

COMMON COUNCIL AGENDA

Monday, August 16, 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:

2011 Parks Initiative.

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 (10-472) of Community Development Authority of 7/14/10; Plan Commission of 7/14/10; Joint Review Board of 7/13/10; Manitowoc Public Utilities Commission of 7/26/10; Wastewater Treatment Facility Board of 7/13/10.

COMMITTEE OF THE WHOLE

Report (10-458) of City Planner David Less relative to 2009 Economic Development Corporation of Manitowoc County Financial Statement for year ending December 31, 2009.

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

FINANCE

Report (10-453) of TIF Joint Review Board relative to review of Tax Incremental Financing (TIF) Boundary and Text Amendment No. One to TIF District No. 16.

Report (10-454) of TIF Joint Review Board relative to review of Tax Incremental Financing (TIF) Boundary and Text Amendment No. One to TIF District No. 10.

Report (10-455) of TIF Joint Review Board relative to review of Tax Incremental Financing (TIF) Boundary and Text Amendment No. One to TIF District No. 9.

Report (10-456) of TIF Joint Review Board relative to review of Tax Incremental Financing (TIF) Boundary and Text Amendment No. One to TIF District No. 7.

Comprehensive Annual Financial Report (10-460) including Auditors' Reports for the City of Manitowoc for the year ended December 31, 2009, along with the Management Letter, prepared by Schenck & Associates.

Notice of Claim and Claim (10-446) from Maple Ventures, LLC of August 4, 2010, Claim File

No. 10-1050.

Notice of Claim and Claim (10-447) from Maple Ventures, LLC of August 4, 2010, Claim File No. 10-1049.

Notice of Claim and Claim (10-450) from Beverly G. Vareka of August 6, 2010, Fleet Claim File No. 10-450.

Notice of Claim (10-451) from Mary E. Schleis of August 9, 2010, Claim File No. 10-1051.

Notice of Claim and Claim (10-452) from Richard A. Yanda of August 9, 2010, Claim File No. 10-1052.

Report (10-474) of City Planner David Less relative to proposed 2010 Cher-Make Sausage Co. bond issue.

Notice of Claim and Claim (10-488) from Janet Dokey of August 13, 2010, Claim File No. 10-1053.

Report (10-484) of City Plan Commission relative to County Treasurer's communication advising of multiple parcels of real estate located in the City that are in the process of foreclosure.

Report (10-480) of City Planner David Less relative to proposal for preparation of application to U. S. Environmental Protection Agency for brownfields assessment grants, fiscal year 2011 grant competition.

PARKS AND RECREATION

Special Events Request (10-459) from Manitowoc Lincoln Baseball to host youth baseball tournament at Citizen Park Diamond #2 along with waiver of fees on August 14 & 15, 2010.

Special Events Request (10-444) from Marion Parworth to hold Garden Fair in Washington Park on June 11, 2011.

Special Events Request (10-462) from Manitowoc-Two Rivers YMCA to use Lakeview Park for YMCA flag football, as detailed therein.

Special Events Request (10-463) from United Way of Manitowoc County, Inc. for use of bandshell and various City equipment on August 19, 2010.

Request (10-471) from Manitowoc Professional Police Assn. to waive reservation fee for Silver Creek Fieldhouse on October 9, 2010 for MPA Police Chase.

Agreement (10-475) with Citizens for Skateboarding to complete the construction work of the entrance and donor wall in Dewey Street Park at the X-Sports Complex.

Special Events Request (10-487) from Roncalli High School to use Municipal Field area and concession stand on September 28, 2010 and waiver of fees.

Special Events Request (10-489) from Roncalli High School to hold Cross Country Invitational at Lincoln Park on September 11, 2010 and waiver of fees.

Special Events Request (10-490) from Roncalli High School to hold cross country conference meet at Lincoln Park on October 14, 2010 and waiver of fees.

