

## COMMON COUNCIL AGENDA

Monday, August 2, 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:** 7:10 p.m. - Construction progress of South 10<sup>th</sup> Street in accordance with City of Manitowoc Citizen Participation Plan and the Wisconsin Dept. of Commerce Community Development Block Grant (CDBG) program.

**CLOSED SESSION:** None.

### REPORTS OF OFFICERS:

Kamagowa/Manitowoc Student Exchange Program.

Mayor Nickels presents proclamation advising August 1 - 7, 2010 as Clown Week.

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 (10-435) of Crime Prevention of 5/6/10; Great Lakes Utilities of 4/20/10, 5/19/10 & 6/16/10; Great Lakes Utilities Hydroelectric Project of 6/9/10; Manitowoc Public Utilities Commission of 6/14/10 & 7/12/10; Manitowoc Sustainability Committee of 5/27/10 & 6/24/10; Visitor & Convention Bureau of 4/8/10; Wastewater Treatment Facility Board of 6/8/10.

### COMMITTEE OF THE WHOLE

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

### FINANCE

Summons and Complaint (10-431) of BAC Home Loans Servicing, L.P. v. Sherry L. Close et al, Case No. 10 CV 582.

### PARKS AND RECREATION

None.

### PUBLIC PROPERTY AND SAFETY

Report (10-441) of Board of Public Works of July 28, 2010, regarding bids received for EECBG City Facilities Lighting Upgrade, Project WB-10-13.

Report (10-438) of Board of Public Works of July 28, 2010, regarding quotes received for one new 2010 diesel tractor for Department of Public Works, Project QE-10-5.

Report (10-437) of Board of Public Works of July 28, 2010, regarding bids for light fixtures, QM-10-7.

Report (10-429) of Public Property and Safety Committee relative to various traffic, parking and signage issues referred to Safety, Traffic and Parking Commission for consideration.

Special events request (10-427) from Randy Heinzen, Chr., Lakeshore Weekend, requesting a variance of the sound and beverage ordinance for the annual Lakeshore Weekend event to be held on August 6, 7 & 8, 2010, until 12:00 midnight on Friday & Saturday, and permission to block off the access street to the boat launch north of the YMCA, and the use of various equipment, as detailed therein; copies to Public Utilities & Licensing and Parks and Recreation Committees.

Hold Harmless Agreement (10-433) with Holy Family Memorial Medical Center to conduct fire training activities at 2417 Liberty Place, as detailed therein.

Ambulance Service Agreement (10-436) with Manitowoc County Expo to provide ambulance service for the safety of activity participants and spectators at County Fair.

### **PUBLIC UTILITIES AND LICENSING**

None.

### **LICENSE APPLICATIONS REFERRED**

#### **CLASS "A" RETAIL FERMENTED MALT BEVERAGE LICENSE**

21	Walgreen Company CHANGE OF AGENT TO: Kris Adams	2702 Calumet Ave.
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#### **TEMPORARY OPERATOR'S LICENSE 2010**

2	Cary J. Nate	16119 Taus Rd., Cato, WI 54230
3	Sharon D. Nate	16119 Taus Rd., Cato, WI 54230
4	Tabitha E. Nate	16119 Taus Rd., Cato, WI 54230
5	William Birkholz	9306 Hwy. 10, Cato, WI 54230
6	Tina M. Jaeger	14610 Hwy 42, Newton, WI 53063
7	Doris A. Schnelle	14213 Pigeon River Rd., Cleveland, WI 53015
8	Larry L. Huhn	1481 Lake Shore Dr., Cleveland, WI 53015
9	Elroy N. Jaeger	12719 Westview Rd., Cleveland, WI 53015
10	Peter Sixel	13722 Pioneer Rd., Newton, WI 53063
11	Orville D. Langohr	14230 Pigeon River Rd., Cleveland, WI 53015
12	Christopher B. Sieracki	10817 Hwy 42, Newton, WI 53063
13	Karl J. Baryenbruch	7004 Newton Rd., Newton, WI 53063
14	Steven E. Hutchison	7213 Scheffler Rd., Newton, WI 53063
15	Thomas A. Nonnemacher	1609 Viebahn St.
16	Donna J. Petska	6275 Homestead Lane, Two Rivers, WI 54241
17	Thomas J. Rysticken	3215 Bellevue Pl., Two Rivers, WI 54241
18	Francis G. Holly	1922 Sharon Lane
19	Craig A. Rysticken	1405 Terrace Ct., Two Rivers, WI 54241
20	Robert Diener	5026 Wagon Wheel Rd.
21	Jeffrey P. Schmid	1819 Cty Rd. VV, Two Rivers, WI 54241
22	John J. Engstrom	4105 Clover St., Two Rivers, WI 54241
23	Paul F. Meissner	6334 Johnston Dr., Two Rivers, WI 54241
24	Scott A. Schmidtman	110 E. Washington, Valders, WI 54245
25	Megan A. Schmidtman	1633 S. 10th St.

