



**CITY OF STURGEON BAY COMMON COUNCIL AGENDA
TUESDAY, FEBRUARY 19, 2019
7:00 P.M.
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 – \$192,175.89, Capital Fund - \$86,371.59, Cable TV - \$15,029.00, TID #4 - \$145.04, and Solid Waste Enterprise Fund - \$16,655.01 for a grand total of \$310,376.53. [roll call]
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 2/5/19 regular Common Council minutes.
 - * b. Approval of the following minutes:
 - (1) Ad Hoc West Waterfront Planning Committee – 1/22/19
 - (2) Ad Hoc West Waterfront Planning Committee – 1/22/19
 - (3) Ad Hoc West Waterfront Planning Committee – 1/23/19
 - (4) Ad Hoc West Waterfront Planning Committee – 1/24/19
 - (5) Waterfront Redevelopment Authority – 1/24/19
 - (6) Finance/Purchasing & Building Committee – 1/29/19
 - * c. Place the following reports on file:
 - (1) Police Department Report – January 2019
 - * d. Consideration of: Approval of beverage operator licenses.
 - * e. Consideration of: Approval of Class A Beer and Class A Liquor license for Cherryland Shell LLC.
 - * f. Finance/Purchasing & Building Committee recommendation re: Approve the one year 2020 Fire Protection Service Agreement extension with the Town of Sevastopol.
8. Mayoral appointments.
9. Second reading of ordinance re: Repeal and recreate Section 20.27(2) of the Municipal Code – Zoning Code – building height for historic structures.

10. Second reading of ordinance repealing and recreating Section 20.03 of the Municipal Code & creating Sections 20.10(2)(c), 20.11(2)(d), 20.12(2)(l), 20.175(2)(p), 20.22(2)(m) of the Municipal Code – Accessory Dwelling Units.
11. Consideration of: Award of Contract for Project 1901 (Georgia Street, S. Kendale Ave & N. 3rd Ave Reconstruction Project.)
12. Consideration of: Resolution in Support of a National Estuarine Research Reserve. (Ald. Hauser and Ald. Ward)
13. Consideration of: Resolution Authorizing the Submittal of a Community Development Investment Grant Application for the Door County Maritime Museum's Maritime Lighthouse Tower Project.
14. Consideration of: Joining the matter of John Wiese, Tom Wulf, Fran Shefchik, Mark Holdridge, Mike Langenhorst, et. al. vs. Wisconsin Department of Natural Resources.
15. Consideration of: Development Agreement between City of Sturgeon Bay and Sturgeon Bay Historical Society Foundation Inc. for Teweles & Brandeis Granary.
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 exemptions:
 - a. Conferring with legal counsel for governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Wis. Stats. 19.85(1)(g)

Consideration of: Settlement Agreement with Friends of the Sturgeon Bay Public Waterfront, Shawn M. Fairchild, Carri Andersson, Linda Cockburn, Russ Cockburn, Kathleen Finnerty and Christy Weber v. City of Sturgeon Bay and Waterfront Redevelopment Authority of the City of Sturgeon Bay.
 - b. Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Wis. Stats. 19.85(1)(e)

Consideration of: Development Agreement between City of Sturgeon Bay and Sturgeon Bay Historical Society Foundation Inc. for Teweles & Brandeis Granary.

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:

Time:

By:

2.15.19
12:40pm
JM

CITY OF STURGEON BAY
DEPARTMENT SUMMARY REPORT

INVOICES DUE ON/BEFORE 02/19/2019

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE
GENERAL FUND				
GENERAL FUND				
BALLFIELD LIGHTING				
WPPI ENG	WPPI ENERGY	02/19 ATHLETIC LIGHT PROJECT	01-000-981-70000	1,365.39
TOTAL BALLFIELD LIGHTING				1,365.39
TOTAL GENERAL FUND				1,365.39
LAW/LEGAL				
BUELOW	BUELOW, VETTER, BUIKEMA,	01/18 GENERAL LABOR	01-110-000-57900	949.00
TOTAL				949.00
TOTAL LAW/LEGAL				949.00
CITY CLERK-TREASURER				
17700	QUILL CORPORATION	CYAN TONER	01-115-000-51950	131.99
17700		YELLOW TONER	01-115-000-51950	131.99
17700		MAGENTA TONER	01-115-000-51950	131.99
23714	WISCONSIN MUNICIPAL CLERKS	2019 MEMBR DUES /CLARIZIO	01-115-000-56000	50.00
BUBRICKS	BUBRICK'S COMPLETE OFFICE, INC	TONER/BLACK	01-115-000-51950	78.08
BUBRICKS		COUNTERFEIT DETECTOR PEN	01-115-000-51950	3.76
TOTAL				527.81
TOTAL CITY CLERK-TREASURER				527.81
COMPUTER				
04696	DOOR COUNTY TREASURER	01/19 INTERNET USAGE	01-125-000-55550	100.00
04696		01/19 TECH SUPPORT	01-125-000-55550	2,575.00
04696		01/19 2G CHARGES	01-125-000-55550	375.00
TOTAL				3,050.00
TOTAL COMPUTER				3,050.00
CITY ASSESSOR				
ASSO APP	ASSOCIATED APPRAISAL	02.19.19 CONTRACT	01-130-000-55010	1,333.33
TOTAL				1,333.33
TOTAL CITY ASSESSOR				1,333.33
MUNICIPAL SERVICES ADMIN.				
03133	CELLCOM WISCONSIN RSA 10	01/19 CHAD CELL SVC	01-145-000-58250	26.53
TOTAL				26.53
TOTAL MUNICIPAL SERVICES ADMIN.				26.53

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VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE
GENERAL FUND				
PUBLIC WORKS ADMINISTRATION				
03133	CELLCOM WISCONSIN RSA 10	01/19 STEVE CELL SVC	01-150-000-58250	31.81
03133		01/19 MIKE CELL SVC	01-150-000-58250	43.89
03133		01/19 CELL SVC	01-150-000-58250	7.55
15890	PACK AND SHIP PLUS	MARCH NEWSLETTER MAILING	01-150-000-54999	55.60
BUBRICKS	BUBRICK'S COMPLETE OFFICE, INC	ASSORTED OFFICE SUPPLIES	01-150-000-51950	414.32
BUBRICKS		PAPER	01-150-000-52800	245.68
TOTAL				798.85
TOTAL PUBLIC WORKS ADMINISTRATION				798.85
CITY HALL				
03159	CHARTER COMMUNICATIONS	01/19 FIRE CABLE SVC	01-160-000-58999	101.85
04575	DOOR COUNTY HARDWARE	SLIP JOINT WASHER	01-160-000-55300	1.98
04575		DUCT TAPE	01-160-000-55300	9.99
19880	STURGEON BAY UTILITIES	421 MICHIGAN STREET	01-160-000-56150	2,013.80
19880		421 MICHIGAN STREET	01-160-000-58650	233.02
VIKING	VIKING ELECTRIC SUPPLY, INC	2 LED LIGHT KITS CITY HALL	01-160-000-55300	78.38
VIKING		LIGHT BULB	01-160-000-55300	20.32
WARNER	WARNER-WEXEL WHOLESALE &	PAPER PRODUCTS	01-160-000-51850	55.45
WARNER		CLEANER	01-160-000-51850	16.98
TOTAL				2,531.77
TOTAL CITY HALL				2,531.77
GENERAL EXPENDITURES				
04696	DOOR COUNTY TREASURER	01/19 CITY HALL PHONE SVC	01-199-000-58200	144.19
04696		01/19 FIRE PHONE SVC	01-199-000-58200	80.56
04696		01/19 MUN SVC PHONE SVC	01-199-000-58200	33.14
04696		01/19 POLICE PHONE SVC	01-199-000-58200	46.48
08167	GANNETT WISCONSIN NEWSPAPERS	SEASONAL EMPLOY ADVERT	01-199-000-57450	219.96
TOTAL				524.33
TOTAL GENERAL EXPENDITURES				524.33
POLICE DEPARTMENT				
STAPLES	WISCONSIN DOCUMENT IMAGING LLC	3158 BLACK COPIES	01-200-000-51600	38.21
STAPLES		871 COLOR COPIES	01-200-000-51600	31.62
USBANK	US BANK	RICOH COPIER 36 OF 48	01-200-000-55650	167.00
USBANK		PROPERTY DAMAGE SURCHARGE	01-200-000-55650	27.02
USBANK		LATE FEE	01-200-000-55650	16.70
TOTAL				280.55
TOTAL POLICE DEPARTMENT				280.55
POLICE DEPARTMENT/PATROL				

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VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE
GENERAL FUND				
01766	AURORA MEDICAL GROUP	PRE EMPLY SCREEN/J ZACH	01-215-000-57100	171.00
02960	C & W AUTO	TOW SQUAD	01-215-000-58600	65.00
03133	CELLCOM WISCONSIN RSA 10	01/19 CELLPHONES	01-215-000-58250	951.27
03133		01/19 MIFI WIRELESS ROUTERS	01-215-000-58250	263.34
04575	DOOR COUNTY HARDWARE	BATTERIES	01-215-000-54999	9.99
04575		ASSORT SUPPLIES	01-215-000-54999	78.59
04696	DOOR COUNTY TREASURER	01/19 FUEL	01-215-000-51650	3,056.39
19880	STURGEON BAY UTILITIES	SUNSET PRK BOAT LAUNCH	01-215-000-56150	11.53
19880		NEENAH AVE CAMERA	01-215-000-56150	11.53
19880		NAUTICAL DR CAMERA	01-215-000-56150	8.90
21450	THE UNIFORM SHOPPE	MISC UNIFORM/ZACH	01-215-000-52900	377.20
21450		BOOTS/ZACH	01-215-000-52900	128.95
21450		UNIFORM/SCHMIDT	01-215-000-52900	261.85
21450		MISC UNIFORM/SHEW	01-215-000-52900	189.95
GANDER	LOUIS GANDER	BOOT REIMBURSE/GANDER	01-215-000-52900	100.00
HAACK	TREVOR HAACK	HONOR GUARD REG REIMB	01-215-000-55600	550.00
JIM FORD	JIM OLSON FORD-LINCOLN, LLC	SQUAD 50 MAINTENANCE	01-215-000-58600	51.17
JIM FORD		SQUAD 40 MAINTENANCE	01-215-000-58600	258.93
JIM FORD		HHR MAINTENANCE	01-215-000-58600	297.83
R0000350	KEYSTONE PSYCHOLOGY LLC	PRE EMPLOY EVAL/ZACH	01-215-000-57100	350.00
R0000350		PRE EMPLOY EVAL/SCHMIDT	01-215-000-57100	350.00
R0000608	AUTO ZONE, INC	WIPER BLADES	01-215-000-58600	41.98
R0000608		WIPER BLADES	01-215-000-58600	53.98
R0000608		SQUAD HEADLIGHTS	01-215-000-58600	13.40
TOTAL				7,652.78
TOTAL POLICE DEPARTMENT/PATROL				7,652.78
POLICE DEPT. / INVESTIGATIONS				
12386	M.R. WILDLIFE	2 HR SVC CALL- CS 19-001096	01-225-000-57950	85.00
ACCURINT	LEXISNEXIS RISK SOLUTIONS	01/19 CONTRACT FEES	01-225-000-57950	105.00
TOTAL				190.00
TOTAL POLICE DEPT. / INVESTIGATIONS				190.00
FIRE DEPARTMENT				
04575	DOOR COUNTY HARDWARE	FREIGHT	01-250-000-54999	21.18
04575		SPRYER & ANTIFREEZE	01-250-000-54999	6.58
04575		BATTERY-LITHIUM	01-250-000-54999	11.98
04575		BLEACH	01-250-000-54999	7.18
04575		PVC ADPTR/ELBOW/CAP	01-250-000-54999	9.55
04575		DRAIN FLR SNAP	01-250-000-54999	13.18
06012	FASTENAL COMEANY	SHRINK TUBE	01-250-000-53000	10.62
06650	GALLS, AN ARAMARK COMPANY	UNIFORMS	01-250-000-52900	49.08
06650		UNIFORMS	01-250-000-52900	56.72
06650		UNIFORMS	01-250-000-52900	80.00
07745	GORDONS WEST SIDE ELECTRIC	ICE MACHINE FUSES & PARTS	01-250-000-56250	220.00
07765	GRAINGER INC	RADIO HOLDER REPLACEMENTS	01-250-000-51350	250.00
13320	JEFFERSON FIRE & SAFETY, INC	SCBA COMPRESSOR MAINTENANCE	01-250-000-56250	976.81
18448	RENNERTS FIRE EQUIP SFR INC	FEEDBACK SENSOR KIT/E4	01-250-000-53000	324.92

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GENERAL FUND				
19880	STURGEON BAY UTILITIES	92 E MAPLE STREET	01-250-000-56675	6.22
19880		MARTIN PARK RESTROOM	01-250-000-56675	6.22
19880		421 MICHIGAN STREET	01-250-000-56675	133.25
19880		TRUCK FILL	01-250-000-56675	41.00
19880		MEM FLD WARMING HOUSE	01-250-000-56675	49.73
19880		SALT SHED	01-250-000-56675	6.22
19880		CITY GARAGE	01-250-000-56675	49.73
19880		GARLAND PRK	01-250-000-56675	6.22
19880		SUNSET CONSN CNTR	01-250-000-56675	49.73
19880		FRANK GRASSE SHELTER	01-250-000-56675	15.54
19880		OTUMBA PARK	01-250-000-56675	6.22
19880		WEST SIDE WARMING HOUSE	01-250-000-56675	6.22
19880		WEST SIDE FIRE STATION	01-250-000-56675	49.73
19880		WEST SIDE FIRE STATION	01-250-000-56150	110.97
19880		WEST SIDE FIRE STATION	01-250-000-58650	82.29
19880		NEENAH AVE PAVILLION	01-250-000-56675	6.22
19880		38 S NEENAH AVE RESTROOM	01-250-000-56675	31.08
19880		JAYCEE BALLFLD STAND	01-250-000-56675	15.54
19880		JAYCEE BALLFLD SPRINKLER	01-250-000-56675	49.73
19880		WS BALLFLD LITES	01-250-000-56675	31.08
19880		GIRLS LITTLE LEAGUE	01-250-000-56675	49.73
19880		421 MICHIGAN ST-FIRE PROTECTN	01-250-000-56675	8,720.75
19880		N 14TH AVE WARNING SIREN	01-250-000-56150	8.24
19880		QUINCY ST BALLFLD	01-250-000-56675	49.73
19880		120 N MADISON AVE SPRINKLER	01-250-000-56675	15.54
19880		PENNSYLVANIA ST DOCK	01-250-000-56675	15.54
19880		GREEN BAY RD SIREN	01-250-000-56150	15.45
19880		EAST SIDE DOCK	01-250-000-56675	6.22
19880		COVE RD/CANAL RD SIREN	01-250-000-56150	14.17
19880		1ST AVE MARINA/RSTRM	01-250-000-56675	49.73
19880		KENTUCKY ST CITY PKG RAMP	01-250-000-56675	6.22
19880		48 KENTUCKY ST DOCK	01-250-000-56675	15.54
19880		48 KENTUCKY ST MARINA	01-250-000-56675	49.73
19880		SIGN SHED	01-250-000-56675	6.22
19880		CHERRY BLOSSOM PRK	01-250-000-56675	15.54
19880		CLAY BANKS SIREN	01-250-000-56150	15.38
GENERAL	GENERAL COMMUNICATIONS, INC.	SIREN & LIGHTS	01-250-000-53000	233.00
O'REILLY	O'REILLY AUTO PARTS-FIRST CALL	FUEL PUMP/STRAINER/FILTER	01-250-000-53000	69.83
O'REILLY		DOOR WEATHER STRIP ADHESIVE	01-250-000-53000	3.22
O'REILLY		AIR BRK TUBE/FTG	01-250-000-53000	5.00
O'REILLY		AIR BRK FTG	01-250-000-53000	10.73
O'REILLY		CREDIT RETURN	01-250-000-53000	-1.22
TRACTOR	TRACTOR SUPPLY CREDIT PLAN	FENCE PANEL	01-250-000-52700	204.98
TOTAL				12,370.01
TOTAL FIRE DEPARTMENT				12,370.01
STORM SEWERS				
19297	SHORE TO SHORE RENTAL, INC	BRUSH HOG RENTAL	01-300-000-57700	90.00
TOTAL				90.00
TOTAL STORM SEWERS				90.00

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VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE
GENERAL FUND				
COMPOST/SOLID WASTE SITE				
19880	STURGEON BAY UTILITIES	COMPOST SITE	01-320-000-56150	8.24
TOTAL				8.24
TOTAL COMPOST/SOLID WASTE SITE				8.24
ROADWAYS/STREETS				
18500	R N O W INC	COLD WEATHER LIMIT SWITCH	01-400-000-51400	317.56
18500		LEVER LIMIT SWITCH	01-400-000-51400	39.27
18500		SHIPPING	01-400-000-51400	22.18
TOTAL				379.01
TOTAL ROADWAYS/STREETS				379.01
SNOW REMOVAL				
04696	DOOR COUNTY TREASURER	TREATED SAND	01-410-000-52400	1,739.35
13825	MORTON SALT	196.16 TN ROAD SALT @ 64.65/TN	01-410-000-52400	12,681.74
19070	SCHARTNER IMPLEMENT INC	50' AUGER CHAIN/TRACKLESS	01-410-000-51400	621.50
ASTRO	ASTRO HYDRAULICS, INC	HYDRAULIC CYLINDER REPAIR	01-410-000-51400	360.00
QUALITY	QUALITY TRUCK CARE CENTER INC	REPLACEMENT FUEL TANK	01-410-000-51400	1,255.24
QUALITY		FUEL TANK BAND	01-410-000-51400	86.06
QUALITY		FUEL TANK INSULATOR 2 @ 19.50	01-410-000-51400	39.00
R0000655	TRANSMOTION, LLC	2 COUPLERS	01-410-000-51400	330.22
R0000655		SHIPPING	01-410-000-51400	11.55
R0000655		6 COUPLERS	01-410-000-51400	374.58
R0000655		6 HYRAULIC NIPPLES	01-410-000-51400	163.02
R0000655		FREIGHT	01-410-000-51400	16.55
TOTAL				17,678.81
TOTAL SNOW REMOVAL				17,678.81
STREET MACHINERY				
01720	ARING EQUIPMENT COMPANY INC	HYDRAULIC FLUID	01-450-000-53000	243.98
02005	BAY ELECTRONICS, INC.	ANTENNA	01-450-000-57550	42.11
02005		CABLE END	01-450-000-57550	10.00
02005		LABOR	01-450-000-57550	47.50
02844	BRUCE MUNICIPAL EQUIPMENT INC	2 MIRROR/DUMP TRUCK	01-450-000-53000	183.74
02844		SHIPPING	01-450-000-53000	18.23
04575	DOOR COUNTY HARDWARE	BULK WIRE	01-450-000-52150	25.74
04575		DRILL BITS	01-450-000-52700	11.57
04575		LIQ NAIL	01-450-000-51400	9.98
04575		TREE PRUNER	01-450-000-52700	69.99
04575		PAINT	01-450-000-51400	48.00
04575		STEEL WOOL	01-450-000-51400	5.99
04575		ANCHOR SHACKLE	01-450-000-53000	6.99
04575		FASTENERS	01-450-000-52150	2.79
04575		ASSORTED SUPPLIES	01-450-000-52150	8.04
04575		WIRE ROPE	01-450-000-52150	3.18

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VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE
GENERAL FUND				
04575		BATTERY	01-450-000-52150	13.99
04603	HALRON LUBRICANTS INC	USED OIL PICKUP 200 GAL	01-450-000-53000	30.00
04696	DOOR COUNTY TREASURER	01/19 FUEL 576.47 G	01-450-000-51650	1,152.36
04696		01/19 DLS FUEL 2911.70G	01-450-000-51650	7,302.54
06005	JFTCO, INC	GRADER PARTS	01-450-000-53000	220.40
06012	FASTENAL COMPANY	HARDWARE	01-450-000-53000	8.24
06012		HARDWARE	01-450-000-53000	38.31
06012		HARDWARE	01-450-000-53000	3.78
06012		BOLTS	01-450-000-52150	68.92
13655	MONROE TRUCK EQUIPMENT, INC	TRUCK BOX SHELF	01-450-000-53000	160.65
13655		SHIPPING	01-450-000-53000	36.46
13655		WING PUSH ARM-FLOW	01-450-000-53000	73.05
20725	T R COCHART TIRE CENTER	TIRE REPAIR	01-450-000-52850	10.00
O'REILLY	O'REILLY AUTO PARTS-FIRST CALL	SNOW FLOW PARTS	01-450-000-53000	8.58
O'REILLY		SNOWBRUSH, BEAM	01-450-000-53000	52.73
O'REILLY		HAND CREAM	01-450-000-53000	7.99
O'REILLY		SNOW FLOW PARTS	01-450-000-53000	63.90
TOTAL				9,989.73
TOTAL STREET MACHINERY				9,989.73

CITY GARAGE

01766	AURORA MEDICAL GROUP	CONSORTIUM FEE	01-460-000-57100	60.00
04575	DOOR COUNTY HARDWARE	PAINT	01-460-000-51850	20.00
04575		ELECTRICAL TAPE	01-460-000-52700	4.99
04575		PAINT	01-460-000-51850	37.99
04575		ELECTRICAL TAPE	01-460-000-52700	4.99
04575		TREE PRUNER	01-460-000-52700	69.99
04575		TREE PRUNER SAW BLADE	01-460-000-52700	18.99
04575		PAINT	01-460-000-51850	20.00
04575		DRILL BITS/GORILLA GLUE	01-460-000-52700	24.35
04575		GLUE	01-460-000-56250	15.99
04575		DRILL BITS	01-460-000-52700	13.18
19880	STURGEON BAY UTILITIES	SALT SHED	01-460-000-56150	29.13
19880		CITY GARAGE	01-460-000-56150	943.06
19880		CITY GARAGE	01-460-000-58650	97.52
AMERWELD	AMERICAN WELDING & GAS, INC	ACETYLENE/OXYGEN TANKS	01-460-000-58999	122.73
TRACTOR	TRACTOR SUPPLY CREDIT PLAN	TOOLS	01-460-000-52700	61.34
VIKING	VIKING ELECTRIC SUPPLY, INC	2 LED LIGHT KITS FOR DPW GARAG	01-460-000-55300	97.24
TOTAL				1,641.49
TOTAL CITY GARAGE				1,641.49

HIGHWAYS - GENERAL

19880	STURGEON BAY UTILITIES	808 DULUTH AVE SIGN	01-499-000-58000	9.37
19880		EGG HRBR RD TRFEC LIGHT	01-499-000-58000	24.60
19880		N 14TH & EGG HRBR TRFC LITE	01-499-000-58000	31.57
19880		WARNING LIGHTS	01-499-000-58000	5.50
19880		WS TRAFFIC LITE	01-499-000-58000	129.42
19880		342 ORNAMENTAL ST LIGHT	01-499-000-58000	4,599.43

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VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE
GENERAL FUND				
19880		587 OVERHEAD ST LIGHTS	01-499-000-58000	6,778.29
19880		WALNUT & LANSING SIGN	01-499-000-58000	7.49
19880		EAST SIDE DOCK	01-499-000-58000	53.62
19880		OLD HIGHWAY SIGN	01-499-000-58000	8.82
TOTAL				11,648.11
TOTAL HIGHWAYS - GENERAL				11,648.11
PARK & RECREATION ADMIN				
03133	CELLCOM WISCONSIN RSA 10	01/19 MIKE CELL SVC	01-500-000-58250	43.88
03133		01/19 CELL SVC	01-500-000-58250	7.55
03133		01/19 CELL SVC	01-500-000-58250	24.82
BUBRICKS	BUBRICK'S COMPLETE OFFICE, INC	ASSORTED OFFICE SUPPLIES	01-500-000-51950	27.89
STAPLES	WISCONSIN DOCUMENT IMAGING LLC	MAGENTA TONER	01-500-000-51250	204.46
STAPLES		TONER-CYAN	01-500-000-51250	204.46
STAPLES		TONER-YELLOW	01-500-000-51250	204.46
TOTAL				717.52
TOTAL PARK & RECREATION ADMIN				717.52
PARKS AND PLAYGROUNDS				
01766	AURORA MEDICAL GROUP	DRUG SCREEN/D SHORTREED	01-510-000-57100	67.00
01766		DRUG SCREEN/K BONE	01-510-000-57100	67.00
03025	CAPTAIN COMMDES INC	DGO PARK COMMODE RENTAL	01-510-000-54999	75.00
03025		SALT WATER	01-510-000-54999	6.00
04575	DOOR COUNTY HARDWARE	COUPLER	01-510-000-52700	6.99
04575		BRUSHES/PAINT	01-510-000-52100	39.94
04575		HOSE BARB/ELBOW	01-510-000-58600	19.98
04575		HOSE BARB	01-510-000-58600	6.99
04575		GLUE	01-510-000-52100	6.99
04575		ANTISIPHON SLOAN REPAIR	01-510-000-56250	17.98
04575		ADPTRS/VAVLEBALL	01-510-000-52700	30.94
04575		AERATOR WASHER	01-510-000-52700	1.98
04575		FASTENERS	01-510-000-51850	1.08
04696	DOOR COUNTY TREASURER	SIGN MATERIALS & LABOR	01-510-000-52550	333.59
04696		01/19 FUEL 364.24 G	01-510-000-51650	728.12
04696		01/19 DSL FUEL 37.21G	01-510-000-51650	93.32
08225	HERLACHE SMALL ENGINE	BLADE/PRE FILTER	01-510-000-51900	22.02
19240	SERVICE MOTOR CO	SHEAR PINS	01-510-000-51900	16.03
19880	STURGEON BAY UTILITIES	MARTIN PARK	01-510-000-56150	8.24
19880		MARTIN PARK RESTROOM	01-510-000-58650	8.00
19880		MEM FLD SPRINKLER	01-510-000-58650	49.73
19880		MEM FLD WARMING HOUSE	01-510-000-56150	116.10
19880		MEM FLD WARMING HOUSE	01-510-000-58650	189.56
19880		GARLAND PRK	01-510-000-56150	8.24
19880		GARLAND PRK	01-510-000-58650	8.00
19880		SUNSET CONSN CNTR	01-510-000-56150	112.26
19880		SUNSET CONSN CNTR	01-510-000-58650	51.40
19880		FRANK GRASSE SHELTER	01-510-000-56150	14.91
19880		FRANK GRASSE SHELTER	01-510-000-58650	11.40

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VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE
GENERAL FUND				
19880		OTUMBA PARK	01-510-000-56150	8.24
19880		OTUMBA PARK	01-510-000-58650	8.00
19880		WEST SIDE WARMING HOUSE	01-510-000-56150	15.45
19880		WEST SIDE WARMING HOUSE	01-510-000-58650	8.00
19880		JAYCEE BALLFLD STAND	01-510-000-56150	8.24
19880		JAYCEE BALLFLD STAND	01-510-000-58650	11.40
19880		421 MICHIGAN-FLAG LIGHT	01-510-000-56150	26.29
19880		MEM FLD PARKING LOT	01-510-000-56150	20.09
19880		WS BALLFLD LITES	01-510-000-56150	18.00
19880		MEM FLD COMPLEX	01-510-000-56150	245.54
19880		GIRLS LITTLE LEAGUE	01-510-000-58650	27.00
19880		OTUMBA PARK WALKWAY	01-510-000-56150	13.69
19880		QUINCY ST BALLFLD	01-510-000-58650	27.00
19880		FLORIDA ST/SUNSET PRK	01-510-000-56150	13.88
19880		SIGN SHED	01-510-000-56150	22.34
19880		SIGN SHED	01-510-000-58650	8.00
19880		CHERRY BLOSSOM PRK	01-510-000-56150	8.24
19880		CHERRY BLOSSOM PRK	01-510-000-58650	11.40
DOGWASTE	DOG WASTE DEPOT	6 CSES DOG WASTE BAGS	01-510-000-54999	761.94
O'REILLY	O'REILLY AUTO PARTS-FIRST CALL	SNOW BRUSH	01-510-000-53000	19.99
O'REILLY		ELECTRICAL PARTS/P7	01-510-000-53000	41.78
VIKING	VIKING ELECTRIC SUPPLY, INC	24 LIGHT BULBS @ 3.45EA	01-510-000-54999	82.80
TOTAL				3,526.10
TOTAL PARKS AND PLAYGROUNDS				3,526.10
MUNICIPAL DOCKS				
19880	STURGEON BAY UTILITIES	38 S NEENAH AVE PRKING LOT LTS	01-550-000-56150	189.46
19880		NEENAH AVE PAVILLION	01-550-000-56150	10.03
19880		NEENAH AVE PAVILLION	01-550-000-58650	8.00
19880		38 S NEENAH AVE RESTROOM	01-550-000-56150	40.18
19880		38 S NEENAH AVE RESTROOM	01-550-000-58650	18.00
TOTAL				265.67
TOTAL MUNICIPAL DOCKS				265.67
WATERFRONT PARKS & WALKWAYS				
04575	DOOR COUNTY HARDWARE	PAINT	01-570-000-52100	31.99
19880	STURGEON BAY UTILITIES	DC MUSEUM WALKWAY	01-570-000-56150	14.55
19880		DC MUESUM PRK LOT	01-570-000-56150	193.51
19880		JUNIPER ST WALKWAY	01-570-000-56150	127.69
19880		JUNIPER ST PRKING LOT	01-570-000-56150	73.72
19880		PENNSYLVANIA ST DOCK	01-570-000-58650	11.40
19880		48 KENTUCKY ST WTRFRNT	01-570-000-56150	216.86
19880		1ST AVE MARINA/RSTRM	01-570-000-56150	373.61
19880		1ST AVE MARINA/RSTRM	01-570-000-58650	54.42
19880		KENTUCKY ST CITY PKG RAMP	01-570-000-56150	313.48
19880		48 KENTUCKY ST DOCK	01-570-000-58650	11.40
19880		48 KENTUCKY ST MARINA	01-570-000-58650	27.00
TOTAL				1,449.63

