

COMMON COUNCIL AGENDA

Monday, July 6, 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:

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 (10-374) of Manitowoc Industrial Development Corporation of 3/11/10; Library Board of 5/24/10; Library Board of 5/24/10; Rahr-West Art Museum Board of 6/12/10.

COMMITTEE OF THE WHOLE

Amendment (10-) to 2010-11 Council Rules amending rule #2 changing Co-Chairperson to Vice-Chairperson.

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

FINANCE

Report (10-367) of City Planner David Less with fully executed Intergovernmental Agreement attached stating multi-jurisdictional cooperation by and between Redevelopment Authority of the City of Oshkosh and the City of Oshkosh and the Community Development Authority of the City of Manitowoc and the City of Manitowoc.

Report (10-370) of City Planner David Less relative to Great Lakes Energy Technologies, LLC/Orion Energy Systems, Inc. with proposed Intercreditor Agreement attached.

Report (10-376) of Manitowoc Industrial Development Corporation relative to Great Lakes Energy Technologies, LLC/Orion Energy Systems, Inc., review of Intercreditor Agreement and request for collateral adjustment.

Report (10-375) of Manitowoc Industrial Development Corporation relative to Economic Development Corporation of Manitowoc County consideration of future funding (2011-2013) Services Agreement.

Report (10-379) of Manitowoc Industrial Development Corporation relative to Manitowoc Area Visitor & Convention Bureau proposed allocation of room tax for animated sign at 4221 Calumet Ave.

PARKS AND RECREATION

Display Case Agreement (10-356) with Green Construction LLC for the construction of a display case suitable for displaying exhibits of educational interest at the Lincoln Park Zoo in its Educational Building, with the entire project being funded through the Lincoln Park Zoological Society.

Special events request (10-364) from Hmong Community Center, Inc. requesting approval for Hmong Manitowoc Pre-New Year Festival celebration to be held at Silver Creek Park on September 11 and 12, 2010 from 7:00 a.m. to 7:00 p.m.

Special events request (10-354) from Autism Society of the Lakeshore requesting approval for fund raising walk starting and ending at Lincoln Park Fieldhouse on September 25, 2010, as detailed therein. (Copy to Streets & Sanitation).

PUBLIC PROPERTY AND SAFETY

Communication (10-360) from Lt. Steve Eckley, Manitowoc Police Department requesting the establishment of the Police/Fire Chaplain Program.

Report (10-) of Public Property and Safety Committee recommending approval of an additional canine unit.

PUBLIC UTILITIES AND LICENSING

Report (10-355) of Bay-Lake Regional Planning Commission of Maritime Metro Transit Development Program (TDP) for 2010-2014.

2010 Small Urban Operating Assistance Contract (10-357) between the City of Manitowoc and the State of Wisconsin, Department of Transportation, for Maritime Metro Transit, as detailed therein.

2010 Urban Mass Transit Operating Assistance Contract (10-358) between the City of Manitowoc and the State of Wisconsin, Department of Transportation, for Maritime Metro Transit, as detailed therein.

Findings of Facts, Conclusions of Law and Recommendation (10-371) of Public Utilities & Licensing Committee recommending to deny application no. 54 for 2010-12 Two Year Operator's license of Cesar Alvarez.

Special Events Request (10-373) from Tower Tavern to close off street and extend their licensed premise to include area of dead-end street at 602 N. Water Street. (Copy to Streets and Sanitation).

Amendment (10-377) to 2008 Section Small Urban Operating Assistance Contract between the City of Manitowoc and the State of Wisconsin, Department of Transportation, for Maritime Metro Transit, as detailed therein.

Amendment (10-378) to 2009 Section Small Urban Operating Assistance Contract between the City of Manitowoc and the State of Wisconsin, Department of Transportation, for Maritime Metro Transit, as detailed therein.

LICENSE APPLICATIONS REFERRED

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

50 Capitol Civic Centre, Inc. 702 Jay St.
(Change of Agent to Peggy A. Krey)

CLASS "B" TEMPORARY BEER & TEMPORARY WINE LICENSE

31 (Beer) St. Francis of Assisi Parish 1121 N. 14th St.