26	Bonnie Kracht	1128 S. Union Rd., Newton, WI 53063
27	Jeffrey Schermetzler	2230 Lakeshore Blvd.
28	Michael F. Schwoerer	109 Grant St., Valders, WI

**ONE YEAR OPERATOR'S LICENSE 2010-11**

14	Ryan M. Schultz	866 N. 17th St.
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**TWO YEAR OPERATOR'S LICENSE 2010-12**

256	Jeffrey S. Erickson	1512 Ahrens St.
257	Caleb R. Bruechert	2110 Fairmont St.
258	Katrina A. Krupski	1102 N. 21st St.
259	Timothy R. Aherns	1258 Arlington Ave.
260	Samantha Rockwell	2205A S. 10th Street
261	Sharon Fencil	2228 S. 13th St.
262	Monique L. Hess	1439 Commercial St., #54, Neenah, WI 54956
263	Troy Gauthier	4426 Kneull Ct., Apt. A
264	Tara Pribyl	2832 12 <sup>th</sup> St., Two Rivers, WI

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

2	Randall Heinzen Lakeshore Weekend	Breakwater near Manitowoc Marina & YMCA Beach
3	Manitowoc County Expo	4921 Expo Dr.; Grandstand Area
4	Manitowoc County Expo	4921 Expo Dr.; Grandstand Area
5	Manitowoc County Expo	4921 Expo Dr.; Grandstand Area

**STREETS AND SANITATION**

Report (10-442) of Board of Public Works of July 28, 2010, regarding bids received for 2010 Sanitary Sewer Construction, Project WS-10-12.

Report (10-440) of Board of Public Works of July 28, 2010, regarding bids received for ferric chloride for Wastewater Treatment Facility, Project QM-10-6.

Report (10-439) of Board of Public Works of July 28, 2010, regarding bids received for 2010 Tree Planting Project, QS-10-8.

Quit Claim Deed (10- ) to Christopher C. Allie and Christine A. Allie for 22' wide strip at Evergreen Cemetery - West.

Utility Easement (10- ) from Peter C. Allie for the purpose of constructing, maintaining, repairing and replacing utilities relative to sanitary sewer interceptor relay at Manitowoc River south of Michigan Avenue.

Utility Easement (10- ) from Peter C. Allie and Stacey C. Culligan for the purpose of constructing, maintaining, repairing and replacing utilities relative to sanitary sewer interceptor relay at Manitowoc River east of N. 39<sup>th</sup> Street.

Special Events Request (10-432) from Manitowoc County Special Olympics to hold the 11th annual 5K run/walk at the Manitowoc County Fair on August 24, 2010 at 6:00 p.m.

Report (10-434) of City Planner David Less relative to targeted brownfield assessment activities at 1512 Washington Street.

**PERSONNEL**

None.

**RESOLUTIONS**

Resolution (10-430) approving Redevelopment Authority of the City of Oshkosh, Wisconsin, Redevelopment Revenue Bonds, Series 2010 (Dermatology Associates of Wisconsin, S.C. Project), was referred to Finance Committee.

**COMMITTEE REPORTS**

None.

**ORDINANCES**

Ordinance (10-428) to amend various sections of 14.03 of the Manitowoc Municipal Code regarding restricted animal species, 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 "A" RETAIL FERMENTED MALT BEVERAGE LICENSE**

21 Walgreen Company 2702 Calumet Ave.  
CHANGE OF AGENT TO:  
Kris Adams

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18 Francis G. Holly 1922 Sharon Lane  
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5	Manitowoc County Expo	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**

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.

**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. 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.

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.

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

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.

Notice of Claim (10-383) of Deborah S. Kerr of July 8, 2010, Claim File No. 10-1047.

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

Answer and Affirmative Defenses (10-421) relative to Investors Community Bank Plaintiff, v. Schuette Building LLC and Thomas D. Hansen and John W. Raettig Defendants, and W-1 Management, LLC and City of Manitowoc and John Doe and Jane Doe, Added Defendants.

