



**CITY OF STURGEON BAY COMMON COUNCIL AGENDA
TUESDAY, JANUARY 15, 2019
7:00 P.M. OR IMMEDIATELY FOLLOWING
BOARD OF PUBLIC WORKS WHICH BEGINS AT 6:30 PM
COUNCIL CHAMBERS, CITY HALL – 421 MICHIGAN ST
THAD G. BIRMINGHAM, MAYOR**

1. Call to order.
2. Pledge of Allegiance.
3. Roll call.
4. Adoption of agenda.
5. Public Comment.
6. Consideration of the following bills: General Fund – \$97,008.07, Capital Fund - \$405,758.22, Cable TV - \$62.71, and TID #4 - \$3,220.00 for a grand total of \$506,049.00. roll call]
7. **CONSENT AGENDA**
 - * All items listed with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member requests before the Adoption of the Agenda, in which event the item will be removed from the Consent Agenda and considered immediately following the consent agenda.
 - * a. Approval of 1/2/19 regular Common Council minutes.
 - * b. Approval of the following minutes:
 - (1) Personnel Committee – 12/17/18
 - (2) Finance/Purchasing & Building Committee – 1/2/19
 - (3) Police & Fire Commission – 1/3/19
 - (4) Ad Hoc West Waterfront Planning Committee – 1/3/19
 - (5) Personnel Committee – 1/7/19
 - * c. Consideration of: Approval of beverage operator licenses.
 - * d. Finance/Purchasing & Building recommendation re: Approve the purchase of two 2019 Ford Explorer Interceptor squads from Jim Olson For, Lincoln in the amount of \$64,840.00 plus DMV fees.
8. Mayoral appointments.
9. Second reading of ordinance re: Repeal and recreate Section 28.04(2) of the Municipal Code – Historic Preservation Commission.
10. Resolution re: Combining Polling Place for reporting units for Southern Door School District primary on February 19, 2019.
11. Personnel Committee recommendation re: Hire Davis Kuelthau as the City Attorney.

12. Consideration of: Approval of Type C Notice for April 2, 2019 cannabis referendum questions.
13. Consideration of: An advisory referendum asking the public if the City should accept a donation of the former Teweles & Brandeis Grain Elevator from the Sturgeon Bay Historical Society and if the former Teweles & Brandeis Grain Elevator should be placed on the original location on the West Waterfront.
14. Consideration of: Approval of Type C Notice for April 2, 2019 grain elevator referendum question.
15. Consideration of: Resolution to Accept Donation of Teweles & Brandeis Grain Elevator with Endowment; to enter into a land lease and to request facilitation by the Door County Community Foundation.
16. Items to be Included on Future Agendas (New Business).
17. City Administrator report.
18. Committee Chairperson Reports:
 - a. Personnel Committee
 - b. Parking & Traffic Committee
 - c. Community Protection & Services Committee
 - d. Utility Commission
19. Mayor's comments.
20. 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)

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.

Move to reconvene in open session to take formal action upon preceding subjects of closed session, if appropriate; or to conduct discussion or give further consideration where the subject is not appropriate for closed session consideration. The Council may adjourn in closed session.
21. Adjourn.

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR.

Posted:

Date: 1.11.19

Time: 12:00pm

By: SM

CITY OF STURGEON BAY
DEPARTMENT SUMMARY REPORT

LD: AP443000.CST

INVOICES DUE ON/BEFORE 01/15/2019

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE
GENERAL FUND				
GENERAL FUND				
LIABILITIES				
WIEGANDM	MICHELLE SNOVER	2018 VSION INS REFND/SNOVER	01-000-000-21540	80.52
TOTAL LIABILITIES				80.52
BALLFIELD LIGHTING				
WPPI ENG	WPPI ENERGY	01/19 ATHLETIC FLD LIGHT PRJCT	01-000-981-70000	1,365.39
TOTAL BALLFIELD LIGHTING				1,365.39
TOTAL GENERAL FUND				1,445.91
LAW/LEGAL				
03950	DAVIS KUELTHAU	10/18 GEN LEGAL MATTERS	01-110-000-55010	3,217.00
03950		11/18 GEN LEGAL MATTERS	01-110-000-55010	112.00
03950		11/18 GEN LEGAL MATTERS	01-110-000-55010	5,346.09
16555	PINKERT LAW FIRM, LLP	11/18 TRAFFIC MATTERS	01-110-000-55010	2,160.00
16555		11/18 LITIGATION MATTERS-KOLSK	01-110-000-55010	765.00
16555		11/18 LITIGATION MATTERS-BOES	01-110-000-55010	1,144.00
VANDECAS	VANDE CASTLE, S.C.	11/18 LEGAL SERVICES	01-110-000-57900	173.25
TOTAL				12,917.34
TOTAL LAW/LEGAL				12,917.34
CITY CLERK-TREASURER				
BAKERTIL	BAKER TILLY VIRCHOW KRAUSE, LLP	INTERIM FINANCE SERVICES	01-115-000-58999	7,843.23
BAKERTIL		INTERIM FINANCE SERVICES	01-115-000-58999	9,301.62
BUBRICKS	BUBRICK'S COMPLETE OFFICE, INC	14 DESK PAD CALENDARS	01-115-000-51950	93.94
BUBRICKS		OFFICE SUPPLIES	01-115-000-51950	135.28
TOTAL				17,374.07
TOTAL CITY CLERK-TREASURER				17,374.07
COMPUTER				
04696	DOOR COUNTY TREASURER	2019 1ST QTR SOFTWARE MAINT	01-125-000-55550	6,338.89
04696		2019 ANNUAL NETHOTION LIC	01-125-000-55550	550.00
04696		WISCNET ANNL AGGREGATION FEE	01-125-000-55550	428.00
04696		12/18 INTERNET	01-125-000-55550	100.00
04696		12/18 TECH SUPPORT	01-125-000-55550	2,575.00
04696		12/18 2G INTERNET	01-125-000-55550	375.00
TRANSTEC	TRANSCENDENT TECHNOLOGIES	ANNL PET LIC SOFTWARE MAINT	01-125-000-51100	216.00
TOTAL				10,582.89
TOTAL COMPUTER				10,582.89
CITY ASSESSOR				

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INVOICES DUE ON/BEFORE 01/15/2019

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE

GENERAL FUND				
ASSO APP	ASSOCIATED APPRAISAL	01/15/19 CONTRACT	01-130-000-55010	1,333.33
		TOTAL		1,333.33
		TOTAL CITY ASSESSOR		1,333.33
MUNICIPAL SERVICES ADMIN.				
12100	LAMPERT YARDS INC	SHELF & MASKING TAPE	01-145-000-51950	21.18
		TOTAL		21.18
		TOTAL MUNICIPAL SERVICES ADMIN.		21.18
CITY HALL				
03159	CHARTER COMMUNICATIONS	12/18 FIRE CABLE SVC	01-160-000-58999	119.98
03159		12/18 FIRE CABLE SVC	01-160-000-58999	101.85
		TOTAL		221.83
		TOTAL CITY HALL		221.83
GENERAL EXPENDITURES				
04696	DOOR COUNTY TREASURER	12/18 CITY HALL PHONE SVC	01-199-000-58200	88.40
04696		12/18 FIRE PHONE SVC	01-199-000-58200	42.51
04696		12/18 MUNICIPAL SVC PHONE SVC	01-199-000-58200	21.64
04696		12/18 POLICE PHONE SVC	01-199-000-58200	32.58
13750	MOODY'S INVESTORS SERVICE	DEBT ISSUANCE COST	01-199-000-58999	12,000.00
BUBRICKS	BUBRICK'S COMPLETE OFFICE, INC	COPY PAPER	01-199-000-55650	247.20
		TOTAL		12,432.33
		TOTAL GENERAL EXPENDITURES		12,432.33
POLICE DEPARTMENT/PATROL				
04150	DE JARDIN CLEANERS LLC	UNIFORM MAINTENANCE	01-215-000-56800	7.18
04150		UNIFORM MAINTENANCE	01-215-000-56800	10.54
04652	DOOR COUNTY SHERIFFS DEPT	MAGNET AXIOM LIC RENEWAL	01-215-000-58999	1,000.00
04652		CELLEBITE LIC RENEWAL	01-215-000-58999	1,850.00
DOOREMER	DOOR COUNTY EMERGENCY SERVICES	2 NARCAN	01-215-000-54999	65.00
DOOREMER		1 ATOMIZER	01-215-000-54999	5.68
JIM FORD	JIM OLSON FORD-LINCOLN, LLC	MAINTENANCE HHR	01-215-000-58600	1,042.62
JIM FORD		SQUAD 30 MAINTENANCE	01-215-000-58600	94.22
JIM FORD		SQUAD 20 MAINTENANCE	01-215-000-58600	194.20
JIM FORD		REMOVE DECALS	01-215-000-58600	725.00
NELSON	NELSON TACTICAL	AMMUNITION	01-215-000-51050	4,584.00
NELSON		2 STREAMLIGHT WEAPN LIGHTS	01-215-000-51050	232.18
		TOTAL		9,810.62

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VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE
GENERAL FUND				
TOTAL POLICE DEPARTMENT/PATROL				9,810.62
POLICE DEPT. / INVESTIGATIONS				
11350	DOOR/KEWAUNEE DRUG TASK FORCE	2019 DRUG/MEG UNIT DUES	01-225-000-57950	12,000.00
TOTAL				12,000.00
TOTAL POLICE DEPT. / INVESTIGATIONS				12,000.00
FIRE DEPARTMENT				
04575	DOOR COUNTY HARDWARE	WALLPLATE/SINGLE BOX	01-250-000-54999	5.16
04575		FOODSAVER BAGS/BIT HOLDER	01-250-000-54999	79.13
04575		AIR PLUG/AIR HOSE	01-250-000-54999	47.38
04575		DUAL FOOT EXT/AIR PLUG	01-250-000-54999	4.38
04575		COMPUTER SURGE	01-250-000-54999	51.98
04575		EXTNSION CORD	01-250-000-54999	26.99
04575		CREDIT RETURN	01-250-000-54999	-25.99
04575		SNAP FASTENER KIT	01-250-000-54999	6.99
04575		ASSORTED SUPPLIES	01-250-000-54999	83.33
04575		RAPID LOAD SET 20PC	01-250-000-54999	19.99
04575		FASTENERS/AIR HOSE	01-250-000-54999	44.43
16352	PENFLEX, INC	BASE FEE	01-250-000-50377	1,000.00
16352		LOSA ACCNT SERVICE AWARD	01-250-000-50377	285.00
16570	PIONEER FIRE COMPANY	KENMORE TK2180 RADIOS	01-250-000-57550	1,000.00
16570		UNIFORMS	01-250-000-52900	47.00
16570		UNIFORM	01-250-000-52900	9.00
21472	UBS FINANCIAL SERVICES INC.	ANNL LOSA CONTRIBUTION	01-250-000-50377	1,500.00
O'REILLY	O'REILLY AUTO PARTS-FIRST CALL	WIRE/ELECT TAPE/PENETRNT	01-250-000-53000	21.97
O'REILLY		ELCT CLNR/SEALANT	01-250-000-53000	11.98
O'REILLY		AIR BRK TUBE	01-250-000-53000	7.35
O'REILLY		LEAD BAR/BAR COMBO/DRL KIT	01-250-000-53000	154.97
O'REILLY		FAN	01-250-000-53000	17.99
O'REILLY		CREDIT RETURN	01-250-000-53000	-17.99
PAULCONW	PAUL CONWAY SHIELDS	HEADBAND/COVER	01-250-000-52900	107.50
PREVEA	PREVEA HEALTH WORKMED	EMPLOYEE SCREEN	01-250-000-57100	184.50
TOTAL				4,673.04
TOTAL FIRE DEPARTMENT				4,673.04
COMPOST/SOLID WASTE SITE				
04656	DOOR COUNTY SOIL & WATER	2019 ANNL NON METALLIC MINE	01-320-000-57700	342.00
TOTAL				342.00
TOTAL COMPOST/SOLID WASTE SITE				342.00
ROADWAYS/STREETS				

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INVOICES DUE ON/BEFORE 01/15/2019