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INVOICES DUE ON/BEFORE 02/19/2019

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE
GENERAL FUND				
TOTAL WATERFRONT PARKS & WALKWAYS				1,449.63
PUBLIC FACILITIES				
04696	DOOR COUNTY TREASURER	2018 4TH QTR LIBRARY MAINTENAN	01-700-000-56850	23,904.89
TOTAL				23,904.89
TOTAL PUBLIC FACILITIES				23,904.89
COMMUNITY & ECONOMIC DEVLPMT				
15028	MARTY OLEJNICZAK	FLIGHT/HOTEL REG REIMB/OLEJNIC	01-900-000-55600	1,343.04
23629	WISCONSIN DEPT OF SAFETY &	2019 INSPECTION AGENCY REGISTR	01-900-000-58999	55.00
TOTAL				1,398.04
TOTAL COMMUNITY & ECONOMIC DEVLPMT				1,398.04
TOTAL GENERAL FUND				104,297.59
CAPITAL FUND				
COMPUTER				
04696	DOOR COUNTY TREASURER	FIBER MAINTENANCE	10-125-000-59040	1,077.27
TOTAL				1,077.27
TOTAL COMPUTER				1,077.27
CITY HALL				
EXPENSE				
05500	ENERGY CONTROL, AND DESIGN INC	REPLACEMENT OF VALVE ACTUATOR	10-160-000-59999	153.76
05500		REPLACEMENT 1 24VDC VALVE	10-160-000-59999	76.88
05500		LABOR	10-160-000-59999	210.00
SYNERGY	SYNERGY GEOTHERMAL HEATING, INC	SYNERGY MEMBRSHIP FEE	10-160-000-59999	171.72
SYNERGY		DIAGNOSTIC SVC	10-160-000-59999	87.20
SYNERGY		ROOF VENTING THAW	10-160-000-59999	80.51
SYNERGY		20X20X1 FILTER	10-160-000-59999	2.34
SYNERGY		16X20X1 FILTER-2	10-160-000-59999	4.38
SYNERGY		NEW FURANCE INDUCER & INSTALL	10-160-000-59999	624.75
TOTAL EXPENSE				1,411.54
TOTAL CITY HALL				1,411.54
PATROL				
PATROL				
JIM FORD	JIM OLSON FORD-LINCOLN, LLC	2-2019 POLICE INTERCEPTOR SQDS	10-215-000-59035	64,840.00
JIM FORD		DMV FEES	10-215-000-59035	141.00

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INVOICES DUE ON/BEFORE 02/19/2019

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE
CAPITAL FUND				
PATROL				
PATROL				
SPILLMAN	MOTOROLA SOLUTIONS	FLEX SOFTWARE	10-215-000-59005	15,639.00
TOTAL PATROL				80,620.00
TOTAL PATROL				80,620.00
FIRE DEPARTMENT				
EXPENSE				
PAULCONW	PAUL CONWAY SHIELDS	ROPES-RIGGING REPLACEMENT	10-250-000-59070	1,422.73
PAULCONW		SEEK THERMAL IMAGE	10-250-000-59070	441.00
PAULCONW		TURN OUT GEAR GLOVES	10-250-000-59050	1,624.15
TOTAL EXPENSE				3,487.88
TOTAL FIRE DEPARTMENT				3,487.88
ROADWAYS/STREETS				
LEAD LATERAL				
04696	DOOR COUNTY TREASURER	DULUTH AVE CREDIT	10-400-000-59096	-425.02
TOTAL LEAD LATERAL				-425.02
ANNUAL RESURFACING & BASE REP.				
FARRELL	FARRELL EQUIPMENT & SUPPLY INC	SILT SOCKS	10-400-110-59095	199.92
TOTAL ANNUAL RESURFACING & BASE REP.				199.92
TOTAL ROADWAYS/STREETS				-225.10
TOTAL CAPITAL FUND				86,371.59
CABLE TV				
CABLE TV / GENERAL				
CABLE TV / GENERAL				
02975	CAMERA CORNER	VIDEO SERVER	21-000-000-59070	15,029.00
TOTAL CABLE TV / GENERAL				15,029.00
TOTAL CABLE TV / GENERAL				15,029.00
TOTAL CABLE TV				15,029.00
TID #4 DISTRICT				
TID #4 DISTRICT				
TID #4 DISTRICT				
HAUSER	LAUREL HAUSER	WTRFRNT EXPNSES-SEH MTG	28-340-000-55001	23.94
HAUSER		WTRFRNT EXPNSES-SEH MTG	28-340-000-55001	5.98
HAUSER		WTRFRNT EXPNSES-SEH MTG	28-340-000-55001	11.18
HAUSER		WTRFRNT EXPNSES-SEH MTG	28-340-000-55001	3.50
HAUSER		WTRFRNT EXPNSES-SEH MTG	28-340-000-55001	13.99
HAUSER		WTRFRNT EXPNSES-SEH MTG	28-340-000-55001	64.00
HAUSER		WTRFRNT EXPNSES-SEH MTG	28-340-000-55001	22.45

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INVOICES DUE ON/BEFORE 02/19/2019

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE

TID #4 DISTRICT				
TID #4 DISTRICT				
TID #4 DISTRICT				
TOTAL TID #4 DISTRICT				145.04
TOTAL TID #4 DISTRICT				145.04
TOTAL TID #4 DISTRICT				145.04
SOLID WASTE ENTERPRISE				
SOLID WASTE ENTERPRISE FUND				
SOLID WASTE ENTERPRISE FUND				
04696	DOOR COUNTY TREASURER	01/19 DSL FUEL 790.84G	60-000-000-51650	1,983.43
ADVANCED	ADVANCED DISPOSAL	190.25 TN GARBAGE	60-000-000-58300	11,848.79
ADVANCED		72.53 TN RECYCLE	60-000-000-58350	1,045.87
JX ENT	JX ENTERPRISES, INC.	RPLCE CAB LOCK PISTONS LABOR	60-000-000-53000	674.95
JX ENT		RPLCE CAB LOCK PISTONS PARTS	60-000-000-53000	1,047.22
JX ENT		RPLCE CAB LOCK PISTONS SUPPLY	60-000-000-53000	54.75
TOTAL SOLID WASTE ENTERPRISE FUND				16,655.01
TOTAL SOLID WASTE ENTERPRISE FUND				16,655.01
TOTAL SOLID WASTE ENTERPRISE				16,655.01
TOTAL ALL FUNDS				222,498.23

MANUAL CHECKS

DELTA DENTAL	\$6,079.88
02/01/19	
Check # 84611	
02/19 Dental Insurance	
Various Departmental Accounts	
 NETWORK HEALTH	 \$81,798.42
02/01/19	
Check # 84611	
02/19 Health Insurance	
Various Departmental Accounts	
 TOTAL MANUAL CHECKS	 \$ 87,878.30

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INVOICES DUE ON/BEFORE 02/19/2019

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

GENERAL FUND

~~104,297.59~~

192,175.89

CAPITAL FUND

86,371.59

CABLE TV

15,029.00

TID #4 DISTRICT

145.04

SOLID WASTE ENTERPRISE

16,655.01

TOTAL --- ALL FUNDS

~~222,498.23~~

310,376.53

COMMON COUNCIL
February 5, 2019

A regular meeting of the Common Council was called to order at 7:00 pm by Mayor Birmingham. The Pledge of Allegiance was recited. Roll call: Catarozoli, Hayes, Ward, Avenson, Allmann, Wiederanders and Hauser were present.

Ward/Hauser to adopt agenda. Carried.

Chris Kellems, 120 Alabama Street; Christie Weber, 311 Pennsylvania Street; Scott Moore, 947 Pennsylvania Street spoke during public comment.

Ward/Allmann to approve following bills: General Fund - \$4,368,071.39, Capital Fund - \$15,695.55, Cable TV - \$6,991.83, TID #2 - \$323.00, TID #4 - \$2,772.36 and Solid Waste Enterprise Fund - \$16,526.01 for a grand total of \$4,410,380.17. Roll call: All voted aye. Carried.

Ward/Catarozoli to approve consent agenda:

- a. Approval of 1/15/19 regular Common Council minutes.
- b. Approval of the following minutes:
 - (1) Finance/Purchasing & Building Committee – 1/8/19
 - (2) Community Protection & Services Committee – 1/10/19
 - (3) Board of Public Works – 1/15/19
 - (4) City Plan Commission – 1/16/19
 - (5) Parking & Traffic Committee – 1/21/19
 - (6) Harbor Commission – 1/22/19
- c. Place the following reports on file:
 - (1) Police Department Report – December 2018
 - (2) Inspection Department Report – December 2018
 - (3) Fire Department Report – December 2018
- d. Consideration of: Approval of beverage operator license.
- e. Consideration of: Approval of Temporary Class B Beer and Temporary Class B Wine licenses and Class B Beer and Class C Wine license.
- f. Parking & Traffic Committee recommendation re: Approve additional signage and roadway painting at the intersection of S. Oxford Ave. and Tacoma Beach Rd., as recommended by staff.
- g. Parking & Traffic Committee recommendation re: Direct staff to start appraisal process for both the eminent domain and purchasing the whole parcel owned by Tim Ruenger.

Carried.

There were no mayoral appointments.

Public Hearing re: Considering an amendment to Chapter 20 of Municipal Code – Zoning Code – to allow structures designated as historic to be exempt from maximum height for a building subject to conditions. Community Development Director Olejniczak gave a brief introduction. Mayor Birmingham opened public hearing at 7:14 pm.

The following people spoke during public hearing: Scott Moore, 947 Pennsylvania Street; Shawn Fairchild, 311 Pennsylvania Street; Christie Weber, 311 Pennsylvania Street.

There were no letters of correspondence in favor or against amendment to Chapter 20 of the Municipal Code.

Mayor Birmingham closed public hearing at 7:18 pm.

Catarozoli/Allmann to approve first reading of ordinance re: Repeal and recreate Section 20.27(2) of the Municipal Code – Zoning Code – building height for historic structures. Carried.

Public Hearing re: Considering amendments to Chapter 20 of the Municipal Code – Zoning Code – pertaining to accessory dwelling units. Community Development Director Olejniczak gave a brief introduction. Mayor Birmingham opened public hearing at 7:28 pm.

The following people spoke during public hearing: Shawn Fairchild, 311 Pennsylvania Street; Scott Moore, 947 Pennsylvania Street; Christie Weber, 311 Pennsylvania Street.

There were no letters of correspondence in favor or against amendment to Chapter 20 of the Municipal Code.

Mayor Birmingham closed public hearing at 7:37 pm.

Catarozoli/Hauser to approve first reading of ordinance repealing and recreating Section 20.03 of the Municipal Code & creating Sections 20.10(2)(c), 20.11(2)(d), 20.12(2)(l), 20.175(2)(p), 20.22(2)(m) of the Municipal Code – Accessory Dwelling Units. Discussion led to setbacks, housing study and zoning. Roll call: Catarozoli, Avenson, Wiederanders and Hauser voted aye. Hayes, Ward and Allmann voted no. Carried.

Hauser/Avenson to override Mayoral Veto of Council Action approving Resolution to accept donation of Teweles and Brandeis Grain Elevator with endowment and to enter into a land lease and to request facilitation by the Door County Community Foundation. The operating costs along with the cost of restoration were discussed. Restoration costs for the granary to be used as a monument would be vastly different to restoration costs if the granary would be used for public use.

A ten minute recess was taken.

The amended resolution to accept donation of granary and voted on at the January 15, 2019 meeting was viewed. Roll call taken on motion: Catarozoli, Hayes, Avenson, Allmann and Hauser voted aye. Ward and Wiederanders voted no. Carried.

Attorney Kalny gave a brief overview of the development agreement between City of Sturgeon Bay and Sturgeon Bay Historical Society Foundation Inc. for Teweles & Brandeis Granary. The City has titled ownership of the proposed location for the granary, but not true ownership. The different agreements with conditions and timelines/deadlines for project were explained. No action was taken in open session.

Alderperson Hayes would like to address the City policy when citizens can provide their name for public comment on future Community Protection & Services agenda.

City Administrator VanLieshout gave his report.

City Plan Commission member Hauser, Finance/Purchasing & Building Committee chair Ward, Park & Recreation chair Hauser, and Ad Hoc West Waterfront Planning Committee Co-Chair Hauser presented reports for their respective committees/commissions.

The Mayor made his comments.


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

a. Conferring with legal counsel for governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Wis. Stats. 19.85(1)(g) Consideration of: Settlement Agreement with Friends of the Sturgeon Bay Public Waterfront, Shawn M. Fairchild, Carri Andersson, Linda Cockburn, Russ Cockburn, Kathleen Finnerty and Christy Weber v. City of Sturgeon Bay and Waterfront Redevelopment Authority of the City of Sturgeon Bay.

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

Roll call: All voted aye. Carried. The meeting moved to closed session at 9:24 pm and adjourned at 10:50 pm.

Respectfully submitted,



Laurie A. Spittlemeister
Deputy Clerk/Treasurer

AD HOC WEST WATERFRONT PLANNING COMMITTEE

Thursday, January 22, 2019

A meeting of the Ad Hoc West Waterfront Planning Committee was called to order at 9:15 a.m. by Co-Chairperson Laurel Hauser in the Council Chambers, City Hall, 421 Michigan Street.

Roll call: Members Dave Schanock, Mark Schuster, Ryan Hoernke, Mike Gilson, Stephanie Trenchard, Jim Schuessler, Caitlin Oleson, and Laurel Hauser were present. Excused: Members Erich Pfeifer and Sara Powers. Staff advisors present were Community Development Director Marty Olejniczak and Municipal Services Director Mike Barker. Also present were Alderpersons Barb Allmann and Kelly Avenson, Planner/Zoning Administrator Chris Sullivan/Robinson, City Engineer Chad Shefchik, City Engineer Tech Brian Spetz, Community Development Secretary Cheryl Nault, and several members of the public. Tom German, Department Secretary for the Board of Commissioners of Public Lands, along with Robert Rosenberger and Mike Kowolkolski of the DNR were also present.

Adoption of agenda: Moved by Mr. Schanock, seconded by Ms. Oleson to adopt the following agenda by moving Item #6 to #5:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from January 3, 2019.
4. Comments from Co-Chairs.
5. Presentation by Board of Commissioners of Public Lands & Wisconsin Department of Natural Resources regarding the Public Trust Doctrine and its relationship to the West Waterfront Planning initiative.
6. Update on Public Participation for West Waterfront Planning initiative.
7. Adjourn.

Carried.

Approval of minutes from January 3, 2019: Moved by Mr. Schuster, seconded by Ms. Oleson to approve the minutes from January 3, 2019. All ayes. Carried.

Comments from Co-Chairs: Ms. Hauser started out by commending City staff for taking care of arranging meetings, locations, etc. She also discussed the controversy over the grain elevator and the recent Council action. Everyone should put themselves in each other's shoes and keep talking to each other and a good project will result.

Mr. Schanock thanked the Committee members for continuing to serve on the committee.

Update on Public Participation for West Waterfront Planning initiative: Ms. Hauser went through the schedule of meetings that are scheduled during the next few days. Stakeholder interviews by SEH will be held today. Two public meetings will be held at the Sturgeon Bay High School Auditorium, with one at 7:00 pm this evening and the other at 7:00 pm Wednesday evening.

Mr. Olejniczak mentioned the survey regarding the waterfront that can be taken online or by hard copy. He encouraged everyone to do so.

Presentation by Board of Commissioners of Public Lands & Wisconsin Department of Natural Resources regarding the Public Trust Doctrine and its relationship to the West

Waterfront Planning initiative: Mr. German stated that the Board of Commissioners was created in the Constitution to take federal land grants, manage them, and sell them to create trust funds for public education in the State of Wisconsin. They manage four trust funds that total over a billion dollars. They also loan money to municipalities, as well as being in charge of holding original land records.

They are charged with being the entity of leasing lakebeds, along with the DNR. The DNR has to make findings of fact, that proposed physical changes to a property are consistent with the public interest in the navigable waters. Once the DNR makes that finding, the Board of Commissioners of Public Lands enters into a lease. They can only lease those lakebeds on which the Army Corps of Engineers maintain a navigable channel (Great Lakes and Mississippi River). They can only lease to the riparian owner. A lease can extend for a maximum of 50 years. Leases can only be for harbor or navigation improvements, or if the riparian owner is a municipality they can lease for recreational purposes related to navigation. There is no easy black and white answer to the question of what a lakebed lease can involve. It depends on facts and circumstances of each case.

Mr. German gave a history on the Public Trust Doctrine. It was written into the Wisconsin Constitution 170 years ago. The Public Trust Doctrine dates back to Roman days. The waterways at that time were the highways. The waterways belonged to the people and could not be privately owned.

Lakebed leases for parkland can be done with improvements, such as outdoor recreational facilities. Under certain circumstances, the BCPL can do leases for which the public can be excluded, such as a shipyard facility. The leases have to be tied to harbor improvements. All communities have their own challenges.

Mr. German mentioned that the City would have two routes to go. The City could obtain a lease or obtain a legislative lakebed grant from the legislature. It can take from less than 90 days to years to obtain a lease depending upon the complexity and circumstances. Fees for a lease include a \$500 administrative fee and \$200 per year for recreational land open to the public. If the use is for commercial purposes or if a sublease is made to others to generate income, a certain percentage is paid to the state.

Mr. German talked about allowable uses within a lakebed lease. A brew pub or restaurant are not included in the definitions of a harbor facility and would be difficult to justify. Approval of the use is dependent upon how closely you can tie the proposed use to the concept of bringing the people to the waterfront.

Mr. Gilson mentioned that there are properties throughout the State that are now privately owned that are below the high water mark. Mr. German responded that with the amount of staff that he has they don't have time to go looking for all those situations. When it is brought to his attention, he tries to work with that community to make sure the situation fits the parameters.

Mr. Schuessler asked if it is correct to say that the land is owned by the state and not the City.

Mr. German also explained the loan program. The trust fund loan program has been around since 1871. Any municipality in the State of Wisconsin could borrow funds for any public purpose. There are no fees. Annual payments are required. There is no prepayment penalty.

Mr. German said that new improvements on a site or a significant change to the purpose of the property would require them to revisit the situation. He also cautioned that if the City sells all of lot #92 and #100, then whoever would buy them would then become the riparian owner and the ability for the City to lease the lakebed area for recreational purposes related to navigation goes away.

There was discussion on the relocation of the grain elevator back to the waterfront site. Mr. German stated that if the granary were to be put back in its original location, an improvement is added. He questioned if it can be insured if you are on property that you do not own or control. There are other risks involved. The land is owned by the State, not by the City. Any plan should be worked out with them ahead of time. The purpose of granary has not been figured out yet. He strongly recommended to figure out that purpose.

Ms. Hauser opened up discussion with the audience. One question was whether the grain elevator could be moved back simply as an empty grain elevator with no public or commercial use. Mr. German responded that he needs to think about it some more, but it could be a solution.

Mr. Rosenberger then spoke for a few minutes. He would like to work with the City to draft a plan with the Public Trust Doctrine. It becomes harder to do that when the use is not public.

Adjourn: Moved by Ms. Trenchard, seconded by Ms. Oleson to adjourn. Carried. Meeting adjourned at 10:25 a.m.

Respectfully Submitted,



Cheryl Nault
Community Development Secretary

AD HOC WEST WATERFRONT PLANNING COMMITTEE

Tuesday, January 22, 2019

A meeting of the Ad Hoc West Waterfront Planning Committee was called to order at 2:02 p.m. by Co-Chairperson Laurel Hauser in the Peninsula Room at the Door County Community Foundation, 222 N. 3rd Avenue.

Roll call: Members Mark Schuster, Ryan Hoernke, Stephanie Trenchard, Laurel Hauser, Dave Schanock and Caitlin Oleson were present. Member Jim Schuessler arrived at 2:39 PM. Members Sara Powers, Erich Pfeifer, and Mike Gilson were excused. Staff advisors present were Community Development Director Marty Olejniczak and Municipal Services Director Mike Barker. Also present were Ed Freer, Nate Day, Heidi Kennedy, and Alex Thill representing SEH.

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

1. Roll call.
2. Adoption of agenda.
3. Planning Workshop with SEH, public participation consultant for the West Waterfront planning initiative.
4. Adjourn.

Carried.

Planning Workshop with SEH, public participation consultant for the West Waterfront planning initiative: Mr. Day and Mr. Freer updated the Committee members on the meeting SEH had with Mike Kowolkowski of the DNR and Tom German of the Board of Commissioners of Public Lands. They also discussed the three stakeholder meetings that were held earlier that day. A lot of good comments were received and the points were similar in each session. The info will be digested and relayed back to the Committee.

Mr. Freer described some of the comments they received including:

- Need for multigenerational uses
- Need for recreational space
- Concern over maintenance and materials for the public space
- Support for the tugboats but concern over tugboat/public space interface
- Ability to get tax increment for the TID
- Parking issues
- Navigational issues and impacts on staging and ice if new pier is installed
- Pedestrian access and looping/connectivity of paths
- Concern over occupancy levels for potential hotel (this comment was rebutted by Mr. Schanock)
- Ideas for public space
- Educational/institutional uses, especially maritime or environmental
- Expansion of Maritime Museum and potential tie-in with grain elevator
- Eastside vs. Westside (Sawyer) concerns
- Desire for authenticity and character
- Mixed use around the perimeter of the site
- Need for family activities especially in winter

- Concern over uncertainties due to the controversy of the redevelopment effort

There was general discussion on the relocation of the grain elevator back to the property, including whether it would go back to the original footprint or elsewhere, the future use of the building, and how to incorporate it into the larger public space. Mr. Schuster mentioned the idea of using it for a terminus of the Ice Age Trail. Ms. Kennedy stated that an option would be to consider a short-term provisional lakebed lease to move it back to the original location as an empty building, with a follow-up lease once the final "public trust" use is identified.

The Committee also discussed potential development along E. Maple Street, including desire to maintain traditional look of the street and consider the view shed to the waterfront.

Next, the consultants discussed the upcoming public input meeting and how the public comments would be gathered.

Ms. Kennedy informed the Committee that one option they were looking for a development plan was swapping parts of the public trust doctrine area for parts of the private area. She talked about perhaps straightening out the ordinary high water mark line and thought it could be beneficial to both the public trust area and the private development area. This concept was used successfully in Kenosha, but it takes approval of the state.

The Committee took no formal action during the workshop meeting.

Adjourn: Moved by Mr. Schuessler, seconded by Mr. Schuster to adjourn. Carried. Meeting adjourned at 3:53 p.m.

Respectfully Submitted,



Marty Olejniczak
Community Development Director

AD HOC WEST WATERFRONT PLANNING COMMITTEE
Wednesday, January 23, 2019

A meeting of the Ad Hoc West Waterfront Planning Committee was called to order at 1:02 p.m. by Co-Chairperson Laurel Hauser in the Peninsula Room at the Door County Community Foundation, 222 N. 3rd Avenue.

Roll call: Members Mark Schuster, Ryan Hoernke, Stephanie Trenchard, Laurel Hauser, Dave Schanock, Jim Schuessler, and Caitlin Oleson were present. Members Sara Powers, Erich Pfeifer, and Mike Gilson were excused. Staff advisors present were Community Development Director Marty Olejniczak and Municipal Services Director Mike Barker. Also present were Ed Freer, Nate Day, Heidi Kennedy, and Alex Thill representing SEH; Alderwoman Barb Allmann and several members of the public.

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

1. Roll call.
2. Adoption of agenda.
3. Planning Workshop with SEH, public participation consultant for the West Waterfront planning initiative.
4. Adjourn.

Carried.

Planning Workshop with SEH, public participation consultant for the West Waterfront planning initiative: SEH consultant recapped the public input meeting from the night before. The consensus was that it went well. For the next meeting, Ms. Hauser wants the public to be reminded of the process. Mr. Freer will create a diagram within their presentation and Mr. Olejniczak will describe the overall process for the ad hoc planning committee's work.

Mr. Freer stated that SEH is working on two land use alternatives for the next public input meeting. The two concepts will not be detailed and it is not intended for the public to vote on these. Rather, they are looking for input in order to influence the plan. For the second alternative Mr. Freer also explained that a swap of land between lakebed land and non-lakebed land could potentially be pursued to enable the future development to work better. Ms. Trenchard requested to make sure that the public knows they are not picking a solution when their input is solicited.

Mr. Freer said that a pier is not be shown due to costs and liability reasons. He stressed that the funding strategy will be important to the final plan.

The committee discussed the possibility of a national estuarine research reserve (NERR) being part of the redevelopment plan. Ms. Oleson and Mr. Schuessler agreed to investigate this issue further.

SEH shared the drafts of the two diagrams. The committee members and some members of the public discussed various aspects of the alternatives, including parking, the potential shifting of the ordinary high water mark, building locations, ability to pay for improvements and duplication of existing city facilities. There was also discussion on the height of buildings, mixed-use within buildings, maintaining view corridors, and the location of the grain elevator's impact on the concept.

The diagrams were still a work in progress. SEH will continue to work on these in order to present at the evening's public input session. No formal action was taken by the committee.

Adjourn: Moved by Mr. Schuessler, seconded by Ms. Trenchard to adjourn. Carried. Meeting adjourned at 2:25 p.m.

Respectfully Submitted,



Marty Olejniczak
Community Development Director

AD HOC WEST WATERFRONT PLANNING COMMITTEE

Thursday, January 24, 2019

A meeting of the Ad Hoc West Waterfront Planning Committee was called to order at 9:01 a.m. by Co-Chairperson Laurel Hauser in the Peninsula Room at the Door County Community Foundation, 222 N. 3rd Avenue.

Roll call: Members Mark Schuster, Ryan Hoernke, Stephanie Trenchard, Laurel Hauser, Dave Schanock, and Caitlin Oleson were present. Member Jim Schuessler arrived at 9:04 a.m. Members Sara Powers, Erich Pfeifer, and Mike Gilson were excused. Staff advisors present were Community Development Director Marty Olejniczak and Municipal Services Director Mike Barker. Also present were Ed Freer, Nate Day, Heidi Kennedy, and Alex Thill representing SEH.

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

1. Roll call.
2. Adoption of agenda.
3. Planning Workshop with SEH, public participation consultant for the West Waterfront planning initiative.
4. Adjourn.

Carried.

Planning Workshop with SEH, public participation consultant for the West Waterfront planning initiative: Ms. Hauser thanked SEH for their work. Mr. Freer said there is good momentum in the right direction and the committee should not get hung up on the details yet.

The members then stated their observations about the workshop and the ideas that were put forth:

Schanock: The City already has some of the facilities that people are requesting on the redevelopment site. The City needs to address what happens to those existing facilities.

Shuster: Some thought needs to be given to how to pay for the redevelopment of the site.

Barker: The skating rink is a good idea, with the current facility then catering to ice hockey. He likes the first concept plan with smaller buildings. The research facility idea is nice, but perhaps it is not needed at that site.

Hoernke: Wants to see the results and comments from the Mentimeter polls and from the survey. The City needs to create a destination – a draw to bring people down there. The implementation plan is critical to the redevelopment.

Trenchard: Felt that people like the 2nd option, except don't change the ordinary high water mark location. Use state officials as a resource regarding the plan. She also felt concern over competition was just fear and that new business should be embraced.

Oleson: Echoed Ms. Trenchard's comments about working with the Board of Commissioners of Public Lands and not moving the OHWM. She also cautioned against labeling the specific businesses such as brewpub since the actual use could change.

Hauser: Glad to hear that it is possible to have working waterfront and public space together. She would like to learn more about creating tax increment elsewhere in the neighborhood. The City can't look at this project as a onetime investment and needs to consider long term and ongoing issues.

Schuessler: Like the process and the technology used. The site needs to be a focal point for the community with connectivity to the water and economic investment opportunities. The City needs to attract residents.

Olejniczak: Having flexible public space is critical. Stormwater management issues are probably not a huge concern due to the amount of existing impervious surfaces. He also said don't assume that tax increment can be generated elsewhere off-site and wondered if some of the dock wall could be turned into public space.

