

COMMON COUNCIL

March 6, 2018

A meeting of the Common Council was called to order at 12:00 p.m. by Mayor Birmingham. The Pledge of Allegiance was recited. Roll call: Catarozoli, Ward, Wiesner, Allmann, Fett, and Hauser. Vandertie was excused.

Catarozoli/Ward to adopt agenda referring Consent Agenda Item 6f to Finance/Purchasing & Building Committee. Carried.

Fett/Ward to approve the following bills - General Fund - \$4,543,390.13, Capital Fund - \$71,792.92, Cable TV - \$5,101.67, TID #2 - \$56,705.85, TID #4 - \$577.50, and Solid Waste Enterprise Fund - \$43,920.55 for a grand total of \$4,721,488.62. Roll call: All voted aye. Carried.

Ward/Catarozoli to approve consent agenda:

- a. Approval of 2/20/18 regular Common Council minutes.
- b. Approval of the following minutes:
 - (1) Finance/Purchasing & Building Committee . 2/13/18
 - (2) Personnel Committee . 2/16/18
 - (3) Board of Public Works . 2/20/18
 - (4) City Plan Commission . 2/21/18
 - (5) Community Protection & Services Committee . 2/22/18
- c. Place the following reports on file:
 - (1) Fire Department Report . January 2018
 - (2) Police Department Report . January 2018
- d. Consideration of: Beverage Operator license.
- e. Consideration of: Approval of Temporary Class B Beer licenses, Temporary Class B Wine license, and Temporary Class B Beer & Wine license.
- f. ~~Finance/Purchasing & Building Committee recommendation re: Deny request from Ross Dippel to waive the snow removal fee in the amount of \$125.00 for 1216 Memorial Drive.~~
Removed from agenda and sent back to Finance/Purchasing & Building Committee
- g. Personnel Committee recommendation re: Increase salary of City Engineer/Interim Municipal Services Director Chad Shefchik to \$82,661.84 retroactive to February 9, 2018.

Carried.

There were no mayoral appointments.

Fett/Wiesner to adopt the resolution regarding applying to WDNR Recreational Boating Funds Program. Carried.

Hauser/Allmann to adopt the resolution regarding the grant application for Lake Management Plan for Bradley Lake . Sturgeon Bay Connectivity. Carried.

Ward/Fett to award the contract for Project 1802A . Concrete Replacement Program & New Sidewalk Additions to Martell Construction, Inc. with unit pricing amounts totaling an estimated cost of \$212,727.00. Carried.

Catarozoli/Hauser to award the contract for Project 1802B . Asphalt Replacement Program to Northeast Asphalt, Inc. with unit pricing amounts totaling an estimated cost of \$402,586.30. Carried.

Fett/Ward to read in title only and adopt the second reading of the ordinance to repeal and recreate Section 3.06 . Transfer of Funds. Carried.

Wiesner/Ward to read in title only and adopt the second reading of the ordinance to repeal and recreate Section 9.075 . Travel Trailers. Carried.

RECOMMENDATION

We, the City Plan Commission, hereby recommends to approve the Preliminary/Final Planned Unit Development for Bonovich Properties, LLC, located at 1026 Egg Harbor Road, a portion of tax parcel #281-62-10000105, based upon the submitted plans, including the municipal code deviations for lot width and side yard setback for the sign with the following conditions:

1. Compliance with the off-street parking landscaping requirements, which includes additional canopy trees and screening at the ends of the northerly two parking areas.
2. Provide additional recreation facilities, such as a play apparatus, in addition to the pavilion shown.
3. Provide a 30-foot utility easement for sanitary sewer and water mains, including extending the easement to the north property line.
4. Provide a 10-foot drainage easement along the east property line from the north lot line to 20 feet past the northwest corner of the Simon parcel.
5. Maintain the ability to connect the driveway to the future Alabama Street, such as over the utility easement, with the actual construction to occur at the property owners discretion.
6. Aesthetic Design & Site Plan Review Board Approval. (Except pedestrian path condition and second phase removed from approval.)
7. Final approval of the stormwater management plan by the City Engineer.
8. Work with staff to develop some type of multi-modal path with access to Egg Harbor Road.

CITY PLAN COMMISSION
Richard Wiesner, Chr.

Ward/Wiesner to adopt. Community Development Director Olejniczak presented the process of the Preliminary/Final PUD and Sara & Brian Bonovich addressed the Council with their development plans for 1026 Egg Harbor Road. Discussion took place regarding the number and placement of dumpsters and a multi-modal path to serve the residents of the development. A lengthy discussion ensued regarding the size, location, width, and placement of the path and who should pay for the improvement.

Hauser/Allmann to amend the City Plan Commission recommendation and require that a 3 foot minimal separation, asphalt or concrete, approximately 350 feet long, 5 foot walkway be installed with shared cost of \$3,000 being paid by the developer and the remainder of the cost paid by the City with reimbursement in 2019 and completed within one year of the start date.

Discussion continued regarding whether the walkway should be a shared cost with the City or borne by the developer and the construction timeline. Ward/Fett to call for the question. Carried.

Vote taken on the amendment. Carried with Catarozoli voting no.

Vote taken on the original motion as amended. Carried with Catarozoli voting no.

Wiesner/Hauser to read in title only for the first reading re: rezoning from Multiple-Family Residential and General Commercial to Planned Unit Development (PUD). . Bonovich Properties, LLC, located at 1026 Egg Harbor Road. Carried.

RECOMMENDATION

We, the Board of Public Works, hereby recommend levying special assessment upon property (S. 16th Place-East of roadway from Michigan Street for an approximate distance of 337ft to the south and S. 18th Avenue-West side of the roadway from Michigan Street for an approximate distance of 338ft to the South) for benefits conferred upon such property by the improvement of the street and installation of curb, gutter, and sidewalk.

BOARD OF PUBLIC WORKS
Stewart Fett, Chr.

Fett/Hauser to adopt. Carried with Ward and Wiesner voting no.

City Plan Commission Chr. Wiesner and Finance/Purchasing & Building Committee Vice-Chr. Ward presented reports for their respective committees/commissions.

After the Mayor announced the statutory basis, Ward/Fett to convene in closed session in accordance with the following exemptions: a. 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). Consideration of: OHWM determination on parcel 92 and action thereon; b. Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified business, whenever competitive or bargaining reasons require a closed session. Wis. Stats. 19.85(1)(e) Contract with Kiesow Enterprises. City Administrator VanLieshout informed the Council that the Waterfront Redevelopment Authority met and reviewed the meeting. Roll call: All voted aye. Carried. The meeting moved to closed session at 1:50 pm and reconvened in open session at 2:39 pm.

Community Development Director Olejniczak addressed the storage of the grain elevator along 1st Avenue and the temporary use provision in the zoning code used for a project/situation where the proposed use doesn't meet the normal requirements but is of a temporary nature. With Council approval, the zoning code allows temporary permits for up to a year. Hauser/Allmann to allow the temporary use for the storage of the grain elevator components along 1st Avenue, Shipyard Development LLC property, for a period of one year and to add a 6 foot chain link security fence around the structure. Carried.

Wiesner/Ward to adopt. Carried. The meeting adjourned at 2:54 p.m.

Respectfully submitted,

Stephanie L. Reinhardt
City Clerk/HR Director