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE

GENERAL FUND				
02844	BRUCE MUNICIPAL EQUIPMENT INC	BEARING & RACE	01-400-000-51400	833.37
02844		RACE ASSEMBLY	01-400-000-51400	21.36
13655	MONROE TRUCK EQUIPMENT, INC	LIGHT BOX	01-400-000-51400	28.08
13655		SHIPPING	01-400-000-51400	8.00
14826	NORTHEAST ASPHALT, INC.	10.98 TN COLD MIX @ 86.50	01-400-000-52200	949.77
19240	SERVICE MOTOR CO	IGNITION SWITCH	01-400-000-51400	92.00
O'REILLY	O'REILLY AUTO PARTS-FIRST CALL	2 LIGHTS @ 5.99	01-400-000-51400	11.98
TOTAL				1,944.56
TOTAL ROADWAYS/STREETS				1,944.56
CITY GARAGE				
ADVAUTO	GENERAL PARTS DISTRIBUTION LLC	HYD OIL/REAR MIRROR ADHESIVE	01-460-000-56250	62.23
ADVAUTO		BATTERIES	01-460-000-56250	255.24
ADVAUTO		MIRROR	01-460-000-56250	20.39
ADVAUTO		CABIN AIR/AIR	01-460-000-56250	69.47
ADVAUTO		MINI BULBS & HEADLIGHT	01-460-000-56250	15.69
ADVAUTO		SUPPLIES	01-460-000-56250	8.93
ADVAUTO		CAPSULE	01-460-000-56250	7.43
ADVAUTO		DOVE LIGHT	01-460-000-56250	4.19
ADVAUTO		ABS CONTROL CORE RETURN	01-460-000-56250	-200.00
ADVAUTO		MINI BULB	01-460-000-56250	4.19
AMERWELD	AMERICAN WELDING & GAS, INC	WELDING GAS REFILL	01-460-000-56250	67.82
AMERWELD		CYLINDER RENTAL	01-460-000-56250	118.01
O'REILLY	O'REILLY AUTO PARTS-FIRST CALL	ROCKER SWITCH	01-460-000-56250	8.99
PATS	DEBBIE DERENNE	2 SEATS RECOVERED	01-460-000-54999	280.00
TOTAL				722.58
TOTAL CITY GARAGE				722.58
PARK & RECREATION ADMIN				
STAPLES	WISCONSIN DOCUMENT IMAGING LLC	MAGENTA TONER	01-500-000-51250	204.46
STAPLES		YELLOW TONER	01-500-000-51250	204.46
TOTAL				408.92
TOTAL PARK & RECREATION ADMIN				408.92
PARKS AND PLAYGROUNDS				
03025	CAPTAIN COMMUNES INC	MONTHLY COMMUNE SERVICE	01-510-000-54999	75.00
03025		SALT WATER	01-510-000-54999	6.00
03025		RELOCATE TO DOG PARK	01-510-000-54999	25.00
04696	DOOR COUNTY TREASURER	30 SIGNS FOR PARKS	01-510-000-52550	418.24
06012	FASTENAL COMPANY	HARDWARE	01-510-000-54999	6.04
06012		HARDWARE	01-510-000-54999	1.10
06012		HARDWARE	01-510-000-54999	16.05
06012		HARDWARE	01-510-000-54999	1.32
06012		HAND TOOLS	01-510-000-54999	259.98

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INVOICES DUE ON/BEFORE 01/15/2019

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE
GENERAL FUND				
06012		DUSK MASKS	01-510-000-54999	20.51
06012		RAINSUIT	01-510-000-54999	59.99
DELFOSSSE	KYLE DELFOSSSE	SAFETY CLOTHING REIM/DELFOSSSE	01-510-000-56800	20.03
JBTREE	J & B TREE SERVICE, LLC	CUTTING OF 2 TREES	01-510-000-58450	900.00
O'REILLY	O'REILLY AUTO PARTS-FIRST CALL	OIL FILTERS	01-510-000-58600	150.44
O'REILLY		AIR FILTERS	01-510-000-58600	269.29
O'REILLY		MOTOR OIL	01-510-000-58600	87.80
VIKING	VIKING ELECTRIC SUPPLY, INC	2 LED LIGHT FIXTURES	01-510-000-54999	128.64
VIKING		2 LED LIGHT FIXTURES	01-510-000-54999	128.64
VIKING		4 FLORESCENT BULBS	01-510-000-54999	13.88
TOTAL				2,587.95
TOTAL PARKS AND PLAYGROUNDS				2,587.95
WATER WEED MANAGEMENT				
TRACTOR	TRACTOR SUPPLY CREDIT PLAN	TARPS-HARVESTERS	01-560-000-51400	91.95
TOTAL				91.95
TOTAL WATER WEED MANAGEMENT				91.95
EMPLOYEE BENEFITS				
01770	MATT AUSTAD	2018 IMPUTED INCME REFD/AUSTAD	01-600-000-50552	8.25
TOTAL				8.25
TOTAL EMPLOYEE BENEFITS				8.25
COMMUNITY & ECONOMIC DEVLPMT				
R0001192	STURGEON BAY VISITOR CENTER	2019 1ST QTR SUPPORT	01-900-000-57800	5,436.10
TOTAL				5,436.10
TOTAL COMMUNITY & ECONOMIC DEVLPMT				5,436.10
TOTAL GENERAL FUND				94,354.85
CAPITAL FUND				
COMPUTER				
04696	DOOR COUNTY TREASURER	CISCO PHONE UPGRADE	10-125-000-59000	10,288.94
04696		FINAL FIBER INFRASTRUCTURE PYM	10-125-000-59040	147,035.00
04696		FINAL FIBER INFRASTRUCTURE PYM	10-125-000-59000	2,400.82
TWEAK	TWEAK SOCIAL MEDIA & MARKETIN	WEB DESIGN: SECOND PAYMENT	10-125-000-59005	1,837.50
TOTAL				161,562.26
TOTAL COMPUTER				161,562.26

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INVOICES DUE ON/BEFORE 01/15/2019

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE
CAPITAL FUND				
PATROL				
PATROL				
02208	BAYCOM INC.	PANASONIC TOUGHBOOK-SQUAD 60	10-215-000-59035	3,452.00
TOTAL PATROL				3,452.00
TOTAL PATROL				3,452.00
ROADWAYS/STREETS				
LEAD LATERAL				
04696	DOOR COUNTY TREASURER	DULUTH AVE	10-400-000-59096	150,179.30
TOTAL LEAD LATERAL				150,179.30
ANNUAL RESURFACING & BASE REP.				
WI TRANS	WIS. DEPT OF TRANSPORTATION	MAPLE/OREGN BRIDGE	10-400-110-59095	213.15
TOTAL ANNUAL RESURFACING & BASE REP.				213.15
TOTAL ROADWAYS/STREETS				150,392.45
CITY GARAGE				
13655	MONROE TRUCK EQUIPMENT, INC	SERVICE BODY-F250 TRUCK	10-460-000-59060	11,930.00
13655		LIFTGATE ALUM PLTFORM LIGHTS	10-460-000-59060	1,127.00
TOTAL				13,057.00
TOTAL CITY GARAGE				13,057.00
PARKS AND PLAYGROUNDS				
EXPENSE				
06580	FOTH AND VAN DYKE	CONTRCT SVC BRADLY LKE PLAN	10-510-000-59025	13,139.01
TOTAL EXPENSE				13,139.01
TOTAL PARKS AND PLAYGROUNDS				13,139.01
PUBLIC FACILITIES				
EXPENSE				
04696	DOOR COUNTY TREASURER	LIBRARY ROOF PROJECT IMPROVMNT	10-700-000-56850	64,155.50
TOTAL EXPENSE				64,155.50
TOTAL PUBLIC FACILITIES				64,155.50
TOTAL CAPITAL FUND				405,758.22
CABLE TV				
CABLE TV / GENERAL				
CABLE TV / GENERAL				
03159	CHARTER COMMUNICATIONS	12/18 CB MUSIC SVC	21-000-000-58999	62.71
TOTAL CABLE TV / GENERAL				62.71

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INVOICES DUE ON/BEFORE 01/15/2019

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE

CABLE TV				
CABLE TV / GENERAL				
CABLE TV / GENERAL				
TOTAL CABLE TV / GENERAL				62.71
TOTAL CABLE TV				62.71
TID #4 DISTRICT				
TID #4 DISTRICT				
TID #4 DISTRICT				
03950	DAVIS KUELTHAU	10/18 TID 4 LEGAL MATTERS	28-340-000-55001	2,016.00
03950		11/18 TID 4 LEGAL MATTERS	28-340-000-55001	1,204.00
TOTAL TID #4 DISTRICT				3,220.00
TOTAL TID #4 DISTRICT				3,220.00
TOTAL TID #4 DISTRICT				3,220.00
TOTAL ALL FUNDS				503,395.78

MANUAL CHECKS

DOOR COUNTY TREASURER

\$1,781.33

12/31/18

Check # 84475

Tax Roll Payment

01-000-000-12638

SUPERIOR VISION INSURANCE

\$871.89

01/02/19

Check # 84476

01/19 Vision Insurance

01-000-000-21540

TOTAL MANUAL CHECKS

\$ 2,653.22

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VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE
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SUMMARY OF FUNDS:

GENERAL FUND

94,354.85

97,008.07

CAPITAL FUND

405,758.22

CABLE TV

62.71

TID #4 DISTRICT

3,220.00

TOTAL --- ALL FUNDS

503,395.78

506,049.00

David Wal 1/8/19
Garban Allen 1/8/19
SPR Warran 1/8/19

COMMON COUNCIL
January 2, 2019

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/Hauser to adopt the agenda. Hayes/Catarozoli to amend the consent agenda moving Item 7e, 7g, and 7f to the regular agenda. Amendment carried. Vote on original motion as amended. Carried.

The following people spoke during public comment: Chris Kellems, 120 Alabama St; Shawn Fairchild, 311 Pennsylvania St; and Scott Moore, 947 Pennsylvania St.

Ward/Allmann to approve the following bills - General Fund - \$482,429.92, Capital Fund - \$5,101.63, and Solid Waste Enterprise Fund - \$4,207.79 for a grand total of \$504,975.12. Roll call: All voted aye. Carried.

Ward/Catarozoli to approve consent agenda:

- a. Approval of 12/18/18 regular Common Council minutes.
- b. Approval of the following minutes:
 - (1) Finance/Purchasing & Building Committee – 12/11/18
 - (2) Joint Park & REcreation Committee/Board – 12/12/18
 - (3) Community Protection & Services Committee – 12/13/18
 - (4) Ad Hoc West Waterfront Planning Committee – 12/13/18
 - (5) City Plan Commission – 12/19/18
- c. Consideration of: Approval of beverage operator licenses.
- d. Consideration of: Approval of Temporary Class B Beer and Temporary Class B Wine license of Gala of Giving – St. John Bosco School.
- e. ~~Finance/Purchasing & Building Committee recommendation re: Approve the proposed pre-annexation agreement with Duquaine Development, parcel #020-01-12272541B and C1 with stipulations honoring the building permits approved by the Town of Nasewaupee for Phase I and that Phase II and Phase III need to be approved by the City of Sturgeon Bay and the annexation has to happen prior to January 1, 2020. Moved to regular agenda.~~
- f. ~~Joint Park & Recreation Committee/Board recommendation re: Create an Ad Hoc Committee on Sturgeon Bay Waterfront Parks with an emphasis on beaches. Moved to regular agenda.~~
- g. ~~City Plan Commission recommendation re: Amending Chapter 20 of the Municipal Code (Zoning Code) regarding Accessory Dwelling Units. Moved to regular agenda.~~

Carried.

There were no mayoral appointments.

RECOMMENDATION

We, the Finance/Purchasing & Building Committee, hereby recommend to approve the proposed annexation agreement with Duquaine Development, for parcel #020-01-12272541B and C1 with stipulations honoring the building permits approved by the Town of Nasewaupee for Phase I and that Phase II and Phase III needs to be approved by the City of Sturgeon Bay and the annexation has to happen prior to January 1, 2020.

FINANCE/PURCHASING & BUILDING COMMITTEE
By: David Ward, Chr.

Ward/Allmann to adopt. Community Development Director Olejniczak summarized the pre-annexation agreement with Duquaine Development, that the comprehensive plan calls for high density in this area, that the developer wants sewer and water service and the City occasionally

allows for that service right away with a pre-annexation agreement, that the actual annexation/development would go to the City Plan Commission, a formal agreement would still need to be drafted if the proposed annexation agreement was approved. Further discussion took place regarding in-fill and if this location was a good example of in-fill, whether there were any ordinances or standards regarding new buildings and sustainability, and connectivity with other areas of the City. Hayes/Hauser to amend the pre-annexation agreement and add as part of the agreement that clearly states that Duquaine Development will consult with the City Plan Commission, Zoning Board of Appeals, and Aesthetic Design and Site Plan Review Board. The amendment was withdrawn. Avenson/Catarozoli to call for the question. Carried. Vote taken on the original motion. Carried with Catarozoli voting no.

RECOMMENDATION

We, the City Plan Commission, hereby recommend amending Chapter 20 of the Municipal Code (Zoning Code) regarding Accessory Dwelling Units as attached.

CITY PLAN COMMISSION

By: Dennis Statz, Vice-Chr.

Catarozoli/Hauser to adopt. Community Development Director Olejniczak provided a history of this particular item. He noted that R-2 already allows two family dwelling with a conditional use and that this recommendation would allow for accessory dwelling units in all areas except those zoned R-1. Further discussion took place regarding other communities that have this type of ordinance, the options of the Council and if this were approved, it would still be a conditional use process. Roll call: Carried with Hayes, Ward, and Allmann voting no.

RECOMMENDATION

We, the Joint Park & Recreation Committee/Board, hereby recommend to create an ad hoc committee on Sturgeon Bay waterfront parks with an emphasis on beaches.

PARK & RECREATION COMMITTEE/BOARD

By: Laurel Hauser, Chr.

A short discussion took place whether an ad hoc committee needed to be formed or if the committee could look into this. No action was taken.

Ward/Avenson to read in title only the first reading of the ordinance to repeal and recreate Section 28.04(2) of the Municipal Code – Historic Preservation Commission. Discussion took place regarding what “employee” meant in the code amendment. Ward/Avenson to call for the question. Carried. Vote taken on original motion. Carried.

A first reading of ordinance re: zoning code amendments for accessory dwelling units – Chapter 20 of the Municipal Code was removed from the agenda.

Catarozoli/Avenson to read in title only and adopt the second reading of the ordinance to repeal and recreate Section 1.166(2)(b)3 of the Municipal Code – Local Arts Board. Carried.

Hauser/Avenson to adopt resolution decreasing dock pass fees. Carried.

Wiederanders/Hayes to adopt the following amended Community Protection & Services Committee recommendation:

To put forth, on the April 2, 2019 ballot, a non-binding referendum regarding cannabis legalization, to gauge public opinion with a two-part question subject on legalization for medicinal purposes and recreational use for those age twenty-one and over.