Mr. Freer addressed some of the comments. The committee members continued the discussion about various aspects of the redevelopment project, including ripeness of the surrounding area for redevelopment, lighting, branding , and potential dangers of attempting to change the OHWM.

Ms. Oleson left the meeting at 10:06.

Discussion continued regarding potential institutional uses for the site, including an educational facility related to shipbuilding.

Mr. Freer then discussed next steps in the process. SEH will use the public input to craft the land use concept. A conference call with the committee will allow for additional comments and tweaking.

The committee discussed whether to show the OHWM relocation option. No decision was made, although the consensus seemed to be to show it as an option, but not as a requirement for the plan to work.

Ms. Hauser noted the next committee meeting would be February 7th.

Ms. Hauser also discussed the status of the grain elevator. An architect and engineer are working on the renovation project. A development agreement between the City and Sturgeon Bay Historical Society is being worked on, along with land lease issues.

Adjourn: Moved by Ms. Trenchard, seconded by Mr. Hoernke to adjourn. Carried. Meeting adjourned at 10:36 a.m.

Respectfully Submitted,



Marty Olejniczak
Community Development Director

WATERFRONT REDEVELOPMENT AUTHORITY

Thursday, January 24, 2019

Since Chairman Herlache was only available by conference call, he requested that Mr. Ward be acting chair.

A meeting of the Waterfront Redevelopment Authority was called to order at 2:30 p.m. by Acting Chairman David Ward in Council Chambers, City Hall, 421 Michigan Street.

Roll call: Members Chris Jeanquart, Ryan Hoernke, David Ward, Cindy Weber, and Laurel Hauser were present. Tom Herlache was present by telephone conference call. Excused: Member John Asher. Also present were Alderperson Barb Allmann, Mayor Thad Birmingham, City Administrator Josh Van Lieshout, Community Development Director Marty Olejniczak, Planner/Zoning Administrator Chris Sullivan-Robinson, and Community Development Secretary Cheryl Nault.

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

1. Roll call.
2. Adoption of agenda.
3. Consideration of: Wisconsin DNR Declaratory Ruling for Ordinary High Water Mark for 92 E. Maple Street.
4. Adjourn.

Carried.

Consideration of: Wisconsin DNR Declaratory Ruling for Ordinary High Water Mark for 92 E. Maple Street: Mr. Herlache stated that he was contacted by Cap Wulf wondering if the WRA would appeal the declaratory ruling. He stated there is no money available to fund the appeal. Mr. Wulf or others would have to pay. He recited a number of issues relating to the ordinary high water mark and the development process.

Ms. Weber asked what the appeal entails and what the timeline is. Mr. Herlache responded that the appeal must be made by Friday, February 1, 2019. Mr. Van Lieshout added that the avenue for appeal, which is called a request for a contested case hearing, is a special hearing before an administrative law judge. Any person in the public can request a hearing and has 30 days from the decision of the DNR to make the request. Decisions take roughly six months.

Mr. Hoernke asked how an appeal would be paid for. The WRA has no funding for that. Mr. Van Lieshout responded that if the WRA were to appeal the determination of the DNR, he thought it would be highly unlikely that the Council would authorize funds to be expended to take action that is contrary to the position the Council has advocated for. The WRA would have to fund it themselves. The City staff would not be able to assist with the appeal since their principal duty would be with the Common Council. The City Attorney would also have a conflict so the WRA would have to retain its own legal counsel.

Mr. Jeanquart stated that he doesn't agree with the recent actions, but doesn't think the WRA has much say in this issue. If Mr. Wulf has a group of private citizens that can appeal the ruling, let them appeal. But but he didn't think the appeal would have any more success if the WRA

were involved.

Ms. Hauser stated that an appeal would be a step backward since we are ready to move forward as a community.

Mr. Ward stated that Council approved the ad hoc committee to work out a new plan for the waterfront and they are making progress. What worried him is the 1835 meander line becoming a precedent in any way. It could evolve into a real problem because much of the City is built water-ward of the 1835 meander line. On the other hand, what he heard from the consultants and Mr. Herlache, maybe a defined OHWM isn't as important as what the DNR will permit below the line. It might be better to untangle the lawsuits than to fight over the specific location of the OHWM.

Ms. Weber stated that it is ironic that the long term historical use of that land and building we are trying to preserve is 100% counter to the Public Trust Doctrine. She said it is hard to have confidence in the current ruling when the ruling has changed 5-6 times. She wondered if the OHWM could be made into a straight line.

Mr. Hoernke commented that they were fortunate to have Tom German and others speak at the last ad hoc West Waterfront Planning Committee meeting and give more background on precedence, how the process would move forward and what they are looking for as far as a Public Lands Commission. The question that kept coming up was what the use would be for the granary. He also wondered what the appeal would attempt to get at. At the AHWWPC meeting, Mr. German had mentioned a lakebed grant could be issued by the legislature. Mr. Hoernke didn't know if that would be that would be a result of an intended appeal to this ruling. It seemed that the recommendation at the ADWWPC meeting was to continue discussions with the DNR and the Board of Commissions of Public Lands to focus on what works and what doesn't on land below the OHWM. He didn't see any reason why the WRA should be part of any appeal.

Ms. Hauser stated that if someone felt that there is a better process to let that be done by the legislature and not bring in the WRA. If Mr. Wulf does challenge this, then the WRA is entangled.

Mr. Van Lieshout explained that the City has an interest in the current ruling. He expects that the Council would want to participate in the contested case hearing if the appeal happens.

Mr. Herlache added that the purpose to appeal would be to try to get more developable land. He also stated that the goal could be to delay action to potentially allow the Wisconsin legislature to pass legislation that establishes the OHWM.

Ms. Weber noticed at the public meetings that there was huge support for a brew pub. There were substantial buildings in both plans. There has to be capital investment in order for that tax increment district to work. No matter what happens in that area, being part of the public trust, there has to be an approved lakebed lease for anything to happen. An appeal will draw the process out.

After further discussion, it was moved by Ms. Hauser, seconded by Mr. Hoernke to not appeal

the Wisconsin DNR declaratory ruling for the ordinary high water mark for 92 E. Maple Street. Roll call vote: Ms. Hauser, Mr. Ward, and Mr. Hoernke voted aye. Ms. Weber, Mr. Jeanquart, and Mr. Herlache voted no. Motion failed. No formal action was taken.

Adjourn: Moved by Ms. Hauser, seconded by Mr. Jeanquart to adjourn. Carried. Meeting adjourned at 3:03 p.m.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Cheryl Nault".

Cheryl Nault
Community Development Secretary

FINANCE/PURCHASING & BUILDING COMMITTEE**January 29, 2019**

A meeting of the Finance/Purchasing & Building Committee was called to 4:02 pm by Chairperson Ward in the Council Chambers, City Hall. Roll call: Alderpersons Ward, Allmann and Wiederanders were present. Also present: Alderperson Avenson, City Administrator Van Lieshout, Assistant Fire Chief Montevideo, Community Development Director Olejniczak. Door County Maritime Museum Executive Director Kevin Osgood, Door County Maritime Museum Deputy Director Sam Perlman and Receptionist Metzger.

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: Town of Sevastopol 2020 fire Protection Service Agreement Extension.
5. Consideration of: Resolution authorizing the submittal of CDI grant application of Door County Museum tower project.
6. Review bills.
7. Adjourn.

Carried.

The following spoke during public comment on agenda items and other issues related to finance & purchasing: Kelly Avenson, 46 East Pine Street.

Consideration of: Town of Sevastopol 2020 Fire Protection Service Agreement Extension:

City Administrator VanLieshout explained that the City of Sturgeon Bay and Town of Sevastopol have a Fire Protection Service agreement that ends December 31, 2019. To allow for adequate time to negotiate the scope of services required, the Town of Sevastopol is requesting to extend the agreement until December 31, 2020 with 2% increase in fee over the 2019 fee.

Moved by Alderperson Ward, seconded by Alderperson Allmann to recommend to Common Council to approve the one year 2020 Fire Protection Service Agreement extension with the Town of Sevastopol with the terms 01/01/2020-12/31/2020 and fees to be 2% over the 2019 fee. Carried.

Consideration of: Resolution authorizing the submittal of CDI grant application of Door County Maritime Museum tower project:

Community Development Director Olejniczak explained that the CDI grant application is one that must be submitted by the municipality on behalf of the private entity. The proposed grant is in the amount of \$250,000 that would apply to the Door County Maritime Museum tower project. He stated that the City would not be impacted if applying for future grants, since the City would be acting as a pass through agency for the grant funds. Mr. Olejniczak stated that a resolution authorizing the submittal of the CDI grant application must be adopted before the City can submit the application. Door County Executive Director Kevin Osgood and Deputy Director Sam Perlman stated that the tower project expects to break ground in spring 2019 and of the \$5.5million total cost of the project, they anticipate construction costs to range between \$3.5-\$4.5 million, with exhibit costs in the amount of \$1.1 million. Mr. Perlman stated that fundraising to date is at \$3.34 million, the CDI grant will help bridge the financing gap.

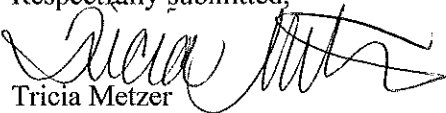
Moved by Alderperson Ward, seconded by Alderperson Allmann to forward to Common Council the resolution authorizing the submission of the Community Development Investment (CDI) grant application on behalf of the Door County Maritime Museum for the tower project. Carried.

Review bills

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

Moved by Alderperson Wiederanders, seconded by Alderperson Allmann to adjourn. Carried. The meeting adjourned at 4:53 pm.

Respectfully submitted,


Tricia Metzger



STURGEON BAY POLICE DEPARTMENT



The mission of the Sturgeon Bay Police Department is to serve, protect, and work in partnership with the community to ensure a safe, nurturing environment.

To: The Honorable Mayor
 Members of the Common Council
 Members of the Police and Fire Commission
 City Administrator Josh VanLieshout
 Officers of the Sturgeon Bay Police Department
 Media

From: Captain Daniel J. Brinkman

Subject: Monthly Report for January, 2019

Date: February 7, 2019

The following is a summary of the Police Department's activities for the month of January that includes crimes investigated, traffic accidents investigated, training completed, and public education provided by department members.

Crimes Investigated

The Department, during the month, investigated a total of 39 crimes.

These crimes can be broken down and classified as follows.

Battery.....	02
Burglary.....	02
Custodial Interference.....	03
Disorderly Conduct.....	02
Death Investigation.....	01
Possess Controlled Substance.....	02
Fraud / Forgery.....	06
Domestic Abuse.....	06
Theft.....	07
Criminal Damage to Property.....	02
Threats to Injure.....	01
Violate Court Order.....	04
Sexual Assault.....	01
TOTAL 39	

The above crimes resulted in the loss of \$3,642 to the community, of which \$900 has been recovered.

Arrests

The Department completed a total of 90 arrests during the month. These arrests encompass violations from traffic to felony, and are listed below by type of violations and number of arrests for each category.

A. Felony Crime Arrest	
Bail Jump.....	01
Burglary.....	02
Theft.....	01
Criminal Damage to Property.....	01
Possess Controlled Substance.....	01
	TOTAL 05
B. Misdemeanor Crime Arrests	
Disorderly Conduct.....	04
Violate Court Order.....	01
Retail Theft.....	02
	TOTAL 07
Wisconsin Probation & Parole Arrests / Warrant Arrests	12
	TOTAL 12
C. Ordinance Violation Arrests	
Allow Barking Dog.....	02
Possess Marijuana.....	01
Disorderly Conduct.....	01
Retail Theft.....	01
	TOTAL 05
D. Traffic Crime Arrests	
Operate Motor Vehicle while Revoked.....	01
Operate Motor Vehicle w/o Valid License	01
	TOTAL 02
E. Traffic Violation Arrests	
Operate Motor Vehicle while Intoxicated.....	05
Speeding.....	12
Registration Cancelled/Suspended.....	07
Operate Motor Vehicle w/o Insurance.....	07
Operate Motor Vehicle while Suspended.....	10
No Valid License.....	01
Miscellaneous Violations.....	17
	TOTAL 59

In addition to the preceding arrests, the Department conducted a total of 209 traffic stops during the month and logged 41 violations for various motor vehicle defects and local ordinances and issued 37 written warnings for those violations. A total of 57 parking ticket were issued for parking violations throughout the city.

Traffic Accidents

The Department during the month investigated a total of 27 vehicle accidents. These accidents are categorized into four types.

A.	Motor Vehicle Accidents Involving Fatalities.....	00	
B.	Motor Vehicle Accidents Involving Injuries	02	
C.	Motor Vehicle Accidents Involving Property Damage	24	
	(greater than \$1,000.00)		
D.	Motor Vehicle Accidents Involving Property Damage	01	
	(less than \$1,000.00)		TOTAL 27

Police Service Calls

Department members handled 382 service calls during the month. These calls consist of both citizen requests for police service as described below (304), crimes investigated (39), traffic accidents investigated (27), and Wisconsin Probation and Parole Assists (12).

A.	Traffic and Road Incidents	69	
	This category consists of all assignments involving assists to stranded motorists, directing traffic, complaints of noisy or otherwise disorderly vehicles, removing obstructions from roadways, and all parking problem complaints.		
B.	Noise Complaints	04	
	These complaints involve private parties, licensed liquor establishments, and parties in public places.		
C.	Sick and Injured Persons	13	
	Assistance rendered to the Ambulance Service and sick or injured persons.		
D.	Alarms	22	
	Officers responded to activated burglar and hold-up alarms at area banks and other business establishments and residences as well as fire alarms.		
E.	Complaints Involving Animals	15	
	Investigations by officers of noisy animals, loose animals, animal bites, wild animals and sick, injured or dead animal complaints.		
F.	Civil Disputes	02	
	Arguments between neighbors, landlords and tenants, and family members where no crimes have been committed.		
G.	Escorts	03	

Transporting citizens, money escorts for area financial institutions, funerals, and for area industry and farming.

H. Citizen Assist..... 35

This category is broad and involves such services as assistance in gas drive-off, emergency notifications, attempts to locate people, retrieval of personal property, and vehicle registration assistance.

I. Assistance Rendered to Other Agencies 10

Includes assistance to other law enforcement and government agencies.

J. Suspicious Person / Vehicle / Circumstance..... 14

Involves both citizen complaints and observations by officers on patrol who took investigative action in regard to the suspicious behavior of vehicles and people.

K. Self-Initiated Field Activity 11

All initiated activity by the officer to include, but not limited to, routine security checks of area industries, businesses, city parks, residences, and compliance checks of local liquor establishments.

L. Juvenile Problems..... 04

Requests for police service that strictly involve property calls and all unfounded calls for police service. The calls vary from mischief to family problems to runaway situations.

M. Miscellaneous Incidents 87

Includes arrest warrants served, recovered property calls, and all unfounded calls for police service. This category includes 9-1-1 calls investigated by Department members during the month.

N. Welfare Checks 15

Includes calls to check on the well-being of a person who has not been heard from or seen for a period of time by family, friends, neighbors, or employers.

TOTAL 304

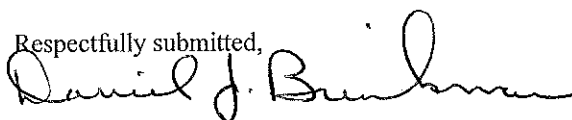
Department Training

The joint dive team and SWAT conducted their monthly training session. Two officers completed a 40 hour session on Forensic Interviewing Guidelines and one officer completed a one day course on Scenario Instructor.

Education

No department education opportunities this month.

Respectfully submitted,



Captain Daniel J. Brinkman

BEVERAGE OPERATOR LICENSE

1. Goodwin, Brenda M.
2. Peterson, Donald A.

CLASS A BEER AND CLASS A LIQUOR LICENSE:

Cherryland Shell LLC
Agent: Matthew R Olson
1331 Green Bay Road
Sturgeon Bay, WI 54235
February 19, 2019 – June 30, 2019

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

We, the Finance/Purchasing & Building Committee, hereby recommend to approve the one year 2020 Fire Protection Service Agreement extension with the Town of Sevastopol with the terms 01/01/2020-12/31/2020 and fees to be 2% over the 2019 fee.

Respectfully submitted,

FINANCE/PURCHASING & BUILDING
COMMITTEE

By: David Ward, Chairperson

RESOLVED, that the foregoing recommendation be adopted.

Dated: January 29, 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: Town of Sevastopol 2020 Fire Protection Service Agreement Extension

BACKGROUND: The current Fire Protection Service Agreement between the City of Sturgeon Bay and the Town of Sevastopol is set to expire on December 31, 2019. Conversations between the City and Town have been related to added protection, increased ISO rating for better insurance options for the taxpayers within the Town of Sevastopol. In trying to determine the best options that can directly affect these needed outcomes, the Town of Sevastopol has asked for a one (1) year extension with only the fee being addressed allowing the City and the Town more time to negotiate these options.

RECOMMENDATION: Recommend to the Common Council to approve the one (1) year 2020 Fire Protection Service Agreement with the Town of Sevastopol with the terms 01/01/2020 – 12/31/2020 and fees to be 2% over the 2019 fee.

PREPARED BY:



Tim Dietman
Sturgeon Bay Fire Chief

1-23-2019
Date

REVIEWED BY:



Stephanie L. Reinhardt
City Clerk/HR Director

1/23/19
Date



Joshua J. Van Lieshout
City Administrator

1/24/19
Date

2020 FIRE PROTECTION SERVICE AGREEMENT

City of Sturgeon Bay/Town of Sevastopol

THIS AGREEMENT made and entered into in the year 2019 by and between the City of Sturgeon Bay, Door County, Wisconsin, hereinafter known as "City", and the Town of Sevastopol, Door County, Wisconsin, hereinafter known as "Town", both political subdivisions in the State of Wisconsin and County of Door.

WHEREAS the City of Sturgeon Bay, a Wisconsin municipality, located in Door County, Wisconsin, has in the past rendered fire protection service to and in the Town of Sevastopol, a township located in Door County, Wisconsin;

AND WHEREAS the City and Town desire to continue an arrangement for the provision of fire protection services by the City of Sturgeon Bay Fire Department to the Town of Sevastopol;

NOW, THEREFORE, based upon the mutual promises and covenants contained herein,

IT IS HEREBY AGREED between the City of Sturgeon Bay and the Town of Sevastopol as follows:

1. Term. During the one year term of this agreement, January 1, 2020, through December 31, 2020, the City of Sturgeon Bay shall provide fire protection services necessary for and to all properties located in the Town of Sevastopol. This term may be renewed for successive terms of one year upon agreement of both parties.

2. Service. The necessity for fire protection services provided hereunder shall be determined by the Sturgeon Bay fire chief or the person in charge of the Sturgeon Bay Fire Department at the time of a fire emergency, under the circumstances then and there existing as determined and appraised by him/her, so that all territory being serviced by the Sturgeon Bay Fire Department shall have proper and sufficient service.

3. Fee. The fee to be paid by the Town of Sevastopol for fire protection services for each year will be as follows:

- A. The annual fire protection fee for 2017 was \$347,035.
- B. The annual fire protection fee for the 2018 and 2019 calendar years was to increase or decrease in an amount equal to the percentage of the Sturgeon Bay Fire Department's Operating Budget increases or decreases from the prior year's operating budget, with an annual increase limit of 2%.
- C. The annual fire protection fee for the 2020 calendar year shall increase 2% over the 2019 fee.

The Sturgeon Bay Fire Department Operating Budget includes all costs related to personnel, commodities and contractual line items but excludes capital budget items, employee share of health insurance contributions, and excluding retirement payouts for sick leave carryover.

4. Insurance. The City of Sturgeon Bay shall be responsible for obtaining and maintaining sufficient liability insurance on its fire equipment and on the personnel operating such equipment, thereby protecting the City of Sturgeon Bay and the Town of Sevastopol, for any and all liability that may result to said political subdivisions as a result of the performance of fire protection services. This provision is not intended to and does not provide a waiver of any lawful immunity or limitation of damages as provided by Wisconsin Statutes.

5. Application of Equipment and Personnel. In the event of an emergency being serviced by the City of Sturgeon Bay Fire Department, the Sturgeon Bay fire chief, or his designee at the time of such emergency, shall determine what equipment and manpower is to be utilized at such emergency and shall attempt, to the best of his ability, to give protection to all territory being serviced by the Sturgeon Bay Fire Department under the circumstances then and there existing as determined and appraised by him, so that all of the territory being serviced by the Sturgeon Bay Fire Department shall have proper and sufficient service. It is specifically understood by the parties hereto that the City of Sturgeon Bay has similar fire protection service agreements with other political subdivisions in the vicinity of the City of Sturgeon Bay.

This Agreement is entered as an intergovernmental agreement pursuant to 66.0301, Wis. Stats.

IN WITNESS WHEREOF the City of Sturgeon Bay and the Town of Sevastopol, by their authorized representatives, have caused this Agreement to be signed and sealed by their respective officers.

CITY OF STURGEON BAY

Dated: _____

By: _____
Thad C. Birmingham, Mayor

Dated: _____

By: _____
Stephanie Reinhardt, Clerk

TOWN OF SEVASTOPOL

Dated: _____

By: _____
Dan Woelfel, Chairman

Dated: _____

By: _____
Amy Flok, Clerk

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ORDINANCE NO. _____

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

SECTION 1: Section 20.27(2) of the Municipal Code of the City of Sturgeon Bay, Wisconsin is hereby repealed and recreated as follows:

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Lot Area per Dwelling Unit (square feet)			Required Yards***			Height**	Floor Area per Dwelling Unit (square feet)				
			Single Family	Two Family	Multiple Family	Street (feet)	Side (feet)	Rear (feet)		Maximum Building Height (feet)	Single Family	Two Family	1 Bedroom	2 Bedroom
R-1	10,000	85	10,000	—	—	25	10	25	35	1,400	—	—	—	
R-2	7,500	70*	7,500	6,000#	—	25	10	25	35	800	500/1,500##	—	—	
R-3	7,500	70*	7,500	6,000#	3,500	25	10	25	35	800	500/1,500##	500	750	1,000

[illegible]

- * Within these districts, the minimum lot width shall be increased to 80 feet for lots used for two-family or multiple-family dwellings, except that the minimum lot width shall remain 70 feet for existing single-family dwellings constructed prior to Jan. 1, 2004 that are converted into two-family dwellings.

** ~~Buildings used for agricultural purposes may exceed this height. See Section 20.27 (4) for additional height standards.~~

SECTION 2. Section 20.27(4), (5), and (6) of the Municipal of the City of Sturgeon Bay, Wisconsin is hereby repeal and created as follows:

(4) Exceptions to the height requirement:

- (a) Buildings used for agricultural purposes may exceed the maximum height requirement.
- (b) Buildings that have been designated as historic structures on a local, state or national register of historic places shall be exempt from the maximum building height provided any increase in height is approved by the Historic Preservation Commission.
- ~~(4)~~ (5) Zero lot line duplexes (attached dwelling units). In districts where two-family dwellings are allowed, such dwellings may be developed as zero lot line duplexes (attached dwellings units), subject to the following requirements:
 - (a) The side yard for adjoining lots identified for attached dwelling units may be zero along the common lot line, provided that:
 - (1) Each lot shall have a minimum lot width of 40 feet and a minimum lot area of 4,000 square feet and a combined minimum lot width of 80 feet and minimum lot area of 12,000 square feet.
 - (2) Such adjoining lots proposed for the zero side yard are held under the same ownership at the time of initial construction.
 - (3) The adjoining side yard setback of the lot adjacent to the zero side yard setback is also zero.

- (4) The opposite side yard is not less than required under subsection (2).
- (5) Easements shall be provided across zero lot lines where necessary for water, sewer and utility services.
- (b) The construction of the dwelling units shall meet the following requirements at all times:
 - (1) There shall be a minimum one-car enclosed garage, attached to such main building, for each unit.
 - (2) The exterior materials and roof materials on each unit shall be the same color and consistency.
 - (3) The plans, specifications, and construction of such buildings shall include the installation of separate sewer, water and other utility services to each dwelling unit.
 - (c) Matters of mutual concern to adjoining property owners due to construction, catastrophe, and/or maintenance shall be governed by private covenants, declarations, or deed restrictions and the City of Sturgeon Bay shall not be responsible for the same. A copy of such covenants, declarations, or restrictions shall be submitted to the city for its review prior to issuance of a building permit.
 - (d) Zero lot line duplexes (attached dwelling units) shall only be permitted on lots that have been identified for such development on the applicable subdivision plat or certified survey map. Such lots shall be identified at the time of approval of the subdivision plat or certified survey map (CSM). For all such lots containing less than 70 feet of lot width or 8,400 square feet of lot area, a covenant shall be placed on the face of the subdivision plats and certified survey maps creating such lots as follows: "Development on Lots (*list lot numbers*) is restricted to the construction of zero lot line duplexes (attached dwelling units)." No odd number of lots may be created nor may construction skip an odd number of lots.
- ~~(5)~~ (6) *Setback from navigable water.* All principal and accessory buildings shall be located at least 25 feet from the ordinary high water mark of all navigable water.

SECTION 3: The ordinance shall take effect on the day after its publication.

Approved:

Thad Birmingham
Mayor

Attest:

Stephanie L. Reinhardt
City Clerk

Executive Summary
Height Exemption for Historic-Designated Structures
January 25, 2019

Background: The Common Council referred a potential zoning code amendment for an exemption to the maximum height to the Plan Commission. On December 19th, the Plan Commission reviewed the amendment regarding a height exemption for historically designated structures. After consideration, a motion to recommend rejection of the amendment failed to pass on a 2-2 tie vote. At that time, the chair of the Commission determined to send the item back to the Council without a formal recommendation. Thus, the Council gets to decide whether to proceed with the amendment, but without the benefit of a recommendation.

The proposed code amendment would allow any structure, which is currently designated as historic by the City (under Chapter 28), State, and/or Federal Register of Historic Places to be exempt from maximum height limitation outlined in section 20.27 of municipal zoning code. If the height of the building is to be increased via modification, approval is required from the Historic Preservation Commission. In your packet is a copy of the sample language.

In the City, there aren't a lot of historically designated structures that exceed this height limit. The potential relocation of the grain elevator could benefit from the rule change, but that possibly could be the only instance where the code could apply. Those existing structures that don't meet height requirement are covered by nonconforming building rules and are allowed to be maintained.

In addition, zoning code also allows other means for obtaining project approval. The Planned Unit Development process allows for a custom ordinance based on the proposed development. Another option is to apply for a variance, if there is belief that there is a hardship imposed on the applicant. Staff generally sees no issue with the request because it benefits recognized historic structures, but also doesn't believe there is a clear need for pursuing a code change.


Options: The Council has the option to proceed with the ordinance amendment as presented or with changes. As required by statute, a first and second reading of the ordinance will occur at this meeting and the next. The Council can request further review by Staff if there are other items to consider. The Council can deny the draft ordinance and then the matter would be dropped.

Prepared by: 
Christopher Sullivan Robinson
Planner / Zoning Administrator

Date: 1-29-19

Reviewed by: 
Marty Olejniczak
Community Development Director

Date: 1-29-19

Reviewed by: 
Josh Van Lieshout
City Administrator

Date: 1-29-19

ORDINANCE NO. _____

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

SECTION 1: Section 20.03 Definitions. of the Municipal Code (Zoning Code) of the City of Sturgeon Bay, Wisconsin is hereby repealed and recreated as follows:

Accessory dwelling unit: A smaller, secondary dwelling unit on the same lot as a principal dwelling. Accessory dwelling units are independently habitable and provide the basic requirements of shelter, heating, cooking and sanitation.

SECTION 2: Section 20.10(2)(c) of the Municipal Code (Zoning Code) of the City of Sturgeon Bay, Wisconsin is hereby created as follows:

(c) Accessory Dwelling Units, subject to the following:

1. Not more than one accessory dwelling unit shall be permitted on a lot.
2. Accessory dwelling units shall be allowed only on a lot having at least 7,000 square feet.
3. Accessory dwelling units shall not exceed 800 square feet in floor area and shall have a minimum floor area of 250 square feet.
4. The property owner of record must reside in either the primary dwelling unit or the accessory dwelling unit as their permanent and legal address. A restrictive agreement shall be recorded to this effect.
5. In addition to off-street parking spaces required for the primary dwelling unit, a minimum of one off-street parking space for an efficiency or one-bedroom accessory dwelling unit, or a minimum of two off-street parking spaces for a two or more bedroom accessory dwelling unit, shall be provided.
6. Short-term rental restrictions.
 - a. The accessory dwelling unit shall not be rented for periods of less than 7 consecutive days.
 - b. If the accessory dwelling unit is rented for periods of more than 6 but fewer than 29 consecutive days, the total number of days within any consecutive 365-day period that the dwelling may be rented shall not exceed 180 days. The maximum 180 days shall run consecutively within each 365-day period. The owner

of the accessory dwelling unit shall notify the city clerk in writing when the first rental within a 365-day period begins.

