

## COMMON COUNCIL AGENDA

Monday, October 4, 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:**

Mayor proclaims the month of October, 2010, as National Disability Employment Awareness Month.

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

Notice (10-558) before the Dept. of Natural Resources Air Management Program regarding the air pollution permit for Manitowoc Public Utilities, 701 Columbus Street.

Notice (10-560) before the Dept. of Natural Resources to place structures on bed of Lake Michigan at 1021 Memorial Drive.

Minutes (10-561) of Citizens Advisory Committee of 9/7/10; Community Development Authority of 8/11/10 & 8/25/10; Crime Prevention Committee of 9/2/10; Rahr-West Art Museum of 9/15/10; Safety, Traffic & Parking of 5/25/10; Zoning Board of Appeals of 9/21/10.

### COMMITTEE OF THE WHOLE

General City Claims (10-564) in the amount of \$763,978.50 enumerated on list thereof.

### FINANCE

Notice of Claim and Claim (10-547) of September 23, 2010, from Manitowoc Properties, Claim File No. 10-1056.

Communication (10-555) from City Assessor Sarah Hoppe relative to personal property palpable error on parcel no. 000-191-874 and recommending partial tax refunds for the years 2009 and 2010.

Communication (10-559) from U. S. Coast Guard relative to payment of special assessments assessed against their property at 404, 406 and 408 N. Lake Street.

### PARKS AND RECREATION

Amendment No. 1 (10-550) to Display Case Agreement with Green Construction LLC for installation of a display case at Lincoln Park Zoo.

### **PUBLIC PROPERTY AND SAFETY**

Report (10-562) of Public Property and Safety Committee relative to N. 7<sup>th</sup> and Maritime intersection and N. 8<sup>th</sup> and Maritime intersection.

### **PUBLIC UTILITIES AND LICENSING**

2010 Section 5311 Capital Assistance Contract (10-551) with State of Wisconsin to provide financial assistance to surface public transportation systems operating in areas other than urbanized areas.

### **LICENSE APPLICATIONS REFERRED**

#### **CLASS "B" TEMPORARY BEER & TEMPORARY WINE LICENSE**

51	(Beer) St. Francis of Assisi School & Parish	2000 Mirro Dr.
8	(Wine) St. Francis of Assisi School & Parish	2000 Mirro Dr.

#### **CLASS "A" RETAIL FERMENTED MALT BEVERAGE LICENSE - 2010-11**

25	El Alamo, LLC Norma Coronado Escamilla, Agent	2205 Marshall St.
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#### **ONE YEAR OPERATOR'S LICENSE 2010-11**

28	Bernard W. Kleiman	1621 Washington St.
29	Deanna B. Hooper	2015 - 34th St., Two Rivers, WI 54241
30	Suzanne G. Schiesl	3404 Memorial Dr., Apt. I-4, Two Rivers, WI 54241
31	Raeana Meyer	820 Reed Ave., Apt. 206
32	Claire Marum	5171 Grimms Rd., Reedsville, WI 54230
33	Susan Klein	4018 Delta St.

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

294	Gregory J. Place	520 Reed Ave., #2
295	Gina M. Jirikowic	624 N. 8th St., Suite 302
296	Peter Manthey	220 Taylor St., Two Rivers, WI 54241
297	Kraig E. Free	4816 Sunset Rd.
298	Miranda L. Wernecke	411 Kent St., Mishicot, WI 54228
299	Jacob D. Leist	4225 N. Rapids Rd.
300	Brandi M. Damman	2001 Hamilton St. #D

### **STREETS AND SANITATION**

Special Events Request (10-549) from Yo-Yo Balloons to sell balloons and Christmas novelties along the Christmas Parade route on November 24, 2010.

Report (10-552) of the Board of Public Works of September 29, 2010, recommending 18th and final payment to Water Technology, Inc. in the amount of \$3,248.58.

Report (10-553) of the Board of Public Works of September 29, 2010, recommending 6<sup>th</sup> (95%) payment to Vinton Construction in the amount of \$688,288.71.

