

COMMON COUNCIL
June 5, 2018

A 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.

Allmann/Hauser to adopt the agenda but removing items 7s, 7q, and 7r to the regular agenda. Carried.

City Administrator VanLieshout introduced the new Municipal Services Director, Mike Barker, to the Council and public.

The following people spoke during public comment: Cathy Grier, 153 S. 3rd Ave; Chris Kellems, 120 Alabama; Scott Moore, 947 Pennsylvania.

Ward/Allmann to approve the following bills - General Fund - \$133,173.55, Capital Fund - \$86,274.89, Cable TV - \$5,551.89, and Solid Waste Enterprise Fund - \$13,550.15 for a grand total of \$238,550.48. Roll call: All voted aye. Carried.

Ward/Catarozoli to approve consent agenda:

- a. Approval of 5/15/18 regular Common Council minutes.
- b. Approve the following minutes:
 1. Aesthetic Design & Site Plan Review Board – 2/26/18
 2. Aesthetic Design & Site Plan Review Board – 4/9/18
 3. Finance/Purchasing & Building Committee – 5/8/18
 4. Community Protection & Services Committee – 5/10/18
 5. City Plan Commission – 5/16/18
 6. Parking & Traffic Committee – 5/21/18
- c. Place the following reports on file:
 1. Fire Department Report – April 2018.
 2. Inspection Department Report – April 2018
 3. Bank Reconciliation – April 2018
 4. Revenue & Expense Report – April 2018
- d. Consideration of: Approval of beverage operator licenses.
- e. Consideration of: Approval of Temporary Class B Beer and Temporary Class B Wine licenses.
- f. Consideration of: Approval of Temporary Class B Beer license.
- g. Consideration of: Approval of "Class B" Combination licenses, "Class B" Liquor License (Wine Only), Class "B" Beer licenses, "Class A" Combination licenses, Class "A" Beer licenses, Class "A" Liquor licenses, and "Class C" Wine licenses for the 2018-2019 license year.
- h. Consideration of: Approval of request from Door County Fair for exception to noise ordinance for dates of July 30 – August 8, 2018.
- i. Consideration of: Approval of Street Closure Application for Door County Wine Fest for June 30, 2018.
- j. Consideration of: Approval of request from Kick Coffee for Sidewalk Café Permit.
- k. Consideration of: Approval of request from Root Bistro and Wine Bar for Sidewalk Café Permit.
- l. Consideration of: Approval of request from Brick Lot Pub for Sidewalk Café Permit.
- m. Finance/Purchasing & Building Committee recommendation re: Reject offer to purchase property from Jeffery L. and Barbara M. Uecker Trust, a portion of parcel 281-66-12000412A.
- n. Finance/Purchasing & Building Committee recommendation re: Accept the State/Municipal Agreement and commit funds as needed in the future for the installation of the thin polymer overlay on the approach spans of the Maple/Oregon Street Bridge.
- o. Community Protection & Services Committee recommendation re: Approve the Class B Combination liquor license for Kippis, LLC based on the City ordinance and supporting information provided.

- p. Community Protection & Services Committee recommendation re: Amend the City ordinance 7.12 Bicycles, play vehicles, and in-line skates to the changes provided in (1) and (5) of ordinance.
- q. ~~Parking & Traffic Committee recommendation re: Create a restricted truck route on 3rd Avenue between Michigan Street and Jefferson Street to allow local deliveries only, with signage location to be determined by staff. Moved to regular agenda.~~
- r. ~~Parking & Traffic Committee recommendation re: Deny the DOT's request for signage for the Michigan Street Bridge. Moved to regular agenda.~~
- s. ~~Parking & Traffic Committee recommendation re: Remove two parking spaces on the NW Corner of 4th Avenue & Louisiana Street. Moved to regular agenda.~~
- t. Parking & Traffic Committee recommendation re: Update the bike shield on the main page of the City website to match the bike shield on the Bicycle and Pedestrian page.
- u. Parking & Traffic Committee recommendation re: To change the number of committee members on the Bicycle & Pedestrian Advisory Board to seven, with one being from administration and four being citizens.