PUBLIC PROPERTY AND SAFETY

Report (10-483) of City Plan Commission recommending no further action be taken on Heritage Real Estate's request for City to acquire certain properties in downtown Manitowoc.

PUBLIC UTILITIES AND LICENSING

None.

LICENSE APPLICATIONS REFERRED

"CLASS A" RETAIL INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE

6 Ultra Mart Foods, LLC 3300 Calumet Avenue
Change of Agent to:
Rodger Derocha

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

50 (Amended) Capitol Civic Centre 913 S. 8th Street
Peggy A. Krey, Agent

TEMPORARY OPERATOR'S LICENSE 2010

29 Cynthia Holschbach 2706 Silver Creek Rd.
30 Lisa Baryenbruch 7004 Newton Rd., Newton, WI 53063
31 Robin Kaufmann 9811 Marken Rd., Valders, WI 54245
32 Scott P. Pankratz 7402 Cty. Rd. J, Valders, WI 54245

ONE YEAR OPERATOR'S LICENSE 2010-11

16 Patrick M. Franz 2012 Pleasant St.
17 Jon M. Garza 545 S. 30th St.
18 Cassandra E. Reis 4008 Brunner Rd.

TWO YEAR OPERATOR'S LICENSE 2010-12

265 Deena Ellis 2000 Johnston Dr., #77
266 Ramona Wolf 1225 S. 20th St.
267 Troy Bonk 2216 Washington St.
268 Mary E. Shulander 901 Hamilton St.
269 Michael A. Lettenberger 5201 Reifs Mills Rd.
270 Aimee L. Schaefer 2108 S. 23rd St.
271 Jeffrey Bluske 2216 Flambeau St.
272 Chad t. Westphalen 319 Johnson St., Valders, WI 54245

STOCK CAR RACES, RACING EXHIBITIONS, DEMOLITION DERBY

6 Manitowoc County Expo Manitowoc County Expo Race Track & Grounds
4921 Expo Dr.

STREETS AND SANITATION

Special Events Request (10-445) from Stock's Harley Davidson/Manitowoc Humane Society to hold Walk for Kindness on September 25, 2010, as detailed therein.

Special Events Request (10-448) from Manitowoc Public School District to have Grand Ave. between So. 23rd and So. 21st Streets blocked off on Saturday, October 9, 2010, from 11:00 a.m. to 2:00 p.m. for Lincoln Homecoming Parade with limited access to Municipal Field SE lot. (Copy to Parks and Recreation).

Special Events Request (10-449) from Barbara Bundy-Jost of Rahr-West Art Museum to hold Sputnikfest on September 10 & 11, 2010 and to close portions of Park Street and N. 8th Street, as detailed therein.

Proposal (10-465) from Montgomery Associates for professional service for recreating a small pond adjacent to Little Manitowoc River.

Quit Claim Deed (10-468) to Christopher C. Allie and Christine A. Allie for 22' wide strip at Evergreen Cemetery - West.

Utility Easement (10-467) 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 (10-466) 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. 39th Street.

Quit Claim Deed (10-469) from Christopher C. Allie to City of Manitowoc for .675 acre parcel north of Michigan Avenue.

Declarations of Restrictions (10-470) Underground Services by David K. Gratz for parcel no. 745-001-010.

Special Events Request (10-473) from Shooter Malones to close portion of Buffalo Street and extend alcohol premise on September 28, 2010, as detailed therein. (Copy to Public Utilities & Licensing Committee).

Report (10-477) of City Plan Commission relative to request 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 recommending Council approve the CUP.

Report (10-478) of City Plan Commission relative to annual compliance review of conditional use permit issued to Larry Van Akkeren for a recycling operation at 901 So. 17th St.

Report (10-479) of City Plan Commission relative to annual compliance review of conditional use permit issued to Shawna Voigt at 904 So. 8th Street for a tattoo and body piercing operation.

Report (10-481) of City Plan Commission relative to review of Evergreen Cemetery Expansion - Section X.