Discussion took place regarding recreational use research not being conclusive, that a referendum allows public to have a voice, that the results of the referendum could be forwarded to State representatives, that the referendum is non-binding and whether there should be a

resolution by the Council, similar to the County, rather than a referendum. Carried with Ward and Allmann voting no.

Planner/Zoning Administrator Sullivan-Robinson summarized the agenda item regarding a height exemption for Historic-Designated Structures. He noted that this item was at Plan Commission but was forwarded to the Council without recommendation due to a tie vote. The Council has the option to proceed with an ordinance amendment that would allow any structure, which is currently designated as historic by the City, State, and/or Federal Register of Historic Places to be exempt from maximum height limitations outlined in Section 27 of the Municipal Zoning Code. Hauser/Avenson to amend Chapter 20 of the Municipal Code – Height exemption for Historic-Designated Structures. Carried with Ward voting no.

The following items are to appear on future agendas: Avenson - (CPS) Look at committee rules on public comments; Avenson – (CPS) Look at codes for sustainability for new builds.

The City Administrator 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/Hauser to convene in closed session in accordance with the following exemptions: 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) 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 and b. Considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Wis. Stats. 19.85(1)(c). Consideration of: Clerk/Treasurer Department Positions. All voted aye. Carried.

The meeting moved to closed session at 9:41 pm and adjourned at 10:26 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Stephanie L. Reinhardt". The signature is written in dark ink and is positioned above the printed name.

Stephanie L. Reinhardt
City Clerk/HR Director

PERSONNEL COMMITTEE
December 17, 2018

A meeting of the Personnel Committee was called to order by Chairperson Ward at 10:30 a.m. in the second floor conference room. Roll call: Members Ward, Allmann, and Hauser were present. Also present were; City Administrator VanLieshout and City Clerk/HR Director Reinhardt

Hauser/Allmann to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Consideration of: Compensation study.
4. Consideration of: Set date for City Attorney Interviews.
5. Convene in closed session in accordance with the following exemption:

Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Wis. Stats. 19.85(1)(c)

Consideration of: Finance/Director/City Treasurer and Clerk/HR Director positions.

Move to reconvene in open session to take formal action upon preceding subject of closed session, if appropriate; or to conduct discussion or give further consideration where the subject is not appropriate for closed session consideration. The Committee may adjourn in closed session.

6. Adjourn.

Carried.

City Administrator VanLieshout discussed with the Committee a need for a compensation study. It was noted that the desired outcome for the study would include determining the market place for positions, forecasting salaries for positions, and a recommendation on how to achieve market place salaries. It was noted that the study is a budgeted item for 2019, that the RFP process would have to take place for the study, and it would require ultimate Finance/Purchasing & Building Committee approval. It was also noted that analyzing position descriptions would be part of the study process. No formal action was taken.

The Committee set the date for City Attorney interviews for January 7, 2019 at 10:30 am.

After the Chair announced the statutory basis, Ward/Allmann to convene in closed session in accordance with the following exemption: Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Wis. Stats. 19.85(1)(c) Consideration of: Finance Director/City Treasurer and Clerk/HR Director positions. Move to reconvene in open session to take formal action upon preceding subject of closed session, if appropriate; or to conduct discussion or give further consideration where the subject is not appropriate for closed session consideration. The Committee may adjourn in closed session. All voted aye. Carried.

The Committee convened in closed session and 10:53 a.m. and adjourned at 11:41 a.m.

Respectfully submitted,



Stephanie L. Reinhardt
City Clerk/Human Resources Director

FINANCE/PURCHASING & BUILDING COMMITTEE
January 2, 2019

A meeting of the Finance/Purchasing & Building Committee was called to order 6:01 pm by Chairperson Ward in the Council Chambers, City Hall. Roll call: Alderpersons Ward, Allmann and Wiederanders were present. Also present: City Administrator Van Lieshout, Police Captain Brinkman and Receptionist Metzer.

A motion was made by Alderperson Allmann, seconded by Alderperson Wiederanders to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Public comment on agenda items and other issues related to finance & purchasing.
4. Consideration of: Purchase two 2019 Ford Explorer Police Interceptor Vehicles.
5. Review bills.
6. Adjourn.

Carried.

No one spoke during public comment on agenda items.

Consideration of: Purchase two 2019 Ford Explorer Police Interceptor Vehicles:

Police Captain Brinkman presented the following bids for the purchase of two new Ford Explorer patrol vehicles:

Jim Olson Ford, Lincoln	\$32,420.00 each
Dorsch Ford, Kia	\$38,800.00 each
Kayser Ford	No Response

He stated that \$84,000 was approved in the 2019 capital budget for the purchase of two patrol vehicles, equipment, switch over and graphics. He further explained, that two squads, #50 and #10 will be taken out of service with the intention to be utilized elsewhere within the City.

Moved by Alderperson Ward, seconded by Alderperson Allmann to recommend to Common Council to approve the purchase of two 2019 Ford Explorer Police Interceptor squads from Jim Olson Ford, Lincoln in the amount of \$64,480 plus DMV fees. Carried.

Review bills

Moved by Alderperson Ward, seconded by Alderperson Allman to approve the bills as presented and forward to the Common Council for payment. Carried.

Moved by Alderperson Allmann, seconded by Alderperson Wiederanders to adjourn. Carried. The meeting adjourned at 6:24 pm.

Respectfully submitted,



Tricia Metzer

POLICE AND FIRE COMMISSION

January 3, 2019

A meeting of the Police and Fire Commission was called to order at 2:04 p.m. by Commission President Dave Poulton in the Closed Session Room at the Sturgeon Bay Municipal Building. **Roll Call:** Commissioner Poulton, Commissioner VanDyke, Commissioner Herdina and Commissioner Hurley were present. Commissioner Spritka was excused. Also present from City Hall was Chief Porter, Captain Brinkman and Lieutenant Henry.

Moved by Commissioner VanDyke, seconded by Commissioner Hurley to adopt the following agenda:

1. Call to Order.
2. Roll Call.
3. Adoption of Agenda.
4. Approval of Minutes.
5. Convene in closed session:
 - a. Consideration of: Police Officer Employment
6. Reconvene in open session.
7. Adjourn

Carried.

Approval of Minutes:

Moved by Commissioner Hurley, seconded by Commissioner VanDyke to approve the minutes from the August 28, 2018 meeting. All ayes. Motion carried.

Convene in Closed Session:

Moved by Commissioner Poulton, seconded by Commissioner VanDyke to convene in closed session in accordance with the following exemption:

Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Wis. Stats. 19.85(1)(c)

Consideration of: Police Officer Employment

All ayes. Motion carried.

Roll Call: Dave Poulton, Sandy Hurley, Barb Herdina and Michael VanDyke were present.

Reconvene in Open Session:

Moved by Commissioner VanDyke, seconded by Commissioner Hurley to reconvene in open session and take formal action. All ayes. Motion carried.

Roll Call: Dave Poulton, Sandy Hurley, Barb Herdina and Michael VanDyke were present.

Establish eligible candidates for open Police Officer positions:

Moved by Commissioner Herdina, to place three candidates, in no particular order, onto an eligibility list and forward it onto the Chief of Police. The three candidates are: Alexander Schmidt, Jacob Zach and Robin Messer. Three ayes. One no. Motion carried.

Adjourn: *Moved by Commissioner Herdina, seconded by Commissioner Hurley to adjourn. All ayes. Motion carried. Time of 3:43 p.m.*

Respectfully submitted,

A handwritten signature in cursive script that reads "Sarah Spude-Olson".

Sarah Spude-Olson
SBPD Office Manager

AD HOC WEST WATERFRONT PLANNING COMMITTEE

Thursday, January 3, 2019

A meeting of the Ad Hoc West Waterfront Planning Committee was called to order at 6:30 p.m. by Co-Chairperson Laurel Hauser in the Council Chambers, City Hall, 421 Michigan Street.

Roll call: Members Mark Schuster, Ryan Hoernke, Mike Gilson, Stephanie Trenchard, Laurel Hauser, Erich Pfeifer, Caitlin Oleson, and Jim Schuessler were present. Member Sara Powers was present by conference call. Excused: Member Dave Schanock. Staff advisors present were Community Development Director Marty Olejniczak and Municipal Services Director Mike Barker. Also present were Alderperson Barb Allmann, Community Development Secretary Cheryl Nault, and several members of the public. Eduard Freer, Project Manager/Waterfront Specialist for SEH; Nate Day, Lead Planner, Transportation Planning, and Public Engagement Specialist for SEH, and Heidi Kennedy, Natural Resources Scientist joined the meeting by conference call.

Adoption of agenda: Moved by Mr. Hoernke, seconded by Mr. Schuessler to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from December 13, 2018.
4. Public participation process information and logistics (SEH).
5. Update on West Waterfront planning activities.
6. Future meeting dates.
7. Public comment on waterfront planning matters.
8. Adjourn.

Carried.

Approval of minutes from December 13, 2018: Moved by Mr. Schuster, seconded by Ms. Oleson to approve the minutes from December 13, 2018. All ayes. Carried.

Public participation process information and logistics (SEH): Committee members introduced themselves to SEH. Mr. Freer, Mr. Day, and Ms. Kennedy gave a short background on themselves and went through the objectives and schedule for the public participation process. They wanted to know what the City is hoping to achieve as a result of public involvement.

Ms. Trenchard said the Committee was looking for professional help to organize ideas. Door County has a national reputation of an arts destination.

Ms. Oleson added there is a lot of energy to find a solution. The general consensus is that the Committee was ready to move on with SEH guidance.

Mr. Schuessler stated that receiving help in the highest and best use is what is needed. The City has more jobs than people. The goal is to retain the young citizens. A housing study will be coming out soon. Sturgeon Bay represents 1/3 of the population of the county.

Mr. Gilson said you have to look outside the City limits. Sturgeon Bay is a small community. Many people live just outside the City limits.

Ms. Hauser added that the waterfront property is unique and it ties into how the community was settled. It lies between the two bridges and is on the Ice Age Trail. This will be something the entire community will share, not just the West Side.

Mr. Schuster stated this will be a connecting point to create the whole picture of Sturgeon Bay.

Mr. Freer said this will be a challenge for everyone. It is a very compressed and tight timeline.

Mr. Day went through the timeline for the 3-day workshop that begins on Tuesday, January 22 through Thursday, January 24th. He will provide a report after the workshop.

Mr. Freer asked for the City to provide as much information as possible to them, including base maps, alta survey, mapping files, links, comprehensive plan, market studies, Phase II site assessment, etc. He wants to be transparent and open.

Mr. Freer explained that the first day of the workshop will include group interviews with various stakeholders. That portion will not be open to the public. He also stated there could be an input session from elementary or high school students. Young people also have a voice.

Mr. Gilson felt that there should be more focus groups. Twenty-four people are not enough. Mr. Freer responded that you have to identify people with good knowledge to represent a group or different groups. Some stakeholders may have more of an agenda. Mr. Gilson didn't think there was enough coverage of the community. Mr. Freer said that's what public meetings are for. You have to think of it as 24 openings that can be reached. There can be 8-12 different points of view. You should identify 24 people that can give the best cross section. Mr. Pfeifer agreed that 24 people is not enough.

Discussion continued in regard to adding to the number of stakeholders. Thirty-six stakeholders should be a reasonable amount.

Ms. Hauser suggested to make of grid of what groups the Committee wants represented, such as bicyclists, elderly, youth, eco-tourism, and wellness view/community health. Mr. Freer will send a list of different cross sections.

Mr. Freer stated they will monitor and update the community survey that will be available at City Hall, Library, ADRC, etc.

Mr. Day offered the opportunity for participation using a tool called the mentimeter, which uses a smartphone. Good internet service is required.

Ms. Hauser hoped that everyone will be able to attend as many meetings as possible during the workshop.

Update on West Waterfront planning activities: Ms. Hauser handed out a copy of the ruling from the DNR's ordinary high water mark determination. She wanted everyone to be sure to read it.

Public comment on waterfront planning matters: Christie Weber, 311 Pennsylvania Street, stated that she is the president of the Sturgeon Bay Historical Society. She wanted the Committee

to consider a representative from the Sturgeon Bay Historical Society to be part of the stakeholder's group.

Chris Kellems, 120 Alabama Street, mentioned that Seth Wilson, Industrial Arts teacher, would be a good selection as far as contacting a teacher and students for a stakeholders group. A decision will have to be made on the tugboats, as well as if the granary will be reincorporated with the waterfront.

Shawn Fairchild, 311 Pennsylvania Street, stated that everyone needs to be more positive and planning should become a community effort.

Scott Moore, 947 Pennsylvania Street, stated that the tugs are a necessity for Bay Ship. He brought up a harbor plan that included other locations where the tugs could go. He said not one of those locations would work.

Cap Wulf questioned the schedule for the public participation. Having only one hour sessions is not adequate time to make a consensus group. Ms. Hauser responded that SEH will be trying to get feedback during that time, not consensus. Their process needs to be trusted.

Mr. Pfeifer had the same concern with the length of session times. He thought maybe ½ hour to 45 minutes should be added on to the already scheduled one hour sessions.

Adjourn: Moved by Mr. Hoernke, seconded by Mr. Pfeifer to adjourn. Carried. Meeting adjourned at 8:27 p.m.

Respectfully Submitted,



Cheryl Nault
Community Development Secretary

PERSONNEL COMMITTEE
January 7, 2019

A meeting of the Personnel Committee was called to order by Chairperson Ward at 10:30 a.m. in the second floor conference room. Roll call: Members Ward, Allmann, and Hauser were present. Also present were Ald. Avenson, City Administrator VanLieshout, and City Clerk/HR Director Reinhardt

Hauser/Allmann to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Convene in closed session in accordance with the following exemptions:
 - a. Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Wis. Stats. 19.85(1)(c) and;
 - 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: City Attorney Interviews.