Stormwater Management Facility Maintenance Agreement (10-554) with St. Mary's Home for the Aged, Inc. and Felician Village, Inc. for property located south of Division Street and east of So. 21<sup>st</sup> Street.

Progress invoice (10-556) from Wisconsin Dept. of Transportation in the amount of \$363,183.63 for North 21<sup>st</sup> Street Bridge (Viaduct), Project No. 4991-02-71.

Report (10-563) of the Board of Public Works relative to request for sidewalk privilege agreement for the purpose of constructing an additional concrete slab adjacent to driveway at 1718 Nagle Avenue.

Stormwater Management Facility Maintenance Agreement (10-565) with Merwynn Trade Group, LLC for property located south of Dewey Street and east of So. 39<sup>th</sup> Street.

**PERSONNEL**

None.

**RESOLUTIONS**

None.

**COMMITTEE REPORTS**

Personnel and PERC Committees returned resolution (10-461) establishing nonrepresented employee compensation for 2010, recommending referral to Council, as amended.

**ORDINANCES**

Ordinance (10-557) to create Section 8.15(1) of the Municipal Code creating a Park Donation Fund, was referred to Parks and Recreation Committee.

Ordinance (10-548) to amend Section 26.01(2) of the Municipal Code changing the term of office for Municipal Judge from two to four years, 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" INTOXICATING LIQUOR & FERMENTED MALT BEVERAGE - 2010-11**

- 58 Surrender License: 1144 S. 21<sup>st</sup> St.  
My Holdings, LLC  
Patrick Young, Agent
- 58A Kristen S. Remiker 1144 S. 21<sup>st</sup> St.

**CLASS "B" TEMPORARY BEER & TEMPORARY WINE LICENSE**

- 51 (Beer) St. Francis of Assisi School & Parish 2000 Mirro Dr.
- 8 (Wine) St. Francis of Assisi School & Parish 2000 Mirro Dr.

**CLASS "A" RETAIL FERMENTED MALT BEVERAGE LICENSE - 2010-11**

- 25 El Alamo, LLC 2205 Marshall St.  
Norma Coronado Escamilla, Agent

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

- 28 Bernard W. Kleiman 1621 Washington St.
- 29 Deanna B. Hooper 2015 - 34th St., Two Rivers, WI 54241
- 30 Suzanne G. Schiesl 3404 Memorial Dr., Apt. I-4, Two Rivers, WI 54241
- 31 Raeana Meyer 820 Reed Ave., Apt. 206
- 32 Claire Marum 5171 Grimms Rd., Reedsville, WI 54230
- 33 Susan Klein 4018 Delta St.

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

294 Gregory J. Place 520 Reed Ave., #2

295 Gina M. Jirikowic 624 N. 8th St., Suite 302

**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. Keding 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 (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.

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 and Claim (10-521) of September 13, 2010, from Larry Dehne, Claim File No. 10-1055.

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

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

Communication (10-538) from Manitowoc Zoological Board and Lincoln Park Zoological Society with concerns regarding Lincoln Park Zoo and requesting City to fill Parks and Recreation Director's position as soon as possible.

**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.

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

**PENDING APPLICATIONS**

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

296	Peter Manthey	220 Taylor St., Two Rivers, WI 54241
297	Kraig E. Free	4816 Sunset Rd.
298	Miranda L. Wernecke	411 Kent St., Mishicot, WI 54228
299	Jacob D. Leist	4225 N. Rapids Rd.
300	Brandi M. Damman	2001 Hamilton St. #D

**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.

Permanent Utility Easement (10-524) from Airgas - North Central, Inc. for an area located west of So. 41st Street and north of Clipper Drive.

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.

Communication (10-544) from Kummer, Lambert and Fox LLP requesting removal of restriction contained in a 1977 land contract for property sold by the City to Michael J. Dickey.

Ordinance (10-536) amending Section 22.01 of the Municipal Code for property south of Michigan Avenue and east of River Bluff Drive.

**PERSONNEL**  
**Previously Referred**

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