

COMMON COUNCIL  
February 19, 2019

A regular meeting of the Common Council was called to order at 7:02 pm by Mayor Birmingham. The Pledge of Allegiance was recited. Roll call: Catarozoli, Hayes, Ward, Avenson, Allmann, Wiederanders and Hauser were present.

Ward/Hauser to adopt agenda by removing item 7b6 from the consent agenda and placing it at 8a. Carried.

Anni Lampert, 33 N Joliet Avenue; Chris Kellems, 120 Alabama Street; Scott Moore, 947 Pennsylvania Street spoke during public comment.

Ward/Allmann to approve following bills: General Fund - \$192,175.89, Capital Fund - \$86,371.59, Cable TV - \$15,029.00, TID #4 - \$145.04 and Solid Waste Enterprise Fund - \$16,655.01 for a grand total of \$310,376.53. Roll call: All voted aye. Carried.

Ward/Catarozoli to approve consent agenda:

- a. Approval of 2/5/19 regular Common Council minutes.
- b. Approval of the following minutes:
  - (1) Ad Hoc West Waterfront Planning Committee – 1/22/19
  - (2) Ad Hoc West Waterfront Planning Committee – 1/22/19
  - (3) Ad Hoc West Waterfront Planning Committee – 1/23/19
  - (4) Ad Hoc West Waterfront Planning Committee – 1/24/19
  - (5) ~~Waterfront Redevelopment Authority – 1/24/19~~ Moved to regular agenda
  - (6) Finance/Purchasing & Building Committee – 1/29/19
- c. Place the following reports on file:
  - (1) Police Department Report – January 2019
- d. Consideration of: Approval of beverage operator license.
- e. Consideration of: Approval of Class A Beer and Class A Liquor license for Cherryland Shell LLC.
- f. Finance/Purchasing & Building Committee recommendation re: Approve the one year 2020 Fire Protection Service Agreement extension with the Town of Sevastopol.

Carried.

There were no mayoral appointments.

Aldersperson Avenson was concerned if the Waterfront Redevelopment Authority meeting was appropriate since it has already been dissolved. Attorney Kalny replied that the Chair has the authority to call a meeting for action they are involved in prior to being dissolved. Avenson/Catarozoli to table approval of Waterfront Redevelopment Authority minutes from 1/24/19 until Council has clarification from Attorney Kalny if minutes can be approved. Carried with Ward voting no.

Hauser/Catarozoli to read in title only and adopt the second reading of the ordinance re: Repeal and recreate Section 20.27(2) of the Municipal Code – Zoning Code – building height for historic structures. Carried.

Hauser/Catarozoli to read in title only and adopt the second reading of the ordinance re: Repealing and recreating Section 20.03 of the Municipal Code and creating Sections 20.10(2)(c), 20.11(2)(d), 20.12(2)(l), 20.175(2)(p), 20.22(2)(m) of the Municipal Code – Accessory Dwelling Units. Allmann/Wiederanders to amend Section 20.10(2)(c)(11)(a) to read as follows: The accessory dwelling unit shall be subject to the requirements of section 20.29 Accessory building height and area regulations, except the minimum side in rear yards shall be 10 feet for new construction. Discussion led that the extra feet would help prevent flooding and other issues. Vote taken on amendment, carried with Ward voting no. Vote taken on amended motion. Carried with Ward and Allmann voting no.

City Engineer Shefchik stated that out of the six bids that were received for Project 1901, Peters Concrete Company was the low bidder. Catarozoli/Avenson to award the Contract for Project 1901 (Georgia Street, S Kendale Ave & N 3<sup>rd</sup> Ave Reconstruction Projects) to Peters Concrete Company with unit pricing amounts totaling an estimated cost of \$479,368.68. Carried.