Move to reconvene in open session to take formal action upon preceding subject of closed session, if appropriate; or to conduct discussion or give further consideration where the subject is not appropriate for closed session consideration. The Committee may adjourn in closed session.

4. Adjourn.

Carried.

After the Chair announced the statutory basis, Ward/Hauser to convene in closed session in accordance with the following exemption: Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Wis. Stats. 19.85(1)(c) and; 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: City Attorney Interviews. Move to reconvene in open session to take formal action upon preceding subject of closed session, if appropriate; or to conduct discussion or give further consideration where the subject is not appropriate for closed session consideration. The Committee may adjourn in closed session. All voted aye. Carried.

The Committee convened in closed session and 10:38 a.m. and adjourned at 1:24 p.m.

Respectfully submitted,



Stephanie L. Reinhardt
City Clerk/Human Resources Director

BEVERAGE OPERATOR LICENSE

1. Hanson, Christopher M.
2. Henry, Julie A.

RECOMMENDATION**TO THE HONORABLE MAYOR AND COMMON COUNCIL:**

We, the Finance/Purchasing & Building Committee, hereby recommend to approve the purchase of two 2019 Ford Explorer Police Interceptor squads from Jim Olson Ford, Lincoln in the amount of \$64,840.00 plus DMV fees.

Respectfully submitted,

FINANCE/PURCHASING & BUILDING
COMMITTEE

By: David Ward, Chairperson

RESOLVED, that the foregoing recommendation be adopted.

Dated: January 2, 2019

Introduced by _____.

Moved by Alderperson _____ seconded by

Alderperson _____ that said recommendation be adopted.

Passed by the Council on the _____ day of _____, 2019.

EXECUTIVE SUMMARY

TITLE: Purchase two 2019 Ford Explorer Police Interceptor Vehicles.

BACKGROUND: The police department currently has two Ford Explorer Police Interceptor squads to replace in the patrol fleet for 2019. \$84,000 was approved in the 2019 budget for the purchase of two patrol vehicles. The below bids were sent and received.

Jim Olson Ford, Lincoln.....\$32,420 each

Dorsch Ford, Kia.....\$38,800 each

Kayser Ford.....No response

FISCAL IMPACT: \$84,000 was approved in the FY2019 budget for the purchase of two Ford Explorer Police Interceptor squads. This amount includes any equipment needed, switch over, and graphics.

RECOMMENDATION: Approve the purchase of two 2019 Ford Police Interceptor squads from Jim Olson Ford, Lincoln in the amount of \$64,840 + DMV fees.

PREPARED BY:


Daniel Brinkman, Captain

REVIEWED BY:


Arleigh Porter, Chief of Police

REVIEWED BY:

Finance Director

APPROVED BY:


Josh VanLieshout, City Administrator

DATE: January 2, 2019

THE COMMON COUNCIL OF THE CITY OF STURGEON BAY, WISCONSIN DO ORDAIN AS FOLLOWS:

SECTION 1: Section 28.04 (2) of the Municipal Code (Historic Preservation Commission) is hereby repealed and recreated as follows:

- (2) The mayor shall appoint all members of the commission, subject to confirmation by the city council. The commission shall include one member of the city council and six citizen members, with one being an employee of the Door County Historical Museum. If available, the following individuals shall be considered: a registered architect, an historian or architectural historian, a licensed real estate agent and an archeologist.

SECTION 2: This ordinance shall take effect on the day after its publication.

Approved:

Thad Birmingham
Mayor

Attest:

Stephanie L. Reinhardt
City Clerk

RESOLUTION

WHEREAS, Wis. Stats. 5.15(6)(b) allows for the combining of Wards for voting purposes to facilitate using a common polling place and for reporting of results for combined sets of wards;

BE IT HEREBY RESOLVED THAT, the Common Council of the City of Sturgeon Bay, County of Door, State of Wisconsin, does hereby declare that for the February 2019 (Southern Door School Board) primary election to be held on February 19, 2019, the following wards will be combined for use of a common polling place which will be Bayview Lutheran Fellowship Hall:

Ward 24
Wards 20, 21
Wards 18, 19, 25, 26, 30

BE IT ALSO RESOLVED, that for all future elections the regular polling places, as provided by ordinance, will be utilized, unless otherwise resolved by the Common Council.

* * * * *

Introduced by _____.

Moved by _____, seconded by _____

that said resolution be adopted.

Adopted this _____ day of _____, 2019.

R E C O M M E N D A T I O N**TO THE HONORABLE MAYOR AND COMMON COUNCIL:**

We, the Personnel Committee, hereby recommend to hire Davis Kuelthau as the City Attorney.

Respectfully submitted,

PERSONNEL COMMITTEE

By: David Ward, Chr.

RESOLVED, that the foregoing recommendation be adopted.

Dated: January 7, 2019

* * * * *

Moved by Alderperson _____ seconded by Alderperson

_____ that the said recommendation be adopted.

Passed by the Council on the _____ day of _____, 2019.



November 29, 2018

VIA ELECTRONIC MAIL AND U.S. MAIL

Mayor and Common Council
City of Sturgeon Bay
c/o Joshua J. Van Lieshout
City Administrator
421 Michigan Street
Sturgeon Bay, WI 54235

Re: Response to Request for Proposals: General Legal Services

Dear Mr. Van Lieshout, Mayor and Members of Common Council:

I am in receipt of your request for proposals for general legal services. Over the past year, I have provided legal advice to the City, first with regard to the fire department raze order for the granary, then with regard to the Waterfront Redevelopment Authority and more recently as Interim City Attorney. During this time, we have dealt with issues that have been politically difficult. Working through these issues, I have rendered some opinions and given some guidance which were likely less than popular to some. However, I believe that through the past several months, we have developed a relationship of trust and confidence which is essential to an effective, informed legal guidance. I hope our positive relationship will be considered as you weigh the responses as I hope to continue to work with the City.

I am confident that the team approach we use at D|K will provide the City with an exceptionally high level of service. Our remarkable expertise in advising public sector entities provides me as your legal counsel, the resources necessary to provide prompt, accurate and clear responses to your legal inquiries. In addition, if we are selected, I assure you I will continue to advise the City objectively and evenhandedly leaving the policy decisions to the appropriate decision maker(s) while providing them with clear and concise legal guidance with regard to the options available.

Thank you for the opportunity to respond to this request. I look forward to the opportunity to interview with the personnel committee and hope that opportunity will be provided to us.

Very truly yours,

Davis|Kuelthau, s.c.

James M. Kalny
JMK:Imm

Enclosure

Phone 920.435.9378 Direct 920.431.2223 Fax 920.431.2263
318 S. Washington Street Suite 300, Green Bay, WI 54301
jkalny@dkattorneys.com



City of Sturgeon Bay – Request for Proposals for Legal Services

November 30, 2018

Submitted to:

Josh Van Lieshout, Administrator
421 Michigan Street
Sturgeon Bay, WI 54235

Submitted by:

James M. Kalny, Shareholder
318 S. Washington Street, Suite 300
Green Bay, WI 54301
Direct: 920.431.2223
Email: jkalny@dkattorneys.com

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Request for Proposals for Legal Services

A.) Profile and history of yourself and your firm including attorneys in the firm and a list of the principals. Indicate the attorney(s) who will be responsible for work performed for the City.

Davis|Kuelthau, s.c.— Our History

Davis|Kuelthau, s.c. (D|K) traces its roots to three law firms formed between 1891 and 1941, which then merged in 1967 to form Davis, Kuelthau, Vergeront & Stover. Today, we have nearly 70 lawyers in three offices across Wisconsin, are the eighth largest law firm in the State, and offer a full range of legal services to Wisconsin municipalities Statewide. Our firm's practice areas include **municipal and school law, labor and employment, employee benefits, tax, real estate, construction, general corporate, finance, environmental, civil and commercial litigation, intellectual property, and estate and succession planning**. The scope of our expertise serves as an asset to our municipal clients as we are prepared to address any issues that will confront a municipality in-house, insuring a prompt, informed response.

Our **Municipal Law team** has represented **more than 125 Wisconsin cities, villages, towns, and other governmental and special purpose entities across the State for more than five decades**. As one of Wisconsin's most robust and cost-efficient municipal law teams, we consistently strive to find unique ways to build the most effective and customized results for our municipal clients by providing a hands-on approach to assist with the development, management and well-being of their communities.

We take great pride in our history of representing public governmental entities throughout Wisconsin.

Our firm is managed by an executive board comprised of the following individuals:

D|K's Principals

Firm President

Joseph E. Tierney IV
jtierney@dkattorneys.com
414.225.1471

Members of the Board

Scott E. Fiducci
Shareholder
sfiducci@dkattorneys.com
414.225.1428

Ann M. Rieger
Shareholder
arieger@dkattorneys.com
262.792.2427

Joseph E. Tierney IV
Shareholder and Firm
President
jtierney@dkattorneys.com
414.225.1471

Matthew R. McClean
Shareholder
mmcclean@dkattorneys.com
414.225.1420

Gregory J. Sell
Shareholder
gsell@dkattorneys.com
414.225.1405



D|K's Team Heads

Corporate Team

Christopher J. Jaekels
Shareholder

cjaekels@dkattorneys.com

414.225.1428

Labor Team

James M. Kalny
Shareholder

jkalny@dkattorneys.com

920.431.2223

Litigation Team

Matthew R. McClean
Shareholder

mmcclean@dkattorneys.com

414.225.1420

Legal Service Team

D|K prides itself on its ability to provide quality service to its clients promptly and efficiently. We staff all projects to ensure that clients receive exceptional service for routine or scheduled matters and for unexpected or emergency situations. To accomplish those goals, we staff with backup and accessibility in mind. In the rare instance when a client is unable to reach any of its project team members within a short time period, clients also have access to any other practice group attorney in our firm to ensure that client needs are met, as and when desired.

City of Sturgeon Bay team members will include the following:

- **Attorney James M. Kalny**, Shareholder, Municipal Law, Labor & Employment
- **Attorney Anthony J. Steffek**, Shareholder, Municipal Law, Labor and Employment
- **Attorney Robert W. Burns**, Shareholder, Municipal Law, Labor and Employment
- **Attorney Thomas V. Rohan**, Shareholder, Corporate, Real Estate
- **Attorney Christopher J. Jaekels**, Shareholder, Municipal Law, Corporate, Environmental
- **Attorney Abby S. Busler**, Associate, Labor & Employment
- **Paralegal, Katrina L. Lancelle**, Corporate, Real Estate
- **Librarian, Beverly G. Butula**, All D|K Service Areas

Full biographies for each of these team members are attached at the end of this proposal for your reference. A brief discussion of the experience and services the team members can provide is below.



The principal attorney serving the City of Sturgeon Bay would continue to be **Attorney James Kalny**. Mr. Kalny has been a municipal attorney since his he was admitted to the Bar in 1980. He began as an Assistant City Attorney in Green Bay assigned to liquor licensing, nuisance and condemnation law and was the advisor to the police department. In 1988, Mr. Kalny became the City Attorney of De Pere where he had the privilege of working with the City's development team to fill one of the most successful business parks of the 1980s and 90s. Along with TIF work, Jim had the opportunity to assist in the downtown redevelopment process drafting the agreements for the Historic Lawton Foundry Townhomes and the Voyager Park Condominiums. In 1996, Mr. Kalny was recruited by the Green Bay Mayor and Brown County Executive to take over the formation of a combined human resources department dealing with 35 unions and the budgets of two entities. In 2002, Mr. Kalny came to

 **DAVIS KUELTHAU**
attorneys at law

City of Sturgeon Bay – Request for Proposals for Legal Services

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Davis|Kuelthau where he continued a municipal practice emphasizing on specialty issues such as zoning, condemnation and developer agreements. Again, Mr. Kalny was involved with another incredibly successful TIF in Wisconsin, drafting the development agreements for the Village of Hobart's Centennial Centre mixed use project.

Mr. Kalny has also been involved in representing municipal boards and commissions including Police and Fire Commissions, Ethics Boards and Zoning Boards throughout the State. Mr. Kalny would be general counsel and direct legal counsel to the Mayor and Council, and legal counsel to the Administrator and Department Heads. He would act as the contact for the Administrator and authorized Department Heads and would author the majority of the legal opinions requested by the City as well as any ordinances or resolutions. He would attend meetings of any committees or city boards and the common council as required.



Attorney Tony Steffek would be the first back up for Mr. Kalny and will address any issues that may arise in Mr. Kalny's absence. Mr. Steffek has acted as counsel to several municipalities on zoning, condemnation and other general municipal work. He is also an experienced litigator particularly in the public sector on employment matters.

Mr. Steffek will substitute for Mr. Kalny if for some reason he cannot attend a required meeting. He will represent the City in litigation to the extent an issue is not covered by insurance or if the City elects to initiate litigation. Mr. Steffek will also be involved in insurance coverage issues and claims coordination.



Assisting Mr. Kalny with general governance issues will be **Attorney Robert Burns**. Mr. Burns has spent much of his career advising school districts as general counsel. He has litigated cases in the State Appeals Court and Supreme Court regarding public records and open meetings issues including *Schill v Wisconsin Rapids School District* 372 Wis. 2d 572, 786 N. W. 177 (2010). Mr. Burns has helped his clients deal with difficult issues from budgets to referendums for many years. He will be an excellent resource for the City when difficult issues arise.

Mr. Burns would serve as substitute if Mr. Kalny is unavailable for sensitive issues before the council or committees as well as to advise city staff were necessary on such issues.