3 (Wine) St. Francis of Assisi Parish 1121 N. 14th St.

ONE YEAR OPERATOR'S LICENSE 2010-11

7 Mathew Mauhar 902 S. 14th St

8 Rodney Mack 3783 Mackert St. #5

9 Becky Conard 1213 S. 11th St.

10	Tania Toland-Kosarzycki	1127 S. 19th St.
11	April Sundlin	1126 Fairmont Lane
12	Heidi Hansen	16210 Hwy. M., Cleveland, WI 53015
13	Felicia R. Younger	1316 S. 14 th St. Apt. A

TWO YEAR OPERATOR'S LICENSE 2010-12

206	Stacy J. Sadowski	1454 N. 10th St.
207	Brenda Fischer	3917 Hwy. H, Cato, WI 54230
208	Jerry M. Gospodarek	1309 Oriole Rd.
209	Kim F. Ruhl	5625 Quail Circle
210	Matthew Teshima	1607 S. 15th St.
211	Doretta Klein	2602 16th St., Two Rivers, WI 54241
212	Douglas Riesterer	4334 Country Lane
213	Jacqueline Bellin	527 N. 4th St.
214	Christina M. Duckett	1810 14th St., Two Rivers, WI 54241
215	Patrick Downey	1409 Gunnell Lane
216	Ann M. Rathsack	4752 W. Whitetail Ct.
217	Christine Engelbrecht	4231 County Road Q
218	Jennifer Kuhr	1901 Wild Oak Dr., #2
219	Bryce Haws	1520 Crystal Springs Rd., Two Rivers, WI 54241
220	Robert Zigmund	1112 N. Union Rd.
221	Thomas D. Anderson	1901 Wild Oak Dr.
222	Keith J. Shebesta	1301 Hillcrest Dr.
223	Michelle K. Rusboldt	2237 Russell Lane
224	Michael M. Madsen	4441 Fleetwood Dr.
225	Melissa A. Grenier	546 S. 30th St.
226	Alicia Gintner	2404 S. 11st Street
227	Shashikant Patel	3101 Yorkshire Lane #C
228	Holly L. Peterson	469 Grand Ave., Denmark, WI 54208
229	Danielle M. Boldt	1034 S. 23rd St.
230	Amy M. Grupe	1520 S. 16th St
231	Carl F. Maki	3512 Division St.
232	Adam Holschbach	934 N. 11th St.
233	Ashley Rodewald	4312 Ravine Drive
234	Brett Flentje	3405 Lincoln Ave., Two Rives, WI 54241
235	Marcy Ciha	915 Summit St.
236	Rachel A. Monka	4930 Benley Ct., Apt. 6
237	Samantha T. Hood	204 N. 8th St., Apt. 804
238	Bradley J. Rusboldt	2237 Russell Lane
239	Stacie robinson	612 N. Packer Dr.
240	Kayla Witczak	8403 Stone Rd.
241	Stephanie Horkman	1118 S. 14th St.
242	Daniel J. Moder	2230 S. 42 nd St. #2
243	Constance L. Barbier	1335 Bentwood Ln.

STREETS AND SANITATION

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.

Public Works Petition (10-361) from Merwynn Trade Group, LLC for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on Un-Named Street, as described therein, and shown on the attached map (Parcel No. 836-301-065).

Public Works Petition (10-362) from Merwynn Trade Group, LLC for permanent paving, sidewalks, storm and sanitary sewers and other public utilities to be installed on property abutting on So. 39th Street, as described therein, and shown on the attached map (Parcel No. 836-301-065).

Request (10-363) from Manitowoc County Domestic Violence Center requesting a conditional use permit for property located at 300 E. Reed Ave.

Communication (10-365) from Wisconsin Public Service relative to proposal to combine its two distribution stations along Middle Rd. and Hessel Ct. into a single upgraded facility on W. Custer St. (Copy to Public Utilities & Licensing).

Report (10-368) of City Planner David Less requesting approval of Amendment No. 3 to TIF Performance Agreement with Manitowoc Place, LLC, 204 N. 8th St. relative to release of interest in assignment of life insurance proceeds.

State/Municipal Agreement (10-369) for highway improvement project at intersection of Rapids Rd. and Broadway St.