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

Resolution (10-416) to approve a Boundary Amendment Number One (1) to Tax Incremental Financing (TIF) District No. 7 Project Plan.

Resolution (10-417) to approve a Boundary Amendment Number One (1) to Tax Incremental Financing (TIF) District No. 9 Project Plan.

Resolution (10-418) to approve a Boundary Amendment Number One (1) to Tax Incremental Financing (TIF) District Number 10 Project Plan.

#### **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.

Communication (10-391) from Kevin Neelis, Heritage Real Estate offering properties for possible sale to the City of Manitowoc.

#### **PUBLIC UTILITIES & LICENSING**

##### **Previously Referred**

Communication (10-397) from Van's Liquor & Beer Drive-In, Inc., Richard Krueger, Agent surrendering the "Combination Class A" Retail Intoxicating Liquor & Fermented Malt Beverage License for the premises at 3920 Calumet Ave. in favor of a "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage License effective on/after 9/1/2010.

**PENDING APPLICATIONS**

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

- |    |  |                             |
|----|--|-----------------------------|
| 60 | Legend Larry's LLC<br>Larry Schaefer, Agent                  | 921 S. 10 <sup>th</sup> St. |
| 65 | Van's Liquor & Beer Drive In, Inc.<br>Richard Krueger, Agent | 3920 Calumet Ave.           |

Communication (10-397) from Van's Liquor & Beer Drive-In, Inc., Richard Krueger, Agent surrendering the "Combination Class A" Retail Intoxicating Liquor & Fermented Malt Beverage License for the premises at 3920 Calumet Ave. in favor of a "Class B" Retail Intoxicating Liquor & Fermented Malt Beverage License effective on/after 9/1/2010.

**TEMPORARY OPERATOR'S LICENSE - 2010-11**

- |    |                      |                                      |
|----|----------------------|--------------------------------------|
| 24 | Scott A. Schmidtman  | 110 E. Washington, Valders, WI 54245 |
| 25 | Megan A. Schmidtman  | 1633 S. 10th St.                     |
| 26 | Bonnie Kracht        | 1128 S. Union Rd., Newton, WI 53063  |
| 27 | Jeffrey Schermetzler | 2230 Lakeshore Blvd.                 |
| 28 | Michael F. Schwoerer | 109 Grant St., Valders, WI           |

**TWO YEAR OPERATOR'S LICENSE 2010-12**

- |     |             |   |
|-----|-------------|---|
| 264 | Tara Pribyl | 2832 12 <sup>th</sup> St., Two Rivers, WI |
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**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.

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.

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.

Petition (10-348) for Direct Annexation from the Town of Manitowoc Rapids to the City of Manitowoc by Donald V. Olson and Audrey Olson for property located on Edgewood Lane.

Communication (10-390) of Wisconsin Department of Administration indicating that the proposed Olson annexation has been found to be in the public interest.

Quit Claim Deed (10-387) from Kenneth J. Noskowiak, Roger J. Noskowiak, Kathy A. Schrank, Karen M. Knapp and Lois J. Brandl to the City of Manitowoc for S. 19th Street purposes.

Quit Claim Deed (10-388) from Kenneth J. Noskowiak and Christine Noskowiak to the City of Manitowoc for S. 15th Street purposes.

Quit Claim Deed (10-400) from David V. Olson and Audrey Olson to the City of Manitowoc for street purposes, as shown on the attached map, (Parcel No. 010-026-011-007.00).

Communication (10-401) from S M I as representatives of Holy Family Memorial Medical Center for an amendment to their conditional use permit to expand an existing parking lot in a R-3 zone, located west of the Western Avenue site with Liberty Place, Riverview Drive, and Meadow Lane being the north, east, and south boundaries.

Report (10-411) of Plan Commission relative to Olson; petition for direct annexation pursuant to s. 66.0217(2) Wis. Stats. for property on West Custer - Interstate #15.

Resolution (10-412) creating Ward Number 41, population two, for the Interstate #15 Annexation Area and providing the boundary description therein, was referred to Streets and Sanitation Committee.

Ordinance (10-426) to amend Section 10.105(3) of the Municipal Code of the City of Manitowoc revising the hours of the street sweeping ban.

Ordinance (10-413) to annex a certain territory from the Town of Manitowoc Rapids to the City of Manitowoc as part of the 9th Aldermanic District and the 17th, 18th, 22nd, 24th, 25th, 26th, 28th, 29th, 30th, 32nd, 36th, 38th, 39th, and 41st Wards of the City.

**PERSONNEL**  
**Previously Referred**

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None.