Attorney Thomas Rohan is a contract lawyer. His exposure to the wealth of public sector clients at Davis|Kuelthau has allowed him to gain experience in dealing with the wide variety of contracts that must be dealt with by municipalities from the standpoint of the municipality giving practical and legal insight to the most advantageous terms.

Issues such as interim financing or complex contracts will likely be referred to Mr. Rohan.



Attorney Chris Jaekels has served as Village attorney for the Village of Bayside and the Village of Whitefish Bay for 20 years. Mr. Jaekels is has broad experience in cooperative government agreements and offers the unique perspective of a municipal attorney who does considerable work in environmental law.

Mr. Jaekels will be available to address any environmental or maritime issues that may arise. In addition, he may be consulted if annexation or boundary issues arise and where shared service agreements or other similar cooperative agreements are considered.



Attorney Abby Busler is an associate attorney who will be used for general research to assist with lowering costs.



Katrina Lancelle is a paralegal and brings considerable experience in real estate matters and will be used to assist in any closings or other matters involving conveyance of property. She also will assist in organization and complying reports.



Beverly Butula is our librarian. Not only is she an amazingly talented researcher (who will be used to reduce costs when in depth research is needed), she keeps our attorneys up to date with any relevant changes in our areas of expertise. With her assistance, the team will keep the City up to date with any changes in municipal law.

B.) A listing of all current municipal government clients including the name and telephone number of the client contact.

Below is a representative listing of public entities the firm has served in municipal government and school districts in various capacities throughout our 50+ year history, many of these entities have confidently relied upon Davis|Kuelthau for 10 or more years. Given the depth of our municipal practice, we have not included the complete list as it would be quite extensive. However, should the City of Sturgeon Bay prefer to review the complete list of the municipalities we serve, we would be more than happy to accommodate your interest by providing the entire list.

Our current and prior representative municipal clients include:

- **Counties:** Adams, Brown, Calumet, Chippewa, Columbia, Dodge, Fond Du Lac, Green Lake, Iowa, Jefferson, Kenosha, Marquette, Outagamie, Portage, Racine, Shawano, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara, and Winnebago.
- **Cities:** Appleton, Barron, Beloit, Berlin, Brillion, Brookfield, Chilton, Clintonville, Delavan, Delafield, De Pere, Eau Claire, Elkhorn, Fond Du Lac, Fort Atkinson, Franklin, Glendale, Green Bay, Green Lake, Greenfield, Hartford, Janesville, Jefferson, Kaukauna, Kenosha, Kiel, Lacrosse, Lake Geneva, Lake Mills, Lancaster, Manawa, Marion, Markesan, Marshfield, Menasha, Mequon, Milwaukee, Montello, Neenah, New Berlin, New Holstein, Niagara, Oak Creek, Oconto Falls, Oconto, Oshkosh, Peshtigo, Pewaukee, Port Washington, Princeton, Racine, Rhinelander, Ripon, Seymour, Shawano, Sheboygan, Sparta, St. Francis, South Milwaukee, Stoughton, Sturgeon Bay, Tomah, Two Rivers, Watertown, Waukesha, Wautoma, Wauwatosa, and West Allis.
- **Villages:** Allouez, Ashwaubenon, Bayside, Bear Creek, Bellevue, Big Bend, Black Creek, Brown Deer, Butler, Cambria, Campbellsport, Combined Locks, Cross Plains, Denmark, Elm Grove, Eagle, East Troy, Ephraim, Fox Point, Fredonia, Grafton, Greendale, Gresham, Hales Corners, Hobart, Hortonville, Kewaskum, Kimberly, Kohler, Lac La Belle, Little Chute, McFarland, Menomonee Falls, Mukwonago, Nashotah, New Glarus, North Fond Du Lac, Oconomowoc Lake, Pewaukee, Pleasant Prairie, Pulaski, Redgranite, Rio, River Hills, Saint Cloud, Shiocton, Shorewood, Slinger, Suamico, Sussex, Thiensville, Union Grove, Wales, Waterford, West Milwaukee, Whitefish Bay, Wild Rose, Winneconne and Wrightstown.
- **Towns:** Delafield, Green Bay, Grand Chute, Humboldt, Hartford, Ixonia, Jackson, Kaukauna, Lisbon, Lawrence, Menasha, Mukwonago, Oconomowoc, Raymond, Springwater, Summit, Vernon and Wrightstown

With regard to general counsel work for municipalities other than school districts, we offer the following current references:

Village of Ephraim

Brent Bristol
Village Administrator/Clerk
PO Box 138
Ephraim, WI 54211-0138
bbristol@ephrain-wisconsin.com
PH: 920-854-5501

Town of Lawrence

Patrick Wetzel
Village Administrator
2400 Shady Ct.
De Pere, WI 54115-9410
patrickw@townoflawrence.org
PH: 920-336-9131

City of Tomahawk

Amanda Bartz
415 W Spirit Avenue
Tomahawk, WI 54487
tomahawkdpw@frontier.com
PH: 715-453-3654

Village of North Fond du Lac

Nick Leonard
Village Administrator
16 Garfield St.
North Fond du Lac, WI 54937
administrator@nfdl.org
PH: 920-929-3765

Additional references can be forwarded upon request.

C.) Current fee schedule. Indicate whether the fee schedule varies for different types of legal work or by attorney. Be sure to include travel fees as well.

Contract Rate. The billing rates for each of the attorneys referred to in this response are listed below.

Current Rates for Public Sector Clients

Proposed Team Members	Primary Service Areas	Office	Hourly Rate
James M. Kalny, Shareholder, <i>Primary Relationship Attorney</i>	Labor & Employment, Municipal Law, State and Federal Administrative Agencies	Green Bay	\$280
Anthony J. Steffek, Shareholder	Labor & Employment, Litigation (State and Federal Courts)	Green Bay	\$280
Robert W. Burns, Shareholder	Labor & Employment, Municipal Law, State and Federal Administrative Agencies	Green Bay	\$280
Thomas V. Rohan, Shareholder	Finance, Corporate, Real Estate	Green Bay	\$280
Christopher J. Jaekels, Shareholder	Municipal Law, Real Estate, Land Use, Environmental Law	Milwaukee	\$295
Abby S. Busler, Associate	Labor & Employment	Green Bay	\$200
Katrina L. Lancelle, Paralegal	Corporate, Litigation, Real Estate	Green Bay	\$170
Beverly G. Butula, Librarian	All D K Service Areas	Milwaukee	\$130

We anticipate our experience will enable us to address the issues you raise in the proposal efficiently and effectively.

While our normal public sector rates are stated above, for purposes of this proposal, Mr. Kalny and Mr. Steffek (who will be performing the majority of the work) will bill at \$260 an hour to reflect the value of the “guaranteed” work load. When others in the team are needed, they would bill at their normal rates.

We are also amenable to a limited retainer agreement. We would be willing to discuss a set monthly fee for defined general services (such as meeting attendance, department head advice, general real estate work, etc.), which would be based on an estimated reduced rate to be

reviewed on a semi-annual basis. Other specialty services (such as condemnation, litigation and TIF work) would be billed at normal rates. If the City has interest in exploring this approach, we would be prepared to discuss it assuming we are advanced to the interview level of the selection process.

Travel is normally billed at the hourly rate; however, this could be worked into a retainer agreement.

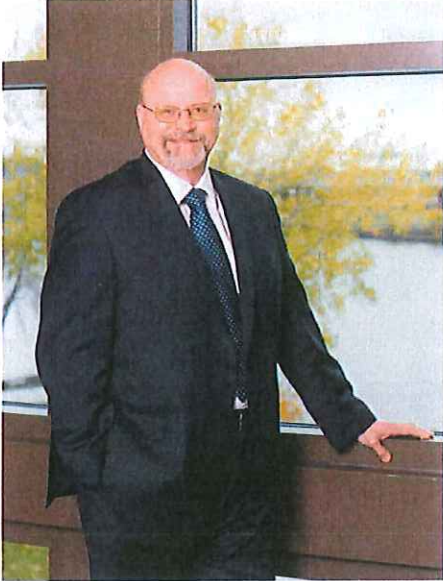
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Conclusion

Thank you for providing us with an opportunity to respond to your proposal. We anticipate our experience will enable us to address the issues you raise efficiently and effectively.

As this response suggests, we have the necessary resources to provide you exceptional legal service. We look forward to answering any questions you may have regarding our response and hope to continue providing services to the City in the future.

If you have any questions, please contact James Kalny at 920.431.2223 or jkalny@dkattorneys.com.



James M. Kalny **Shareholder**

Jim's experience as an in house City Attorney and as the City County Human Resources Director for Green Bay and Brown County has evolved into a practice concentrating in two areas: employment and municipal law.

Jim serves as Chair of the firm's Labor & Employment Team offering over 35 years of experience assisting clients in collective bargaining issues and employment law matters. Jim's background as an HR director gives him unique, practical insight in personnel issues from drafting policies to conducting investigations to reorganization studies and strategies. He has considerable experience successfully representing public and private sector employers in employment discrimination and wage matters.

In his municipal practice, Jim serves as general counsel to several towns, cities, counties and school districts. In addition, he advises municipalities, on an outside counsel basis, on a broad variety of Municipal Law issues including planning and redevelopment, public records and open meetings and zoning appeals matters, and serving as an independent hearing officer and special prosecutor. He also advises private developers with zoning, permitting and negotiating TIF development agreements.

T: 920.431.2223
F: 920.431.2263
jkalny@dkattorneys.com

318 S. Washington Street, Suite 300
Green Bay, WI 54301

Assistant: Barbara Hermann
T: 920.431.2244

Practice Areas

- Labor and Employment
- Municipal Labor Counsel

Industries

- Municipal
- School and Higher Education

Education

- J.D., Marquette University Law School
- B.A., Carthage College

Professional Activities

- H C Miller Board of Directors
- Brown County Bar
- American Bar Association
- Local Government and Administrative Law Section of Wisconsin Bar

Representative Clients

- Developers
- Municipalities
- School Districts

Notable Representations

Organized and assembled HR department for Green Bay and Brown County

In 1996-2002, Jim organized and assembled County Human Resource Department of Green Bay and Brown County. He drafted all documents needed for the consolidation including the intergovernmental agreements creating the department and oversight commission. He managed the department as its director for five years. During that time, he negotiated three rounds with 34 bargaining units, accomplishing the initiation of insurance contributions by all units, implemented a new classification and compensation study for the county; and, helped to consolidate the city and county dispatch departments into one department.

Redevelopment Counsel

Jim represented the Villages of Suamico and Hobart as redevelopment counsel, drafting several development agreements including pay as you go TIF agreements including a reach back assessment procedure for certain improvements.

Appeal of denial of permit for extraction site

Jim has worked with a realty development company on the denial of a permit for a non-metallic mineral extraction site. Jim was retained after the Plan Committee denied the permit. The denial was appealed to the Board of Adjustment who remanded the matter.

Before the remand was heard, the development company was able to reapply and gained a unanimous approval of the application.

Community Involvement

- Member, City of De Pere Planning Commission
- Board Member, Jackie Nitschke Center, Inc.
- Board Member, Committee Advisory Council, Golden House, Inc.
- Board Member, Bay Area Humane Society, Inc.
- President Elect, Rotary Club of Green Bay



Anthony J. Steffek Shareholder

As a member of Davis|Kuelthau's labor and employment team, Tony proactively and reactively assists employers, both big and small, in wading through the various HR-related issues that arise in today's employment world. Proactively, Tony helps with issues such as hiring/firing, noncompetition agreements and other restrictive covenants, disability and ADA issues, FMLA and other leave matters, employee handbook review and revision, sensitive personnel matters and investigations, OSHA compliance, wage and hour issues, and labor negotiations. He also provides public entities and schools, both primary/secondary and post-secondary, with advice and counsel on issues specific to those clients.

As is the case, though, not all problems can be proactively avoided, and litigation often arises. When it does, Tony works with his clients to pinpoint the underlying issues, develop a sound and cost-effective strategy, and follow that strategy toward the desired result, whether through litigation to ultimate decision or through settlement. He has assisted clients in litigating matters pertaining to issues such as wrongful termination, employment discrimination, harassment, enforcement or breach of employment agreements, wage and hour complaints, and many others. Regardless of the underlying circumstances, Tony uses his ten-plus years of litigation experience, as well as his natural negotiation skills, reason and practicality, to achieve successful outcomes, while always keeping an eye on the client's bottom line.

Prior to joining Davis|Kuelthau, Tony practiced in-house with a multinational trucking, transportation and logistics services company – experience that provides him with a unique insight and understanding of the issues his clients face and their impact, on both a business and a personal level.

T: 920.431.2237
F: 920.431.2277
asteffek@dkattorneys.com

318 S. Washington Street, Suite 300
Green Bay, WI 54301

Assistant: Barbara Hermann
T: 920.431.2244

Practice Areas

- Employment Litigation
- Labor and Employment
- Litigation
- Municipal Labor Counsel

Industry

- School and Higher Education

Education

- B.A., University of Wisconsin - Madison
- J.D., Marquette University Law School

Recognitions

- Future 15 Young Professional, Greater Green Bay (2018)

Professional Activities

- Member, State Bar of Wisconsin
- United States Court of Appeals for the Seventh Circuit
- United States District Court for the Eastern and Western Districts of Wisconsin
- Menominee Tribal Court
- Member, Brown County Bar Association
- Member, Hon. Robert J. Parins Inn of Court – Inn Administrator/President 2009-2011

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Community Involvement

- Board of Directors, Cerebral Palsy, Inc.
- Board of Directors/Vice President Ashwaubenon Fun in the Sun Camp
- Past President, Group Purchasing, Inc. - Green Bay Area Chamber of Commerce
- Past Steering Committee Member, CURRENT Young Professionals Organization
- Volunteer, Miracle League of Green Bay



T: 920.431.2224
F: 920.431.2264
rburns@dkattorneys.com

318 S. Washington Street, Suite 300
Green Bay, WI 54301

Assistant: Barbara Hermann
T: 920.431.2244

Practice Areas

- Employment Litigation
- Labor and Employment
- Municipal Labor Counsel

Industry

- School and Higher Education

Education

- J.D., Willamette University
- B.A., *cum laude*, St. Norbert College

Robert W. Burns

Shareholder

Bob assists clients with a wide variety of issues which arise in the workplace. He represents employers in labor negotiations, discrimination defense, disability and ADA issues, wrongful discharge or employment contract disputes, non-compete issues and other sensitive personnel transactions. He also provides advice on a wide variety of school law issues.