- c. A restrictive agreement shall be recorded to this effect.
 - d. If the property owner of record resides in the accessory dwelling unit, then these short-term rental restrictions shall apply to the primary dwelling unit.
- 7. The accessory dwelling unit shall not be conveyed or separated in ownership from the primary dwelling unit.
 - 8. The accessory dwelling unit shall comply with the Sturgeon Bay Housing Code (chapter 22 of the municipal code) and with all pertinent building codes.
 - 9. Accessory dwelling units may be attached to or detached from the single-family residence.
 - 10. Attached accessory dwelling units shall comply with the following:
 - a. The accessory dwelling unit shall be clearly incidental to the principal dwelling unit and the building's exterior shall appear to be single-family.
 - b. If the accessory dwelling unit is created from a portion of the principal dwelling unit, the floor area of the principal dwelling unit shall not be reduced below the minimum floor area required for the zoning district in which it is located.
 - c. Location of entrances. Only 1 entrance may be located on the facade of the dwelling facing the street, unless the dwelling contained additional entrances before the accessory dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.
 - d. Exterior stairs. Fire escapes or exterior stairs for access to an upper level accessory dwelling shall not be located on the front of the primary dwelling unit.
 - 11. Detached accessory dwelling units shall comply with the following:
 - a. The accessory dwelling unit shall be subject to the requirements of section 20.29 *Accessory building height and area regulations*.
 - b. The accessory dwelling unit shall comply with all building code regulation relating to dwellings.

- c. Floor Area. The floor area of accessory dwelling unit shall be exempted from the maximum floor area for accessory buildings on the lot.

SECTION 3: Section 20.11(2)(d) of the Municipal Code (Zoning Code) of the City of Sturgeon Bay, Wisconsin is hereby created as follows:

- (p) Accessory Dwelling Units, subject to the requirements set forth in section 20.10(2)(c).

SECTION 4: Section 20.12(2)(l) of the Municipal Code (Zoning Code) of the City of Sturgeon Bay, Wisconsin is hereby created as follows:

- (p) Accessory Dwelling Units, subject to the requirements set forth in section 20.10(2)(c).

SECTION 5: Section 20.175(2)(p) of the Municipal Code (Zoning Code) of the City of Sturgeon Bay, Wisconsin is hereby created as follows:

- (p) Accessory Dwelling Units, subject to the requirements set forth in section 20.10(2)(c).

SECTION 6: Section 20.22(2)(m) of the Municipal Code (Zoning Code) of the City of Sturgeon Bay, Wisconsin is hereby created as follows:

- (m) Accessory Dwelling Units, subject to the requirements set forth in section 20.10(2)(c).

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

Approved:

Thad Birmingham
Mayor

Attest:

Stephanie L. Reinhardt
City Clerk

Executive Summary
Accessory Dwelling Unit Ordinance
January 25, 2019

Background: An accessory dwelling unit is a smaller secondary dwelling in addition to the principal dwelling on a lot. These are often referred to as a granny flat or a mother in law apartment. The extra unit can either be a stand-alone structure or be incorporated into the principal dwelling. In Door County, such units often serve as a guest quarters.

Currently, Sturgeon Bay zoning code does not allow accessory dwelling units, unless the property is zoned for two-family residential and complies with the construction standards (square-footage, lot size, etc.). Otherwise, current zoning would allow this use through a Planned Unit Development.

The Plan Commission and Council considered this issue about one year ago. The Commission recommended approval of an ordinance, but it was not adopted by the Council. Recently, the Council referred the issue to the Plan Commission to take another look at a potential ordinance.

Nationally, ADU's have gained favor as a means of increasing the supply of affordable housing, both for the tenant and the primary homeowner. They are also touted as a means of addressing the aging population, by allowing elderly family members to live in an independent unit, but next to the rest of the family.

Door County considered this issue a few years ago and amended its zoning code in 2011 to permit this use (they call it secondary dwelling units) in all single-family residential districts. The county planner reports that there has not been any significant opposition to the new use and there have not been problems so far. Approximately $\frac{3}{4}$ of the secondary dwelling units are in detached buildings and about a quarter are attached to the main dwelling (either through an addition or dividing up the original house).

In the comprehensive plan, there are no specific recommendations for ADU's, but there are a few relevant points to consider. The plan outlines the need to maintain a diverse, high quality housing inventory that meets the needs of the community. It also outlines the need to provide adequate opportunities for housing development and redevelopment. According to the information outlined within the comprehensive plan it is within the interest of the City to investigate any opportunity that could help rehabilitate the housing stock and promote population growth/diversity.

Plan Commission Review: There was concern about the possibility of ADU's being used for short-term vacation rental. Since the Plan Commission's previous review and recommendation, the State enacted a statute that limits the authority to prohibit such short-term rentals. The previously recommended version of the ADU ordinance prohibited such short-term rentals, but the current version follows the language of the statute, whereby rental periods of less than 7 days are prohibited and rental periods of 7 to 29 days are limited to 180 days in a calendar year. The Commission has the belief

that ADU's should not become the next tourist rooming house option, but the state has limited the City's authority.


The Plan Commission also has a concern about ADU's being allowed in the R-1 district, especially given the limited authority over short-term rentals. This use may be in conflict with the district's purpose of low density dwellings. So the ADU use was dropped from that district in the proposed ordinance.

Overall, the Plan Commission recommended approval of the ADU ordinance, which allows ADU's as a conditional use subject to restrictions in the R-2, R-3, R-4, C-5, and A districts.


Options: The Council can:

- Approve the Plan Commission's recommendation (modified, if necessary). Following the hearing the amendment would need to be approved via two readings of the proposed ordinance amendment.
- Reject the Plan Commission's recommendation. The matter would then be dropped from consideration.
- Refer the matter back to the Plan Commission. If there are substantive changes desired or if there are issues that need more consideration, the Plan Commission could be directed to review this issue further.

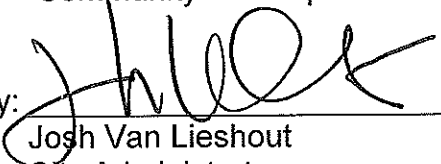
Recommendation: Staff is in support of the Accessory Dwelling Unit ordinance creation.

Prepared by: 
Christopher Sullivan Robinson
Planner / Zoning Administrator

Date: 1-29-19

Prepared by: 
Marty Olejniczak
Community Development Director

Date: 1-29-19

Prepared by: 
Josh Van Lieshout
City Administrator

Date: 1-29-19

EXECUTIVE SUMMARY**DATE:** February 14, 2019**TITLE:** Award of Contract for Project 1901 (Georgia Street, S Kendale Ave & N 3rd Ave Reconstruction Projects)

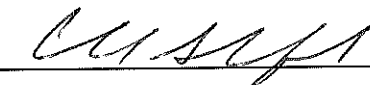
BACKGROUND: On February 4, 2019 the Engineering Department received bids for Project 1901 (Georgia Street, S Kendale Ave & N 3rd Ave Reconstruction Projects). In accordance with the City of Sturgeon Bay Purchasing & Property Accountability Policy, specifications were prepared and competitive sealed bidding was used to obtain pricing. The specifications prepared included all items of work that were presented in the approved 2019 Capital Roadway Improvements at the January 15, 2019 Board of Public Works meeting. Six bids were received for the project and the overall results are summarized below:

	Georgia St	Georgia St	S Kendale Ave	N 3rd Ave	Total
Peters Concrete Co.	\$141,591.80	\$192,811.03	\$95,501.30	\$49,464.55	\$479,368.68
David Tenor Corp.	\$149,770.77	\$201,117.59	\$99,717.42	\$38,507.52	\$489,113.30
Dorner, Inc.	\$163,218.70	\$218,875.18	\$100,802.30	\$41,452.30	\$524,348.48
De Groot, Inc.	\$168,531.72	\$226,319.80	\$108,227.27	\$43,179.54	\$546,258.33
Advance Const., Inc.	\$192,348.45	\$248,188.36	\$114,975.20	\$41,939.10	\$597,451.11
PTS Contractors, Inc.	\$180,635.87	\$229,580.48	\$126,496.86	\$61,113.00	\$597,826.21

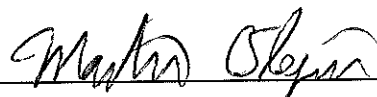
Also, attached is a copy of the bid tab summary for the project. After completing a review of the bids it has been determined that the bid from Peters Concrete Company is complete and would be the low bid.

FISCAL IMPACT: The 2019 Capital Roadway Improvements budget has enough money to complete this project. For both the City of Sturgeon Bay and Sturgeon Bay Utilities the bid came in under the initial preliminary engineering estimated amounts. Sturgeon Bay Utilities will be paying \$192,404.23 of this bid for the sewer and water improvements. The 2019 Capital Roadway Improvements budget will be covering the remaining \$286,964.45 of this bid for the storm sewer and roadway improvements.

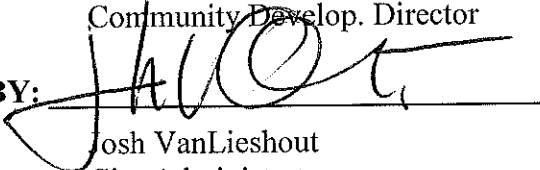
RECOMMENDATION: Award the Contract for Project 1901 (Georgia Street, S Kendale Ave & N 3rd Ave Reconstruction Projects) to Peters Concrete Company with unit pricing amounts totaling an estimated cost of \$479,368.68.

SUBMITTED BY:Chad Shefchik
City Engineer2-14-19

Date

REVIEWED BY:Marty Olejniczak
Community Develop. DirectorFeb 14, 2019

Date

REVIEWED BY:Josh VanLieshout
City Administrator2/14/19

Date

Item #	Georgia Street (N 3rd Ave to N 4th Ave) - Item Descriptions	Unit	Estimated Quantity	Peters Concrete Company		David Tenor Corporation		Dorner Inc.		DeGroot Inc.		Advance Construction, Inc.		PTS Contractors, Inc.	
				Unit Price	Line Item Total	Unit Price	Line Item Total	Unit Price	Line Item Total	Unit Price	Line Item Total	Unit Price	Line Item Total	Unit Price	Line Item Total
1	Mobilization	LS	1.00	\$ 1,950.00	\$ 1,950.00	\$ 5,400.00	\$ 5,400.00	\$ 8,379.00	\$ 8,379.00	\$ 5,624.19	\$ 5,624.19	\$ 16,450.00	\$ 16,450.00	\$ 10,500.00	\$ 10,500.00
2	Traffic Control	LS	1.00	\$ 1,950.00	\$ 1,950.00	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00	\$ 707.00	\$ 707.00	\$ 1,300.00	\$ 1,300.00	\$ 650.00	\$ 650.00
3	Erosion Control - Catch Basin Inlet Protection	EA	10.00	\$ 40.00	\$ 400.00	\$ 60.00	\$ 600.00	\$ 75.00	\$ 750.00	\$ 35.35	\$ 353.50	\$ 50.00	\$ 500.00	\$ 60.00	\$ 600.00
4	Remove Street Tree & Stump	EA	3.00	\$ 750.00	\$ 2,250.00	\$ 345.00	\$ 1,035.00	\$ 884.00	\$ 2,652.00	\$ 355.27	\$ 1,065.81	\$ 350.00	\$ 1,050.00	\$ 350.00	\$ 1,050.00
5	Remove Stump Only - tree previously removed by others	EA	2.00	\$ 250.00	\$ 500.00	\$ 231.00	\$ 462.00	\$ 469.00	\$ 938.00	\$ 238.61	\$ 477.22	\$ 150.00	\$ 300.00	\$ 230.00	\$ 460.00
6	Remove Concrete Sidewalk and Driveways (includes cutting)	SF	4484.00	\$ 0.40	\$ 1,793.60	\$ 0.78	\$ 3,487.52	\$ 0.50	\$ 2,242.00	\$ 0.80	\$ 3,587.20	\$ 0.40	\$ 1,793.60	\$ 1.00	\$ 4,484.00
7	Remove Curb & Gutter (includes cutting)	LF	703.00	\$ 2.50	\$ 1,757.50	\$ 1.80	\$ 1,265.40	\$ 1.30	\$ 913.90	\$ 1.85	\$ 1,307.58	\$ 1.20	\$ 843.60	\$ 2.00	\$ 1,406.00
8	Remove Driveway Asphalt Pavement (includes cutting)	SY	6.00	\$ 3.00	\$ 18.00	\$ 3.85	\$ 23.16	\$ 31.00	\$ 186.00	\$ 3.98	\$ 23.88	\$ 20.00	\$ 120.00	\$ 4.00	\$ 24.00
9	Prep "Tree Lawn" Areas - 4" Below Finish Grade Elevations	SY	370.00	\$ 5.60	\$ 2,072.00	\$ 2.58	\$ 954.60	\$ 4.00	\$ 1,480.00	\$ 2.66	\$ 984.20	\$ 3.00	\$ 1,110.00	\$ 3.00	\$ 1,110.00
10	Unclassified Excavation (includes existing asphalt pavement removal)	CY	491.00	\$ 13.50	\$ 6,628.50	\$ 5.92	\$ 2,906.72	\$ 8.30	\$ 4,075.30	\$ 6.10	\$ 2,995.10	\$ 7.90	\$ 3,878.90	\$ 6.00	\$ 2,946.00
11	Base Aggregate - 1-1/4" Dense Graded Base (measured in place 12" thick) - Asphalt Base Only	CY	380.00	\$ 23.00	\$ 8,740.00	\$ 21.88	\$ 8,314.40	\$ 21.00	\$ 7,980.00	\$ 22.53	\$ 8,561.40	\$ 20.50	\$ 7,790.00	\$ 22.00	\$ 8,360.00
12	New Concrete Curb & Gutter - 30" (includes base excavation and base)	LF	703.00	\$ 19.00	\$ 13,357.00	\$ 22.14	\$ 15,564.42	\$ 19.40	\$ 13,638.20	\$ 22.81	\$ 16,035.43	\$ 20.30	\$ 14,270.90	\$ 6.30	\$ 22,446.90
13	New Concrete Sidewalk - 4" (includes base excavation and base)	SF	3563.00	\$ 5.15	\$ 18,348.45	\$ 6.29	\$ 22,411.27	\$ 5.40	\$ 19,240.20	\$ 6.47	\$ 23,052.61	\$ 5.45	\$ 19,418.35	\$ 6.75	\$ 5,960.25
14	New Concrete Sidewalk or Driveway - 6" (includes base excavation and base)	SF	883.00	\$ 5.35	\$ 4,724.05	\$ 6.75	\$ 5,960.25	\$ 5.70	\$ 5,033.10	\$ 6.95	\$ 6,136.85	\$ 6.10	\$ 5,386.30	\$ 2,100.00	\$ 2,100.00
15	Base Aggregate Fine Grading	LS	1.00	\$ 2,030.00	\$ 2,030.00	\$ 2,090.00	\$ 2,090.00	\$ 2,069.00	\$ 2,069.00	\$ 2,152.82	\$ 2,152.82	\$ 2,030.00	\$ 2,030.00	\$ 70.00	\$ 8,820.00
16	Asphaltic Binder Course - 2" Asphalt	TON	125.00	\$ 68.50	\$ 8,631.00	\$ 70.55	\$ 8,869.30	\$ 70.00	\$ 8,820.00	\$ 72.65	\$ 9,163.90	\$ 68.50	\$ 8,631.00	\$ 82.00	\$ 7,749.00
17	Asphaltic Surface Course - 1-1/2" Asphalt	TON	94.50	\$ 79.40	\$ 7,503.30	\$ 81.78	\$ 7,726.21	\$ 81.00	\$ 7,654.50	\$ 84.20	\$ 7,956.90	\$ 79.40	\$ 7,503.30	\$ 350.00	\$ 350.00
18	Asphaltic Surface Course - 3" Asphalt (driveways & misc. patches)	TON	1.00	\$ 350.00	\$ 350.00	\$ 320.00	\$ 320.00	\$ 316.00	\$ 316.00	\$ 328.76	\$ 328.76	\$ 310.00	\$ 310.00	\$ 400.00	\$ 1,500.00
19	Replace Inlet Casting & Rings - Labor Only (casting & rings to be provided by City)	EA	4.00	\$ 100.00	\$ 400.00	\$ 350.00	\$ 1,400.00	\$ 53.00	\$ 212.00	\$ 454.50	\$ 1,818.00	\$ 350.00	\$ 1,400.00	\$ 400.00	\$ 1,200.00
20	Replace Manhole Casting & Rings - Labor Only (casting & rings to be provided by City)	EA	3.00	\$ 250.00	\$ 750.00	\$ 300.00	\$ 900.00	\$ 632.00	\$ 1,896.00	\$ 454.50	\$ 1,363.50	\$ 500.00	\$ 1,500.00	\$ 1,800.00	\$ 3,600.00
21	Connect to Existing Sanitary Main (not at a manhole)	EA	2.00	\$ 500.00	\$ 1,000.00	\$ 455.00	\$ 910.00	\$ 1,085.00	\$ 2,170.00	\$ 1,515.00	\$ 3,030.00	\$ 505.00	\$ 1,010.00	\$ 475.00	\$ 3,087.50
22	Sanitary Manhole - 4' Diameter (remove & replace)	VF	6.50	\$ 354.00	\$ 2,301.00	\$ 360.00	\$ 2,340.00	\$ 397.00	\$ 2,580.50	\$ 453.01	\$ 2,944.57	\$ 347.00	\$ 2,255.50	\$ 420.00	\$ 420.00
23	Chimney Seal - Internal	EA	1.00	\$ 350.00	\$ 350.00	\$ 370.00	\$ 370.00	\$ 348.00	\$ 348.00	\$ 392.89	\$ 392.89	\$ 470.00	\$ 470.00	\$ 50.00	\$ 19,600.00
24	Sanitary Main - 8" C-900 (remove & replace)	LF	392.00	\$ 39.00	\$ 15,288.00	\$ 40.00	\$ 15,680.00	\$ 63.00	\$ 24,696.00	\$ 41.81	\$ 16,389.52	\$ 75.00	\$ 29,400.00	\$ 95.00	\$ 4,845.00
25	Sanitary Lateral - 6" PVC SCH 40 (remove & replace)	LF	51.00	\$ 30.00	\$ 1,530.00	\$ 50.00	\$ 2,550.00	\$ 63.00	\$ 3,213.00	\$ 34.91	\$ 1,780.41	\$ 600.00	\$ 4,200.00	\$ 450.00	\$ 3,150.00
26	Sanitary Lateral Connections (at main & splice)	EA	7.00	\$ 300.00	\$ 2,100.00	\$ 530.00	\$ 3,710.00	\$ 179.00	\$ 1,253.00	\$ 948.68	\$ 6,640.76	\$ 4.00	\$ 408.00	\$ 5.00	\$ 510.00
27	Polystyrene Insulation - 2" (for sanitary lateral)	SF	102.00	\$ 1.50	\$ 153.00	\$ 1.85	\$ 188.70	\$ 1.50	\$ 153.00	\$ 3.03	\$ 309.06	\$ 260.00	\$ 5,720.00	\$ 0.01	\$ 0.22
28	Mechanical Rock Excavation for Sanitary Main (if main is sitting directly on bedrock)	CY	22.00	\$ 100.00	\$ 2,200.00	\$ 0.01	\$ 0.22	\$ 1.00	\$ 22.00	\$ 151.50	\$ 3,333.00	\$ 1,000.00	\$ 1,000.00	\$ 1,200.00	\$ 1,200.00
29	Televising Sanitary Main - Includes Cleaning if Needed	LS	1.00	\$ 825.00	\$ 825.00	\$ 1,200.00	\$ 1,200.00	\$ 535.00	\$ 535.00	\$ 858.50	\$ 858.50	\$ 3,500.00	\$ 3,500.00	\$ 5,000.00	\$ 5,000.00
30	Temporary Water Services **See Note on Plan for Water Source**	LS	1.00	\$ 1.00	\$ 1.00	\$ 2,500.00	\$ 2,500.00	\$ 1,100.00	\$ 1,100.00	\$ 4,545.00	\$ 4,545.00	\$ 2,325.00	\$ 4,650.00	\$ 2,500.00	\$ 5,000.00
31	Connect to Existing Water Main	EA	2.00	\$ 1,000.00	\$ 2,000.00	\$ 1,100.00	\$ 2,200.00	\$ 1,612.00	\$ 3,224.00	\$ 1,843.25	\$ 3,686.50	\$ 81.00	\$ 32,481.00	\$ 64.00	\$ 25,664.00
32	Water Main - 8" Ductile Iron (remove & replace)	LF	401.00	\$ 60.40	\$ 24,220.40	\$ 55.00	\$ 22,055.00	\$ 66.00	\$ 26,466.00	\$ 57.44	\$ 23,033.44	\$ 4.00	\$ 3,208.00	\$ 3.50	\$ 2,807.00
33	Polystyrene Insulation - 2" (for water main)	SF	802.00	\$ 1.50	\$ 1,203.00	\$ 1.85	\$ 1,483.70	\$ 1.50	\$ 1,203.00	\$ 3.03	\$ 2,430.06				

34	Water Lateral - 1" Copper (remove & replace)	LF	47.00	\$	25.00	\$	1,175.00	\$	36.00	\$	1,692.00	\$	60.00	\$	2,820.00	\$	35.50	\$	1,668.50	\$	30.00	\$	1,410.00	\$	100.00	\$	4,700.00
35	Water Lateral Connections (at main & splice)	EA	7.00	\$	350.00	\$	2,450.00	\$	285.00	\$	1,995.00	\$	514.00	\$	3,598.00	\$	440.36	\$	3,082.52	\$	335.00	\$	2,345.00	\$	400.00	\$	2,800.00
36	Curb Stop	EA	1.00	\$	500.00	\$	500.00	\$	500.00	\$	500.00	\$	221.00	\$	221.00	\$	436.32	\$	436.32	\$	300.00	\$	300.00	\$	500.00	\$	500.00
37	Polystyrene Insulation - 2" (for water lateral)	SF	94.00	\$	1.50	\$	141.00	\$	1.85	\$	173.90	\$	1.50	\$	141.00	\$	3.03	\$	284.82	\$	4.00	\$	376.00	\$	5.00	\$	470.00
				Totals:	\$ 141,591.80				Totals:	\$ 149,770.77				Totals:	\$ 163,218.70				Totals:	\$ 168,531.72				Totals:	\$ 180,635.87		

Item #		Item Descriptions		Unit	Estimated Quantity	Peters Concrete Company		David Tenor Corporation		Dorner Inc.		DeGroot Inc.		Advance Construction, Inc.		PTS Contractors, Inc.	
						Unit Price	Line Item Total	Unit Price	Line Item Total	Unit Price	Line Item Total	Unit Price	Line Item Total	Unit Price	Line Item Total	Unit Price	Line Item Total
1	Mobilization			LS	1.00	\$ 1,950.00	\$ 1,950.00	\$ 6,700.00	\$ 6,700.00	\$ 7,870.00	\$ 7,870.00	\$ 5,605.50	\$ 5,605.50	\$ 7,950.00	\$ 7,950.00	\$ 10,500.00	\$ 10,500.00
2	Traffic Control			LS	1.00	\$ 1,950.00	\$ 1,950.00	\$ 900.00	\$ 900.00	\$ 1,000.00	\$ 1,000.00	\$ 1,515.00	\$ 1,515.00	\$ 1,300.00	\$ 1,300.00	\$ 1,500.00	\$ 1,500.00
3	Erosion Control - Catch Basin Inlet Protection			EA	2.00	\$ 40.00	\$ 80.00	\$ 60.00	\$ 120.00	\$ 75.00	\$ 150.00	\$ 35.35	\$ 70.70	\$ 50.00	\$ 100.00	\$ 60.00	\$ 120.00
4	Remove Street Tree & Stump			EA	1.00	\$ 1,000.00	\$ 1,000.00	\$ 345.00	\$ 345.00	\$ 1,189.00	\$ 1,189.00	\$ 249.22	\$ 249.22	\$ 650.00	\$ 650.00	\$ 350.00	\$ 350.00
5	Remove Stump Only - tree previously removed by others			EA	2.00	\$ 250.00	\$ 500.00	\$ 231.00	\$ 462.00	\$ 469.00	\$ 938.00	\$ 238.61	\$ 477.22	\$ 150.00	\$ 300.00	\$ 230.00	\$ 460.00
6	Remove Concrete Sidewalk and Driveways (includes cutting)			SF	3488.00	\$ 0.40	\$ 1,395.20	\$ 0.78	\$ 2,720.64	\$ 0.60	\$ 2,092.80	\$ 0.80	\$ 2,790.40	\$ 0.40	\$ 1,395.20	\$ 1.00	\$ 3,488.00
7	Remove Curb & Gutter (includes cutting)			LF	1087.00	\$ 2.50	\$ 2,717.50	\$ 1.80	\$ 1,956.80	\$ 1.20	\$ 1,304.40	\$ 1.85	\$ 2,021.82	\$ 1.20	\$ 1,304.40	\$ 2.00	\$ 2,174.00
8	Remove Driveway Asphalt Pavement (includes cutting)			SY	17.00	\$ 3.00	\$ 51.00	\$ 3.86	\$ 65.62	\$ 24.00	\$ 408.00	\$ 3.98	\$ 67.66	\$ 20.00	\$ 340.00	\$ 4.00	\$ 68.00
9	Prep "Tree Lawn" Areas - 4" Below Finish Grade Elevations			SY	282.00	\$ 5.80	\$ 1,579.20	\$ 2.58	\$ 727.56	\$ 4.00	\$ 1,128.00	\$ 2.66	\$ 750.12	\$ 3.00	\$ 846.00	\$ 3.00	\$ 846.00
10	Unclassified Excavation (includes existing asphalt pavement removal)			CY	950.00	\$ 10.45	\$ 9,927.50	\$ 5.92	\$ 5,624.00	\$ 8.20	\$ 7,790.00	\$ 6.10	\$ 5,795.00	\$ 7.90	\$ 7,505.00	\$ 6.00	\$ 5,700.00
11	Base Aggregate - 1-1/4" Dense Graded Base (measured in place 12" thick) - Asphalt Base Only			CY	725.00	\$ 23.00	\$ 16,675.00	\$ 21.88	\$ 15,865.00	\$ 21.00	\$ 15,225.00	\$ 22.53	\$ 16,334.25	\$ 20.50	\$ 14,862.50	\$ 22.00	\$ 15,950.00
12	New Concrete Curb & Gutter - 30" (includes base excavation and base)			LF	1087.00	\$ 19.00	\$ 20,653.00	\$ 22.14	\$ 24,086.18	\$ 19.40	\$ 21,087.80	\$ 22.81	\$ 24,794.47	\$ 18.55	\$ 20,163.85	\$ 22.00	\$ 23,914.00
13	New Concrete Sidewalk - 4" (includes base excavation and base)			SF	2687.00	\$ 5.15	\$ 13,838.05	\$ 6.29	\$ 16,901.23	\$ 5.40	\$ 14,509.80	\$ 6.47	\$ 17,384.89	\$ 5.45	\$ 14,644.15	\$ 6.30	\$ 16,928.10
14	New Concrete Sidewalk or Driveway - 6" (includes base excavation and base)			SF	1220.00	\$ 5.35	\$ 6,527.00	\$ 6.75	\$ 8,235.00	\$ 5.70	\$ 6,954.00	\$ 6.95	\$ 8,479.00	\$ 6.10	\$ 7,442.00	\$ 6.75	\$ 8,235.00
15	Base Aggregate Fine Grading			LS	1.00	\$ 3,910.00	\$ 3,910.00	\$ 4,025.00	\$ 4,025.00	\$ 3,984.00	\$ 3,984.00	\$ 4,146.56	\$ 4,146.56	\$ 3,910.00	\$ 3,910.00	\$ 4,000.00	\$ 4,000.00
16	Asphaltic Binder Course - 2" Asphalt			TON	240.00	\$ 73.20	\$ 17,568.00	\$ 75.40	\$ 18,096.00	\$ 75.00	\$ 18,000.00	\$ 77.63	\$ 18,631.20	\$ 73.20	\$ 17,568.00	\$ 75.00	\$ 18,000.00
17	Asphaltic Surface Course - 1-1/2" Asphalt			TON	180.00	\$ 81.60	\$ 14,688.00	\$ 84.05	\$ 15,129.00	\$ 83.00	\$ 14,940.00	\$ 86.54	\$ 15,577.20	\$ 81.60	\$ 14,688.00	\$ 84.00	\$ 15,120.00
18	Asphaltic Surface Course - 3" Asphalt (driveways & misc. patches)			TON	0.50	\$ 350.00	\$ 175.00	\$ 320.00	\$ 160.00	\$ 316.00	\$ 158.00	\$ 328.76	\$ 164.38	\$ 310.00	\$ 155.00	\$ 350.00	\$ 175.00
19	Connect to Existing Sanitary Main (not at a manhole)			EA	2.00	\$ 500.00	\$ 1,000.00	\$ 455.00	\$ 910.00	\$ 1,221.00	\$ 2,442.00	\$ 1,516.00	\$ 3,030.00	\$ 455.00	\$ 910.00	\$ 1,000.00	\$ 2,000.00
20	Sanitary Manhole - 4' Diameter (remove & replace)			VF	14.62	\$ 354.00	\$ 5,175.48	\$ 334.00	\$ 4,883.08	\$ 349.00	\$ 5,102.36	\$ 378.62	\$ 5,535.42	\$ 323.00	\$ 4,722.26	\$ 455.00	\$ 6,652.10
21	Chimney Seal - Internal			EA	2.00	\$ 550.00	\$ 1,100.00	\$ 325.00	\$ 650.00	\$ 348.00	\$ 696.00	\$ 392.89	\$ 785.78	\$ 470.00	\$ 940.00	\$ 540.00	\$ 1,080.00
22	Sanitary Main - 8" C-900 (remove & replace)			LF	510.00	\$ 39.00	\$ 19,890.00	\$ 39.00	\$ 19,890.00	\$ 63.00	\$ 32,130.00	\$ 41.70	\$ 21,287.00	\$ 79.00	\$ 40,290.00	\$ 48.00	\$ 24,480.00
23	Sanitary Lateral - 6" PVC SCH 40 (remove & replace)			LF	63.00	\$ 30.00	\$ 1,890.00	\$ 45.00	\$ 2,835.00	\$ 63.00	\$ 3,969.00	\$ 35.71	\$ 2,249.73	\$ 600.00	\$ 4,800.00	\$ 400.00	\$ 3,200.00
24	Sanitary Lateral Connections (at main & splice)			EA	8.00	\$ 300.00	\$ 2,400.00	\$ 530.00	\$ 4,240.00	\$ 179.00	\$ 1,432.00	\$ 997.38	\$ 7,979.04	\$ 4.00	\$ 504.00	\$ 3.50	\$ 441.00
25	Polystyrene Insulation - 2" (for sanitary lateral)			SF	126.00	\$ 1.50	\$ 189.00	\$ 1.85	\$ 233.10	\$ 1.50	\$ 189.00	\$ 3.03	\$ 381.78	\$ 4.00	\$ 504.00	\$ 3.50	\$ 441.00
26	Mechanical Rock Excavation for Sanitary Main (if main is sitting directly on bedrock)			CY	28.00	\$ 100.00	\$ 2,800.00	\$ 0.01	\$ 0.28	\$ 1.00	\$ 28.00	\$ 151.50	\$ 4,242.00	\$ 260.00	\$ 7,280.00	\$ 0.01	\$ 0.28
27	Telespining Sanitary Main - Includes Cleaning if Needed			LS	1.00	\$ 825.00	\$ 825.00	\$ 1,200.00	\$ 1,200.00	\$ 856.00	\$ 856.00	\$ 1,212.00	\$ 1,212.00	\$ 1,000.00	\$ 1,000.00	\$ 1,500.00	\$ 1,500.00