Hauser introduced the resolution for National Estuarine Research Reserve (NERR). DCEDC Executive Director Jim Schuessler explained that having a NERR site in Sturgeon Bay would have a huge economic impact for the community. Caitlin Oleson, Project Manager for WI Coastal Management Program explained that central Door County is one of three locations being considered for a NERR facility site for studying watershed into the Bay of Green Bay. University of Wisconsin – Green Bay would be the beneficiary of the grant from NOAA if selected. Hauser/Ward to accept resolution in support of a National Estuarine Research Reserve. Carried.

Ward/Allmann to accept resolution authorizing the submittal of a Community Development Investment Grant Application for the Door County Maritime Museum's Maritime Lighthouse Tower Project. Kevin Osgood, Door County Maritime Museum Executive Director and Sam Perlman, Deputy Director & Development Manager explained that the City would be the applicant for the CDI grant in behalf of the DCMM. Prior to DCMM submitting the grant, the City must adopt a resolution authorizing the submittal. Discussion led to whether the DCMM needs to obtain a land lease. Avenson/Catarozoli to amend that prior to approval, City needs to confirm whether a land lease is needed to build the maritime tower. Mr. Perlman stated if approved, the grant will reimburse up to \$250,000 for expenses on the construction of the ten story tower addition for the DCMM. If land lease is needed, construction will be delayed. Avenson/Catarozoli called for the question. Carried. Roll call taken on amendment. Avenson voted aye. Catarozoli, Hayes, Ward, Allmann, Wiederanders and Hauser voted no. Motion fails. Vote taken on original motion. Carried with Catarozoli and Avenson voting no.

City Administer VanLieshout explained that a group of citizens are challenging the DNR's most recent decision on the ordinary high water mark for 92 E Maple Street.

Catarozoli/Hauser moved to join the WI DNR in defense of the DNR's decision. If the City joins, it was suggested to retain Attorney Paul Kent as special counsel. The City could chose not to join and write a letter of support, such as an amicus brief. Hayes to amend to have the City Attorney check into the process of doing an amicus briefing. Motion withdrawn. Roll call taken on motion. Catarozoli, Avenson and Hauser vote aye. Hayes, Ward, Allmann and Wiederanders vote no. Motion fails. Catarozoli/Allmann move for the City of Sturgeon Bay to send a letter to the court in support of WI DNR decision and reaffirm action with Friends of the Sturgeon Bay Public Waterfront in agreement with ordinary high water mark. Carried with Ward voting no.

City Administrator VanLieshout gave a brief update that progress was being made with the Development Agreement between City of Sturgeon Bay and Sturgeon Bay Historical Society Foundation, Inc. for Teweles & Bradeis Granary.

Ald. Hauser requested the appropriate committee to explore how the City is addressing affordable housing.

City Administrator VanLieshout gave his report.

Personnel Committee chair Ward, Parking & Traffic Committee chair Catarozoli, Community Protection & Services Committee chair Allmann and Utility Commission member Ward presented reports for their respective committees/commissions.

The Mayor made his comments.

After Mayor Birmingham announced the statutory basis, Ward/Catarozoli to convene in closed session in accordance with the following exemptions:

a. 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) Consideration of: Settlement Agreement 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.

b. Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Wis. Stats. 19.85(1)(e) Consideration of: Development Agreement between City of Sturgeon Bay and Sturgeon Bay Historical Society Foundation Inc. for Teweles & Brandeis Granary.

Roll call: All voted aye. Carried. The meeting moved to closed session at 8:54 pm.

Meeting moved into open session at 11:31 pm to make a motion pertaining to dismissing Friends of Sturgeon Bay Public Waterfront v. City of Sturgeon Bay and Waterfront Redevelopment Authority of the City of Sturgeon Bay. Catarozoli/Hauser to direct counsel to take such actions as necessary to withdraw the appeal of the

Friends of Sturgeon Bay Public Waterfront v. City of Sturgeon Bay and Waterfront Redevelopment Authority case 16-CV-23 (Court of Appeals Case 2017AP800). Roll call: Carried with Ward voting no.

Catarozoli/Avenson to adjourn. Carried. Meeting adjourned at 11:48 pm.

Respectfully submitted,

Laurie A. Spittlemeister  
Deputy Clerk/Treasurer