Bob works with businesses and governmental entities as general or special counsel. He represents employers of all sizes, including those with union and non-union workforces.

Representative Clients

- Northeast Wisconsin Technical College
- Lakeshore Technical College
- Municipalities
- Public and private corporations

Notable Representations

NLRB Appeal

Bob successfully represented a nationally based company in an appeal to the National Labor Relations Board, which overturned a decision ordering reinstatement of an employee in the company's Oklahoma facility. The decision relieved the company of a potential five year back pay order.

Contract Litigation

Bob successfully represented two Wisconsin school districts in litigation challenging the post-Act 10 teacher contracts implemented by the Districts. The litigation focused on management rights of the districts to change terms and benefits previously covered by prior bargaining agreements.

Professional Activities

- Member, American and Brown County Bar Associations
- Member, State Bar of Wisconsin
- United States Court of Appeals for the Seventh Federal Circuit

- United States District Court for the Eastern and Western Districts of Wisconsin
- Master, Hon. Robert J. Parins Legal Society
- Past President, Wisconsin School Attorneys Association

Recognitions

- *Best Lawyers® in America* - Employment Law – Management, Labor Law – Management (2010-2019)
- *Best Lawyers® in America* - Green Bay, Labor Law - Management "Lawyer of the Year" (2015, 2017, 2019)
- *Best Lawyers® in America* - Green Bay, Employment Law - Management "Lawyer of the Year" (2012, 2014, 2018)
- Wisconsin Super Lawyer, *Super Lawyers Magazine* (2012-2018, 2005-2008)
- George Tipler Award, WSAA (2017)
- Leader in the Law, *Wisconsin Law Journal* (2012)
- Martindale Hubbell AV® Peer Review Rated
- Fellow, Wisconsin Law Foundation
- St. Norbert College (1998) Distinguished Service to the College Award; Ambassador Award (1992-1993)

Community Involvement

- Board Member, St. Thomas More Society, Diocese of Green Bay
- Past Board Chair, Family Services of Northeast Wisconsin, Inc.
- Member, St. Norbert College President's Advisory Council
- Past Board Member, St. Mary's Hospital Medical Center of Green Bay, Inc.
- Past Board Member, St. Vincent Hospital of the Hospital Sisters of the Third Order of St. Francis
- Past President, Green Bay Country Club, Inc.
- Past Board Member, Meyer Theatre Corporation
- Board Member/Secretary, Brian LaViolette Scholarship Foundation
- Past Board Member, Freedom House Ministries, Inc.

Published Articles/Presentations

- Co-Author, "Public Sector Labor Relations," State Bar of Wisconsin
- Frequent speaker on labor and employment topics
- Past Guest Lecturer, St. Norbert College Education Department, UW-Milwaukee Masters Program



Thomas V. Rohan
Shareholder

Tom has focused his practice on commercial law for 33 years, including representation of lenders and creditors in the extension and collection of credit and credit facilities covering many types of financing structures. His experience includes loan documentation for many Wisconsin based and nationwide commercial lenders, general corporate law, mergers and acquisitions, and general contract drafting and review, and workouts, collections and bankruptcy issues. He also is experienced in business litigation, insurance related litigation and coverage matters.

Tom works closely with his lender clients in the negotiation and drafting of loan documents, to ensure the credit is accurately stated and properly secured. He also has extensive experience in the enforcement of loan documents, both informally and formally.

His primary client base includes banks, corporate clients and public sector clients.

T: 920.431.2243
F: 920.431.2283
trohan@dkattorneys.com

318 S. Washington St., Suite 300
Green Bay, WI 54301

Assistant: Debra Caldie
T: 920.431.2246

Practice Areas

- Commercial Finance
- Corporate
- Mergers and Acquisitions
- Real Estate
- Technology Law

Industry

- School and Higher Education

Education

- J.D., Marquette University Law School
- M.A., University of Wisconsin
- B.A., University of Wisconsin

Notable Representations

Real Estate

Tom is representing various school districts in the purchase and lease of real estate.

Defaulted loans

Tom typically represents a number of local banks in workout of defaulted loans, and recently had success in collection of a \$20,000,000 development loan without the need for a lawsuit.

Acquisitions

Tom has assisted various local banks and clients in the negotiation and documentation of over \$70,000,000 in loans and has been involved in several significant acquisitions.

Community Involvement

- Board Member, Green Bay Community Theatre
- Volunteer, Junior Achievement
- Volunteer, St. Willebrord Hispanic Legal Services
- Member, Good Government Council, Green Bay Area Chamber of Commerce

Professional Activities

- Chairman of Davis|Kuelthau's Ethics Committee
- District 14 committee for the Office of Lawyer Regulation for the Supreme Court of the State of Wisconsin
- Administrator/president of the Hon. Robert J. Parins Inn of Court
- Former chairman and current member of the Greater Green Bay Area Chamber of Commerce Good Government Council
- Board of directors, Green Bay Community Theatre
- Member, Brown County Bar Association
- Member, Wisconsin Bar Association
- Member, Seventh Circuit, Eastern District of Wisconsin Bar

Christopher J. Jaekels

Shareholder



T: 414.225.1409
F: 414.278.3609
cjaekels@dkattorneys.com

111 E. Kilbourn Avenue, Suite 1400
Milwaukee, WI 53202

Assistant: Dyer Salahadyn
T: 414.225.7519

Practice Areas

- Corporate
- Environmental Law
- Franchising
- Real Estate

Industries

- Construction
- Food and Beverage
- Municipal
- Telecommunications/Public Utilities Practice

Education

- J.D., University of Wisconsin, 1986
- B.A., University of St. Thomas, 1982

Chris chairs the firm's Corporate and Business Law Team at Davis|Kuelthau. He is experienced in real estate, land use, zoning, construction, corporate regulatory, and environmental law. Chris understands how to approach the goals and challenges of businesses and institutions in ways that overcome those challenges and meet those goals in a cost effective manner.

Chris also assists public (both municipal and utility) and private (both commercial and nonprofit) clients in all aspects of land regulation, real estate and corporate transactions, finance, governance, contracting, and infrastructure.

His significant work includes the following:

- Taking the lead in multi-million dollar remediation and redevelopment projects statewide.
- Representing multiple municipal utilities including sewer utilities, storm water utilities, water utilities, and parking utilities in all matters of land use and environmental regulation
- Negotiating construction contracts and development agreements worth several hundred million dollars for public and private developments
- Representing municipalities on sewer issues, including a coalition of municipalities before the state Supreme Court and Public Service Commission in a \$100 million dispute over rates
- Representing the Milwaukee Metropolitan Sewerage District and the Neenah Menasha Joint Sewerage Commission regarding environmental permitting and disputes

Representative Clients

- Schneider National
- Vulcan Materials Company
- Village of Bayside
- Village of Whitefish Bay
- Village of Wales
- David Hobbs Honda
- Jimmy John's local franchisees
- Indian Community School of Milwaukee

Notable Representations

Real Estate - Zoning

Chris represented the Indian Community School of Milwaukee on all aspects of its governmental approvals and real estate matters involving neighboring properties as well as on certain aspects of construction contracting for the

development of a 200 plus acre campus with a total project value of nearly \$40 million.

Refinancing and Debt Reconfiguration

Chris completed a series of refinancing and debt reconfiguration totaling over \$80 million transactions for Summit Place Office Park in West Allis, WI. This included a complex combination of New Markets Tax Credits, bank financing, and inter-creditor structures and agreements.

Civil Rights

Chris negotiated the terms of a planned development district and federal court civil rights suit settlement on behalf of the Village of Whitefish Bay enabling the \$42 million expansion of the Karl Jewish Community Center Campus in Whitefish Bay.

Franchising

Chris has advised and represented the local franchisee for Jimmy John's Restaurants in the successful implementation of its business plan from the opening of the first store to their current multiple locations.

Environmental - Land Use

Chris negotiated the first sale of off site stormwater credits in the Milwaukee Metropolitan Sewerage District (MMSD) Service Area.

He also negotiated the terms of the MMSD's Department of Natural Resources permit for the operation of its \$2 billion deep tunnel system on behalf of the tunnels' designer.

Municipal Law

Chris has appeared before the Wisconsin Supreme Court regarding multijurisdictional \$100 million plus sewer disputes, open meetings/records, law application to municipal attorney client privilege, and the financing of municipal prosecution from one jurisdiction to another. Chris is also a Umpire for the Wisconsin Department of Natural Resources (Environmental Remediation).

Condemnation

Chris has represented government entities private landowners and businesses in condemnation ranging from the Bayshore Town Center, Zoo Interchange, and Marquette Interchange projects to local road and utility relocation.

Recognitions

- *Best Lawyers® in America* - Milwaukee, Litigation – Municipal, and Municipal Law, Environmental Law
- *Best Lawyers® in America* - "Lawyer of the Year" – Litigation - Municipal (2016)
- *Best Lawyers® in America* – "Lawyer of the Year" – Municipal Law (2013, 2019)
- Wisconsin Super Lawyer, *Super Lawyers Magazine* - Environmental (1999-2018)
- Listed as Top Rated Lawyer in Commercial Litigation, Construction Law and Energy, Environmental, & Natural Resources by American Lawyer (2013)
- Listed as Top Rated Lawyer in Construction Law by The American Lawyer
- Listed as Top Rated Lawyer in Energy, Environmental, & Natural Resources' by American Lawyer Media.
- Martindale Hubbel AV ® Peer Review Rated

Community Involvement

- Past President, River Revitalization Foundation, Inc.
- Village Attorney, Villages of Whitefish Bay and Bayside
- Past President, Rotary Club of Milwaukee, Heiliger Huegel Ski Club, Inc., Administrative and Local Government Law Section of State Bar, and Environmental Law Section of Milwaukee Bar
- Board Member, Public Policy Forum and River Revitalization Foundation
- Past Member, State Legislative Council Special Study Committee on Land Use
- Consultant, Milwaukee Mayor's Blue Ribbon Panel on Sewers
- Past Board Member, Environmental Section of the Marble Arch Society and Milwaukee Shakespeare

Professional Activities

- State Bar of Wisconsin Environmental Law Section, Administrative and Local Government Law Section, Business Law Section, Public Contract Law Section, and Construction Law Section.
- Wisconsin Association of Assessing Officers
- Environmental Law Institute
- International Municipal Lawyers Association
- Wisconsin Green Building Alliance
- FaB Wisconsin

Published Articles/Presentations

- Ethical Issues Arising During Emergency Environmental Lawyering (State Bar of Wisconsin, Pewaukee, WI, September 2017)
- Environmental Issues Under the New Administration (Association of Corporate Counsel, Elkhart Lake, WI, May 2017)
- Ethics in the Negotiation of Environmental Issues in Real Estate Transactions (State Bar of Wisconsin, Pewaukee, WI, September 2015)
- Ethical Issues Arising During Enforcement Action (State Bar of Wisconsin, Madison, WI, September 2016)
- Municipal Strategies in Mining: Update (State Bar of Wisconsin, Wausau, WI, 2011)
- "Mining Law Symposium," (State Bar of Wisconsin, Wausau, WI, August 2011, 2013)
- "Hot Topics In Land use Law" (League of Wisconsin Municipalities, Green Lake, WI June 2008)
- "Integrated Water Management and Infrastructure" (Commissioned by Milwaukee Mayor Tom Barrett and Milwaukee Water Department, April 2007)



Abby S. Busler **Associate**

Abby is a member of the firm's Labor & Employment team and the School and Higher Education practice group in Green Bay. Her practice primarily focuses on counseling education clients in school law and labor and employment issues.

Prior to joining the firm, Abby attended the University of Wisconsin-Madison and was a student athlete on the Women's Golf team before heading off to Valparaiso University School of Law on a full scholarship. While at Valparaiso, Abby was a member of the University School of Law Honors program, an associate editor of the Law Review and the chief justice of the Moot Court Society. Abby graduated from Valparaiso University School of Law magna cum laude.

Abby worked as a law clerk for the Department of Public Instruction, where she conducted extensive legal research on educational law issues and assisted the legal department in representing the state superintendent in cases regarding open enrollment, expulsion appeals, the school choice program, and the food and nutrition programs.

Abby also completed a federal externship with the Honorable Rodovich in the Northern District of Indiana and interned for the general counsel of Valparaiso University, Darron Farha.

T: 920.431.2230
F: 920.431.2270
abusler@dkattorneys.com

318 S. Washington Street, Suite 300
Green Bay, WI 54301

Assistant: Debra Caldie
T: 920.431.2246

Practice Areas

- Labor and Employment

Industry

- School and Higher Education

Education

- B.S., University of Wisconsin-Madison
- J.D., *magna cum laude*, Valparaiso University School of Law

Community Involvement

- Associate Editor, Valparaiso Law Review
- Member, Valparaiso University School of Law Honors program



Katrina L. Lancelle
Paralegal

Katrina is a paralegal working in the Green Bay office of Davis|Kuelthau. With more than 14 years of experience, she works as a litigation paralegal, drafting pleadings and discovery requests, preparing files for trial, interviewing witnesses, conducting legal research, managing large electronic discovery productions, attending and aiding in trial work and presentation.