Communication (10-372) from Bay-Lake Regional Planning Commission submitting City of Two Rivers 20-Year Comprehensive Plan.

PERSONNEL

Communication (10-366) from Wisconsin Professional Police Association advising of commencement of bargaining for successor agreement.

RESOLUTIONS

None.

COMMITTEE REPORTS

None.

ORDINANCES

None.

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 - 2010-11

50 Capitol Civic Centre, Inc. 702 Jay St.
(Change of Agent to Peggy A. Krey)

CLASS “B” TEMPORARY BEER & TEMPORARY WINE LICENSE

31 (Beer) St. Francis of Assisi Parish 1121 N. 14th St.

3 (Wine) St. Francis of Assisi Parish 1121 N. 14th St.

ONE YEAR OPERATOR’S LICENSE 2010-11

7 Mathew Mauhar 902 S. 14th St

8 Rodney Mack 3783 Mackert St. #5

9 Becky Conard 1213 S. 11th St.

10 Tania Toland-Kosarzycki 1127 S. 19th St.

11	April Sundlin	1126 Fairmont Lane
12	Heidi Hansen	16210 Hwy. M., Cleveland, WI 53015

TWO YEAR OPERATOR'S LICENSE 2010-12

155	Daniela Evanoff	2111 N. 8th St.
206	Stacy J. Sadowski	1454 N. 10th St.
207	Brenda Fischer	3917 Hwy. H, Cato, WI 54230
208	Jerry M. Gospodarek	1309 Oriole Rd.
209	Kim F. Ruhl	5625 Quail Circle
210	Matthew Teshima	1607 S. 15th St.
211	Doretta Klein	2602 16th St., Two Rivers, WI 54241
212	Douglas Riesterer	4334 Country Lane
213	Jacqueline Bellin	527 N. 4th St.
214	Christina M. Duckett	1810 14th St., Two Rivers, WI 54241
215	Patrick Downey	1409 Gunnell Lane
216	Ann M. Rathsack	4752 W. Whitetail Ct.
217	Christine Engelbrecht	4231 County Road Q
218	Jennifer Kuhr	1901 Wild Oak Dr., #2
219	Bryce Haws	1520 Crystal Springs Rd., Two Rivers, WI 54241
220	Robert Zigmund	1112 N. Union Rd.
221	Thomas D. Anderson	1901 Wild Oak Dr.
222	Keith J. Shebesta	1301 Hillcrest Dr.
223	Michelle K. Rusboldt	2237 Russell Lane
224	Michael M. Madsen	4441 Fleetwood Dr.
225	Melissa A. Grenier	546 S. 30th St.
226	Alicia Gintner	2404 S. 11st Street
227	Shashikant Patel	3101 Yorkshire Lane #C
228	Holly L. Peterson	469 Grand Ave., Denmark, WI 54208
229	Danielle M. Boldt	1034 S. 23rd St.
230	Amy M. Grupe	1520 S. 16th St
231	Carl F. Maki	3512 Division St.
232	Adam Holschbach	934 N. 11th St.
233	Ashley Rodewald	4312 Ravine Drive
234	Brett Flentje	3405 Lincoln Ave., Two Rives, WI 54241
239	Stacie Robinson	612 N. Packer Dr.
240	Kayla Witczak	8403 Stone Rd.

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

**COMMITTEE OF THE WHOLE
Previously Referred**

Petition (10-348) for direct annexation from Donald and Audrey Olson, 5141 Edgewood Lane, for annexation of a 1.002 acre parcel of land abutting Edgewood Lane and W. Custer Street, as described therein and shown on the attached map.

Resolution (10-322) authorizing Mayor Nickels as the City's officer in charge at the City picnic on July 4, 2009, to be held at Washington Park, was referred to Committee of the Whole.

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. Kedingger 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.

Notice of Claim and Claim (10-097) from Maritime Plumbing of February 23, 2010, Case No. 10-1039.

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.

Notice of Claim (10-203) and Claim from Justin P. Massart, Claim File No. 10-1042.

Notice of Claim (10-269) and Claim of May 18, 2010, from Norman H. Reichard, Claim File No. 10-1043.

