

COMMON COUNCIL
November 20, 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.

Ward/Catarozoli to adopt the agenda. Carried.

The following people spoke during public comment: Hans Christian, 330 N. 3rd Ave; Shawn Fairchild, 311 Pennsylvania St; Anni Lampert, 33 N. Joliet Ave; Tom Wulf, 1127 Cove Rd; Mark Schuster, 1247 N. 8th Ave; Erick Pfeifer, 608 E. Walnut Dr; Scott Moore, 947 Pennsylvania St; Cathy Grier, 153 S. 3rd Ave.

Ward/Allmann to approve the following bills - General Fund - \$222,497.07, Capital Fund - \$89,046.53, TID #4 - \$5,042.50, and Solid Waste Enterprise Fund - \$18,511.08 for a grand total of \$335,097.18. Roll call: All voted aye. Carried.

Ward/Catarozoli to approve consent agenda:

- a. Approval of 11/6/18 regular and 11/7/18 special Common Council minutes.
- b. Approval of the following minutes:
 - (1) Aesthetic Design & Site Plan Review Board . 10/22/18
 - (2) Finance/Purchasing & Building Committee . 10/30/18
- c. Place the following reports on file:
 - (1) Inspection Department Report . October 2018
 - (2) Fire Department Report . October 2018
 - (3) Police Department Report . October 2018
- d. Finance/Purchasing & Building Committee recommendation re: Waive on street winter parking permit fee for Rose Wodack, located at 421 North 4th Avenue, in the amount of \$55.00 based on geographical and financial hardships.
- e. Finance/Purchasing & Building Committee recommendation re: Accept bid from Ferrara Fire Apparatus, in the amount of \$1,168,854.00 and declare the 1997 Spartan 3D Engine w/1500 gpm pump and the 2001 Spartan ALF Engine w/1500 gpm surplus both with excess equipment and allow use of the sale proceeds to be used on the purchase price and to purchase equipment to outfit new units in an amount not to exceed the net amount of \$1,010,000.00 as allocated in the 2019 budget.

Carried.

There were no mayoral appointments.

Hauser/Ward to read in title only and adopt the second reading of the ordinance re: Rezone property from Agricultural (A) to Single Family Residential (R-1) for 1816, 1824, 1832, and 1842 Shiloh Rd. Carried.

Hauser/Catarozoli to read in title only and adopt the second reading of the ordinance re: Repeal and recreate Section 20.25 of the Municipal Code (Zoning Code). Carried.

Catarozoli/Allmann to move to adopt the Resolution to Save the Historic 1901 Teweles and Brandeis Granary that was adopted by the Historic Preservation Commission on October 30, 2017. Discussion took place regarding the whether the resolution should be updated and why it wasn't presented or adopted by Council sooner. Catarozoli/Avenson to call for the question. Carried. Vote taken on original motion. Carried.

Avenson/Catarozoli to relocate the historic grain elevator to be restored on its original location and existing foundation/pilings at no cost to taxpayers. A lengthy discussion took place regarding the timing of this request, the active Ad Hoc West Waterfront Committee that was recently formed, the donation to restore the granary, the uncertainty of the current location the granary is housed on the east side, whether there was a plan from the Sturgeon Bay Historical Society

(SBHS) for the granary, whether there was an update on the condition of the building, whether waiting to make this decision could mean that the option to move it might not be viable in two weeks, that the beams from the granary are not the City's after mid-January and the regular approval process for this type of development including site ownership, use, status of temporary use, engineering, floodplain, utilities, fiscal issues, ancillary land use impacts among others.

Hayes/Catarozoli to amend the motion that a joint restoration plan/management plan between Sturgeon Bay Historical Society and the City be approved by the Common Council before relocation. Carried with Ward and Wiederanders voting no.

Discussion took place on who and what committees would be included in the plan and whether the City could give SBHS some assurance that they could go back to the original site. A request was made to have a representative from SBHS answer questions. The request was denied by the Chair. Avenson/Catarozoli to challenge and overrule the ruling of the Mayor/Chair. Carried with Ward voting no.

The Council now had the right to ask questions of the SBHS represented by Christie Weber. Discussion took place that the SBHS needs to have a location to develop a plan, that the SBHS is getting nervous about making a deal with the east side land owners where the granary is currently housed, that without a foundation and donation the granary may be subject to being sold off and removed, the current delinquent status of the SBHS as noted on the Department of Financial Institution website, and what the SBHS is doing to rectify the delinquency.

Hauser/Hayes to return to the regular order of business. Carried.

Hayes/Catarozoli to call for the question. Carried with Hauser voting no.

Vote taken on the original motion as amended. Catarozoli, Hayes, and Avenson voted aye. Ward, Allmann, Wiederanders, and Hauser voted no. Motion failed.

Avenson/Catarozoli to approve the donation of the City owned and retained grain elevator parts to SBHS for completion of restoration. Discussion took place regarding the whether a gift arrangement should be in place and the timeframe of the parts belonging to the City. Ward/Hayes to amend the motion that a donation agreement be developed that covers the parts in the event the grain elevator is not restored. Hayes, Ward, and Wiederanders voted aye. Catarozoli, Avenson, Allmann and Hauser voted no. Amendment failed.

Vote taken on the original motion. Carried with Ward voting no.

The following items are ~~to~~ items to be Included on Future Agendas (New Business): (to Council) Temporary Use permit extension for current location of grain elevator; (to Council) Update from Kitchens or City Administrator on PRAT; (to CPS) Possible Citywide non-binding referendum regarding cannabis, AKA marijuana, to gauge public opinion on the subject or legalization for medical and recreational purposes; (Parks) Providing home for granary if Ad Hoc Committee doesn't find a spot on the west side for it.

The City Administrator gave his report.

Personnel Committee Chair Ward, Parking & Traffic Committee Chair Catarozoli, Community Protection & Services Committee Chair Allmann and Sturgeon Bay Utility Commission member Ward 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. Stat. 19.85(1)(g) 1.) Consideration of: Litigation with Sawyer Hotel Development, LLC. & 2.) Consideration of: Settlement agreement with friends of Sturgeon Bay Public Waterfront, Shawn

m. Fairchild, Carri Andersson, Linda Cockburn, Russ Cockburn, Kathleen Finnerty and Christy Weber vs City of Sturgeon Bay and Waterfront Redevelopment Authority of the City of Sturgeon Bay. All voted aye. Carried.

The meeting moved to closed session at 9:36 pm and adjourned at 10:16 pm.

Respectfully submitted,

Stephanie L. Reinhardt
City Clerk/HR Director