Katrina also works as a paralegal on our corporate and real estate teams aiding with corporate transactional work, real estate transactions, and loan documentation. She provides assistance with the organization of corporate entities, maintaining corporate documentation, preparing and reviewing agreements, such as offers to purchase, leases and loan documents, and preparing creditor related bankruptcy pleadings.

In addition to her role as a paralegal, Katrina is the local office administrator for the Green Bay office. In this role, she is responsible for the day-to-day operations of the office, marketing coordination and vendor relations.

T: 920.431.2240
F: 920.431.2280
klancelle@dkattorneys.com

318 S. Washington Street, Suite 300
Green Bay, WI 54301

Practice Areas

- Corporate
- Litigation
- Real Estate

Education

- B.A., Interdisciplinary Studies,
University of Wisconsin-Green Bay
- Associates Degree, Paralegal,
Northeast Wisconsin Technical
College



T: 414.225.1721
F: 414.278.3821
bbutula@dkattorneys.com

111 E. Kilbourn Avenue, Suite 1400
Milwaukee, WI 53202

Education

- MLS - University of Wisconsin Milwaukee

Beverly G. Butula

Director of Library Services

Bev has been the librarian at Davis|Kuelthau since 2001. She is responsible for library administration and services. She assists all staff with research, reference, competitive intelligence, and cite checking. Prior to becoming a librarian, Bev was a litigation paralegal.

She received her Master's of Library of Science from the University of Wisconsin - Milwaukee. She also has a paralegal degree.

Bev is a past president of the Law Librarian Association of Wisconsin and is a frequent speaker on issues of website evaluation, legal resources, Web 2.0 technologies, and search strategies. She has authored articles in the Wisconsin Lawyer, Wisconsin Law Journal, The Verdict, and many other professional journals.

Recognitions

- Law Librarians of Wisconsin (LLAW) - Distinguished Service Award (2015)
- Unsung Hero Award Honoree - Wisconsin Law Journal (2011)
- Past President - Law Librarian Association
- Scales of Justice Award - NALS Foundation (2009)
- Unsung Hero Award - Law Librarian of the Year, Wisconsin Law Journal (2008)

NOTICE OF REFERENDUM

City of Sturgeon Bay, Door County, Wisconsin

April 2, 2019

NOTICE IS HEREBY GIVEN, that at an election to be held in the City of Sturgeon Bay, on April 2, 2019, the following proposed question, will be submitted to a vote of the people:

Do you support the use of cannabis for medical purposes?

The question will appear on the ballot as follows:

Do you support the use of cannabis for medical purposes?

Yes

No

EXPLANATION

A "yes" vote means you support taking steps to legalize the use of cannabis when prescribed by a health care provider for the treatment of a medical condition.

A "no" vote indicates you do not support for taking steps to legalize the use of cannabis when prescribed by a health care provider for the treatment of a medical condition.

Done in the City of Sturgeon
Bay, this ____ day of _____,
2019.

Stephanie Reinhardt
City Clerk

NOTICE OF REFERENDUM

City of Sturgeon Bay, Door County, Wisconsin

April 2, 2019

NOTICE IS HEREBY GIVEN, that at an election to be held in the City of Sturgeon Bay, on April 2, 2019, the following proposed question, will be submitted to a vote of the people:

Do you support allowing adults 21years of age and older to engage in the personal use of cannabis?

The question will appear on the ballot as follows:

Do you support allowing adults 21years of age and older to engage in the personal use of cannabis?

Yes

No

EXPLANATION

A "yes" vote indicates you support taking steps to legalize the personal possession and use of cannabis by adults, 21years of age and older.

A "no" vote indicates you do not support taking steps to legalize the personal possession and use of cannabis by adults, 21years of age and older.

Done in the City of Sturgeon Bay,
this ____ day of _____, 2019.

Stephanie Reinhardt
City Clerk

TO: Josh Van Lieshout, Administrator

FROM: Mayor Birmingham

Please place the following item on the agenda:

Consideration of: An advisory referendum asking the public if the City should accept a donation of the former Teweles and Brandeis Grain Elevator from the Sturgeon Bay Historical Society and if the former Teweles and Brandeis Grain Elevator should be placed on the original location on the West Waterfront.

Background Information: Alders Hauser and Allmann have submitted an item for consideration by the Common Council seeking to accept donation of the former Teweles and Brandeis Grain Elevator with the intent that it be reconstructed at its original location on the west waterfront. The redevelopment of the west waterfront has been a significant point of public interest. A committee has been formed to investigate and plan for the redevelopment of the west waterfront which was to include substantial public input. It would seem that by introduction of this motion, the public's input on the subject will not be considered without a referendum.

Desired Action:

Placement of the following questions on the April 2, 2019 ballot:

1. Should the City accept donation of the former Teweles and Brandies Grain Elevator, to be reconstructed at its original location on the west waterfront?

NOTICE OF REFERENDUM

City of Sturgeon Bay, Door County, Wisconsin

April 2, 2019

NOTICE IS HEREBY GIVEN, that at an election to be held in the City of Sturgeon Bay, on April 2, 2019, the following proposed question, will be submitted to a vote of the people:

Should the City accept donation of the former Teweles and Brandies Grain Elevator and it being reconstructed at its original location on the west waterfront?

The question will appear on the ballot as follows:

Should the City accept donation of the former Teweles and Brandies Grain Elevator and it being reconstructed at its original location on the west waterfront?

Yes

No

EXPLANATION

A "yes" vote means you support the City taking ownership of the Teweles and Brandies Grain Elevator and it being reconstructed on the original west waterfront site (at 92 East Maple Street).

A "no" vote indicates you do not support the City taking ownership of the Teweles and Brandies Grain Elevator and it being reconstructed on the original west waterfront site (at 92 East Maple Street).

Done in the City of Sturgeon Bay, this ____
day of _____, 2019.

Stephanie Reinhardt
City Clerk

REQUEST FOR PLACEMENT OF AGENDA ITEM

DATE OF REQUEST: January 8, 2019

FROM: Alderpersons Allmann and Hauser

Please place the following item on the agenda:

Consideration of:

Resolution to Accept Donation of the Teweles & Brandeis Grain Elevator with Endowment; to enter into a land lease and to request facilitation by the Door County Community Foundation

Background information:

Four recent events have coalesced since the question of moving the granary was discussed and rejected in November:

1. The DNR issued a ruling on the Ordinary High Water Mark on Jan. 3, 2019, locating the granary's original pilings squarely on public land
2. The City Council adopted the recommendation of the Historic Preservation Commission – a committee of the council – to work with the Sturgeon Bay Historical Society to “make every diligent effort to safely stabilize, save and restore the Historic Granary” utilizing the \$1.25M in private funds as communicated by the Door County Community Foundation
3. The Sturgeon Bay Historical Society submitted a self-sustaining plan for the granary's future that utilizes no taxpayer dollars and could, in fact, be income generating
4. An eviction notice, dated Jan. 4, 2019, has been given to SBHS from Shipyard Partners to remove the granary from the property on the east side of the canal

Materials attached:

- a. Resolution to Accept Donation of the Teweles and Brandeis granary
- b. Letter from SBHS
- c. Historic Preservation Commission resolution
- d. SBHS plan for restoration, ownership and use
- e. Door County Community Foundation letter of donor intent
- f. List of organizations supporting the granary
- g. Notice to vacate from Shipyard Partners to SBHS

Desired action: Vote to approve

Resolution to Accept Donation of the
Teweles & Brandeis Grain Elevator
with Endowment

WHEREAS: On Nov. 20, 2018, the City of Sturgeon Bay Common Council accepted the recommendation of its Historic Preservation Commission to “make every diligent effort to safely stabilize, save and restore the Historic Granary utilizing private funds from the Sturgeon Bay Historical Society and Door County Community Foundation ...”; and

WHEREAS: On Jan. 3, 2019, the Wisconsin DNR issued a ruling declaring the Ordinary High Water Mark on lot 92 to be the 1835 meander line. This ruling situates the granary’s original home on squarely on public property; and

WHEREAS: Shipyard Partners, owner of the property the granary currently rests on, has given the Sturgeon Bay Historical Society (SBHS) an eviction notice, dated Jan. 4, 2019, to vacate and restore the property; and

WHEREAS: SBHS has submitted a business plan that adequately outlines a self-sustaining model that addresses concerns put forward by City staff in the executive summary dated Nov. 15, 2018; and

WHEREAS: While a basic event space is proposed, any number of uses consistent with the Public Trust Doctrine may be considered by the Ad Hoc Westside Waterfront Planning Committee and the Council; and

WHEREAS: The granary footprint constitutes roughly 1/20th of the public land on the westside waterfront; and

WHEREAS: Future allowed uses for the granary may be income-generating; and

WHEREAS: Per a letter from the Door County Community Foundation, dated Oct. 25, 2017, a private donor has committed up to \$1,250,000 for the “repair, restoration, and future maintenance of the Teweles and Brandeis Grain Elevator”; and

WHEREAS: No public taxpayer dollars shall be used to move or renovate the granary; and

WHEREAS: An endowment – invested and managed by the Community Foundation – will be established to cover the ongoing care of the granary;

NOW THEREFORE, BE IT RESOLVED, the City of Sturgeon Bay gratefully accepts the donation of a restored Teweles and Brandeis granary at its original site, along with an endowment, as outlined in the letter to the City from SBHS dated Jan. 7, 2019;

FURTHERMORE, the City of Sturgeon Bay agrees to issue a \$1/year land lease to SBHS until City ownership commences;

FURTHERMORE, the Council formally and respectfully requests that the Door County Community Foundation facilitate conversations between SBHS and representatives of the City to delineate an agreement that properly protects both the City's and SBHS interests, including, but not limited to, a schedule of deliverables and funds in escrow for removal of the structure if the terms of the agreement are not met.

This resolution was adopted at a regular meeting of the Sturgeon Bay City Council on this ____ day of _____, 2019.

Attest:

STURGEON BAY
Historical Society Foundation, INC

P.O. Box 827 | Sturgeon Bay, WI 54235

January 8, 2019

City of Sturgeon Bay Common Council
421 Michigan St.
Sturgeon Bay, WI 54235

Subject: SBHS offer to transfer ownership of Teweles and Brandeis Grain Elevator
to City of Sturgeon Bay

Dear City of Sturgeon Bay Common Council,

On behalf of a unanimous Board of Directors of the Sturgeon Bay Historical Society, we are pleased to put into writing an offer regarding the Teweles and Brandeis Grain Elevator (Granary). We are prepared to do the following:

- Transfer complete and total ownership of a fully restored Teweles and Brandeis Grain Elevator (the "Granary") to the City of Sturgeon Bay. The restored structure and its foundation will meet all permit requirements and codes and be suitable as basic event space as shown in our business plan.
- Create an endowment of \$130,000 through the Door County Community Foundation for the ongoing care and maintenance of the Granary.
- Encourage other donors interested in restoring the Granary to direct their gifts to DCCF. Other donors have indicated to the Community Foundation an interest in making a pledge once a plan is in place.

continued...

As the Granary would become the property of the City of Sturgeon Bay, we anticipate its citizens will create a wonderful new future for this historic structure. Neither the Sturgeon Bay Historical Society nor its leadership has any expectation that we will be involved with your plans for the structure. However, it has always been our intention to ensure that its historic nature be preserved. Hence, we do make this offer contingent upon the following:

1. The Granary is to be restored on its original pilings with a secured land lease of \$1/year. Context is an important part of historic preservation.
2. The restoration and any future renovations of the Granary will be done consistent with the standards required of any structure listed on both the Wisconsin State and National Registers of Historic Places. Any deviation from those standards will require the advance written approval of the boards of directors of both the Sturgeon Bay Historical Society and the Door County Community Foundation (representing the interests of the donors).
3. The Granary itself will be used for a public purpose. It will also be generally open to the public, to the degree that is practical and appropriate.
4. If the City of Sturgeon Bay ever transfers ownership of the Granary to a third party, it will place a deed restriction on the structure (or other appropriate legal limitation) to ensure that future owners will forever comply with these four conditions.

We are honored to entrust this historic treasure to the care of the citizens of Sturgeon Bay. We are confident that the City will be the ideal steward of the Granary, aided by our restoration and the DCCF endowment established for its care, and that our citizens will gain a beautiful, iconic structure that helps tell the story of a very proud past and ushers us into an exciting future.

We look forward to hearing your response to our offer.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christie Weber', with a long horizontal flourish extending to the right.