Hauser/Catarozoli to consider mayoral appointments individually. Carried.

FIRE & POLICE COMMISSION – 5 year term
Sandy Hurley

Hauser/Ward to adopt. Carried.

BOARD OF REVIEW – 5 year term
Myrle Welhaven

Allmann/Ward to adopt. Carried.

PLAN COMMISSION
Seth Wiederanders, Council Rep

Ward to approve. Motion died due to lack of second.

PERSONNEL COMMITTEE
David Ward, Chr.
Barbara Allmann, Vice-Chr.
Laurel Hauser

Ward/Catarozoli to adopt. Carried with Hayes voting no.

STURGEON BAY UTILITY COMMISSION
Barbara Allmann
David Ward
Kelly Avenson

Ward/Allmann to adopt. Carried.

LOCAL ARTS BOARD
Kelly Avenson

Hayes/Hauser to adopt. Carried.

HISTORIC PRESERVATION COMMISSION
David Hayes

Hauser/Hayes to adopt. Carried.

AESTHETIC DESIGN & SITE PLAN REVIEW BOARD

Jon Burk
Dave Augustson
Cindy Weber

Hauser/Ward to adopt. Catarozoli/Allmann to remove Augustson from the appointment. Carried with Ward voting no. Vote taken on amended motion. Carried.

DOOR COUNTY TOURISM ZONE COMMISSION – 1 year term

Josh VanLieshout

Ward/Hauser to adopt. Carried.

BOARD OF PARKS & RECREATION – 3 year term

Randy Morrow

Catarozoli/Hauser to adopt. Carried.

HARBOR COMMISSION

David Hayes

Ward/Catarozoli to adopt. Carried.

INDUSTRIAL PARK DEVELOPMENT REVIEW TEAM – 3 year term

William Murrock

Ward/Allmann to adopt. Carried.

CABLE COMMUNICATION SYSTEM ADVISORY COUNCIL

Dan Tjernagel, Education
Bob Loss
Brad Clinkenbeard

Ward/Hauser to adopt. Carried with Allmann voting no.

INDUSTRIAL PARK DEVELOPMENT REVIEW TEAM

Kelly Avenson

Ward/Catarozoli to adopt. Carried with Hayes and Wiederanders voting no.

After the Mayor announced the statutory basis, Ward/Catarozoli to convene in closed session in accordance with the following exemption: Conferring with legal counsel for the 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: Petition for Judicial Review regarding Declaratory Ruling; d. Consideration of: Dissolution of WRA and Creation of CDA. The meeting moved to closed session at 7:37 p.m. and reconvened in open session at 9:47 p.m.

Catarozoli/Allmann to direct legal Counsel, Paul Kent, to reopen settlement discussions with 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. Carried.

RECOMMENDATION

We, the Parking & Traffic Committee, hereby recommend to Council to remove two parking spaces on the NW corner of 4th Ave. & Louisiana St.

PARKING & TRAFFIC COMMITTEE

By: Kelly Catarozoli, Chr.

Hayes/Wiederanders to send back to Parking & Traffic Committee for further study and recommendation. Carried.

RECOMMENDATION

We, the Parking & Traffic Committee, hereby recommend to the Council to create a restricted truck route on 3rd Ave. between Michigan St. and Jefferson St. to allow local deliveries only, with a signage location to be determined by staff.

PARKING & TRAFFIC COMMITTEE

By: Kelly Catarozoli, Chr.

Hauser/Catarozoli to adopt. Discussion took place regarding alternate routes, the conversation that took place at Parking & Traffic Committee, that this would be the start to addressing an ongoing complaint, and contact with the DOT. Carried with Ward voting no.

