

COMMON COUNCIL
April 16, 2019

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

Mayor Birmingham presented the following outgoing alderpersons with Certificates of Appreciation: Kelly Catarozoli, Dave Ward, Barbara Allmann, and Laurel Hauser. Dave Ward presented outgoing Mayor Thad Birmingham with a Certificate of Appreciation.

The newly elected officials were seated.

Roll call: Bacon, Hayes, Williams, Avenson, Nault, Wiederanders, and Reeths were present.

Williams/Bacon to adopt agenda. Hayes/Avenson to amend the agenda to move consent agenda item 9i to the regular agenda and to discuss the closed session item in open session, as well. Carried. Vote on original motion as amended. Carried.

The following people spoke during public comment: Bob Loss, 607 E. Walnut Dr; Will Gregory, 187 N. 9th Ave; Chris Kellems, 120 Alabama St; Matt Young, 415 W Maple St; Amy Kohnle, 902 Alabama Pl; Pam Busch, 351 N. Forestville Ave; Hans Christian, 330 N. 3rd Ave; Melissa Wolfe, 531 S. Neenah Ave; Scott Moore, 947 Pennsylvania St.

Ken Pabich and Joe Kresbach gave a presentation to the Council on Door2Door rides. The Council members had their questions answered.

Wiederanders/Avenson to approve the following bills - General Fund - \$108,350.71, Capital Fund - \$7,668.10, Cable TV - \$4,395.19, TID #4 - \$17,608.87, and Solid Waste Enterprise Fund - \$543.86 for a grand total of \$138,566.73. Roll call: All voted aye. Carried.

Hayes/Williams to approve consent agenda:

- a. Approval of 4/2/19 regular Common Council minutes.
- b. Approval of the following minutes:
 - (1) Aesthetic Design & Site Plan Review Board . 2/25/19
 - (2) Aesthetic Design & Site Plan Review Board . 3/11/19
 - (3) Finance/Purchasing & Building Committee . 3/26/19
 - (4) Waterfront Redevelopment Authority . 4/2/19
 - (5) City Plan Commission . 4/3/19
 - (6) Community Protection & Services Committee . 4/8/19
 - (7)
- c. Place the following reports on file:
 - (1) Police Department Report . March 2019
- d. Consideration of: Approval of beverage operator licenses.
- e. Consideration of: Designation of official newspaper.
- f. Consideration of: Designation of Public Depositories.
- g. Consideration of: Approval of Change of Agent for Apple Valley Lanes.

- h. Consideration of: Approval of Temporary Class B Beer license for Sturgeon Bay Bass Tournament LLC.
- i. ~~Joint Park & Recreation Committee/Board recommendation re: Allow the DCSSA to move forward with the Big Hill Park trail system as discussed in the presentation with conditions.~~ Moved to regular agenda.
- j. Finance/Purchasing & Building Committee recommendation re: Purchase a Ford F-550 4x4 with dump box from L&S Truck Center Appleton, WI in an amount not to exceed \$68,166, including the trade in of a 2007 Ford F-550.
- k. Finance/Purchasing & Building Committee recommendation re: Purchase a Ford F-350 R/C 4x2 from Jim Olson Ford in an amount not to exceed \$38,991, including trade in of a 2001 Chevrolet 3500.
- l. Finance/Purchasing & Building Committee recommendation re: Write off the following 2017 delinquent personal property tax account bills in the amount of \$1,475.05.
- m. Finance/Purchasing & Building Committee recommendation re: Purchase a 2019 Western Star 4700SF with plow, stainless dump box option and hood access package from Quality Truck Center of OshKosh, WI in an amount not to exceed \$167,807.00 including trade in of a 2001 Sterling L8500 with plow.
- n. Community Protection & Services Committee recommendation re: Staff adapt a form to be signed by all newly elected officials, and those appointed to City committees and commissions, with the understanding they have read the conflict of interest disclosure regarding Chapter 35, Code of Conduct and Chapter 36, Code of Ethics prior to serving.

Carried.

RECOMMENDATION

We, the Joint Park & Recreation Committee/Board, hereby recommend to Council to allow the Friends of Big Hill Park to move forward with the Big Hill Park trail system as discussed in the presentation, with the condition they maintain trails and provide signage, along with getting any permits needed and to have the Friends of Big Hill Park work with Mike Barker on the trail map for the presentation to the City Council.

PARK & RECREATION COMMITTEE/BOARD

By: Laurel Hauser, Chr.

Hayes/Avenson to adopt. Carried.

The following mayoral appointments were made:

FINANCE/PURCHASING & BUILDING COMMITTEE

Avenson/Nault to approve:

Helen Bacon, Chr.

Seth Wiederanders, Vice-Chr.

Dan Williams

PERSONNEL COMMITTEE

Hayes/Wiederanders to approve:

Dan Williams, Chr.

Helen Bacon, Vice-Chr.