Christie Weber, President



CITY OF STURGEON BAY HISTORIC PRESERVATION COMMISSION

Resolution to Save the Historic 1901 Teweles and Brandeis Granary

Resolution No. 1-2017

WHEREAS, the City of Sturgeon Bay is the owner of property at 92 East Maple Street on the West Waterfront of Sturgeon Bay containing the historic 1901 Teweles and Brandeis grain elevator known as the Granary;

AND WHEREAS many citizens consider the Granary a valuable, important and unique asset of the community and have expended time and funds directly and through business or non-profit ventures to incorporate the Granary in future commercial plans and public space plans for the west side waterfront;

AND WHEREAS on August 18, 2017, the Granary was officially listed on the Wisconsin Registry of Historic Places as defined under Wis. Stats. §44.31 and further was recommended to be listed on the National Registry of Historic Places and further according to the Wisconsin Historical Society, "The Teweles and Brandeis grain elevator is an excellent, highly intact example of a grain processing and storage building of a type that was once frequently encountered in communities in Wisconsin and in many other Midwestern states....It is now the only surviving historic resource in the city that can attest to the city's historically important role in agriculture production in Door County.";

AND WHEREAS the City of Sturgeon Bay's Comprehensive Plan, adopted in 2010, states, "Cultural resources encompass historic buildings or structures and archeological sites, as well as institutions and organizations which contribute to the cultural or artistic life of the community. Cultural resources help to provide the City of Sturgeon Bay with a sense of heritage, identity, and civic pride...and can also provide economic development opportunities for the City and its residents. For these reasons, it is important to identify historical and cultural sites in the City of Sturgeon Bay." The Plan lists only five overall goals and one of the five is: *"Seek preservation and maintain the abundant natural and historic resources within and surrounding the City"*;

AND WHEREAS the Historic Preservation Commission of the City of Sturgeon Bay believes the Granary is of special historical significance and seeks under its authority to safeguard the city's historic and cultural heritage as embodied and reflected in the historic 1901 Teweles and Brandeis Granary on the west side waterfront, and for the Granary to help foster civic pride in the notable accomplishments of Sturgeon Bay's agricultural past, and for the Granary to protect and strengthen the city's attractiveness to residents, tourists and visitors thus serving as a support and stimulus to business and industry;

NOW THEREFORE, BE IT RESOLVED by the Historic Preservation Commission that the Commission requests the City of Sturgeon Bay, its Common Council to make every diligent effort to safely stabilize, save and restore the Historic Granary utilizing private funds from the Sturgeon Bay Historical Society and Door County Community Foundation, and further, to support the request of the Sturgeon Bay Historical Society for an 18-month period during which the Grain Elevator would remain protected from demolition, for the Sturgeon Bay Historical Society to solidify and present a community-devised plan.

This resolution was adopted at a regular meeting of the Sturgeon Bay Historic Preservation Commission this 30 day of October 2017.

Attest:



Clerk

Historic Preservation Commission

Restoration and Preservation of the Teweles and Brandeis Grain Elevator:

A Project of the Sturgeon Bay Historical Society and the City of Sturgeon Bay
to protect one of Door County's historic treasures and
provide a public amenity that celebrates and showcases
Sturgeon Bay's unique and rich history

History:

The Teweles and Brandeis grain elevator has been an icon on the Sturgeon Bay waterfront since its erection in 1901.

In the late 1800s, Sturgeon Bay's bustling commercial waterfront included multiple granaries, warehouses, refrigerators and mills. Their construction coincided with two regionally important events: the completion of the Sturgeon Bay Shipping Canal in 1879, which directly linked Sturgeon Bay to Lake Michigan, and the laying of the Ahnapee & Western Railway in the early 1890s that linked Sturgeon Bay to the Midwest and beyond.

The Teweles and Brandeis granary is one of the last, and easily the most visible, vestiges of that chapter of Sturgeon Bay's history. In February of 2018, the Teweles and Brandeis granary was officially listed on the National Register of Historic Places.

On November 20, 2018, the City of Sturgeon Bay Common Council approved a recommendation made by the City's Historic Preservation Commission in October of 2017, to "make every diligent effort to safely stabilize, save and restore the Historic Granary utilizing private funds from the Sturgeon Bay Historical Society and Door County Community Foundation ..."

Structure:

The granary stands approximately 82 feet tall and consists of 19, 10 x 10-foot bins, each 30 feet high, laid out on a 4 x 5 grid. The twentieth 10 x 10 space contains the manlift to the headhouse. The footprint of the structure is 40 x 50 feet, or 2,000 square feet. Under the bins is a ground floor with a 15-foot ceiling. Above the bins is the headhouse.

Structural Integrity:

In December of 2013, Meyers Borgman Johnson, a Structural Design and Engineering firm from Minneapolis, Minn., conducted a thorough study which included detailed computer analysis of the building. Its report says, "The City of Sturgeon Bay intends to salvage and adaptively reuse the elevator as part of its waterfront redevelopment program. Based on the information gathered during the site visit report and the subsequent calculations, it is our conclusion that

the existing elevator is in generally good condition and retains sufficient capacity to support this intended use, with some modifications.”

Cost to Restore per TKWA:

In July of 2015, The Kubala Washatko Architects (TKWA), an award-winning firm of Cedarburg, Wis., provided architectural renderings of a restored structure on the westside waterfront. In its narrative, TKWA says, “The lower level of the structure is open to the public for picnics, weddings, speakers, small concerts, markets, etc. It might also provide covered space for a community bike rental, skate rental, kayak rental, or act as a rest stop on the Ice Age Trail. For these uses, the sides would be removed and the beams exposed. This would allow those walking or driving past a view of the water beyond. Interpretive signage would explain how the granary worked and what its historic significance was to Door County. A transparent ceiling might allow the public to see the workings of the granary from below.”

Work to achieve this vision includes structural stabilization, re-roofing, cleaning, raising the first floor-finished floor height out of the floodplain, removing the siding on the bottom level and activating the site for the uses stated above as well as making public restrooms available. No access to upper floors would be contemplated.

The cost estimate for restoration of this scope, provided by Middleton Consulting and Contracting: \$442,654.

Funds Received:

In October of 2017, the Door County Community Foundation informed the City of Sturgeon Bay that a “generous family in Door County is prepared to guarantee that up to \$1.25 million will be available for the repair, restoration, and future maintenance of the Teweles and Brandeis Grain Elevator...” The family requests that the City of Sturgeon Bay work collaboratively with the Sturgeon Bay Historical Society to “develop a shared vision for the use of this property for the public’s benefit.”

The family remains committed to this project. A portion of the original gift has been used to move the granary off its original site to save it from demolition, for cleaning and restoration done to date, and for a new roof. Approximately \$900,000 of the gift remains. Additional donors have expressed a desire to make sizable contributions, including one who has created a fund at DCCF designating just over \$40,000 for the restoration of the granary, to be made available once a final and permanent location is decided on.

Vision: A Public Private Partnership

SBHS requests that the City accept the donation of a restored Teweles and Brandeis Granary, along with an endowment, and that the granary be returned to its original location.

SBHS proposes a Public Private Partnership, similar to what the City entered into with the Rotary Club and Open Bass Tournament for the pavilion at Sawyer Park, and with the Sturgeon Bay Skatepark Initiative for the City of Sturgeon Bay Skatepark. In each of these cases, nonprofit

organizations raised private dollars to build structures that were then turned over to the City for use by its citizens. Each of these structures was located on property donated by the City.

In addition, and unlike these other projects, SBHS will contribute an endowment, sizable enough to cover long-term maintenance needs and contribute to annual operating expenses. The endowment will be managed by DCCF.

Roles and Responsibilities:

SBHS shall:

- restore the granary in a manner that retains its historic significance, is structurally sound and meets permitting requirements, including foundation requirements
- provide an agreed-upon endowment for annual and ongoing care
- provide interpretive signage

The City shall:

- provide a lease on the land on the westside waterfront containing that original foundation and a 25-foot maintenance easement around it on all sides
- take ownership of the structure once restoration is complete and be responsible for its operations, insurance, care and long-term maintenance
- contribute financially for public restrooms, if restrooms are desired
- keep the structure open to the public and manage its use/reservations as it does with other park structures
- ensure that all uses and any alterations retain the structure's historic significance as dictated by the letter from SBHS dated Jan. 8, 2019

Proposed Uses:

The granary's original location, built on a dock, is below the ordinary high water mark, and is, therefore, public space. A beautifully restored historic granary will be a strong, unique focal point for a public waterfront. The advisory ad hoc Westside Waterfront Committee may incorporate a granary in any number of ways, as long as the historical significance is upheld. Further, if another entity is interested in partnering with the City in the granary's use, that is encouraged under the same conditions.

At minimum, the following uses are proposed and should demand no additional parking requirements. Just as Sunset Park is occasionally used for larger events, occasional large events can be held at the westside waterfront:

- farmers markets, holiday markets
- art fairs
- reunions, picnics, weddings
- pop-up art or theater space
- wine festivals
- marathon/triathlon venue
- de facto tourism material distribution

OMR Expenses (Operating, Maintenance and Repair)

Insurance: \$850/year

Utilities: \$612/year (based on Sawyer Pavilion)

Maintenance and repairs: \$3,000/year for yard work, cleaning, etc. (estimate)

Total: \$4,462

Income

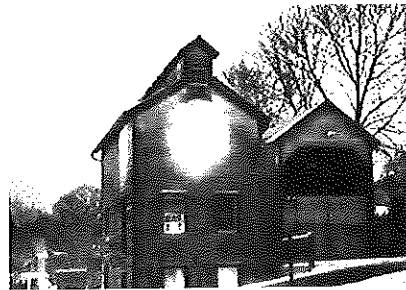
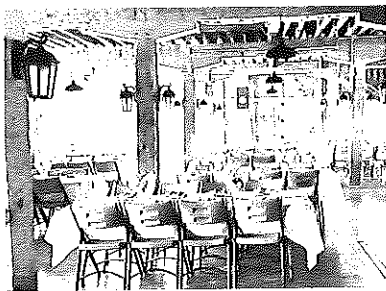
\$2665 – The Rotary Pavilion (square footage of 2,640) generates an average of \$2665 annually. We envision a similar amount if no additional marketing or programming is done.

Endowment

An endowment of \$130,000 generates approximately \$6,500/year in income. The difference between the annual OMR expenses and the projected income, as detailed above, is just under \$2,000. Funds from the endowment could be divided as follows: \$2,000/year for annual operating and \$4,500 retained in a fund to cover larger, long-term repairs. For instance, a steel roof, costing approximately \$80,000 today, has a 75-year life. In even 50 years, the \$4,500/year long-term maintenance fund would accrue to over \$200,000.

Job Generation Option:

The City could create a position, or subcontract with a management company, to manage its event space, including the granary, marinas and other public space, per the Kress Pavilion model. The Village of Egg Harbor contracts with Founders 3 for management of its marina and the Kress Pavilion. Management of the Kress Pavilion is contracted at \$30,000 per year, with Founders 3 hiring/employing the local manager. The Kress Pavilion generated \$34,141 in event income Jan - Oct in 2018 and has "16 weddings, one family reunion, three nonprofit and one condo owners' event" scheduled to date for 2019. Wedding rental at the Kress ranges from \$1,500-\$2,200.





**Door County
Community
Foundation, Inc.**

January 10, 2019

Sturgeon Bay Historical Society
P.O. Box 827
Sturgeon Bay, WI 54235

Board of Directors

Marcia Smith
Chair

Sally O'Brien
Vice Chair

Dick Egan
Secretary

Jeff Ottum
Treasurer

Polly Alberts
Past Chair

Rob Davis

Jacinda Duffin

John Herlache

Mark Jenkins

Roger Johnson

Sharon Lutsey

Kaaren Northrop

Patrick O'Hern

Grace Rossman

Vicki Wilson

Dear Friends,

A generous family in Door County is prepared to guarantee that up to \$1.25 million will be available to return the Teweles and Brandeis Grain Elevator to its original location and for the repair, restoration, and future maintenance of this historic structure. The Door County Community Foundation, Inc. will be the conduit for this contribution.

The family requests that the Sturgeon Bay Historical Society work collaboratively with the City of Sturgeon Bay and other interested parties to develop a shared vision for the use of this property for the public's benefit. It is the family's hope that a truly collaborative vision will inspire others in the community to step forward and make their own contribution to this effort as a part of your campaign to repair, restore, and maintain the structure.

Regardless of the amount ultimately raised, the family is prepared to contribute whatever amount is necessary to bring the campaign total to \$1.25 million (exclusive of any campaign expenses), subject to final terms to be worked out once this collaborative vision has been articulated.

We hope the people of our community will use this generous contribution as an opportunity to work together for a better future for us all.

Warm regards,



Bret N. Bicoy

Bret N. Bicoy
President & CEO

Support for the Granary

The following organizations have expressed support for preserving the 1901 Teweles and Brandeis Granary:

- National Trust for Historic Preservation, entered onto the National Register of Historic Places on Feb. 5, 2018
- Wisconsin State Historical Society, entered onto the State Register of Historic Places on Aug. 18, 2017
- Sturgeon Bay Common Council, resolution passed Nov. 20, 2018
- City of Sturgeon Bay Historic Preservation Commission, resolution passed Oct. 30, 2017
- Sturgeon Bay Visitors Center, letter of support dated Oct. 31, 2017
- Sturgeon Bay Historical Society

Sturgeon Bay's Comprehensive Plan, adopted in 2010, lists only five overall goals. Among them: *"Seek preservation and maintain the abundant natural and historic resources within and surrounding the City."*

Joe Moede
Shipyard Partners
700 S. Water Street
Milwaukee, WI 53204

Notice to Vacate

04 January 2019

Sturgeon Bay Historical Society
C/O Christie Macdonald Weber
311 Pennsylvania Street, Unit G
Sturgeon Bay, WI 54235

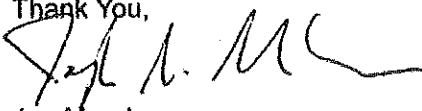
RE: Teweles & Brandeis Grain Elevator

Christie,

Please accept this letter as your official 30 day notice to vacate and restore the property located at the corner of Oregon St. and South First St. in Sturgeon Bay, WI, upon which sits the above referenced structure.

This notice to vacate will be suspended if the Sturgeon Bay Historical Society signs a binding Purchase Agreement, and makes a 20% non-refundable earnest money deposit on or before Friday, 18 January 2019.

Thank You,



Joe Moede