

## COMMON COUNCIL AGENDA

Tuesday, September 7, 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. - Relating to reissuance of \$5,000,000 City of Manitowoc, Wisconsin, Variable Rate Demand Industrial Development Revenue Bonds, Series 2006 (Cher-Make Sausage Co. Project).

**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 (10-515) of Crime Prevention Committee of 8/5/10; Great Lakes Utilities Board of 7/20/10; MIRA of 8/25/10; Manitowoc Sustainability Committee of 7/28/10.

Application (10-514) of Public Service Commission of Wisconsin to construct natural gas facilities in the City of Manitowoc.

Resignation (10-516) of Lorraine Schuette from Citizens Advisory Committee.

### COMMITTEE OF THE WHOLE

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

### FINANCE

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.

Notice of Claim (10-503) of August 31, 2010 from American Family Insurance Company and/or Rose M. Malick, Fleet Claim File No. 10-192.

### PARKS AND RECREATION

Special Events Request (10-499) from Alzheimer's Assn. of Greater Wisconsin to use Mariner's Trail for annual Memory Walk on Saturday, September 25, 2010, at 9:00 a.m.

Communication (10-502) from 2 Man Golf League with suggestions to improve Lincoln Park.

Special Events Request (10-495) from Manitowoc County Miracles Special Olympics to use Citizens Park gym for volleyball practice on Thursdays from September 9 to December 2 and waiver of fees for same.

Special Events Request (10-517) relative to Make-A-Wish Foundation's use of Mariner's Trail on October 2, 2010 from 9:00 a.m. to noon.

### **PUBLIC PROPERTY AND SAFETY**

Special Events Request (10-492) from The Fat Seagull to have band outside in their parking lot on September 18, 2010 from noon to 10:00 p.m.

### **PUBLIC UTILITIES AND LICENSING**

None.

### **LICENSE APPLICATIONS REFERRED**

#### **TEMPORARY OPERATOR'S LICENSE 2010**

33	Douglas G. Gossen	10534 Francis Creek Rd., Two Rivers, WI 54241
34	Gary Bents	3518 Silver Creek Rd.
35	Sally B. Hyde	954 S. 41 <sup>st</sup> St.

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

19	Mackenzie M. Reed	619A S. 26th St.
20	Lisa L. Jacquart	501 Buffalo St.
21	Kayla D. Klein	3517 Columbus St.
22	Chad Seiler	4511 E. Whitetail Ct.
23	Terry L. Lopez	2105 S. 21 <sup>st</sup> St.

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

273	Doreen Drescher	3519 Foxfire Ct.
274	Amy Stuckmann	5432 Cth. U, Newton, WI 53063
275	Tiffany M. Neumann	3732 Elevator Rd., Cato, WI 54230
276	Joseph C. Hein	1202 Wisconsin Ave.
277	Tracy Johnson	1430 N. 7th St., Apt. A
278	Doneen Althen	11201 Shad Rd., Kiel, WI 53042
279	Andrew S. Mallard	3939 Goodwin Rd.
280	Becky R. Bradl	5004 CTH R
281	Kari Delsman	1201A Marshall St.
282	Samantha A. Vogel	3307 S. 19 <sup>th</sup> St.

### **STREETS AND SANITATION**

Special Events Request (10-501) from Manitowoc Sunrise Rotary Club for use of sidewalks and streets for 5K run in and near Lincoln Park on Saturday, October 23, 2010 with route detailed therein. (Copy to Parks and Recreation Committee).

Request (10-505) from SMI as representatives of St. Francis of Assisi Parish for a conditional use permit for a school and possible future church in a R-5 zone south of Michigan Ave. and west of N. Rapids Rd.

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.

Special Events Requests (10-507) from Student Senate of Lincoln High School to hold parade on Saturday, October 9, 2010, with route detailed therein.

Report (10-508) of the Board of Public Works of September 1, 2010, recommending 2nd and final payment to Insitu-Form Technologies USA in the amount of \$4,265.66 for 2010 Re-Lining Sanitary Sewer, WU-10-7.

Report (10-509) of the Board of Public Works of September 1, 2010, recommending 3rd and final payment to Look Creative LLC in the amount of \$8,267.00 for Decorative Structures and Signage per contract dated 1/18/10.

Report (10-511) of the Board of Public Works of September 1, 2010, recommending 1st payment (97.5%) to Northeast Asphalt Inc. in the amount of \$276,514.05 for 2010 Asphaltic concrete Paving Program, WS-10-4.

Report (10-512) of the Board of Public Works of September 1, 2010, recommending 2nd and final payment to Northern Pipe and Equipment in the amount of \$30,899.35 for 2010 Televising Miscellaneous Sewers II, WU-10-11.

Sidewalk Privilege Agreement (10-510) with Mainly Manitowoc, Inc. for planters to be placed in the right-of-way outside building entrances in the downtown area.

Special Events Request (10-513) from Krauth Vending to sell novelties at the Holiday Parade and St. Patrick's Day Parade.

Request (10-518) from Cindy Busse, Cindy's Classic Cuts to install two hour parking signs from 7:30 a.m. to 3:30 p.m. on school days on both sides of Green Street from S. 10<sup>th</sup> St. to the east for approximately 150 feet.

**PERSONNEL**

None.

**RESOLUTIONS**

Resolution (10-382) amending Council Rule 2, was referred to Committee of the Whole.

Resolution (10-504) authorizing amendments to \$5,000,000 City of Manitowoc, Wisconsin, Variable Rate Demand Industrial Development Revenue Bonds, Series 2006 (Cher-Make Sausage Co. Project) issued on June 15, 2006, was referred to Finance Committee.

Resolution (10- ) to add disposable MegaMover to ambulance bill, was referred to Public Property and Safety Committee.

Resolution (10-500) accepting the Final Plat of Section "X" in Evergreen Cemetery, was referred to Streets and Sanitation Committee.

**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)

**TEMPORARY OPERATOR'S LICENSE 2010**

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

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**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.

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.

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.

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.

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

Communication (10-423) from Manitowoc County Treasurer relative to notice of tax foreclosure action In Rem 2010 .

**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.

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 (10-457) to amend Section 26.07 of the Municipal Code amending the penalty for contempt in Municipal Court.

Ordinance (10-493) to create Section 8.11(9) and (10) of the Manitowoc Municipal Code regulating unauthorized disposal of human and animal remains on City property.

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

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

275	Tiffany M. Neumann	3732 Elevator Rd., Cato, WI 54230
282	Samantha A. Vogel	3307 S. 19 <sup>th</sup> St.

**TEMPORARY OPERATOR'S LICENSE**

35	Sally B. Hyde	954 S. 41 <sup>st</sup> St.
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**STREETS AND SANITATION**  
**Previously Referred**

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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.

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.

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

**PERSONNEL**  
**Previously Referred**

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