Kelly Avenson

PARKING & TRAFFIC COMMITTEE

Nault/Williams to approve:
Kelly Avenson, Chr.
Kirsten Reeths, Vice-Chr.
Gary Nault

COMMUNITY PROTECTION & SERVICES COMMITTEE

Bacon/Reeths to approve:
Dan Williams, Chr.
Kirsten Reeths, Vice-Chr.
Seth Wiederanders

BOARD OF PARKS & RECREATION

Williams/Nault to approve:
David Hayes, Chr.
Gary Nault, Vice-Chr.
Helen Bacon

CITY PLAN COMMISSION

Williams/Nault to approve:
David Ward, Chr.
David Hayes

LOCAL ARTS BOARD

Avenson/Williams to approve:
Kelly Avesnon

BOARD OF PUBLIC WORKS

David Ward
Helen Bacon
David Hayes
Dan Williams
Kelly Avenson
Gary Nault
Seth Wiederanders
Kirsten Reeths

Reeths/Bacon to nominate Dan Williams as Council President. Avenson/Wiederanders to nominate David Hayes as Council President. Ward ruled nominations closed. Hayes withdrew his name from the nominations. Williams was voted in as Council President.

RECOMMENDATION

We, the City Plan Commission, hereby recommend to approve the combined preliminary/final Planned Unit Development (PUD) to allow for 6 multiple-family dwelling units to be established on property located at 709 Jefferson Street, parcel # 281-62-25002202 subject to the following conditions:

1. The underlying zoning district shall remain mixed residential and commercial (C-5)
2. The additional off-street parking spaces shall be met via either written agreement from the adjoining property for collective (shared) parking area, providing evidence the minimum off-street parking requirement are met, or a payment in lieu of providing the final space shall be made. No additional off street spaces shall be created without the approval of the Plan Commission.

3. If the dwelling units are used as tourist rooming houses, each such tourist rooming house shall be restricted to a minimum seven day rental period and the total number of days within a consecutive 365 day period that each tourist rooming house may be rented shall not exceed 180 days. The 180 days shall run consecutively within each 365-day period. However, the minimum rental period and maximum rental days shall not apply to up to three tourist rooming houses.

CITY PLAN COMMISSION

By: Dennis Statz, Vice-Chair

Avenson/Hayes to adopt. Carried.

Avenson/Bacon to read in title only the first reading of the ordinance rezoning from Mixed-Residential and Commercial (C-5) to Planned Unit Development (PUD) and shall be subject to the site plan and requirements for parcel #281-62-25002202. Carried.

Williams/Reeths to refer the ordinance regarding Chapter 35 Code of Conduct back to CPS. Carried.

Bacon/Williams to refer the ordinance regarding Chapter 36 Code of Ethics back to CPS. Carried.

Avenson/Hayes to read in title only and adopt the second reading of the ordinance re: Text amendments to Section 20.29(1) of the Municipal Code . Zoning Code . Accessory Building Height Requirements. Carried.

Avenson/Hayes to read in title only and adopt the second reading of the ordinance re: Text amendment from Section 20.10(2)(c)11 of the Municipal Code . Zoning Code . Detached accessory Dwelling Units. Carried.

Nault/Reeths to adopt resolution re: submit application to the State of Wisconsin Department of Natural Resources authorizing Municipal Services Director to sign for grant application/process. Carried.

The following items were requested for future agendas: Council . Presentation of Green Tier Legacy. (Hayes); Park & Recreation . Big Hill Park Trail System presentation (Hayes); CPS . Review Committee agendas to address public comment on all agendas after the adoption of the agenda item (Avenson); CPS . Discussion of non-binding cannabis referendum (Wiederanders)

The City Administrator gave his report.

Personnel Committee Chair Ward, Parking & Traffic Committee member Avenson, Community Protection & Services Committee member Wiederanders and Sturgeon Bay Utility Commission member Ward presented reports for their respective committees/commissions.

The Mayor made his comments.

The Council discussed joining as a party the matter of John Wiese, Tom Wulf, Fran Shefchik, Mark Holdridge, Mike Langenhorst, et. al. vs. Wisconsin Department of Natural Resources. City Attorney Kalny reviewed the history and wither or not the City could join this appeal. Avenson/Hayes to table. Motion failed.

After Mayor Ward announced the statutory basis, Bacon/Reeths to convene in closed session in accordance with the following exemption: Conferring with legal counsel for governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Wis. Stat. 19.85(1)(g) Consideration of: Joining as a party the matter of John Wiese, Tom Wulf, Fran Shefchik, Mark Holdridge, Mike Langenhorst, et. al. vs. Wisconsin

Department of Natural Resources. Carried with Hayes and Avenson voting no.

The Council reconvened in open session at 9:23 pm. Avenson/Bacon to not join as a party the matter of John Wiese, Tom Wulf, Fran Shefchik, Mark Holdridge, Mike Langenhorst, et. al. vs. Wisconsin Department of Natural Resources. Carried.

Avenson/Nault to adjourn. Carried. The meeting adjourned at 9:24 p.m.

Respectfully submitted,

Stephanie L. Reinhardt
City Clerk/HR Director