28	Temporary Water Services **See Note on Plan for Water Source**	LS	1.00	\$	1.00	\$	3,000.00	\$	1,400.00	\$	4,545.00	\$	6,400.00	\$	5,000.00	\$	5,000.00
29	Connect to Existing Water Main	EA	2.00	\$	800.00	\$	1,600.00	\$	1,564.00	\$	2,070.50	\$	2,500.00	\$	1,500.00	\$	3,000.00
30	Gate Valve and Box - 8"	EA	2.00	\$	1,800.00	\$	3,200.00	\$	1,727.00	\$	3,454.00	\$	1,590.00	\$	1,700.00	\$	3,400.00
31	Water Main - 8" Ductile Iron (remove & replace)	LF	514.00	\$	60.65	\$	31,174.10	\$	70.00	\$	35,980.00	\$	86.00	\$	62.00	\$	31,868.00
32	Polystyrene Insulation - 2" (for water main)	SF	1028.00	\$	1.50	\$	1,542.00	\$	1.50	\$	1,542.00	\$	4.00	\$	3.50	\$	3,598.00
33	Water Lateral - 1" Copper (remove & replace)	LF	55.00	\$	25.00	\$	1,375.00	\$	60.00	\$	3,300.00	\$	30.00	\$	100.00	\$	5,500.00
34	Water Lateral Connections (at main & splice)	EA	8.00	\$	350.00	\$	2,800.00	\$	514.00	\$	4,112.00	\$	335.00	\$	400.00	\$	3,200.00
35	Curb Stop	EA	1.00	\$	500.00	\$	500.00	\$	221.00	\$	436.32	\$	300.00	\$	500.00	\$	500.00
36	Polystyrene Insulation - 2" (for water lateral)	SF	110.00	\$	1.50	\$	165.00	\$	1.50	\$	165.00	\$	4.00	\$	3.50	\$	385.00
				Totals:	\$192,811.03												
				Totals:	\$201,117.59												
				Totals:	\$218,875.18												
				Totals:	\$225,319.80												
				Totals:	\$248,188.36												
				Totals:	\$229,580.48												

Peters Concrete Company			David Tenor Corporation			Dornier Inc.			DeGroot Inc.			Advance Construction, Inc.			PTS Contractors, Inc.		
Item #	S Kendale Ave (W Pine Street to Termination) - Item Descriptions	Unit	Estimated Quantity	Unit Price	Line Item Total	Unit Price	Line Item Total	Unit Price	Line Item Total	Unit Price	Line Item Total	Unit Price	Line Item Total	Unit Price	Line Item Total		
1	Mobilization	LS	1.00	\$ 1,950.00	\$ 1,950.00	\$ 6,100.00	\$ 6,100.00	\$ 6,509.00	\$ 6,509.50	\$ 5,605.50	\$ 5,605.00	\$ 6,550.00	\$ 6,550.00	\$ 10,500.00	\$ 10,500.00		
2	Traffic Control	LS	1.00	\$ 1,950.00	\$ 1,950.00	\$ 1,000.00	\$ 1,000.00	\$ 750.00	\$ 750.00	\$ 1,515.00	\$ 1,515.00	\$ 600.00	\$ 600.00	\$ 1,500.00	\$ 1,500.00		
3	Erosion Control - Catch Basin Inlet Protection	EA	2.00	\$ 40.00	\$ 80.00	\$ 60.00	\$ 120.00	\$ 75.00	\$ 150.00	\$ 35.35	\$ 70.70	\$ 50.00	\$ 100.00	\$ 60.00	\$ 120.00		
4	Remove Concrete Sidewalk and Driveways (includes cutting)	SF	653.00	\$ 0.50	\$ 326.50	\$ 0.78	\$ 509.34	\$ 0.70	\$ 457.10	\$ 0.80	\$ 522.40	\$ 0.40	\$ 261.20	\$ 2.00	\$ 1,306.00		
5	Remove Curb & Gutter (includes cutting)	LF	713.00	\$ 2.50	\$ 1,782.50	\$ 1.80	\$ 1,283.40	\$ 1.20	\$ 855.60	\$ 1.86	\$ 1,326.18	\$ 1.20	\$ 855.60	\$ 2.00	\$ 1,428.00		
6	Remove Driveway Asphalt Pavement (includes cutting)	SY	28.00	\$ 3.00	\$ 84.00	\$ 3.86	\$ 108.08	\$ 13.20	\$ 369.60	\$ 3.98	\$ 111.44	\$ 10.00	\$ 280.00	\$ 4.00	\$ 112.00		
7	Unclassified Excavation (includes existing asphalt pavement removal)	CY	537.00	\$ 9.25	\$ 4,967.25	\$ 5.92	\$ 3,179.04	\$ 8.40	\$ 4,510.80	\$ 6.10	\$ 3,275.70	\$ 7.90	\$ 4,242.30	\$ 6.00	\$ 3,222.00		
8	Base Aggregate - 1-1/4" Dense Graded Base (measured in place 12" thick) - Asphalt Base Only	CY	364.00	\$ 23.00	\$ 8,372.00	\$ 21.88	\$ 7,964.32	\$ 21.00	\$ 7,644.00	\$ 22.53	\$ 8,200.92	\$ 20.50	\$ 7,462.00	\$ 22.00	\$ 8,008.00		
9	New Concrete Curb & Gutter - 30" (includes base excavation and base)	LF	713.00	\$ 19.00	\$ 13,547.00	\$ 22.14	\$ 15,785.82	\$ 19.40	\$ 13,832.20	\$ 22.81	\$ 16,263.53	\$ 20.30	\$ 14,475.90	\$ 22.00	\$ 15,686.00		
10	New Concrete Sidewalk - 4" (includes base excavation and base)	SF	64.00	\$ 5.15	\$ 329.60	\$ 6.29	\$ 402.56	\$ 6.00	\$ 384.00	\$ 6.47	\$ 414.08	\$ 11.00	\$ 704.00	\$ 6.30	\$ 403.20		
11	New Concrete Sidewalk or Driveway - 6" (includes base excavation and base)	SF	822.00	\$ 5.35	\$ 4,397.70	\$ 6.75	\$ 5,548.50	\$ 6.00	\$ 4,932.00	\$ 6.95	\$ 5,712.90	\$ 6.60	\$ 5,425.20	\$ 6.70	\$ 5,507.40		
12	Cast Iron Warning Fields - 2'x4'	EA	2.00	\$ 350.00	\$ 700.00	\$ 360.00	\$ 720.00	\$ 357.00	\$ 714.00	\$ 378.75	\$ 757.50	\$ 300.00	\$ 600.00	\$ 360.00	\$ 720.00		
13	Remove & Reinstall Mailbox	EA	3.00	\$ 75.00	\$ 225.00	\$ 75.00	\$ 225.00	\$ 50.00	\$ 150.00	\$ 151.50	\$ 454.50	\$ 30.00	\$ 90.00	\$ 250.00	\$ 750.00		
14	Base Aggregate Fine Grading	LS	1.00	\$ 1,870.00	\$ 1,870.00	\$ 1,930.00	\$ 1,930.00	\$ 1,905.00	\$ 1,905.00	\$ 1,983.14	\$ 1,983.14	\$ 1,870.00	\$ 1,870.00	\$ 2,000.00	\$ 2,000.00		
15	Asphaltic Binder Course - 2" Asphalt	TON	120.00	\$ 74.70	\$ 8,964.00	\$ 77.00	\$ 9,240.00	\$ 76.00	\$ 9,120.00	\$ 79.22	\$ 9,506.40	\$ 74.70	\$ 8,964.00	\$ 76.00	\$ 9,120.00		
16	Asphaltic Surface Course - 1-1/2" Asphalt	TON	90.00	\$ 83.50	\$ 7,515.00	\$ 86.00	\$ 7,740.00	\$ 85.00	\$ 7,650.00	\$ 88.56	\$ 7,970.40	\$ 83.50	\$ 7,515.00	\$ 86.00	\$ 7,740.00		
17	Asphaltic Surface Course - 3" Asphalt (driveways & misc. patches)	TON	3.00	\$ 250.00	\$ 750.00	\$ 255.00	\$ 765.00	\$ 253.00	\$ 759.00	\$ 263.00	\$ 789.00	\$ 248.00	\$ 744.00	\$ 255.00	\$ 765.00		
18	Replace Inlet Casing & Rings - Labor Only (casing & rings to be provided by City)	EA	1.00	\$ 250.00	\$ 250.00	\$ 300.00	\$ 300.00	\$ 53.00	\$ 53.00	\$ 505.00	\$ 505.00	\$ 500.00	\$ 500.00	\$ 400.00	\$ 400.00		
19	Replace Sanitary Manhole Casing & Rings - Labor Only (casing & rings to be provided by City)	EA	1.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 632.00	\$ 632.00	\$ 505.00	\$ 505.00	\$ 500.00	\$ 500.00	\$ 400.00	\$ 400.00		
20	Mechanical Rock Excavation for Water Main	CY	26.00	\$ 1.00	\$ 26.00	\$ 0.01	\$ 0.26	\$ 1.00	\$ 26.00	\$ 1.01	\$ 26.26	\$ 260.00	\$ 6,760.00	\$ 0.01	\$ 0.26		
21	Temporary Water Services **See Note on Plan for Water Source**	LS	1.00	\$ 1.00	\$ 1.00	\$ 3,000.00	\$ 3,000.00	\$ 950.00	\$ 950.00	\$ 4,545.00	\$ 4,545.00	\$ 4,080.00	\$ 4,080.00	\$ 5,000.00	\$ 5,000.00		
22	Connect to Existing Water Main	EA	1.00	\$ 1,800.00	\$ 1,800.00	\$ 1,100.00	\$ 1,100.00	\$ 1,964.00	\$ 1,564.00	\$ 2,070.50	\$ 2,070.50	\$ 2,500.00	\$ 2,500.00	\$ 1,000.00	\$ 1,000.00		

23	Gate Valve and Box - 8"	EA	1.00	\$ 1,600.00	\$ 1,600.00	\$ 1,750.00	\$ 1,727.00	\$ 1,908.90	\$ 1,590.00	\$ 1,700.00	\$ 1,700.00
24	Water Main - 8" Ductile Iron (remove & replace)	LF	345.00	\$ 69.15	\$ 23,856.75	\$ 60.00	\$ 24,150.00	\$ 62.99	\$ 21,731.55	\$ 100.00	\$ 34,500.00
25	Polystyrene Insulation - 2" (for water main)	SF	690.00	\$ 1.50	\$ 1,035.00	\$ 1.85	\$ 1,276.50	\$ 3.03	\$ 2,090.70	\$ 3.50	\$ 2,415.00
26	Water Lateral - 1" Copper (remove & replace)	LF	25.00	\$ 30.00	\$ 750.00	\$ 50.00	\$ 1,250.00	\$ 36.58	\$ 914.50	\$ 100.00	\$ 2,500.00
27	Water Lateral Connections (at main & splice)	EA	5.00	\$ 350.00	\$ 1,750.00	\$ 300.00	\$ 1,500.00	\$ 541.36	\$ 1,675.00	\$ 400.00	\$ 2,000.00
28	Curb Stop	EA	1.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 537.32	\$ 300.00	\$ 500.00	\$ 500.00
29	Polystyrene Insulation - 2" (for water lateral)	SF	50.00	\$ 1.50	\$ 75.00	\$ 1.85	\$ 92.50	\$ 3.03	\$ 151.50	\$ 3.50	\$ 175.00
30	Gate Valve and Box - 6"	EA	1.00	\$ 1,200.00	\$ 1,200.00	\$ 1,300.00	\$ 1,284.00	\$ 1,500.86	\$ 1,180.00	\$ 1,300.00	\$ 1,300.00
31	Water Main - 6" Ductile Iron (remove & replace)	LF	3.00	\$ 196.00	\$ 588.00	\$ 70.00	\$ 210.00	\$ 202.00	\$ 606.00	\$ 400.00	\$ 1,200.00
32	Hydrant - 6.5" Bury (remove & replace)	EA	1.00	\$ 4,000.00	\$ 4,000.00	\$ 3,850.00	\$ 4,013.00	\$ 3,929.91	\$ 4,241.00	\$ 4,500.00	\$ 4,500.00
33	Polystyrene Insulation - 2" (for hydrant lead)	SF	6.00	\$ 1.50	\$ 9.00	\$ 2.85	\$ 17.10	\$ 3.03	\$ 18.18	\$ 3.50	\$ 21.00
Totals:				\$ 95,501.30		\$ 99,717.42		\$ 100,802.30		\$ 114,975.20	

Item #	N 3rd Ave (Delaware Street to Alabama Street) - Item Descriptions	Unit	Estimated Quantity	Unit Price	Line Item Total	Unit Price	Line Item Total	Unit Price	Line Item Total	Unit Price	Line Item Total
1	Mobilization - Storm Sewer and Base Work	LS	1	\$ 3,000.00	\$ 3,000.00	\$ 1,500.00	\$ 1,500.00	\$ 1,212.00	\$ 1,212.00	\$ 3,100.00	\$ 3,100.00
2	Traffic Control	LS	1	\$ 3,000.00	\$ 3,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,515.00	\$ 1,515.00	\$ 1,300.00	\$ 1,300.00
3	Erosion Control - Catch Basin Inlet Protection	EA	5	\$ 40.00	\$ 200.00	\$ 60.00	\$ 300.00	\$ 35.35	\$ 176.75	\$ 50.00	\$ 250.00
4	Remove Concrete Sidewalk and Driveways (NOTE: cutting to be done by City)	SF	311	\$ 0.50	\$ 155.50	\$ 0.78	\$ 242.58	\$ 0.80	\$ 248.80	\$ 0.40	\$ 124.40
5	Remove Curb & Gutter (includes cutting) - East Continuous Section & Driveway at #928 & #932	LF	1209	\$ 2.50	\$ 3,022.50	\$ 1.80	\$ 2,176.20	\$ 1.86	\$ 2,248.74	\$ 1.20	\$ 1,450.80
6	Remove driveway asphalt pavement (NOTE: cutting to be done by City)	SY	143	\$ 3.00	\$ 429.00	\$ 3.86	\$ 551.98	\$ 3.98	\$ 569.14	\$ 3.00	\$ 429.00
7	Unclassified Excavation (includes existing asphalt pavement removal) - N 3rd Ave Hatched Areas	CY	821	\$ 12.55	\$ 10,303.55	\$ 5.92	\$ 4,860.32	\$ 6.10	\$ 5,008.10	\$ 7.90	\$ 6,485.90
8	Base Aggregate - 1-1/4" Dense Graded Base (measured in place 12" thick) - Asphalt Base Only at N 3rd Ave Hatched Areas	CY	636	\$ 23.00	\$ 14,628.00	\$ 21.88	\$ 13,915.68	\$ 22.53	\$ 14,329.08	\$ 20.50	\$ 13,038.00
9	Base Aggregate - 1-1/4" Dense Graded Base (measured in place) - Base for East Continuous Curbing / 4" Concrete / 6" Concrete / Driveways	CY	152	\$ 23.00	\$ 3,496.00	\$ 21.88	\$ 3,325.76	\$ 22.53	\$ 3,424.55	\$ 18.00	\$ 2,736.00
10	Remove & Reinstall Mailbox	EA	15	\$ 50.00	\$ 750.00	\$ 75.00	\$ 1,125.00	\$ 126.25	\$ 1,893.75	\$ 30.00	\$ 450.00
11	Storm Sewer Inlet / Catch Basin - 2x3'	EA	3	\$ 1,650.00	\$ 4,950.00	\$ 1,645.00	\$ 4,935.00	\$ 1,846.44	\$ 5,539.32	\$ 2,255.00	\$ 6,765.00
12	Storm Sewer - 12" PVC	LF	130	\$ 41.00	\$ 5,330.00	\$ 32.50	\$ 4,225.00	\$ 50.46	\$ 6,559.80	\$ 42.00	\$ 5,460.00
13	Apron Endwall - Galv. Steel - to connect to 12" PVC	EA	2	\$ 100.00	\$ 200.00	\$ 175.00	\$ 350.00	\$ 227.25	\$ 454.50	\$ 175.00	\$ 350.00
Totals:				\$ 49,464.55		\$ 38,507.52		\$ 43,179.54		\$ 41,939.10	

Final Total:	\$ 479,368.68	Final Total:	\$ 489,113.30	Final Total:	\$ 524,348.48	Final Total:	\$ 546,258.33	Final Total:	\$ 597,451.11	Final Total:	\$ 597,826.21
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REQUEST FOR PLACEMENT OF AGENDA ITEM

DATE OF REQUEST: February 12, 2019

FROM: Alderpersons Hauser and Ward

Please place the following item on the agenda:

Consideration of:

Resolution in support of a National Estuarine Research Reserve

Background information:

The National Estuarine Research Reserve (NERR) System is a national network of coastal areas dedicated to the study of estuarine systems. Each NERR site provides a “living laboratory” in which scientists and educators conduct research, outreach, and education regarding our estuarine-based natural resources. Each NERR site enhances place-based research, creates distinct educational resources, facilitates local stewardship of aquatic natural resources, and supports local economic development.

Established reserves have exemplary visitor centers, providing international exposure and significant drawing power for tourists. NERR centers draw significant research dollars, improving our understanding of the globally unique Green Bay Ecosystem. Research activities draw scholars, and their funding, from beyond Wisconsin and US borders, they provide employment opportunities to the region, and enhance the quality of UW-Green Bay’s scholarly activities, ultimately injecting money into the local economy.

Caitlin Oleson acted as project manager for a Wisconsin Coastal Management Program and National Oceanic and Atmospheric Administration-funded feasibility and exploration study on a research station for the Green Bay ecosystem. Oleson and DCEDC executive director Jim Schuessler are both members of the Westside Waterfront Planning Committee. They, along with City of Sturgeon Bay community development director Marty Olejniczak, met with officials at UWGB on Feb. 6, 2019, to discuss status and progress of a National Estuarine Research Reserve.

Oleson and Schuessler will make a brief presentation to the Council at its 2/19/19 meeting to relay their findings.

Desired action: Vote to approve

RESOLUTION

WHEREAS, the designation of Wisconsin's Lake Superior Estuarine Research Reserve in 2010 provides an outstanding example of broader impacts National Estuarine Research Reserve (NERR) sites provide to local communities;

WHEREAS, the University of Wisconsin-Green Bay is currently exploring the feasibility of developing a NERR for northeast Wisconsin;

WHEREAS, our region's ecosystem is home to the largest freshwater estuary in the world, the vitality of which is critical to the current and future prosperity of ecological sustainability of Sturgeon Bay, Door County, and the broader region impacted directly by the Great Lakes;

WHEREAS, research activities associated with a Sturgeon Bay-based NERR will attract scholars on both the national and international stage, providing employment opportunities to the region, stronger connectivity to the University of Wisconsin-Green Bay, and ultimately inject money into the local economy;

WHEREAS, many of the youth currently enrolled in local school districts value Wisconsin's natural resources for the quality of life opportunities that they provide, shaping decisions about where they live, seek employment, further their education and raise their families;

WHEREAS, eco-tourism is an established and growing industry in Door County and a research reserve would fit well with Door County's five state parks and natural features, such as the Niagara Escarpment;

WHEREAS, a Sturgeon Bay-based NERR will enhance place-based identity, contributing directly to talent recruitment and retention efforts;

WHEREAS, Sturgeon Bay is the county seat and home to the county's business infrastructure, airport, Wisconsin Department of Natural Resources office and high speed internet;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Sturgeon Bay does hereby support the efforts of the University of Wisconsin-Green Bay as they send a letter to NOAA requesting their assistance in exploring the feasibility of a NERR designation for Northeast Wisconsin.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that should NERR designation be incurred for Northeast Wisconsin, the City of Sturgeon Bay enthusiastically expresses its desire to host a NERR site and pledges to work with the University of Wisconsin-Green Bay to make this possibility a reality.

CC: Senator Tammy Baldwin
Senator Ron Johnson
Congressman Mike Gallagher
Chancellor Gary Miller, University of Wisconsin-Green Bay
Assoc. Vice-Chancellor Mathew Dornbush, University of Wisconsin-Green Bay

The National Estuarine Research Reserve, NERR, program was established as part of the 1972 Coastal Zone Management Act, which lies in the Office for Coastal Management. The NERR program is currently a network of 29 coastal sites established for long term research, education, and stewardship associated with estuarine systems. NOAA provides funding and guidance, while local partners manage the day-to-day operations (<https://coast.noaa.gov/nerrs/about/>). NERR's broad vision statement also reflects the integration requested by local partners identified during our listening sessions. Specifically, to promote resilient estuaries and coastal watersheds where human and natural communities thrive. This partnership program between NOAA and coastal states currently includes more than one million acres of estuarine land and water, providing essential habitat for wildlife, exceptional educational opportunities for students, teachers, and the public, and serving as living laboratories for scientists. Importantly, the size of the network, and the direct affiliation with NOAA provide NERR sites with the exposure and credibility required to attract world-class scholars. Should Green Bay acquire a NERR site, there is little doubt that it would provide an attractive location, and global model for researching and developing solutions to the challenges and opportunities associated with fresh-water estuaries across the planet. The NERR program provides approximately \$619,322 per site in annual funding (70%), with an additional match of approximately \$265,424 (30%) provided by the lead state agency, for a total of \$884,746 annually. Green Bay falls within the Lake Michigan/Lake Huron Basin biogeographic region, which currently lacks NERR representation, suggesting a level of urgency in seeking designation for Green Bay.

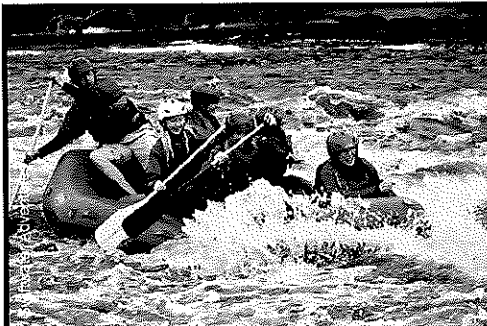
The first step in the designation process is a letter of interest from the host state's Governor to NOAA identifying interest in developing a NERR site. Following NOAA invitation, the lead agency, (which is proposed to be UW-Green Bay in this case), follows formal site selection and nomination processes; these include designing a process for selecting a site and

establishing a locally-drawn site selection committee. Upon completion of the site selection process, a formal document requesting NERR designation must once again be submitted by the state's Governor to NOAA. If accepted by NOAA, the lead state agency works with local stakeholders to develop the Draft Environmental Impact Statement and Draft Management Plan. If accepted, the lead state agency works with NOAA and local stakeholders to develop a Final Environmental Impact Statement and a Final Management Plan. The last step in the process is the official NERR designation. The complete designation process generally takes from five to seven years to complete.

An attractive attribute for the NERR model is that NOAA provides much of the funding, but a local state-affiliated lead agency in partnership with local stakeholders control management decisions. There are no additional regulations placed on NERRs once established. Through this partnership, the reserve system addresses local, regional, and national priorities, while connecting NOAA to on-the ground projects, needs, and emerging issues. NERRs use a system of locally owned and managed protected areas. They promote stewardship of the nation's estuaries through science and education, promoting stewardship through a place-based system of protected areas. They offer local programs like K-12 education and public outreach, monitoring, and research efforts to address local issues.

Our vision for the NERR site is to promote appreciation and understanding of the unique estuarine systems of Green Bay, and like ecosystems within Lake Michigan and Lake Huron. We argue Green Bay provides a robust demonstrate site for the application of watershed principals targeting estuary protection, restoration, and management. Outreach and educational programs will provide a vital community asset, and the associated visitor center will emerge as a year-round destination for visitors. We anticipate and stress opportunities for developing public-private partnerships to fully realize a rich visitor experience within the Green Bay ecosystem. The NERR center could become a model for long term community involvement and inter-governmental cooperation. Overall, the NERR could provide leadership for research,

management, and outreach related to freshwater estuaries, their interaction with the other Great Lakes, and their response to long- and short-term changes within the Lake Michigan/Lake Huron basin. At the local level, the NERR could offer a coordinating force to better manage, restore, and promote the Green Bay ecosystem, while significantly enhancing UWGB research capacity and national prominence. We envision the site as a mechanism for improved integration of arts, humanities, and social science scholarship focused on Green Bay. The center could support economic development and area quality of life that can be marketed to young, talented professionals. Water quality, wildlife populations, habitat, and local economic development would all benefit from work conducted through the NERR.



Lake Superior

National Estuarine Research Reserve



Location: Northwestern corner of Wisconsin along the St. Louis River, bordering Minnesota and Lake Superior

Date Designated: 2010

Area Protected: 16,697 acres

Web Address: lakesuperiorreserve.org

Management: Daily oversight is provided by the University of Wisconsin Cooperative Extension in partnership with the University of Wisconsin–Superior. NOAA's Office for Coastal Management provides funding, national guidance, and technical assistance.

Access and Infrastructure

- The reserve is a combination of four components located within 10 minutes of each other: Red River Breaks, Pokegama Bay, South of Pokegama Bay, and Wisconsin Point. Each site possesses its own combination of habitats.
- Two waterfront structures on Barkers Island are part of the University of Wisconsin–Superior campus. The buildings house administrative offices, a 1,300-square-foot dockside laboratory, a public science and interpretive center, and classrooms. A boat and dock are available to visiting researchers.
- The reserve features areas of national significance, including the world's largest freshwater bay mouth sand bar (Wisconsin Point), estuarine wetlands, and steep, highly erodible red clay bluffs.

The Lake Superior National Estuarine Research Reserve is located along a river-to-lake gradient at the confluence of the St. Louis River and Lake Superior, the largest and most pristine of the Great Lakes. The reserve is a combination of varying land areas that include uplands, riparian and riverine habitats, freshwater marshes, interdunal wetlands, forests, and open sand beach and dunes. The reserve is adjacent to the "Twin Ports" of Superior, Wisconsin, and Duluth, Minnesota, which together represent the largest freshwater port in the world.

The lower portion of the St. Louis River watershed is one of 43 areas of concern in the Great Lakes, and the reserve plays an important role in conducting research and monitoring within the area. Data and information collected by reserve staff members are used to maintain and restore the ecosystems and inform community planning and initiatives. The focus is on coastal development, water quality, human use of the reserve, climate change, and invasive species. Community outreach and education represent an important part of the mission.