Report (10-485) of City Plan Commission recommending that the Council approve and accept quit claim deeds (10-387) for So. 19th Street purposes, (10-388) for So. 15th Street purposes and (10-400) for Edgewood Lane purposes.

Report (10-482) of City Plan Commission relative to annual compliance review of conditional use permit issued to Dwayne Radaj for the operation of a motor vehicle wrecker service at 734 N. 8th Street.

Report (10-486) of City Plan Commission relative to request from First Presbyterian Church for animated sign at 502 N. 8th Street.

PERSONNEL

None.

RESOLUTIONS

Resolution (10-464) supporting the application for Tiger II Grant Funding in the amount of \$16 million to allow for the completion of the re-powering of the S.S. Badger vessel, was referred to Finance Committee.

Resolution (10-476) authorizing the submittal of an application with the United States Environmental Protection Agency Brownfields Assessment Grant Program for community-wide services for brownfield site assessments and associated activities in the City of Manitowoc, was referred to Finance Committee.

Resolution (10-461) establishing nonrepresented employee compensation for 2010, was referred to Personnel Committee.

COMMITTEE REPORTS

None.

ORDINANCES

Ordinance (10-457) to amend Section 26.07 of the Municipal Code amending the penalty for contempt in Municipal Court, was referred to Public Property and Safety Committee.

Ordinance (10-) to create Section 8.11(9) and (10) of the Manitowoc Municipal Code regulating unauthorized disposal of human and animal remains on City property, 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 INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE

6 Ultra Mart Foods, LLC 3300 Calumet Avenue
Change of Agent to:
Rodger Derocha

CLASS "A" RETAIL FERMENTED MALT BEVERAGE LICENSE

25 Norma Coronado Escamilla 2205 Marshall St.

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

60 Legend Larry's LLC 921 S. 10th St.
Larry Schaefer, Agent

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

50 (Amended) Capitol Civic Centre 913 S. 8th Street
Peggy A. Krey, Agent

TEMPORARY OPERATOR'S LICENSE 2010

24 Scott A. Schmidtman 110 E. Washington, Valders, WI
25 Megan A. Schmidtman 1633 S. 10th St.
29 Cynthia Holschbach 2706 Silver Creek Rd.
30 Lisa Baryenbruch 7004 Newton Rd., Newton, WI 53063
31 Robin Kaufmann 9811 Marken Rd., Valders, WI 54245
32 Scott P. Pankratz 7402 Cty. Rd. J, Valders, WI 54245

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17 Jon M. Garza 545 S. 30th St.
18 Cassandra E. Reis 4008 Brunner Rd.

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265 Deeanan Ellis 2000 Johnston Dr., #77
266 Ramona Wolf 1225 S. 20th St.
267 Troy Bonk 2216 Washington St.
268 Mary E. Shulander 901 Hamilton St.
269 Michael A. Lettenberger 5201 Reifs Mills Rd.
270 Aimee L. Schaefer 2108 S. 23rd St.
271 Jeffrey Bluske 2216 Flambeau St.
272 Chad t. Westphalen 319 Johnson St., Valders, WI 54245

STOCK CAR RACES, RACING EXHIBITIONS, DEMOLITION DERBY

6 Manitowoc County Expo Manitowoc County Expo Race Track & Grounds
4921 Expo Dr.

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

COMMITTEE OF THE WHOLE

Previously Referred

None.

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.

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 (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.

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
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.

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.

Ordinance (10-428) to amend various sections of 14.03 of the Manitowoc Municipal Code regarding restricted animal species.

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

| | | |
|----|--|-------------------|
| 65 | Van's Liquor & Beer Drive In, Inc. Richard Krueger, Agent | 3920 Calumet Ave. |
|----|--|-------------------|

STREETS AND SANITATION
Previously Referred

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

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.

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.

PERSONNEL
Previously Referred

None.