

COMMON COUNCIL
July 3, 2018

A regular meeting of the Common Council was called to order at 7:00 p.m. by Mayor Birmingham. The Pledge of Allegiance was recited. Roll call: Catarozoli, Hayes, Ward, Avenson, Allmann, Wiederanders and Hauser were present.

Ward/Catarozoli to adopt agenda but moving item 7i from the consent agenda to the regular agenda and moving items 17c and 17d from closed session to 12a and 12b on the regular agenda. Carried.

The following people spoke during public comment: Hans Christian, 330 N 3rd Avenue; Scott Moore, 947 Pennsylvania St.

Ward/Allmann to approve following bills: General Fund - \$87,894.29, Capital Fund - \$88,869.67, Cable TV - \$5,101.67, TID #4 - \$1,646.20 and Solid Waste Enterprise Fund - \$18,814.68 for a grand total of \$202,326.51. Roll call: All voted aye. Carried.

Hauser/Catarozoli to approve consent agenda:

- a. Approval of 6/19/18 regular Common Council minutes.
- b. Approval of the following minutes:
 - (1) Police & Fire Commission – 1/9/18
 - (2) Finance/Purchasing & Building Committee – 6/12/18
 - (3) Community Protection & Services Committee – 6/14/18
 - (4) City Plan Commission – 6/20/18
- c. Place on file the following report:
 - (1) Bank Reconciliation – May 2018
 - (2) Revenue & Expense Report – May 2018
 - (3) Police Department Report – May 2018
- d. Consideration of: Approval of Beverage Operator licenses.
- e. Consideration of: Approval of Temporary Class B Beer and Temporary Class B Wine license.
- f. Consideration of: Street Closure Application for Door County Triathlon.
- g. Consideration of: Approval of Street Closure Application for Sidewalk Sale.
- h. Finance/Purchasing & Building Committee recommendation re: Accept the Schneck Government and Not-For-Profit Solutions 2017 financial audit report for the City of Sturgeon Bay and place it on file.
- i. ~~Community Protection & Services Committee recommendation re: Approve the Class B Combination liquor license for Voodoo, LLC contingent upon a sign off by the City Clerk on any and all outstanding debts or invoices to the City of Sturgeon Bay, to include Sturgeon Bay Utilities, paid in full before re-issuance of the liquor license. Moved to regular agenda.~~
- j. Resolution re: Disallowance of Claim for Kerri Anderco.

Carried.

There were no mayoral appointments.

RECOMMENDATION

We, the Community Protection and Services Committee, hereby recommend to the Common Council to approve the Class B Combination liquor license for Voodoo, LLC contingent upon a sign off by the City Clerk on any and all outstanding debts or invoices to the City of Sturgeon Bay, to include Sturgeon Bay Utilities, paid in full before re-issuance of the liquor license.

COMMUNITY PROTECTION AND SERVICES COMMITTEE

By: Barbara Allmann, Chr.

Catarozoli/Allmann moved to approve the Class B Combination liquor license for Voodoo, LLC contingent upon payment in full to the Sturgeon Bay Utilities for outstanding debt. Carried.

Community Development Director Olejniczak introduced resolution to discontinue and vacate unpaved alley right-of-way between 7th Place and 8th Avenue from Colorado Street North to end. Catarozoli/Hauser to adopt resolution re: Discontinued and vacate unpaved alley, subject to the utility easement for the existing electric line. Carried.

Catarozoli/Hayes to read in title only and adopt the second reading of the ordinance re: Repeal and recreate Section 1.167(3) of the Municipal Code – Bicycle and Pedestrian Advisory Board. Carried.

Catarozoli/Avenson to read in title only and adopt the second reading of the ordinance re: Repeal and recreate Section 7.12(1) and 7.12(5) of the Municipal Code – Bicycles, Play Vehicles, and In-Line Skates. Carried.

Hauser re-introduced Accessory Dwelling Units, which was a recommendation from City Plan Commission with non-action by Common Council in 2017. Discussion of conditional use and zoning for properties took place. Catarozoli/Avenson to refer Accessory Dwelling Units to City Plan Commission. Carried with Ward voting no.

City Administrator VanLieshout introduced disposition of dirt piles. City Engineer Shefchik explained survey was done to estimate cubic yards of dirt and estimated cost to level. It has not yet been determined by WI DNR whether or not permit is needed to relocate piles. Options for erosion control were discussed. Catarozoli/Hauser moved to direct staff to distribute the dirt piles using Municipal Services staff with first preference to leave dirt uncovered, the second preference to cap with gravel. Attorney Kalny suggested the City give notice to developer with intent to move and level dirt on parcel. Once notice is received, developer has option to stop City if he chooses. There may be a potential liability by moving or relocating dirt. When governments go onto property and are viewed as taking, courts do not react kindly. Discussion continued on contract with developer. Vote taken on motion. Carried with Ward voting no.

Attorney James Kalny prepared and explained lengthy memo addressing why redevelopment authorities exist, powers they can exercise, steps of dissolution and side effects, and option to create a Community Development Authority in place of Waterfront Redevelopment Authority and the differences between them. By dissolving the WRA and creating a CDA, the CDA takes over all authorities. If the WRA was dissolved and a CDA was not created, the City would need staffing to support that decision.

Catarozoli/Avenson moved to direct staff to identify steps that would need to be taken to dissolve WRA. Hayes/Hauser to amend and add along with legal counsel. Carried. Vote taken on amended motion. Carried with Ward voting no.

The following item for "Items to be included on future agendas (New Business)": Consideration of: City Administrator position contract and terms; Update on search of future legal counsel.

City Administrator VanLieshout gave his report.

City Plan Commission member Hauser, Finance/Purchasing & Building Committee chair Ward and Park & Recreation chair Hauser presented reports for their respective committees/commissions.

The Mayor made his comments.

After Mayor Birmingham announced the statutory basis, Ward/Allmann to convene in closed session in accordance with the following exemption: Conferring with legal counsel for governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Wis.Stats. 19.85(1)(g) a. Consideration of: Litigation with Sawyer Hotel Development, LLC; b. Consideration of: Friends of the Sturgeon Bay Public Waterfront, Shawn M. Fairchild, Carri Andersson, Linda Cockburn, Russ Cockburn, Kathleen Finnerty and Christy Weber v. City of Sturgeon Bay and Waterfront Redevelopment Authority of the City of Sturgeon Bay; ~~c. Consideration of: Legal Action and Disposition of Dirt Piles~~ — moved to regular agenda; ~~d. Consideration of: Dissolution of WRA and Creation of CDA~~ — moved to regular agenda. Roll call: All voted aye. Carried. The meeting moved to closed session at 10:06 p.m. Meeting adjourned at 10:59 p.m.

Respectfully submitted,

Laurie A. Spittlemeister
Deputy Clerk/Treasurer