NOAA Office for Coastal Management

LAKE SUPERIOR

National Estuarine Research Reserve

Interesting Things to Know

- Significant historical and cultural sites exist within and near the reserve, including Native American cultural sites and historical lumbering and shipping locations. The adjacent industrial ports of Superior, Wisconsin, and Duluth, Minnesota, remain central to the region's economy.
- The associated wetlands and boreal forest were identified as an area of continental significance, which means that many portions of the estuary remain relatively pristine.
- Pokegama Bay contains one of the largest municipal forests in the country, with 6,723 acres of land and water owned by the City of Superior.

About the Programs

The nation's 29 research reserves represent a tremendous asset, protecting over 1.3 million acres and providing habitat where plants and wildlife thrive. Community benefits include recreation, flood protection, and water filtration. Because the following programs are offered at each reserve, the system is able to make an environmental impact at the local level, as well as nationally.

Stewardship. Site protection and enhancement are part of every research reserve. Activities may include managing land and water resources, restoring habitat, controlling invasive species, maintaining biodiversity, and reducing environmental stressors.

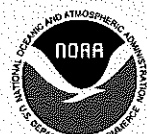
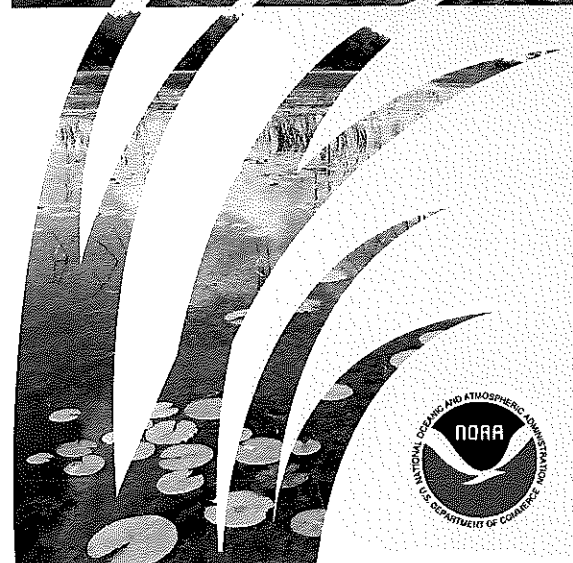
Research. Reserve research is focused on how environmental factors—such as nutrient loading, climate change, invasive species, and storms—impact coastal ecosystems. The System-Wide Monitoring Program, or SWMP, provides long-term data on water quality, weather, biological communities, habitat, and land-use and land-cover characteristics. This combination of research and data provides a strong, science-based foundation for addressing coastal management challenges.

Training. To provide the community with the information and skills needed to integrate coastal science into local decision-making and everyday lives, reserves provide specialized courses and information. Reserve training professionals are active in community planning and improvement initiatives.

Education. Local data generated at the reserve provide students with a firsthand experience of local environmental conditions. Educators lead student, teacher, and citizen field trips that are life-changing experiences, as participants see, feel, and smell what makes an estuary one of the most remarkable places in the world.

To learn more, visit nerrs.noaa.gov.

Office for Coastal Management



RESOLUTION # _____

A RESOLUTION AUTHORIZING THE SUBMITTAL OF A COMMUNITY
DEVELOPMENT INVESTMENT GRANT APPLICATION FOR THE DOOR COUNTY
MARITIME MUSEUM'S MARITIME LIGHTHOUSE TOWER PROJECT

WHEREAS, the City of Sturgeon Bay, WI proposes to submit an application to the Wisconsin Economic Development Corporation for funding through the Community Development Investment (CDI) Grant Program; and,

WHEREAS, the application will request funding for the Door County Maritime Museum's Maritime Lighthouse Tower project; and

WHEREAS, no funds are requested from the City and all matching funds required for the project will come from the Door County Maritime Museum; and

WHEREAS, there is no limit to the number of CDI grant applications that can be submitted by a municipality and the City can still apply for additional grants on behalf of other projects or development in this current year or subsequent years.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF STURGEON BAY, WISCONSIN: That the Mayor is authorized to submit a CDI Program grant application to the Wisconsin Economic Development Corporation on behalf of the Door County Maritime Museum's Maritime Lighthouse Tower project.

PASSED AND ADOPTED by the Common Council of Sturgeon Bay, Wisconsin on this _____ day of February, 2019.

Thad Birmingham, Mayor

ATTEST:

Stephanie Reinhardt

City Clerk

EXECUTIVE SUMMARY

Title: Resolution authorizing the submittal of CDI grant application for Door County Maritime Museum tower project

Background: The Door County Maritime Museum has plans to construct an addition to the museum that includes a ten story tower. The City previously approved a planned unit development zoning amendment for the project. The Museum has been raising funds for the project and is close to commencing construction.

The Community Development Investment (CDI) Grant Program is run through the Wisconsin Economic Development Corporation (WEDC). The goal of the CDI Grant Program is to incentivize primarily downtown community development in the state of Wisconsin. It supports urban, small city and rural community redevelopment efforts by providing financial incentives for shovel-ready projects with emphasis on, but not limited to, downtown community-driven efforts. Funded activities should lead to measurable benefits in job opportunities, property values and/or leveraged investment by local and private partners. Grants of up to \$250,000 are available.

The applicant must be a municipality. The Maritime Museum has requested that the City apply for the CDI grant on its behalf. The donated funds already raised by the Museum, along with future donations to the project, will be the match required under the program. The museum has to date raised \$3.2 Million of the estimated \$5.5 Million total cost. The proposed grant is for the maximum \$250,000.


A resolution authorizing the submittal of the CDI grant application must be adopted for the City to submit the grant.

Fiscal Impact: None. The Maritime Museum's donated funds are the matching funds for the project. The Museum has not requested any funds from the City and none are authorized by the resolution. The City would simply act as a pass-through agency for the grant funds. The work on completing the application is all being handled by the Museum.

There also is no limit on the number of CDI grant applications that can be submitted by a municipality, and previous grant awards is not a factor in WEDC's review of any future applications. So the City could still apply on behalf of other project such as the renovation of the grain elevator or other redevelopment projects that might come around in the future.

Recommendation: The Council's previous approvals of the tower project and the \$3.2 Million already raised by the Museum demonstrate community support for the project. Therefore, the recommendation is to approve the resolution authorizing the submission of the CDI grant application on behalf of the Maritime Museum.

Prepared by:


Martin Olejniczak

Community Development Director

1-24-19
Date

Reviewed by:


Josh Van Lieshout

City Administrator

1/24/19
Date


**WISCONSIN ECONOMIC
DEVELOPMENT CORPORATION**
COMMUNITY APPLICATION
SECTION I-APPLICANT INFORMATION

Legal Entity: ☒ City ☐ Town ☐ Village ☐ County ☐ Tribal Entity ☐ Nonprofit (Attach copies of IRS documents showing acceptance of Federal Tax Exempt Status) ☐ Other Governmental Unit

Legal Name: City of Sturgeon Bay

Trade Name:

Mailing Address: 421 Michigan Street

City, State, Zip: Sturgeon Bay, WI 54235

FEIN: **DO NOT ENTER SSN**
(Federal Employee Identification Number – Tax ID or Social Security Number)

NAICS: 921120 - Legislative Bodies

Fiscal Year End Date:

Check box if W-9 is attached to the application ☒

Website URL: <http://www.sturgeonbaywi.org/>

Phone: (920) 746-2900 |

Chief Elected Official: Thad Birmingham

Title: Mayor

Phone: (920) 746-2900

Email: sbmayor@sturgeonbaywi.org

CONTACT

Local Government Contact: Josh Van Lieshout

Title: City Administrator

Email: jvanlieshout@sturgeonbaywi.org

Phone: (920) 746-2900

Mailing Address: 421 Michigan Street

City, State, Zip: Sturgeon Bay, WI 54235

Non-Government Contact: Kevin Osgood

Title: Executive Director

Email: kosgood@dcmm.org

Phone: (920) 743-5958

Mailing Address: 120 North Madison Avenue

City, State, Zip: Sturgeon Bay, WI 54235

Contracting Contact:

Title:

Email:

Phone:

Mailing Address:

City, State, Zip:

SECTION II-INFORMATION ON LEGAL PROCEEDINGS

Has the applicant been involved in a lawsuit in the last 5 years? ☒ Yes ☐ No

Has the applicant been involved in a bankruptcy or insolvency proceeding in the last 10 years, or are any such proceedings pending? ☐ Yes ☒ No

Has the applicant been charged with a crime, ordered to pay or otherwise comply with civil penalties imposed, or been the subject of a criminal or civil investigation in the last 5 years? ☐ Yes ☒ No

Does the applicant have any outstanding tax liens? ☐ Yes ☒ No

Please attach a detailed explanation of any YES responses.

SECTION III-STATE REQUESTS FOR BID OR PROPOSAL

Are you aware of any State of Wisconsin request(s) for bid or request(s) for proposal to which the applicant intends to respond, or to which the applicant has recently responded? ☐ Yes ☒ No

If yes, please provide the following:

- Identify the bid or request for proposal (e.g., bid number, or general description or title).
- Identify the state agency or public entity to which you are submitting the bid or proposal.
- Explain the status of the bid or proposal (e.g., recently submitted; considering submission; in current negotiations).

Please note that if you answer "yes" WEDC may not be able to discuss potential financial assistance until the request for bid or request for proposal process has been completed.

**THE APPLICANT CERTIFIES TO THE BEST OF ITS KNOWLEDGE:**

1. The information submitted to the Wisconsin Economic Development Corporation (WEDC) in this application, and subsequently in connection with this application, is true and correct.
2. The applicant is in compliance with applicable laws, regulations, ordinances and orders applicable to it that could have an adverse material impact on the project. Adverse material impact includes lawsuits, criminal or civil actions, bankruptcy proceedings, regulatory action by a governmental entity or inadequate capital to complete the project.
3. The applicant is not in default under the terms and conditions of any grant or loan agreements, leases or financing arrangements with its other creditors that could have an adverse material impact on the project.
4. WEDC is authorized to obtain background checks including a credit check on the applicant and any individual(s) with 20% or more ownership interest in the applicant company.
5. The applicant has disclosed, and will continue to disclose, any occurrence or event that could have an adverse material impact on the project.

THE APPLICANT UNDERSTANDS:

1. This application and other materials submitted to WEDC may constitute public records subject to disclosure under Wisconsin's Public Records Law, §19.31 et seq. The applicant may mark documents "confidential" if the documents contain sensitive information.
2. Submitting false or misleading information in connection with an application may result in the applicant being found ineligible for financial assistance under the funding program, and the applicant or its representative may be subject to civil and/or criminal prosecution.
3. Authorization to Receive Confidential Information. The applicant hereby authorizes the Wisconsin Economic Development Corporation ("WEDC") to request and receive confidential information that the applicant has submitted to, including any adjustments to such information by, the Wisconsin Department of Revenue ("DOR") and the Wisconsin Department of Workforce Development ("DWD"), and to use such information solely for the purposes of assessing the applicant's performance for the duration of the economic development project and ensuring that WEDC is properly administering or evaluating economic development programs. With regard to the information contained in the DWD unemployment insurance files, WEDC may access the following for the 8 most recent quarters: the quarterly gross wages paid to the applicant's employees; the monthly employee count; and the applicant's FEIN, NAICS code, and legal and trade names. The applicant also authorizes WEDC to share information submitted to WEDC by the applicant with the DOR and DWD and to redisclose to the public the information received from the DOR and DWD used to evaluate the applicant's performance under their specific economic development program and the impact of WEDC economic development programs. Records exempted from public records law by Wis. Stat. § 19.36(1) will be handled by WEDC in accordance with that law.

☒ **Yes** ☐ **No** I certify that incentive assistance is needed to ensure this project will happen in Wisconsin. Please provide details below:

Signature: _____ Date: _____

(Authorized Representative of Applicant Organization)

Printed Name: Thad Birmingham

Title: Mayor

Applicant Organization Name: **City of Sturgeon Bay**


**WISCONSIN ECONOMIC
DEVELOPMENT CORPORATION**
COMMUNITY DEVELOPMENT INVESTMENT
SECTION A-REDEVELOPMENT NARRATIVES

Reference Required Supporting Documentation as needed.	Included ✓	Attachment #
1. Project Description and Impact on Community (three-page limit): <ol style="list-style-type: none"> Describe the project, its implementation and the significance of this project to the community. Describe any public/private partnerships developed and the extent to which the applicant can ensure that all of the activities outlined within this application will be undertaken. (e.g., capacity of applicant and partners, conditions of loan agreements, status of development agreements, etc.) Which eligible activity/ies does this project fall under? <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Building renovation <input type="checkbox"/> Historic preservation <input type="checkbox"/> Demolition <input type="checkbox"/> Professional services (planning request only) </div> <div> <input checked="" type="checkbox"/> New construction <input type="checkbox"/> Infrastructure reinvestment </div> </div> Describe the potential of the project to enhance the economic viability of the community (e.g., tax base growth, job creation, stimulation of private investment). The response should detail the potential for both temporary and permanent jobs at the project site as well as the potential for job creation to occur in the area. To the extent possible, provide detail on the potential types of jobs, wage rates and health benefits associated with the jobs that are identified. Describe the potential for the project to promote economic development in the neighborhood, community, county and/or region. Describe the potential for the project to act as a catalyst for additional commercial development or investment. 	<input type="checkbox"/>	
2. Financial Justification (two-page limit): <ol style="list-style-type: none"> Describe the various methods that will be used to fund the project and include the progress of establishing or receiving funds. Describe the financial need for grant funding that cannot be met through private sector sources (e.g., traditional financing, equity investment or donor support), public sector support (e.g., RLF financing, TIF financing, and public borrowing) or a reduction in the scope of the project. 	<input type="checkbox"/>	
3. Previous Planning Efforts (two-page limit): <ol style="list-style-type: none"> The extent to which this project is included in and/or complements previous regional or municipal planning efforts (please reference section and page numbers of the plan). The extent to which the project supports best practices for smart growth and best practices for downtown redevelopment, and the extent to which it has community-wide support. 	<input type="checkbox"/>	
4. Readiness to Proceed (two-page limit): <ol style="list-style-type: none"> Describe past and planned project activities, with timelines. Include the planning process, site control, environmental condition and a project implementation schedule. Provide detailed descriptions of property transactions intended to occur over the next 5 years. 	<input type="checkbox"/>	

c. Describe financing commitments and any contingencies that apply.

SECTION B-SITE DETAILS

Location: <input checked="" type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village:	County: Door
Street Address: 120 North Madison	Project NAICS: 712110 - Museums
Site Size (Acres): .71	Current Zoning: Planned Unit Development
Proposed Zoning: Planned Unit Development	Current Assessed Value: \$0.00
Projected Assessed Value: \$0.00	Current Owner of Property: Door County Maritime Museum and Lighthouse Preservation Society, Inc.
Start Date: 6/15/2019	End Date:
Project Description: Explain any other factors that should be considered in evaluating this project (e.g., impact on Wisconsin suppliers, national/international sales, and other prospects for future expansions, etc.)	
Is the project located in a TID? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, creation date: 3/19/2013	
Is the project located in a disaster area, as declared by state or federal authorities? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, was the declaration within 24 months prior to submitting an application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, date of declaration:	
Does the applicant or end user currently own the property on which work is to occur? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If no, how do you have or expect to obtain ownership or access to the property?	
<input type="checkbox"/> Condemnation	Timeframe:
<input type="checkbox"/> Tax Delinquency	Timeframe:
<input type="checkbox"/> Purchase (attach purchase agreement or option)	Timeframe:
<input type="checkbox"/> Development Agreement	Timeframe:
<input type="checkbox"/> Other:	Timeframe:
If applicant will not own the property, what entity will/does?	
Current Site Ownership: Door County Maritime Museum	Phone: 920-743-5958 Email: kosgood@dcmm.org
Final Site Ownership: Door County Maritime Museum	Phone: 920-743-5958 Email: kosgood@dcmm.org
Will the current owner, or applicant expecting to obtain ownership, remain the legal owner of the project site for 5 years following receipt of the award? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

SECTION C-REQUIRED SUPPORTING DOCUMENTATION

Please include the following attachments:	Included ✓	Attachment #
1. Resolution: A signed resolution by the governing elected body authorizing the submittal of an application to the CDI Grant Program.	<input type="checkbox"/>	
2. Map: A map indicating the project location within its municipal jurisdiction and any specially designated federal, state or local economic or taxation zone encompassing the project site; photographs of the site and surrounding area	<input checked="" type="checkbox"/>	
3. Budget Narrative: A narrative describing each line item included in the project budget	<input type="checkbox"/>	
4. Cost Estimates: A detailed copy of any cost estimates or bidding conducted for costs listed in the project budget, or a detailed explanation of the basis for all costs	<input type="checkbox"/>	
5. Development Agreement: A copy of any applicable development agreement with private parties benefiting from project implementation (if not yet signed, a signed copy must be submitted prior to first disbursement)	<input type="checkbox"/>	
6. Financing Commitments: Documentation that demonstrates the success of obtaining financing (e.g., commitment letters from lending institutions, municipal resolutions for financing or TID creation); must be submitted prior to first disbursement	<input checked="" type="checkbox"/>	

7. Organization: A chart illustrating the ownership, development and financing organization structure of the project, naming all entities committed at the time of submission and showing ownership percentages for any individual or entity involved. For any committed end users or partners having any ownership in the property, provide a history of the individual or company's operations with resumes detailing relevant experience and involvement, and percentage of ownership if applicable.	<input type="checkbox"/>	
8. Statements from community, public and community development leaders that support the project proposed for funding	<input checked="" type="checkbox"/>	

SECTION D-REAL ESTATE PRO FORMA INFORMATION (if applicable)

1. What is the market rate for triple net* rent in the project's market?	
2. What is the project's average triple net rent?	
3. If the project's rent is less than general market conditions, please provide an explanation of why:	
4. How much equity is the development entity investing in the project?	
5. What is the anticipated vacancy rate?	
6. How much debt can the project service at what rate and term with what minimum debt coverage ratio?	
7. What is the average rate of return for the first five years of the project once the building is placed in service?	
a. Please define the formula utilized to determine the rate: b. If the project does not provide a return on investment, please explain how the development entity anticipates covering the costs associated with the development:	

* Triple net rent is the base rent that does not include any utility, common area, maintenance, insurance or taxes.



Door County Maritime Museum

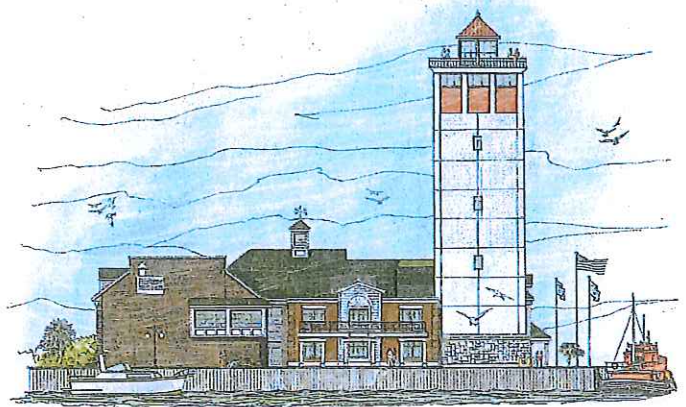
Community Development Investment Application – Redevelopment Narratives

1. Project Description and Impact on the Community

For almost five decades, the Door County Maritime Museum has educated and entertained the public while working to preserve and celebrate the rich maritime history of Door County and the Great Lakes. The Museum operates three locations, including the Door County Maritime Museum along the working waterfront in Sturgeon Bay; the iconic Cana Island Lighthouse in Baileys Harbor; and the Death's Door Maritime Museum in Gills Rock. As one of northeast Wisconsin's top tourism destinations, attracting more than 65,000 visitors annually, the Door County Maritime Museum serves as a resource for all 72 counties in Wisconsin.

Now the museum is taking a major leap forward by expanding its Sturgeon Bay facility with a 10-story Maritime Lighthouse Tower along the Sturgeon Bay inner harbor. The Lighthouse Tower will offer:

- Ten floors of creative, interactive educational displays that feature many highlights of our maritime history, people and industries;
- Convenient accessibility to a lighthouse experience that will accommodate everyone regardless of physical abilities.



With the addition of this unique and iconic landmark Lighthouse Tower, many far-reaching benefits will be realized including:

- A must-see maritime experience that will draw visitors to our area from far and wide;
- An intriguing destination that will generate tremendous interest and activity and create a significant economic boost to the region;
- Educational experiences that will teach young and old, keep our history alive and help to promote interest in maritime-related local career opportunities.

The educational program will emphasize the Science, Technology, Engineering, & Math (STEM) inherent throughout the maritime and marine industries and across the state of Wisconsin. Exhibits on all ten floors will incorporate interactive digital displays to highlight how STEM is vital to designing, engineering, building, manufacturing, and operating the regionally produced ships and boats, our world-class Inland Navigation System, and highly-complex technological equipment.

Our primary intent is to encourage children and young adults to consider one of many exciting technical careers in the state of Wisconsin. Exhibits and programs within the Tower will use high-tech, interactive exhibits designed to capture the imagination of the next generation of Wisconsin's workforce. **School collaborations - working with educators and subject matter experts to develop a leading-edge STEM (Science, Technology, Engineering and Math) approach to exhibits and programs that will appeal to and inspire the next generation to consider careers in the maritime industries.**



Door County Maritime Museum

We're using the regional, technical backdrop of the maritime industries and Great Lakes systems to stimulate appreciation of STEM and plan the outreach program to be throughout Northeast Wisconsin and the entire state. Included with this application is a white paper that provides significant detail on the STEM Themes and Programs that will be an intrinsic part of the Maritime Lighthouse Tower Project (Attachment #X).

No other museum environment in this region of Wisconsin has this kind of immersive educational experience. Conceptual renderings of two floors of the Lighthouse Tower exhibits are included as Attachment #X. From the indoor and outdoor observation decks atop the tower, to the community event space on floor two, this tower will be a place that inspires, teaches, and instills a sense of pride in our common maritime history.

This Maritime Lighthouse Tower will bring a brighter future for everyone in Door County. It will light the way for countless young people who will find inspiration to pursue careers in engineering, environmental sciences, and maritime technologies – all careers vital to the economy of Door County and throughout our state. It will also become a significant revenue-generating economic stimulus that will bring more business and success to many others throughout Door County.

2. Financial Justification

As a 501(c)(3) charitable organization, the Door County Maritime Museum operates entirely on grants, donations and admissions revenue. The capital campaign to build the Maritime Lighthouse Tower is more than halfway to its goal of \$5.5 Million. This investment provides the initial platform for ongoing and new, creative programs generating increased income streams essential to sustaining the museum.

The total amount raised/pledged to the project is \$3.2 Million to date. The City of Sturgeon Bay has approved a Planned Unit Development for the Tower, with an expiration of July 2019. In order to start construction by June 2019, we are seeking CDI grant assistance to close the financing gap and accelerate the final stages of our fundraising campaign. A complete financial *pro-forma* for the project is included with this application as Attachment #X.

A list of current donors to the Maritime Lighthouse project (as of November 21, 2018) is on pages 6-7 of the *Lighthouse Tower Beacon* publication, Attachment #x. The *Lighthouse Tower Beacon* was sent to all local Door County residential and business mailing addresses in early December 2018. The purpose of the mailing was to update the community on the progress of the project to date, demonstrate the support already received and, perhaps most importantly, to illustrate the educational focus of the exhibits that will occupy the Tower upon completion.





Door County Maritime Museum

3. Previous Planning Efforts

The growth and expansion of the Door County Maritime Museum via the Maritime Lighthouse Tower has been a critical part of the City of Sturgeon Bay's West Waterfront Redevelopment Plan (<http://www.sturgeonbaywi.org/wp-content/uploads/2013/08/Sturgeon-Bay-West-Waterfront-Plan-9-15-11.pdf>) from the beginning of the planning process, and was included in the conceptual site plan renderings when the Plan was approved by the City Council in September 2011. The City's planning effort was funded by the Wisconsin Economic Development Corporation CDBG-Planning grant program. The Museum expansion was also part of the City's Tax Increment Financing District #4 Project Plan (<http://www.sturgeonbaywi.org/wp-content/uploads/2013/08/TID-4-Project-Plan.pdf>), adopted March 19, 2013.

The Museum is an anchor institution on the West Waterfront and it is believed that the completion of the Maritime Lighthouse Tower will reignite the development process for the remaining parcels in the redevelopment area. One of the ultimate intentions of the project is to contribute to Door County's economy by creating a new year-round tourist destination that will offer a panoramic vista of Sturgeon Bay's working waterfront from the enclosed 10th floor observation deck or the outdoor rooftop deck.

4. Readiness to Proceed

The capital campaign to build the Maritime Lighthouse Tower is more than halfway to its goal of \$5.5 Million. The total amount raised/pledged to the project is \$3.2 Million to date. The City of Sturgeon Bay has approved a Planned Unit Development for the Tower, with an expiration of July 2019. In order to start construction by June 2019, we are seeking CDI grant funding to close the gap and accelerate our final phase of fundraising. A complete financial *pro-forma* for the project is included with this application as Attachment #X.

A local Door County business has already pledged a \$200,000 donation of the installation of the pilings for the Tower construction. In order to work within their other business commitments, it is estimated that the driving of the pilings will begin in March or April of 2019.

Project Overview

Campaign Goal	\$5.5 Million
Stage I - Advance Gifts Phase Raised to Date (6/1/17)	\$2.3 Million
Stage II - Community Gifts Phase Goal to Go	\$3.2 Million
How the Funds Will Be Used	
Construction.....	\$3,700,000
Design & Engineering.....	\$ 410,000
Exhibits.....	\$1,000,000
Project Planning & Development.....	\$ 200,000
Exterior Improvements.....	\$ 100,000
Furnishings & Interior.....	\$ 90,000
	\$5,500,000

The Board of Directors is currently reviewing a phased construction schedule, with each phase starting as the capital becomes available. The preliminary step would be the pilings, pouring of the foundation and site preparation. Phase two would be the construction of the shell of the Tower (steel structure, elevator, windows, insulation, top deck complete, stair wells); the third phase would be the final building systems (HVAC, electrical, interior drywall, painting, millwork, etc.).

Memorandum




JOSHUA J. VAN LIESHOUT
City Administrator
jvanlieshout@sturgeonbaywi.org

421 Michigan Street
Sturgeon Bay, WI 54235

920-746-2900 (TEL)
920-746-2905 (FAX)

TO: COMMON COUNCIL

FROM: Josh Van Lieshout 

DATE: February 15, 2019

RE: Consideration of: Joining the matter of John Wiese, Tom Wulf, Fran Shefchik, Mark Holdridge, Mike Langenhorst, et. al. vs. Wisconsin Department of Natural Resources

Background: As was previously reported the written order from Judge Huber was issued on March 8th, 2017. The order was consistent with the judge's statements at the trial except that the determination of OHWM for Parcel 92 is to be via a declaratory ruling from the DNR. A declaratory ruling is a specific statutory provision found in s. 227.41 of the Wisconsin Statutes. It involves a public hearing and binds the agency's position. Declaratory rulings are reviewable, and in this case a group of citizen is challenging the DNR's most recent decision.

The Council has the authority to join in the action and hire legal counsel to defend its interests.

Fiscal Impact: The total cost is unknown, Mr. Kent and his associates will be working on a time and expense basis at the rates shown on the attached proposal. The cost of working through legal counsel are eligible for reimbursement by tax increment district four. There will not be any impact on the 2019 General Fund Budget.

Options: The Common Council as an interested party in the declaratory ruling, can choose to join the DNR in defense of the DNR's decision, can choose to join the petitioners, or the Council can choose to not join and allow the DNR to defend the declaration.

Attorney Paul Kent was previously retained to represent the City in the declaratory hearing and ruling process in 2017. At that time, several of the council members were opposed to the City retaining special counsel. Ultimately, on a tie breaker vote the Council chose to retain Mr. Kent.

Given the current City Council took considerable steps to agree to the 1835 Meander Line as the ordinary high water mark for 92 East Maple Street, it would not be unusual for the Council to join the Wisconsin Department of Natural Resources. If you choose to join, it is my recommendation that the Council retain Attorney Paul Kent as special counsel in this matter. Should the Friends of the Sturgeon Bay Public Waterfront also choose to join, the City, DNR, and Friends would be on the same side of the issue.