RECOMMENDATION

We, the Parking & Traffic Committee, hereby recommend to Council to deny the DOT's request for signage for the Michigan Street Bridge.

PARKING & TRAFFIC COMMITTEE

By: Kelly Catarozoli, Chr.

Catarozoli/Avenson to adopt. Discussion took place regarding the cost of the signage for a State owned bridge, whether the bridge should have trucks on it, and the history of damage to the bridge. Carried with Ward voting no.

RECOMMENDATION

We, the Community Protection & Services Committee, hereby recommend the Common Council to make the following changes to the City Policy dated 8-19-97 and submit verbatim the suggestions by Alderperson Hauser, but retain the remaining of the 1997 policy; the use of a request form shall be used for all agenda item request; "New Business" be added to all Common Council agendas; and the addition of a City Administrator report shall be added to the Common Council agendas.

COMMUNITY PROTECTION & SERVICES

By: Barbara Allmann, Chr.

Introduced by Allmann. Allmann/Catarozoli to adopt. Carried.

Hauser/Ward to adopt first reading of ordinance re: City of Sturgeon Bay Comprehensive Plan amendment. Carried.

RECOMMENDATION

We, the City Plan Commission, hereby recommend to approve the combined preliminary/final Planned Unit Development (PUD) for 34 multiple-family dwelling units for Phillips Development, LLC, located in the 700 blocks of Erie and Florida Streets (parcel #281-23-0527260006; aka Amity Field), subject to the following condition:

1. Final approval must be given by the City Engineer for a stormwater management plan.

CITY PLAN COMMISSION

By: Dennis Statz, Chr.

Introduced by Ward. Ward/Allmann to adopt. Discussion took place regarding the need for housing, the planned landscaping that would serve as a natural barrier around the property, and the design of the housing unit. Carried.

Ward/Avenson to adopt the first reading of the ordinance re: PUD zoning for property located in the 700 block of Erie & Florida Streets. Carried.

Ward/Hauser to award the contract for Project 1803 – 2018 Street Micro Surfacing Program to Fahrner Asphalt Sealers, LLC with unit pricing amounts totaling an estimated cost of \$170,171.20. Carried.

Hayes/Catarozoli to adopt resolution creating the City of Sturgeon Bay Community Development Authority. Discussion took place regarding a CDA vs. WRA, weighing all options of creating a CDA, how to dissolve the WRA and a timeline to do so and compiling a list of obligations of the WRA. Motion failed.

Hayes/Hauser to table City of Sturgeon Bay Community Development Authority By-Laws & Rules of Procedure. Carried.

Discussion took place regarding Pinkert Law Firm and the request for proposals for legal services. Allmann/Hauser to direct the City Administrator to hire an interim City Attorney and for the City Administrator and Police Chief to hire a Prosecutor on a fee for service basis. Catarozoli/Allmann to direct City Administrator to create RFP for ongoing general municipal counsel. This motion was withdrawn. Discussion took place about placing this on a Community Protection & Services Committee agenda for further review. Vote taken on original motion. Carried.

Community Development Director Olejniczak noted that he had prepared a memo and would send to all elected officials regarding an update to Safe Routes to School.

Avenson/Allmann to review all legal matters pertaining to the West Waterfront. Carried.

Implication of absence of Personnel Committee no longer needed to be addressed since the Council confirmed the Personnel Committee appointments.

Hauser/Ward to table the consideration of appeal of Judge Huber's ruling. Carried.

Avenson/Catarozoli to file a motion in Circuit Court to obtain an order and the Court's permission to take possession of the dirt piles on the west waterfront area. Carried.

There were no items related to "Items to be Included on Future Agendas (New Business.)"

The Mayor did not have any comments.

Catarozoli/Avenson to adjourn Carried. The meeting adjourned at 11:41 p.m.

Respectfully submitted,

Stephanie L. Reinhardt
City Clerk/HR Director