 including the Manitowoc Public Library, with \$917,945.00 in proposed tax incremental financing.

Notice of Claim (11-676) of October 4, 2011 from Virginia Podrabsky, Claim File No. 11-1075.

Notice of Claim and Claim (11-750) of November 6, 2011 from Greg J. Zabler, Claim File No. 11-1079.

Amended Summons and Complaint (11-790) of Wisconsin Housing and Economic Development Authority vs. Vang, et al, Case No. 11-CV-615.

Resolution (12-051 ) to adopt two Promissory Notes representing a Five Million Dollar loan

from Manitowoc Public Utilities to balance the 2011 budget.

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

Ordinance (12-150) to amend Section 21.030(4)(f)(5) of the Manitowoc Municipal Code regulating the use of funds provided by developers in lieu of parkland dedication, was referred to Parks and Recreation Committee.

**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.

Ordinance (12-085) amending Section 14.020(2) governing restricted species.

Ordinance (12-087) to amend Section 10.490 regarding two hour parking on Maritime Drive between N 8<sup>th</sup> and N 10<sup>th</sup> Streets.

Agreement (12-113) with Manitowoc County Joint Dispatch relative to time system indirect agency access.

Petition (12-139) for public safety from residents of 36<sup>th</sup> Street from Marshall to Calumet requesting a sign allowing no u-turns from McDonald's restaurant onto 36<sup>th</sup> Street.

Communication (12-145) from Amanda Behnke, Owner, Hair with Flair, relative to parking tickets issued to her customers.

Communication (12-152) from James Blaha, Health Officer, relative to a variety of problems that affect the health and welfare of the community.

Communication (12-165) from First German Ev. Lutheran Church requesting a change in signage at the entrance driveway to the church.

Ordinance (12-180) to create section 10.070 of the Municipal Code regarding unnecessary acceleration, was referred to Public Property and Safety Committee.

Ordinance (12-181) to amend Section 10.010 of the Municipal Code adopting state laws by reference, was referred to Public Property and Safety Committee.

Resolution (12-179) setting hourly wage and hours for the adult crossing guards.

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

Request (11-102) from Isaac Notz, 3205 S. 19th St. requesting electrical service to his property outside the city limits.

Ordinance (12-070) amending various sections of Chapter 12 of the Manitowoc Municipal Code regarding water main extension and assessment policy.

Communication (12-176) from Lake Michigan Carferry to share costs of replacing air conditioning units at the carferry ticket office.

Ordinance (12-182) to amend Section 11.150 of the Municipal Code regulating pawnbrokers and secondhand article and jewelry dealers, was referred to Public Utilities and Licensing Committee.

**PENDING APPLICATIONS**

**“CLASS B” INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE LICENSE - 2011-12**

62	El Caballo Loco-Crazy Horse, LLC Arlene A. DeGuzman, Agent	1802 Washington St.
65	Glenn Helgerson	835 S. 15 <sup>th</sup> St.
66	Dobis LLC Matthew S. Kanter, Agent	714 York St.

CLASS "A" RETAIL FERMENTED MALT BEVERAGE LICENSE 2012-13

1	Progreso Mexicano LLC Jorge Ibarro, Agent	3949 Calumet Ave.
2	ADITHI 1 LLC Chandra Vasireddy, Agent	2914 Calumet Ave.

"CLASS A" RETAIL INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE 2012-13

1	Sly Fox Ventures, Inc. Erik Groll, Agent	1339 N. 8 <sup>th</sup> St.
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"CLASS B" FERMENTED MALT BEVERAGE - 2012-13  
(6 MONTH)

1	Manitowoc Amateur Baseball Inc. James Maurer, Agent	S. 23 <sup>rd</sup> & Grand Ave.
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"CLASS B" INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE - 2012-13

1	Harry J. Parker, LLC Harry Parker, Agent	702 Buffalo St.
2	Van's Liquor & Beer Drive In, Inc. Richard J. Krueger, Agent	3920 Calumet Ave.
3	AJBL Limited Anthony J. Burgarino, Agent	2204 Washington St.
4	Chewy's LLC Barbara A. Piaskowski, Agent	215 N. 8 <sup>th</sup> St.
5	Goldiggers Inc. Dale Trostorff, Agent	924 Washington St.
6	Amvets Post 99 Inc. Dennis Scherer, Agent	4310 Conroe St.
7	Fraternal Order of Eagles Aerie 706, Inc. Robert Kloida, Agent	823 Hamilton St.
8	Manitowoc Lodging Associates LLP Mike Shriner, Agent	101 Maritime Dr.
9	DJH Enterprises LLC Dennis Harrigan, Agent	620 N. Water St.
10	Manitowoc Football, Inc. Gary Dworak, Agent	2301 Clay Pit Rd.
11	Wisconsin Maritime Museum Norma Bishop, Agent	75 Maritime Dr.

**NEAR BEER (NON-INTOXICATING) BEVERAGE LICENSE - 2012-13**

2	Progreso Mexicano LLC Jorge Ibarro, Agent	3949 Calumet Ave.
3	ADITHI 1 LLC Chandra Vasireddy, Agent	2914 Calumet Ave.

**STREETS AND SANITATION**  
**Previously 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.

Utility Easement (10-585) to Manitowoc Public Utilities for the purpose of constructing, maintaining, repairing and replacing electrical utility facilities.

Communication (11-192) from Director of Public Works and City Engineer Valerie Mellon regarding DOT Project on USH 151 (Calumet Avenue) - STH 42 to I-Tec Drive Reconstruction.

Request (11-203) from SMI on behalf of Popp Enterprises LLC (with Petition attached) for a vacation of a portion of an official map street reducing the right-of-way of So. 21st Street from Summit St. to Flambeau St.

Notice (10-204) of Circumstances of Claim on behalf of Violet M. Rue, Fleet Claim File No. 10-186.

Request (11-343) from Wisconsin Aluminum Foundry Co. to privatize sanitary sewer line that currently services the right-of-way that WAF had requested the City to vacate and amend its Official Map.

Request (11-653) from TLC Homes for conditional use permit to operate a day service program serving disabled adults at 5151 Expo Drive.

Lease (11-746) between Lease Finance Group and City of Manitowoc Evergreen Cemetery for credit card equipment.

Communication (10-064) from SMI requesting that Streets and Sanitation Committee take action on various issues relating to storm water pond maintenance costs.

Sidewalk Privilege Agreement (11-720) with KB Brothers LLC for the purpose of placing a concrete retaining wall along S. 20th Street in the right-of-way located at 2000 Clark St.

Communication (12-111) from Wisconsin Dept. of Administration stating they do not object to final plat of Popp Subdivision No. 3.

Application (12-163) from Lee Meyer, Ecology Technology, Inc., for a change in zone from R-4 to C-1 for property on S. 10<sup>th</sup> Street, parcel #805-202-040.

Special Events Request (12-158) from Two Rivers Main Street for 12<sup>th</sup> Annual Cool City Classic Car Show and Cruise Night on Friday, June 29, 2012, traveling from Silver Creek Park along the route detailed therein to Two Rivers, and asking for police assistance.

### **PERSONNEL** **Previously Referred**

Resolution (11-319) to adjust job titles for Business Manager of Dept. of Public Works, Fleet Manager and Administrative Assistant to Director.

Resolution (12-108) implementing a hiring freeze for 2012 and vacant positions for 2012 to be filled with approval by 2/3 vote of the Common Council, was referred to Personnel Committee