Report (10-289) of City Clerk Jennifer Hudon, Secretary, Board of Review relative to palpable error discovered for parcel 824-301-010 located on Michigan Avenue, recommending refund of \$12,968.61 for years 2007-08-09.

Notice of Claim (10-309) of State Farm Mutual Automobile Insurance Company relative to October 9, 2003 incident involving their insured Beth Dodge, Fleet Claim No. 10-189.

Summons & Complaint (10-311) of June 4, 2010, Investors Community Bank v. Schuette Building LLC, Case No. 10 CV 465.

Notice of Claim and Claim (10-312) of John Peak of June 3, 2010, Claim File No. 10-1044.

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

Notice of Claim and Claim (10-317) of Jeannette Junk of June 11, 2010, Claim File No. 10-1046.

PARKS AND RECREATION
Previously Referred

None

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 (10-324) to create and amend various sections in Chapter 10 of the Manitowoc Municipal Code relative to traffic and parking, was referred to Public Property and Safety Committee.

PUBLIC UTILITIES & LICENSING
Previously Referred

Communication (10-122) from Norma Escamilla Coronado, surrendering the Class "A" Retail Fermented Malt Beverage license for 2205-2207 Marshall Street in favor of a Class B Beer license to same applicant, effective upon issuance of new license.

Ordinance (10-202) to amend Section 11.01(10) of Manitowoc Municipal Code regarding the license area for the sale of "Class A" Intoxicating Liquor.

Communication (10-275) from Festival Foods attaching petitions from over 1100 citizens asking for a change to the Section 11.01(10) of the Municipal Code regarding alcohol sales.

Ordinance (10-323) to amend Section 11.01(10)(d) regarding intoxicating liquor sales, was referred to Public Utilities and Licensing Committee.

PENDING APPLICATIONS

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

60	Legend Larry's LLC Larry Schaefer, Agent	921 S. 10 th St.
64	Popp's Riverwalk Citgo, Inc. Randall W. Popp, Agent	50 Maritime Drive West

"CLASS B" FERMENTED MALT BEVERAGE - 2009-10

9	Norma Escamilla Coronado	2205-2207 Marshall St.
---	--------------------------	------------------------

ONE YEAR OPERATOR'S LICENSE 2010-11

13	Felicia R. Younger	1316 S. 14 th St. Apt. A
----	--------------------	-------------------------------------

TWO YEAR OPERATOR'S LICENSE 2010-12

235	Marcy Ciha	915 Summit St.
236	Rachel A. Monka	4930 Benley Ct., Apt. 6
237	Samantha T. Hood	204 N. 8th St., Apt. 804
238	Bradley J. Rusboldt	2237 Russell Lane
241	Stephanie Horkman	1118 S. 14th St.
242	Daniel J. Moder	2230 S. 42 nd St. #2

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.

Communication (10-154) from Geoffrey S. Wolf to hold a Freedom Walk on July 4, 2010, in support of "open carry" in the state of Wisconsin.

Application (10-162) from Paul Reiser, for a change in zone from B-3 General Business District to C-1 Commercial District for property located at 2410 Marshall Street.

City Plan Commission, to whom was referred application (10-162) for a change in zone from B-3 General Business District to C-1 Commercial District for property located at 2410 Marshall Street,

Sidewalk Privilege Agreement (10-176) with NST Manitowoc Acquis LLC for the purpose of moving, installing and maintaining five signs to be placed in City right-of-way located at 1440 N. 24th St.

Request (10-208) from SMI, as representatives of Popp Enterprises, owners of Popp Subdivision No. 3, for approval of a preliminary plat and other pertinent data to the applicable agencies, for property located on So. 21st St. between Summit St. and Flambeau St.

Communication (10-259) from Manitowoc Eagles Aerie 706 requesting a conditional use permit for 823 Hamilton Street, Manitowoc, WI.

Communication (10-326) from Manitowoc Public School District to move a 24' x 30' garage from 721 Green St. to the north parking lot of Lincoln High School (1433 S. 8th St.).

Release (10-352) of Easement to MTM Real Estate, LLC of a 10' wide drainage easement across property located west of South 41st Street between Clipper Dr. and Expo Dr.

PERSONNEL
Previously Referred

None.