STATE OF WISCONSIN CIRCUIT COURT DOOR COUNTY

John Wiese
1222 Memorial Drive
Sturgeon Bay, WI 54235

And

Thomas Wulf
1127 Cove Road
Sturgeon Bay, WI 54235

And

Fran Shefchik
1237 North 8th Avenue
Sturgeon Bay, WI 54235

And

Mark Holdridge
1038 West Maple Street
Sturgeon Bay, WI 54235

And

Mike Langenhorst
15 Utopia Circle
Sturgeon Bay, WI 54235

And

Mark Deprey
1737 Memorial Drive
Sturgeon Bay, WI 54235

And

Chris Moore
6487 Whitefish Bay Road
Sturgeon Bay, WI 54235

And

Robert Loss
607 East Walnut Drive
Sturgeon Bay, WI 54235

And

FILED

02-01-2019

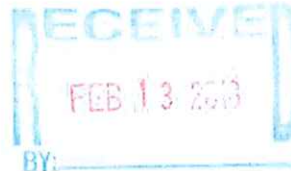
Door County

Clerk of Courts

2019CV000013

Honorable David L. Weber

Branch 2



John Yount
507 West Maple
Sturgeon Bay, WI 54235

And

Stewart Fett
1324 North 11th Place
Sturgeon Bay, WI 54235

And

David Hatch
4337 Bay Shore Drive
Sturgeon Bay, WI 54235

And

Richard Jeanquart
530 East Vine Court
Sturgeon Bay, WI 54235

And

Jim Collins
4001 Bay Shore Drive
Sturgeon Bay, WI 54235

And

Phillip Gordon
1109 Ridgeway Drive
Sturgeon Bay, WI 54235

And

John Asher
754 Tomahawk Avenue
Sturgeon Bay, WI 54235

And

John Baumgartner
1563 Tacoma Beach Road
Sturgeon Bay, WI 54235

And

Daniel Nesbitt
500 East Vine Court
Sturgeon Bay, WI 54235

And

Brian Peterson
529 Hudson Avenue
Sturgeon Bay, WI 54235

And

Joan Wake
1855 Memorial Drive
Sturgeon Bay, WI 54235

And

Jon Vandreese
1600 Memorial Drive
Sturgeon Bay, WI 54235

And

Robert Fischer
907 Pennsylvania Street
Sturgeon Bay, WI 54235

And

William Chaudoir
324 Alabama Street
Sturgeon Bay, WI 54235

Petitioners,

vs.

Wisconsin Department of Natural Resources
101 South Webster Street
Post Office Box 7921
Madison, WI 53707

Respondent.

For Official Use

Case No: _____

PETITION FOR JUDICIAL REVIEW

NOW COME the Petitioners, John Wiese, Thomas Wulf Fran Shefchik, Mark Holdridge, Mike Langenhorst, Mark Deprey, Chris Moore, Robert Loss, John Yount, Stewart Fett, David Hatch, Richard Jeanquart, Jim Collins, Phillip Gordon, John Asher, John Baumgartner, Daniel Nesbit, Brian Peterson, Joan Wake, Jon Vandreese, Robert Fischer and William Chaudoir, by and through counsel, by Brett Reetz of the REETZ LAW OFFICE, S.C., petition this Honorable Court, pursuant to Wis. Stats. §§227.52 and 227.53, to review and set aside a final decision of the Department of Natural Resources, dated January 3, 2019, determining the location of the ordinary high water mark at a parcel of land the City owns, namely 92 East Maple Street in the City of Sturgeon Bay. A copy of the Decision is attached hereto and incorporated herein as exhibit "A." In support hereof, Petitioners allege as follows:

PARTIES

1. Petitioners are tax paying adult citizens of the City of Sturgeon Bay, namely and specifically as follows:

2. That tax payer Petitioners have standing to petition this Honorable Court pursuant to Wis. Stats. §227.52, which states in pertinent part:

Wis. Stats. §227.52. Judicial Review; decisions reviewable. Administrative Decisions which adversely affect the substantial interests of any person, whether by action or inaction, whether affirmative or negative in form, are subject to review as provided in this chapter...

3. The City of Sturgeon Bay is a Wisconsin municipal corporation with its principle office located at 421 Michigan Street, Sturgeon Bay, Wisconsin 54235. The City owns a parcel of property within its municipal boundaries identified as 92 East Maple Street ("Parcel 92").

4. The Respondent, The Wisconsin Department of Natural Resources ("DNR") is an agency within the State of Wisconsin, as that term is defined in Wis. Stats. §227.01(01), with its

principle offices located at 101 South Webster Avenue, Madison, Wisconsin.

STATEMENT OF FACTS

5. The Petitioners incorporate and again sets forth herein Paragraphs One (1) through Four (4).

6. Due to fluctuating lake levels, natural accretion and artificial filling, the shoreline in the area at issue has changed substantially since the State acquired ownership interest of the Lakebed at statehood, in 1848. As a result, the shoreline is substantially waterward of its location in 1848.

7. That the owners of the parcel began filling activities as early as the 1870's, and the property subsequently was the site of mills, docks and warehouses. The main footprint of the dock was established by the early 1900's.

8. Parcel 92 is a landlocked and blighted parcel; it is separated from the waters of Sturgeon bay by Parcel 100 and another parcel.

9. The City sought to redevelop Parcels 92 and 100, by selling portions of the land for private commercial development, in order to finance significant public access and amenities in the other portions of the parcels.

10. Opponents of the redevelopment, including Friends of the Sturgeon Bay Public Waterfront and several individuals, filed a law suit in 2016 to block the redevelopment. Following a trial, the court granted an injunction prohibiting the conveyance of any portion of Parcel 92 until the ordinary high water mark ("OHWM") was established.

11. Following the trial court decision, the plaintiffs in the law suit petitioned the Department of Natural Resources (DNR), pursuant to Wis. Stats. § 227.41, to make a formal determination of the OHWM at parcel 92.

12. After conducting a public hearing on the petition and receiving input from the interested parties, the DNR issued a declaratory ruling on February 5th, 2018.

13. Upon the February 5th, 2018 determination of the OHWM, The City of Sturgeon Bay and the Friends of the Sturgeon Bay Public Waterfront, et.al. both filed petitions under Wis. Stats. §227.41(1) challenging the DNR's ruling as to the OHWM.

14. In response to the filing, the DNR determined the 1835 meander line relied upon to determine the OHWM (WDNR 2018b) was inaccurately located on the Parcel 92 map, and thereupon, withdrew its ruling (WDNR 2018b).

15. The City of Sturgeon Bay and Friends of the Sturgeon Bay Public Waterfront, et.al. conferred, negotiated and agreed to settle the location of the meander line/OHWM on parcel 92 as declared in the Department ruling of January 3, 2019.

16. That this Petition is seeking review of the January 3, 2019 determination of the OHWM by the DNR.

17. That the January 3, 2019 determination of the OHWM (hereinafter ("OHWM 2019")) was based, in part on the finding of the DNR that the 2018 OHWM was (1), based upon an approach with substantial uncertainties and (2), an inaccurately placed 1835 meander line.

18. The DNR now finds that "simply using the mapped meander line of 1835 as the OHWM at the site significantly reduces the uncertainties with estimating an 1848 OHWM.

19. That the use of the 1835 OHWM does not reduce uncertainties as to the OHWM of 1848, but rather is a baseless conclusion purposely ignorant of changing water-levels, weather conditions, subsequent maps of OHWM, etc.

STANDARD OF REVIEW

The Current Standard for Reviewing Administrative Agency Decisions is in accordance

with chapter 227 of the statutes. As relevant here, Wis. Stat. §227.57 contains two specific directions regarding how to conduct those reviews. First, it instructs a court to "set aside or modify the agency action if it finds that the agency has erroneously interpreted a provision of law and a correct interpretation compels a particular action, or it shall remand the case to the agency for further action under a correct interpretation of the provision of law. §227.57(5). Second, it instructs that, upon such review due weight shall be accorded the experience, technical competence, and specialized knowledge of the agency involved, as well as discretionary authority conferred upon it. Wis. Stats. §227.57(10). *Tetra Tech EC, Inc. v. Wis. Dep't of Revenue*, 2018 WI 75, 914 N.W.2d 21 (Wis., 2018)

Over time, a contextualized methodology of reviewing administrative agency decisions has been developed. The provenance of this methodology lies partly with the preceding statute, and partly with doctrinal developments. In its "modern iteration, this method begins with the principle that "statutory interpretation is a question of law which courts decide de novo." See *Harnischfeger Corp. v. Labor and Industry Review Com'n*, 539 N.W.2d 337, 196 Wis.2d 648 (Wis. App., 1995) (Unpublished opinion, cited in *Tetra Tech*, relied upon for guidance only). As recognized, "a court is not bound by an agency's interpretation of a statute." *id.* But then those principles are wrapped within another, one is said to be of equal gravity: As important, however, is the principle that courts should defer to an administrative agency's interpretation of a statute in certain situations." *id.* Calibrating this "deference principle" to those "certain situations" resulted in the contextualized, three-tiered treatment of an administrative agency's conclusions regarding the interpretation and application of statutory provisions. When reviewing those conclusions, they are given: (1) great weight deference; (2) due weight deference; or (3) no deference at all. *Tetra Tech EC, Inc. v. Wis. Dep't of Revenue*, 2018 WI 75, 914 N.W.2d 21 (Wis., 2018). See

also, *Hutson v. Wis. Pers. Comm'n*, 2003 WI 97, 263 Wis. 2d 612, 665 N.W.2d 212, wherein the Court stated, "This court has historically applied one of three levels of deference to an agency's interpretation and application of statutes: great weight deference, due weight deference, or no deference (de novo review)."

20. The Petitioners incorporate and again sets forth herein Paragraphs One (1) through Nineteen (19)

21. The conclusion that by reducing known factors, regularly considered in establishing OHWM, and instead, relying only upon a map with a meander line that, within the four corners of the OHWM 19, is an incorrect location of the OHWM in 1848, is illogical and violative of accepted practice used to determine the OHWM.

22. The DNR finding that "the location and description of the U.S. Government's meander line as surveyed and mapped onto the site plan by the City of Sturgeon Bay is reliable and accurate," is contrary to the assertions, conclusions and statements within OHWM 2019 and OHWM 2018.

23. The DNR provides no DNR Standard Practices in support of its conclusion that the placement and reliance upon the 1835 meander line is consistent with DNR Standard Practices.

24. There is no basis in the OHWM 2019 to conclude that "the location and description of the U.S. Government's meander line as surveyed and mapped onto the site plan by the City of Sturgeon Bay is reliable and accurate."

25. The reliance upon *Diana Shooting Club v. Husting*, 156 Wis. 261, 272 (1914) is in error. The court in Diana stated (as cited in OHWM 2019):

By ordinary high water mark is meant the point on the bank or shore up to which the presence and action of water is so continuous as to leave a

distinct mark by erosion, destruction of vegetation or other reasonably recognized characteristics...And where the bank or shore at any particular place is of such character that it is impossible or difficult to ascertain where the point of ordinary high water mark is, recourse may be had to other places on the bank or shore of the same stream or lake to determine whether a given stage of water is above or below the ordinary high water mark. . . **Wisconsin common law establishes that the boundaries of navigable waters and their beds are determined based on the location of the OHWM at the time of statehood. (Emphasis added.)**

26. The DNR, in its OHWM 2019 concedes that its determination of the OHWM is not consistent with the OHWM of 1848, therefore, within its four corners, makes the OHWM 2019 determination contrary to established law.

27. The DNR could not use standard methods of examining biological and physical indicators on Parcel 92.

28. The DNR found that there was significant uncertainty associated with using any historically mapped shoreline as the OHWM due to the large variation in Lake Michigan water levels, the variation in shoreline slopes, and the mapped shoreline's relationship to an OHWM.

29. The DNR found that there was significant uncertainty as to whether fill occurred on accreted land or lake bed on Parcel 92 and to what extent the described lacustrine or alluvial soil layer extends beneath fill in Parcel 92.

30. The DNR Approach the DNR used to determine the OHWM on Parcel 92 is based upon unique facts and information for Parcel 92 and may not apply to other parcels or cases on the Great Lakes or other water bodies

31. That the determination of OHWM 2019 did not rely upon any information other than the 1835 meander line, admitted by the DNR not to be the OHWM existing in 1848, thereby purposely ignoring all other data, information, history, practicalities, law, etc. when making its determination.

32. The DNR's methodology is "unique," with no stated examples of the methodology ever being used before and therefore the DNR's interpretation of its duties and its application of law is "one of first impression."

33. The DNR's position is inconsistent, thereby providing no real guidance.

34. De novo review is appropriate, under which an agency's interpretation of a statute is "given no weight at all when the issue is clearly one of first impression" for the agency or "when an agency's position on an issue has been so inconsistent [such that it] provide[s] no real guidance. *Bosco v. LIRC*, 2004 WI 77, k19, 272 Wis. 2d 586, 681 N.W.2d 157. *Clean Wisconsin, Inc. v. Public Service Commission of Wisconsin*, 2005 WI 93, 700 NW 2d 768 (Wis., 2005).

**WIS. STATS. § 227.57(1) REQUIRES OHWM 2019
TO BE SET ASIDE**

35. The Petitioners incorporate and again sets forth herein Paragraphs One (1) through Thirty-four (34).

36. Wis. Stats. §227.57(6) states:

If the agency's action depends on any fact found by the agency in a contested case proceeding, the court shall not substitute its judgment for that of the agency as to the weight of the evidence on any disputed finding of fact. The court shall, however, set aside agency action or remand the case to the agency if it finds the agency's action depends on any finding of fact that is not supported by substantial evidence on the record.

37. That within the four corners of OHWM 2019, the DNR provides no basis for its determination of the OHWM other than unsubstantiated dicta, stipulation of the Friends of Sturgeon Bay Public Waterfront and the City of Sturgeon Bay, and the 1835 meander line which the DNR admits to be inaccurate as to identifying and locating the 1848 OHWM.

38. The findings of an administrative agency do not need to reflect a preponderance

of the evidence as long as the agency's conclusions are reasonable. If the factual findings of the administrative body are reasonable, they will be upheld. *Kitten v. DWD*, 2002 WI 54, 363 Wis.2d 561, 644 N.W.2d 649.

39. An interpretation is reasonable if it does not directly contravene the words of the statute, is not "clearly contrary to legislative intent," and is not "without rational basis." *Tetra Tech EC, Inc. v. Wis. Dep't of Revenue*, 2018 WI 75, 914 N.W.2d 21 (Wis., 2018).

40. The DNR OHWM 2019 is without a rational basis due its singular reliance upon the 1835 meander line which has been conceded by the DNR to not represent the actual 1848 OHWM.

41. The DNR OHWM 2019 should be found to be contrary to legislative intent because there is not statutory or common law authority to purposely locate an ordinary high water mark at a location determined to be different than the ordinary high water mark in 1848.

42. DNR OHWM 2019 is illogical, defies common sense, and is therefore unreasonable in that it asserts a finding of fact consistent with an improper argument as follows:

- a. The 1835 meander line is not the accurate location of the ordinary highwater mark in 1848.
- b. We are choosing to only consider the 1835 meander line because everything else is unreliable and contested.
- c. Therefore, because we only relied upon an inaccurate 1835 meander line that is agreed to inaccurately identify the 1848 ordinary highwater mark, it will suffice as the 1848 ordinary highwater mark even though it is inaccurate.

43. The DNR OHWM also relied upon a stipulation between the Friends of the Sturgeon Bay Public Waterfront and the City of Sturgeon Bay. Nowhere is their statutory or common law authority to rely upon a stipulation to support a finding inconsistent with all evidence. The inclusion of the stipulation in the DNR's rational is contrary to law and therefore,

unreasonable, further requiring OHWM 2019 to be set aside.

**THE DEPARTMENT OF NATURAL RESOURCES FAILED TO PROVIDE
A SUFFICIENT FACTUAL BASIS FOR DETERMINING THE ORDINARY
HIGHWATER MARK**

44. The Petitioners incorporate and again sets forth herein Paragraphs One (1) through Forty-three (43).

45. The term 'ordinary high-water mark' has been defined in *Diana Shooting Club v. Husting* (1914), 156 Wis. 261, 272, 145 N.W. 816, 820, as follows: 'By ordinary high-water mark is meant the point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation, or other easily recognized characteristic. *Lawrence v. American W. P. Co.*, 144 Wis. 556, 562, 128 N.W. 440. And where the bank or shore at any particular place is of such a character that it is impossible or difficult to ascertain where the point of ordinary high water mark is, recourse may be had to other places on the bank or shore of the same stream or lake to determine whether a given stage of water is above or below the ordinary high water mark. *State v. McDonald Lumber Co.*, 118 N.W.2d 152, 18 Wis.2d 173 (Wis., 1962).

46. The DNR made no determinations as to the point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark.

47. The DNR referenced no recourse to other places on the bank or shore of the same lake.

48. Notwithstanding the approval of "averaging" in *State v. McDonald Lumber Co.*, 118 N.W.2d 152, 18 Wis.2d 173 (Wis., 1962), the DNR in OHWM 2019 declined to utilize averages of water levels at different times to assist in the determination of the ordinary high water mark, although the DNR did utilize averages in their 2018 decision.

49. The DNR acknowledges in a March 3, 2017 correspondence, attached hereto, that "it will be impossible to determine precisely where the OHWM once existed." (See attached exhibit "B")

50. The OHWM 2019 is arbitrary and capricious.

51. OHWM 2019 must be set aside for its lacking of a sufficient factual basis.

OTHER GROUNDS FOR SETTING ASIDE OHWM 2019

52. The Petitioners incorporate and re-allege Paragraphs one (1) through Fifty-one (51) as if fully set forth herein.

53. The decision fails to give due weight to the longstanding historic filling of the site, which was completed more than a century before the city acquired the property, and errs in concluding, as a blanket rule, that filling of lakebed below the OHWM does not change the character of those formerly submerged lands as constitutionally protected trust property.

54. The decision fails to acknowledge the long standing and relied upon position of the DNR as to the location of the OHWM, despite the DNR's awareness of the filled nature of the site, the relevant historical maps, other evidence, and the 1953 quiet title judgment.

55. The decision fails to acknowledge that City of Sturgeon Bay, through State Statute §30.10 and 30.11, received an approved bulkhead line in 1955 from the State of Wisconsin, and consistent with State law, was allowed to fill up to the bulkhead line.

56. The decision fails to acknowledge that the City of Sturgeon Bay received a permit from the U.S. Army Core of Engineers to construct a 561.2 foot steel sheet pile bulkhead wall and subsequently fill behind it in 1965.

57. The decision fails to acknowledge the reliance of the City of Sturgeon Bay upon the previous determinations of the DNR in that the City of Sturgeon Bay expended time and

money to receive:

- a. A community development block grant in the amount of \$440,000.00;
- b. A Wisconsin Coastal Management Program Grant in the amount of \$30,000.00;
- c. A Wisconsin Coastal Management Program Grant in the amount of \$99,650.00;
- d. A Brownfield State Assessment Grant in the amount of \$47,500.00.

58. The decision failed to contemplate the public and private resources expended in reliance on their prior positions as to the OHWM including extensive public resources being expended for a waterfront development that is now impossible to develop due to the DNR'S decision(s). (See Attached Exhibit "C").

59. The decision fails to acknowledge the immense loss of tax revenue that would benefit the public and the City of Sturgeon Bay caused by the decision.

60. That the decision ignores principles of adverse possession, in that the disputed property was used for a requisite period of time in an open, notorious, visible, exclusive, hostile and continuous manner that would apprise a reasonably diligent landowner and the public that the possessor claimed the land as his, her or its own.

61. That the DNR's determination of the OHWM for Parcel 92 is inconsistent with prior agency practice for determining an historic OHWM on an artificially filled site and such deviation is not sufficiently explained in the Ruling.

62. That the DNR's findings of fact concerning the location of the natural shoreline at the time of Statehood are not based on substantial evidence and are contrary to the great weight of the evidence in the record.

63. That, upon the previous allegations, OHWM 2019 should be set aside for the

additional reasons as follows:

- a. The decision fails to address the right of the city and taxpayers to ownership of the lakebed through adverse possession;
- b. The decision fails to address the rights of the City and taxpayers based upon the equitable doctrine of estoppel;
- c. The decision fails to address the rights of the City and taxpayers based upon the equitable doctrine of waiver;
- d. The decision fails to address the rights of the City and Taxpayers based upon the equitable doctrine of detrimental reliance.

WHEREFORE, the Petitioners pray for the following relief:

- A. A judgment setting aside the January 3, 2019 decision of the DNR;
- B. An injunction prohibiting any further action by any party until the matter is resolved and a final determination is obtained;
- C. A contested case hearing to establish a reviewable record of evidence supporting the DNR OHWM declaration;
- D. A declaration of the location of the OHWM based on and consistent with the Circuit Court's established findings;
- E. A metes-and-bound legal description of the declared OHWM;
- F. For such other and further relief as this Honorable Court deems just and appropriate.

Respectfully Submitted on this 1st day of February, 2019.

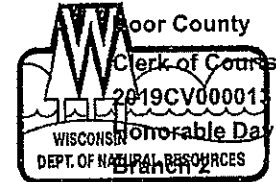
REETZ LAW OFFICE, S.C.

By: Electronically signed by Brett Reetz
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TTY Access via relay - 711



FILED

02-01-2019

Door County

Clerk of Courts

2019CV000013

Honorable David L. Weber

DEPT. OF NATURAL RESOURCES

Wisconsin Department of Natural Resources Ruling
Declaring the Location of the Ordinary High Water Mark of Lake Michigan
on the Shore of a Parcel of Land Located at 92 East Maple St. ("Parcel 92")
in the City of Sturgeon Bay, Door County, Wisconsin
January 3, 2019

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SUMMARY

The Wisconsin Department of Natural Resources ("department") issues this ruling declaring that the Ordinary High Water Mark ("OHWM") on *Parcel 92* (Figure 1) is located at the meander line shown on the 1835 plat map created as part of the United States General Land Office public land survey of Wisconsin and surveyed, located, and mapped by the City of Sturgeon Bay Engineering Department on a Site Plan dated December 6, 2018 (Figure 3). The department applies the Wisconsin legal standards described herein to fulfill the state's affirmative duty under Article IX, Sec. 1 of the Wisconsin Constitution to protect the public trust in navigable waters of the state [*Muench v. Pub. Serv. Comm'n*, 261 Wis. 492, 512 (1952)] and provide consistency and efficiency in state administration of water resource laws (chs. 30 and 31, Wis. Stats.).

BACKGROUND

On February 5, 2018, upon petition and as authorized by s. 227.41, Wis. Stats., the department issued a ruling declaring the location of the OHWM of Lake Michigan along the shore of a parcel of land located at 92 E. Maple St. ("*Parcel 92*") in the City of Sturgeon Bay, Door County, Wisconsin (WDNR, 2018a).

The City of Sturgeon Bay and the Friends of the Sturgeon Bay Public Waterfront, et. al., both filed petitions under s. 227.41(1), Wis. Stats., challenging the department's OHWM ruling. One petitioner asked how the department had located, mapped, and superimposed the 1835 original Gov't. meander line onto the 2014 map of *Parcel 92* that the department used in its 2018 ruling. The department checked the accuracy of the 1835 meander line as located on the 2014 map and concluded the 1835 meander line had been inaccurately located on that map (WDNR, 2018b).

Because its 2018 ruling declaring the location of the OHWM on *Parcel 92* was based on this material factual error, on May 15, 2018, the department withdrew that ruling (WDNR, 2018b). In response to the department withdrawing its ruling, the petitioning parties stipulated to a dismissal of their petitions for judicial review which was so ordered by the Honorable D. Todd Ehlers, Door County Branch 1, Circuit Court Judge on June 8, 2018. The City of Sturgeon Bay and the Friends of Sturgeon Bay Public Waterfront et. al. subsequently conferred and negotiated and now agreed to settle the issue of the location of the meander line/OHWM on *Parcel 92* as declared in this department ruling and as shown on the attached Site Plan (Figure 3).

DISCUSSION

The department's 2018 OHWM ruling (WDNR, 2018a) established the importance of the OHWM in determining the boundary between public lands and privately owned riparian property and described the standard methodology department staff uses to determine the OHWM. The department acknowledges the uncertainty in identifying an OHWM location at *Parcel 92* since the standard method of identifying recognizable physical and biological indicators along the shoreline is impossible to use at this site that has been filled and otherwise manipulated for years. At other Great Lakes shoreline locations with substantial historical fill (e.g., Superior Harbor), the department typically uses the meander line as the starting point for its OHWM determination when the original U.S. Gov't. survey accurately maps the meander line or shoreline (LaValley, 2017).

The department's 2018 OHWM ruling (WDNR, 2018a) discussed the difficulties and uncertainties associated with determining an OHWM at *Parcel 92*. The department determined and still maintains that there is significant uncertainty in concluding that any historical mapped shoreline of this site represents the location of recognizable physical and biological indicators that indicate the OHWM. The Department determined and still maintains that there is also uncertainty regarding whether material from borings at the site should be classified as fill or native materials and whether any fill at this location was placed upon accreted lands, lakebed, or both.

Based on these difficulties and uncertainties, in its 2018 OHWM ruling the department used the 1835 mapped meander line as a starting point for the OHWM location at *Parcel 92* and then adjusted the OHWM location based on purported lower water levels 13 years later at the date of statehood (1848). The department accepts that: 1) there are substantial uncertainties using this approach; and 2) the mapped 1835 meander line was inaccurately located on the map that the department used in its 2018 declaratory ruling (see discussions below).

1) Uncertainty of adjusting the 1835 meander line to 1848 water levels at the time of statehood

The department's 2018 OHWM ruling used a provisional approach to estimate the OHWM location at the site on the date of statehood by assuming from available information that when the U.S. Gov't. survey was done (1835) water levels were higher than water levels at the time of statehood (1848). The department hypothesized that the lower 1848 water levels would have caused the water to further recede and the shoreline further extend waterward of the 1835 meander line. How far waterward depends on water level changes, near shore topography, and lake bed bathymetry.

To estimate the location of the 1848 shoreline, the department used shorelines mapped in 1873 and 1888 and recorded water levels to estimate average historic shoreline slopes (Figure 2). The department averaged the 1873 and 1885 historic shoreline slopes and averaged measured May-October water elevations to estimate the location of the 1848 shoreline in reference to the 1835 surveyed meander line (WDNR, 2018a).

Using this approach, the department made assumptions that create a level of uncertainty, including the following:

- The department assumed single monthly water level data used to calculate the shoreline slopes was not collected during extreme weather events that could have changed water levels on a short-term basis;
- The department assumed paleo-water level annual elevations reasonably approximated 1835 water levels and could be used to compare to actual monthly water levels measured and recorded starting in 1861;
- The department assumed it was reasonable to average the distances between the 1835, 1873, and 1885 shorelines laterally along property lines, average the monthly water levels and 1873 and 1885 shoreline slopes, and use the averages to estimate an approximate shoreline slope and shoreline location at statehood (1848);
- The department assumed the mapped 1848 shoreline represented the averaged OHWM based upon averaging two shoreline slopes (the 1873 shoreline slope of 61.86:1 and the 1885 shoreline slope of 31.60:1) to estimate the distance of the 1848 shoreline from the 1835 meander line.

Collectively these assumptions added substantial uncertainty to the department's approach for its 2018 OHWM ruling. The department now finds that simply using the mapped meander line of 1835 as the OHWM at this site significantly reduces the uncertainties associated with estimating an 1848 OHWM location.

2) Correction of the material factual mapping error of the 1835 U.S. Gov't. survey meander line

In its 2018 ruling declaring the OHWM location on *Parcel 92* (WDNR, 2018a), the department used a 2014 base map created by the Board of Commissioners of Public Lands (BCPL). BCPL created the map to help department staff locate the approximate OHWM on adjacent *Parcel 100* so the department could decide if it concurred with the OHWM location on *Parcel 100* proposed by the City. The department used the 2014 map to reach concurrence on the *Parcel 100* OHWM.

In drafting its 2018 OHWM ruling for *Parcel 92*, the department also relied upon the 2014 map and its mapped location of the 1835 meander line, and did not independently verify whether the 1835 meander line had been accurately located, superimposed, and mapped onto the 2014 map. After the department issued its 2018 ruling, a petitioner questioned how the department had determined the location of the 1835 meander line on the 2014 map used in its ruling. The department subsequently located the 1835 meander line and compare that location to the meander line location on the 2014 map to ascertain whether the 2014 map accurately located the meander line. The department verified the 1835 meander line as located on the 2014 map was not accurate. On June 15, 2018, the department withdrew its 2018 OHWM ruling due to this material mapping error on the 2014 map.

The department recently received the attached Site Plan dated December 6, 2018, prepared by the City of Sturgeon Bay Engineering Department (Figure 3). The meander line location and bearings on the Site Plan are properly based on the Door County survey control monuments for Section 7, Township 27 North, Range 26 East. The department finds the location and description of the U.S. Gov't. meander line as surveyed and mapped onto the Site Plan by the City of Sturgeon Bay is reliable and accurate. The City and Friends of the Sturgeon Bay Public Water Front, et. al., agree the description and location of the U.S. Gov't. meander line surveyed and mapped on the Site Plan is reliable and accurate and agree that it represents the OHWM location on *Parcel 92* (letter communication from Atty. Paul Kent dated January 2, 2019).

DEPARTMENT DECISION

Without physical and biological indicators present to indicate the OHWM location on *Parcel 92*, the issue narrows to the question of what area of *Parcel 92* was lakebed that came into state ownership subject to the public trust at statehood (1848)? The department finds using the location of the 1835 U.S. Gov't. meander line as the location of the OHWM on *Parcel 92* is appropriate because (a) physical and biological indicators are absent; (b) such location is consistent with department standard practices; (c) using the meander line location as the OHWM location minimizes uncertainties regarding the OHWM location; and (d) the petitioning parties now agree the OHWM on *Parcel 92* is properly located at the 1835 meander line as located on the Site Plan (Figure 3).

The Department determines the OHWM at *Parcel 92* as:

The 1835 U.S. Gov't. meander line as located and described by the survey diagram titled "Site Plan" prepared by the City of Sturgeon Bay Engineering Department and dated December 6, 2018 (Figure 3).

The department recognizes extensive public and private resources were expended to determine the location of the OHWM on *Parcel 92* and has strived to make a reasonable decision that protects constitutionally based public interests in the navigable waters of Sturgeon Bay and considers the riparian interests of the City of Sturgeon Bay.

FINDINGS OF FACTS

- 1) On March 8, 2017, the Department received a petition from the Friends of Sturgeon Bay Public Waterfront and six individuals requesting a full hearing and declaratory ruling pursuant to s. 227.41, Wis. Stats., declaring the location of the OHWM on a parcel of property located at 92 East Maple Street in the City of Sturgeon Bay (*Parcel 92*) for the purpose of determining the

extent of the state's property rights under the Public Trust Doctrine and Wisconsin Constitution, Article IX, Sec. 1.

- 2) On February 5, 2018, the department issued a ruling declaring the location of the OHWM on Parcel 92. The City of Sturgeon Bay and Friends of the Sturgeon Bay Public Waterfront et al., both filed petitions under s. 227.41, Wis. Stats., challenging the ruling. On May 15, 2018, the department withdrew the ruling due to a material factual error. In response to the department's withdrawal of its 2018 ruling declaring the location of the OHWM on Parcel 92, both petitioning parties stipulated to a dismissal of their petitions for judicial review which the Honorable D. Todd Ehlers, Door County Branch 1, Circuit Court Judge, ordered on June 8, 2018.
- 3) The OHWM is the boundary between riparian owned uplands and the publicly owned beds of natural lakes. It is the boundary of public rights and interest in the waters of navigable streams and lakes. When the water's edge is waterward of the OHWM a riparian owner has a qualified right to exclusively use the land between the actual water's edge and the OHWM. *Doemel v. Jantz*, 180 Wis. 225 (1923).
- 4) The first definition of the ordinary high water mark (OHWM) is found in *Lawrence v. American Writing Paper Co.*, 144 Wis. 556, 562 (1911): "... ordinary high water mark. That is the point up to which the presence and action of water is so continuous as to leave a distinct mark by erosion, destruction of vegetation or other easily recognized characteristics."
- 5) Three years later the Supreme Court clarified and expanded the definition of OHWM in *Diana Shooting Club v. Husting*, 156 Wis. 261, 272 (1914): "By ordinary high-water mark is meant the point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation, or other easily recognized characteristic."
- 6) The *Diana* court also stated, "And where the bank or shore at any particular place is of such character that it is impossible or difficult to ascertain where the point of ordinary high-water mark is, recourse may be had to other places on the bank or shore of the same stream or lake to determine whether a given stage of water is above or below the ordinary high-water mark."
- 7) Wisconsin common law establishes that the boundaries of navigable waters and their beds are determined based on the location of the OHWM at the time of statehood. See *Diana Shooting Club v. Husting*, 156 Wis. 261 and *Illinois Steel Co. v. Bilot*, 109 Wis. 418, 425 (1901) ("title to the beds of all lakes and ponds, and of rivers navigable in fact as well, up to the line of ordinary high-water mark, within the boundaries of the state, became vested in it at the instant of its admission into the Union, in trust to hold the same so as to preserve to the people forever ...").
- 8) Among other incidents of riparian ownership, and to preserve the riparian's access to the water, is the right to the land formed by gradual and natural accretions and uncovered by reliction. *Doemel v. Jantz* 180 Wis. 225 (1923), *Attorney General Ex Rel. Bay Boom Wild Rice and Fur Co.*, 172 Wis. 363 (1920), and *Baldwin v. Anderson*, 40 Wis. 2d 33 (1968). This is true even when the riparian does not have title to the bed. *Roberts v. Rust*, 104 Wis. 619 (1899) and *Boorman v. Sunmuchs*, 42 Wis. 223 (1877).
- 9) The courts have held that land waterward of the OHWM is land subject to the public trust doctrine and restricted to uses compatible to the public trust or associated with navigation, except as noted in the case of natural accretion. Wisconsin law holds that the filling of submerged lands does not transfer title to the riparian property owner. See *Menomonee River Lumber Co. v. Seidl*, 149 Wis. 316, 320-321 (1912) ("One cannot by building up land or erecting structures in a lake, the title to the bed of which is in the state, thereby extend his possession into the lake and acquire the state's title."). The possession of a deed or federal patent purporting to convey title to lakebed is meaningless for that purpose. *Illinois Steel Co. v. Bilot*, 109 Wis. 418 (1901).

- 10) Parcel 92 is described as being a part of Lot One (1), Block Nine (9), according to the recorded Plat of Harris First Addition and also a part of Lots One (1), Six (6) and Seven (7), Block Eight (8) of Bay View Plat, and all of Lots Two (2), Three (3), Four (4) and Five (5), Block Eight (8), of Bayview Plat, and part of Subdivision 76, all in the Northeast Quarter (NE1/4), Section Seven (7), Township Twenty-seven (27) North, Range Twenty-six (26) East, in the City of Sturgeon Bay, Door County, Wisconsin described as follows:

Commencing at the intersection point of the East line of Neenah Avenue and the North line of Maple Street; thence North 89 deg. 59 min. 38 sec. West, 91.92 feet along the North line of Maple Street to the point of beginning of lands to be described; thence North 13 deg. 34 min. 55 sec. East, 47.11 feet; thence North 33 deg. 52 min. 22 sec. East, 263 feet; thence North 47 deg. 16 min. 59 sec. West, 200.38 feet; thence South 42 deg. 16 min. 00 sec. West, 229.08 feet; thence South 40 deg. 01 min. 00 sec. West, 33.71 feet; thence South 32 deg. 53 min. 44 sec. West, 33.77 feet; thence West 92.01 feet; thence South 06 deg. 01 min. sec. East, 178.01 feet to the North line of Maple Street; thence South 89 deg. 59 min. 38 sec. East, 256.57 feet along said North line to the point of beginning.

- 11) Parcel 92 has the physical address of 92 East Maple Street, Sturgeon Bay, WI 54235 and Tax Parcel Number 281-12-10080101. The City of Sturgeon Bay obtained title to Parcel 92 in 2012 by a special warranty deed from Freedom Bank.

- 12) The City claims title to the parcel of real property located at 100 East Maple Street in the City of Sturgeon Bay formerly known as Tax Parcel No. 281-2415090101, consisting of parts of Document Nos. 318850 and 783268, excepting part of Document No. 580907 ("Parcel 100"). A portion of Parcel 100 is more particularly described as: A parcel of land located in the NE 1/4 of Section 7, T. 27 N., R. 26 E., City of Sturgeon Bay, Door County, Wisconsin, bounded and described as follows:

Commencing at the intersection point of the east line of Neenah Avenue and the north line of Maple Street, thence N. 89°39'38" W., 91.60 feet along the north line of Maple Street to the point of beginning of lands to be described; thence N85°03'44" E.-- 49.68 feet; thence N69°31'57"E -- 80.99 feet; thence N46°00'22"E -- 64.41 feet to the approximate ordinary high water mark of Sturgeon Bay as determined by the Wisconsin Department of Natural Resources; thence along said ordinary high water mark as follows: N69°57'18"W-- 16.60 feet; thence N54.01'08"W -- 52.88 feet; thence N46°47'03"W -- 11.34 feet; thence N37°S9'31 "W -- 5.05 feet; thence N24°15'51"W -- 7.57 feet; thence N 01°14'01"W -- 11.87 feet; thence N 11°54'30" E -14.79 feet; thence N 19°09'16"E --35.48 feet; thence N27°35'00"E -- 30.30 feet; thence leaving said ordinary high water mark S33°52'22"W -- 209.15 feet; thence S 13°34'55"W -- 47.11 feet to the aforementioned north line of Maple Street; thence S89°59'38" E -- 0.32 feet along said north line to the point of beginning.

- 13) The department issued a "WDNR Determination of Concurrence with The Approximate Ordinary High Water Mark for the City of Sturgeon Bay West Side Waterfront Project," recorded in the office of the Door County Register of Deeds on October 28, 2014, as Document No. 782928 (the "Concurrence"). The determination concurs in the location of the OHWM for Parcel 100. The area of Parcel 100 landward of the OHWM stated in the Concurrence is owned by the City of Sturgeon Bay. The area of Parcel 100 lying waterward of the OHWM stated in the Concurrence is owned by the State in trust for benefit of the public under the public trust doctrine, Wis. Const., Art. IX, sec. 1, and may not be conveyed to a private party.

- 14) In March 2017, the Door County Circuit Court enjoined the City from making any conveyance of Parcel 92 to a private party (*Friends of the Sturgeon Bay Public Waterfront v. City of Sturgeon Bay*, No. 16-CV-23). The judgment provides that the scope of the injunction is subject to modification following a declaratory ruling by the department determining the location of the OHWM for Parcel 92.

- 15) On August 25 and 26, 2017, notices of public hearing were published on the department's website and in the *Door County Advocate* newspaper, respectively. On September 6, 2017, the department held a public hearing to receive comments, provide information and respond to

clarifying questions regarding the location of the OHWM of Sturgeon Bay at 92 East Maple St. (*Parcel 92*), City of Sturgeon Bay, WI. Thirty-five attendees filled out public hearing appearance slips (Appendix A) and approximately 24 people addressed the hearing examiner.

- 16) The department cannot use the standard method of examining biological and physical indicators on *Parcel 92* to establish an OHWM for that site because such indicators do not exist at this site. Instead, the department considered historic documents, maps, water levels, soil borings, and all public testimony presented at the hearing and in the record of the Door County Circuit Court case incorporated as part of the hearing record.
- 17) The department finds there is significant uncertainty associated with using any historically mapped shoreline as the OHWM due to the large variation in Lake Michigan water levels, the variation in shoreline slopes, and the mapped shoreline's relationship to an OHWM.
- 18) The department finds there is significant uncertainty as to whether fill occurred on accreted land or lake bed on *Parcel 92* and to what extent the described lacustrine or alluvial soil layer extends beneath fill in the area of *Parcel 92*.
- 19) The approach the department used to determine the OHWM on *Parcel 92* is based on the unique facts and information for *Parcel 92* and may not apply to other parcels or cases on the Great Lakes or other water bodies. The department determines the location of the OHWM in each specific case and on each specific site based upon the facts and information available for that site and case.

CONCLUSIONS OF LAW

- 1) The Department of Natural Resources (department), upon petition and as authorized by s. 227.41, Wis. Stats., issues this ruling declaring the location of the ordinary high water mark ("OHWM") of Lake Michigan along the shore of a parcel of land located at 92 E. Maple St. ("*Parcel 92*") in the City of Sturgeon Bay, Door County, Wisconsin
- 2) The public trust doctrine applies with equal force to filled lakebeds even if the filled lakebed area can no longer be navigated. See *State v. Trudeau*, 139 Wis. 2d 91 (1987) ("An area need not be navigable to be lakebed. If the land is part of the navigable lake, then the fact that the specific area cannot be navigated is irrelevant to the state's claim."); *State of Wisconsin v. Public Service Commission*, 275 Wis. 112, 117-19 (1957).
- 3) Filling of lakebed below the OHWM does not change the character of those formerly submerged lands as constitutionally protected trust property. *Diedrich v. Northwestern Union R. Co.*, 42 Wis. 248 (1877).
- 4) The department is responsible under s. 30.10(4)(b), Stats., for determining in conformity with the common law the extent to which *Parcel 92* may consist of filled public lakebed. Determining the extent of public lakebed requires the department to determine the location of the ordinary high water mark that represents the landward boundary or lateral extent of the public lakebed.

DEPARTMENT OF NATURAL RESOURCES RULING

The department hereby declares the Ordinary High Water Mark (OHWM) at *Parcel 92* in the City of Sturgeon Bay and adjacent to Sturgeon Bay, Lake Michigan is the mapped meander line as follows:

The U.S. Gov't meander line mapped and described by the City of Sturgeon Bay Engineering Department dated December 6, 2018 (Figure 3) as commencing at the Meander Corner between Government Lot 3 and Government Lot 4 of Section 7, Township 27 North, Range 26 East, City of Sturgeon Bay, Door County, Wisconsin,

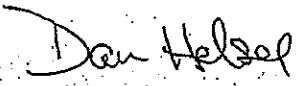
thence S 88° 12' 31" W 517.09 feet to the intersection with the platted center line of South Neenah Avenue, thence N 01° 50' 52" W along said platted centerline 415.02 feet to the intersection with the platted north right-of-way line of East Maple Street, thence S 88° 09' 08" W along said platted right-of-way line 91.60 feet; thence along the easterly line of Parcel 92 as follows: N 11° 43' 41" E 47.11 feet, and N 32° 01' 08" E 0.58 feet to the intersection with the U.S. Gov't Meander Line and the point of beginning, thence N 43° 54' 53" W along said U.S. Gov't Meander Line 239.61 feet to the northwesterly line of Parcel #92 and the point of termination.

- 1) The department hereby declares the area of *Parcel 92* landward of the OHWM described above is private riparian land.
- 2) The department hereby declares the area of *Parcel 92* waterward of the OHWM described above:
(a) is owned by the State in trust for the benefit of the public under the public trust doctrine, Wis. Const., Art. IX, Sec. 1; (b) may not be conveyed to a private party; and (c) may be used only for purposes compatible with the public trust doctrine.

Dated at Black River Falls, Wisconsin, January 3, 2019

STATE OF WISCONSIN, DEPARTMENT OF NATURAL RESOURCES

By


DANIEL R. HELSEL, HEARING OFFICER
FIELD INTEGRATION LEADER
OFFICE OF THE SECRETARY

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin Statutes and Wisconsin Administrative Code establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to Sections 227.41(1), 227.52 and 227.53, Wisconsin Statutes, you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate court and serve the petition on the Secretary of the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

FIGURES

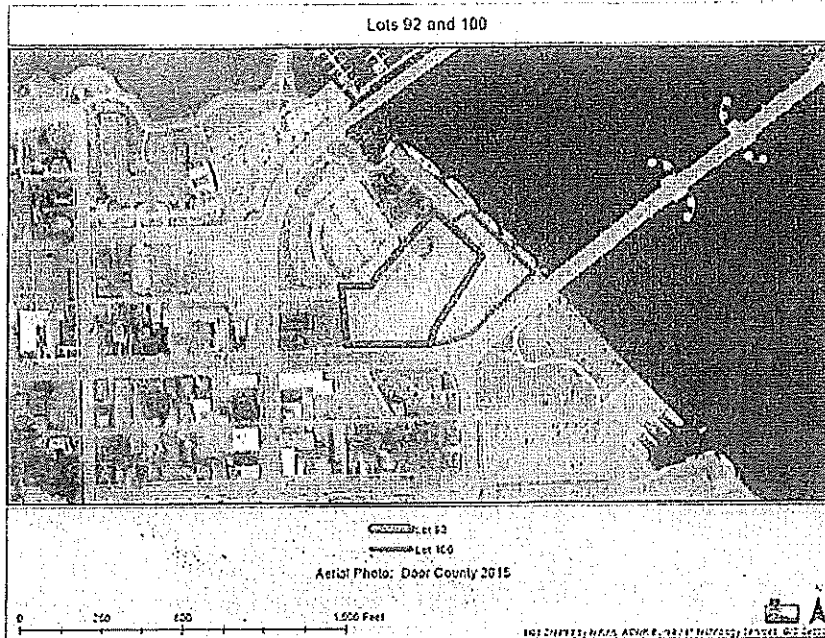


Figure 1. Site Location Map

Location of Parcel 92 and Parcel 100 in the City of Sturgeon Bay, North of Oak Street Bridge.

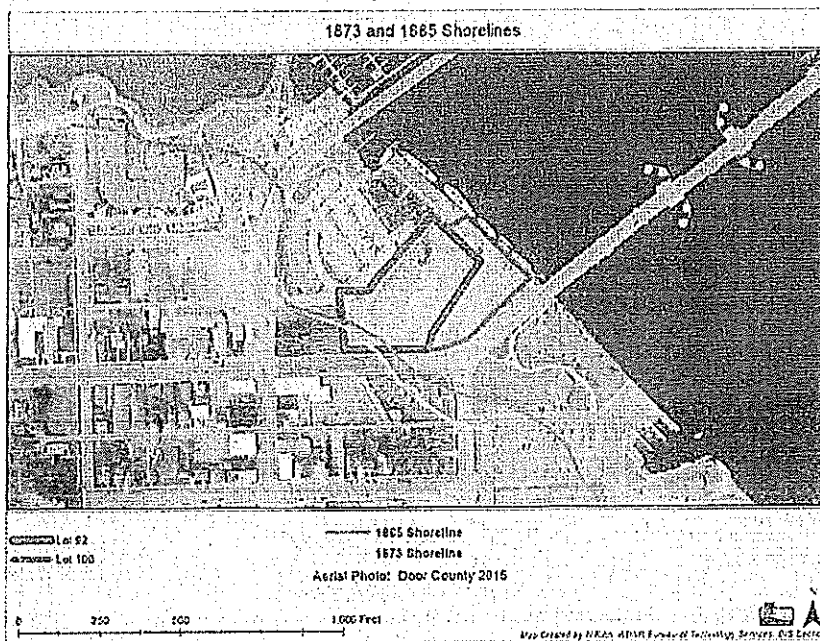


Figure 2. 1873 and 1885 mapped shorelines

The mapped shorelines from the Bay View Plats in 1873 and 1885 shown with Parcel 92 and Parcel 100.

Figure 3. Location of OHWM for Parcel 92 described as the U.S. Gov't Meander Line Location and description of the U.S. Gov't Meander line produced by the City of Sturgeon Bay Engineering Department on December 6, 2018.

REFERENCES

Bruhn, M. (2014). *WDNR Determination of Concurrence with the approximate Ordinary High Water Mark for the City of Sturgeon Bay West Side Waterfront Project*. Madison, WI: Office of the Secretary, Wisconsin Department of Natural Resources.

LaValley, S. (2017). *Personal Communication*. Superior, WI: Water Management Specialist, Bureau of Watershed Management, Department of Natural Resources.

WDNR. (2018a). *Wisconsin Department of Natural Resources Ruling Declaring the Location of the Ordinary High Water Mark of Lake Michigan on the shore of Parcel of Land Located at 92 East Maple St. ("Parcel 92") in the City of Sturgeon Bay, Door County, Wisconsin*. Black River Falls, WI: Wisconsin Department of Natural Resources.

WDNR. (2018b). *Wisconsin Department of Natural Resources May 15, 2018 Withdrawal of Ruling*. Black River Falls, WI: Wisconsin Department of Natural Resources.

APPENDIX A – PUBLIC HEARING APPEARANCE SLIPS RECORDS

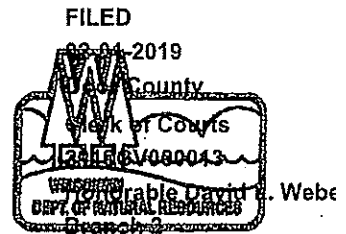
NAME	CITY	ST	COMMENT	ORAL STATEMENT	POSITION
Allmann, Barbara	Sturgeon Bay	WI		Yes	
Andersson, Carri	Sturgeon Bay	WI	(Friends of Sturgeon Bay Waterfront)	Yes	
Anschulz, Paul	Sturgeon Bay	WI		Yes	IO
Ateu, Nancy	Sturgeon Bay	WI	(Friends of Sturgeon Bay Waterfront)	Yes	
Avenson, Kelly	Sturgeon Bay	WI	(representing Sturgeon Bay Historical Society)	Yes	
Brooks, Laurel	Sturgeon Bay	WI		Yes	
Bultman, Robert	Baileys Harbor	WI	(representing Self) <ul style="list-style-type: none"> Preserve and protect the public trust for the future – the 1873 map is the OHWM. 	No	
Catarozoll, Kelly	Sturgeon Bay	WI	(representing Sturgeon Bay City Council – District 1)	Yes	
Collins, Dan	Sturgeon Bay	WI	(Friends of Sturgeon Bay Waterfront)	Yes	
Ewig, Marianne	Sturgeon Bay	WI	(Friends of Sturgeon Bay Waterfront)	Yes	
Fairchild, Shawn	Sturgeon Bay	WI	(Friends of Sturgeon Bay Waterfront)	Yes	
Finnerty, Kathleen	Sturgeon Bay	WI	(Friends of Sturgeon Bay Waterfront)	Yes	
Frix, Donald Frelx	Fish Creek	WI	(Friends of Sturgeon Bay Waterfront)	Yes	
Geers, Sarah	Madison	WI	(Midwest Environmental Advocates)	Yes	
Goehelman, Elliot	Sturgeon Bay	WI		Yes	

Greene, John			(representing City of Sturgeon Bay)	Yes	
Hans, Christian	Sturgeon Bay	WI		No	
Hauser, Laurel	Sturgeon Bay	WI	(representing Self)	Yes	
Hebal, Bill	Sturgeon Bay	WI		Yes	
Herlache, Thomas L.	Sturgeon Bay	WI		Yes	
Huntoon, Lori	Brookfield	WI	(Friends of Sturgeon Bay Waterfront)	Yes	
Kellems, Chris	Sturgeon Bay	WI	(representing Self)	Yes	AIMA
Livingston, Jan	Sturgeon Bay	WI		No	AIMA
Logerquist, Deborah	Sturgeon Bay	WI		No	
Logerquist, Deborah (2)	Sturgeon Bay	WI	Please email the DNR's ruling (IS-ruling that OHWM should be declared to be the 1873 determined OHWM)	No	IS
Malenius, Miriam	Sturgeon Bay	WI		No	
Morkin, Claire	Sturgeon Bay	WI	(Friends of Sturgeon Bay Waterfront)	Yes	
Nesbitt, Randall	Sturgeon Bay	WI	(representing City of Sturgeon Bay)	Yes	AIMA
Olejniczak, Marty	Sturgeon Bay	WI	(representing City of Sturgeon Bay (Comm. Dev. & Waterfront Dev.))	Yes	
Orlock, Mike	Sturgeon Bay	WI	(representing Self)	Yes	
Schabach, Ryan	Hilbert	WI	Protect our waterfront. (Small business representative)	No	
Smith, Larry	Sturgeon Bay	WI		Yes	AIMA

Urban, Robin	Sturgeon Bay	WI	No jurisdiction by the DNR in this hearing	Yes	AIMA
Van Lieshout, Josh	Sturgeon Bay	WI	(representing City of Sturgeon Bay)	No	AIMA
Ward, David J.	Sturgeon Bay	WI	I would like the ruling emailed to be at the above email address. The DNR decision needs to be considered the effect of the St. Lawrence Seaway, built in the 1950s. Subsequent dredging of the St. Clair River lowered (permanently) the level of Lake Michigan/Huron by 10-12 inches-thus altering the historic OHWM.	No	
Weber, Christie	Sturgeon Bay	WI	(Friends of the Public Waterfront)	Yes	
IS= In Support IO-In opposition AIMA= As Interest May Appear.					

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7821
Madison WI 53707-7821

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-866-633-7463
TTY Access via relay - 711



March 3, 2017

Mayor Thad Birmingham
City of Sturgeon Bay
421 Michigan Street
Sturgeon Bay WI 54235

Dear Mayor Birmingham:

The Department has received your request to determine an ordinary high water mark (OHWM) for 92 East Maple Street in Sturgeon Bay Wisconsin. We will proceed to make that determination based on an analysis of available historical maps of the property and surrounding area.

However, due to the very disturbed nature of the site, and the fact that over eight feet of fill has been placed landward (for an undetermined distance) and waterward (to the established bulkhead line), it will be impossible to determine precisely where the OHWM once existed. The department is confident that we will be able to provide a reasonable estimate of the OHWM through the map review, but locating it exactly will require extensive field work that is beyond the resources of the department to undertake, and still will result in an estimate that may not significantly alter the OHWM location. Contracting for any additional field work would be the responsibility of the City, although the department would be willing to provide technical assistance in relation to any field plans or substrate or other data analysis.

If you have any questions regarding this process, please contact Pam Biersach, Director of the Bureau of Watershed Management, at (608) 261-8447 or at pamela.biersach@wisconsin.gov.

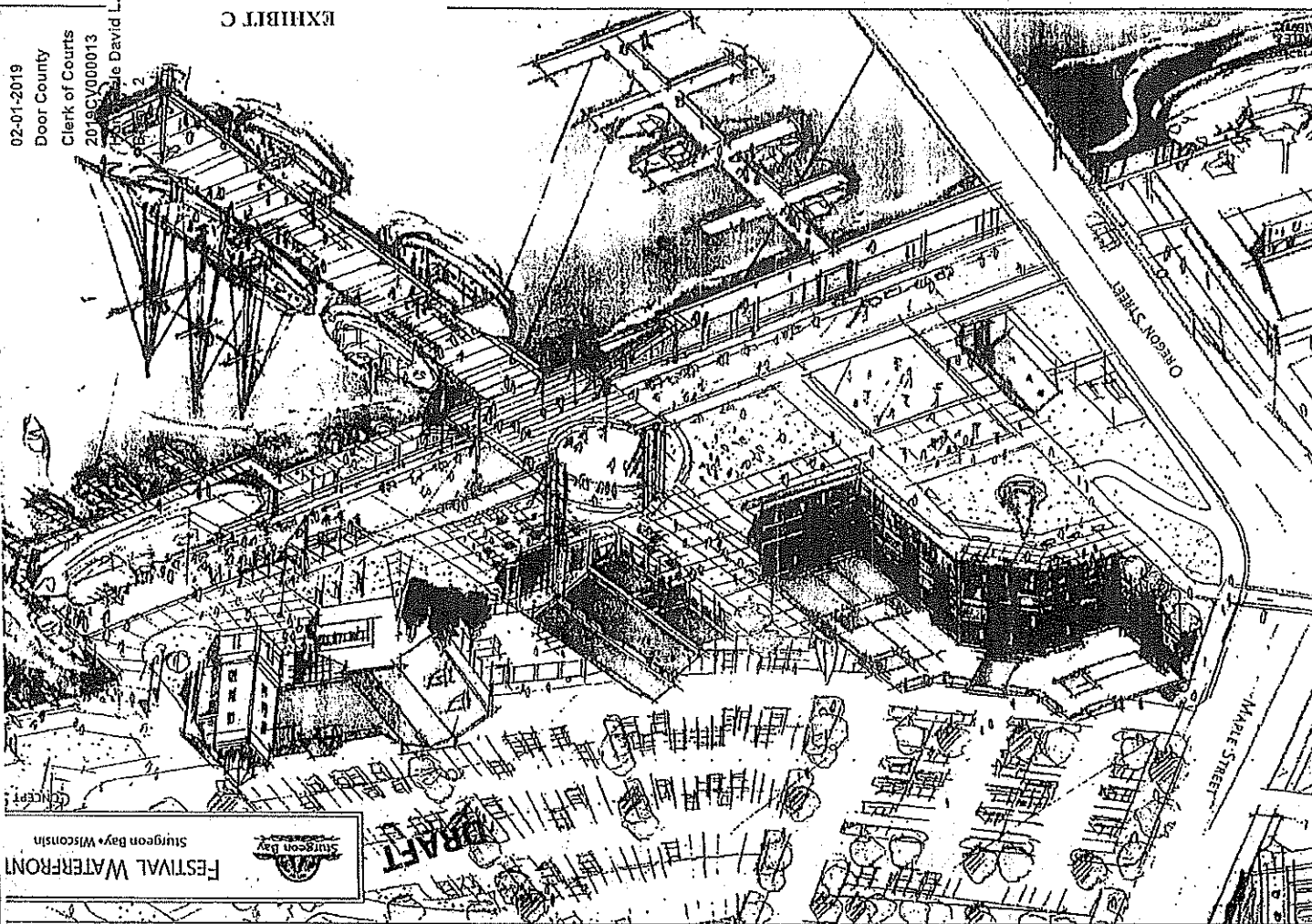
Sincerely,

Cathy Stepp
Secretary

EXHIBIT B

02-01-2019
Door County
Clerk of Courts
2019CV000013
Attorney: David L. Weber

EXHIBIT C



REETZ LAW OFFICE, S.C.
Brett Reetz, *Attorney at Law*
242 Michigan Street, Suite 104
Sturgeon Bay, WI 54235



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Atty. Paul G. Kent
Stafford Rosenbaum LLP
222 W Washington Ave Ste 900
PO Box 1784
Madison WI 53701-1784

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- Attach this card to the back of the mailpiece, or on the front if space permits.

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Atty. Paul G. Kent
Stafford Rosenbaum LLP
222 W Washington Ave Ste 900
PO Box 1784
Madison WI 53701-1784



9590 9402 4297 8190 8333 16

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