

COMMON COUNCIL
March 5, 2019

A meeting of the Common Council was called to order at 7:01 p.m. by Mayor Birmingham. The Pledge of Allegiance was recited. Roll call: Catarozoli, Hayes, Ward, Avenson, Allmann, Wiederanders and Hauser.

Hayes/Catarozoli to adopt the agenda moving items 8h and 8l to the regular agenda. Carried.

Fire Chief Dietman presented the 2018 Annual Fire Department Report.

The following people spoke during public comment: Bob Loss, 607 E. Walnut Drive; Michael Till, 915 Michigan St; Vicki Fieck, 330 N. Joliet; Scott Moore, 947 Pennsylvania St.

Ward/Allmann to approve the following bills - General Fund - \$4,900,898.37, Capital Fund - \$494.76, Cable TV - \$5,106.51, TID #2 - \$56,705.85, TID #4 - \$5,637.40 and Solid Waste Enterprise Fund - \$1,287.34 for a grand total of \$4,970,130.23. Roll call: All voted aye. Carried.

Ward/Allmann to approve consent agenda:

- a. Approval of 2/19/19 regular Common Council minutes.
- b. Approval of the following minutes:
 - (1) Community Protection & Services Committee . 2/14/19
 - (2) Finance/Purchasing & Building Committee . 2/19/19
 - (3) City Plan Commission . 2/20/19
 - (4) Police & Fire Commission . 2/21/19
- c. Place the following reports on file:
 - (1) Fire Department Report . January 2019
 - (2) Inspection Department Report . January 2019
- d. Consideration of: Approval of beverage operator licenses.
- e. Consideration of: Approval of Class B Beer and Class C Wine license for Danç Kitchen.
- f. Consideration of: Approval of Temporary Class B Wine license for Neighbor to Neighbor Volunteer Caregivers of Door County, Inc.
- g. Consideration of: Approval of request from Miller Art Museum to serve wine at three events after library is closed.
- h. ~~Finance/Purchasing & Building Committee recommendation re: Approve the pre-annexation agreement with Duquaine Development, Inc. with the stipulations that park fees for phase 1 would be \$150.00 per unit and the boundaries for the annexation agreement be approved by the City. Moved to regular agenda.~~
- i. Finance/Purchasing & Building Committee recommendation re: Approve a funds transfer in the amount of \$8,000 from capital contingency line item 10-199-000-59999 to 10-225-000-59035 vehicles, for the purchase of a 2009 Ford Explorer from the GSA program and declare the Ford 500 as surplus.
- j. Finance/Purchasing & Building Committee recommendation re: Purchase a Caterpillar MDL 12ME AWD from Fabick CAT at a cost not to exceed \$266,000, trade in the 2002 Caterpillar 143H Grader and approve the \$6,000 fund transfer from capital budget line 10-199-000-59999 capital contingency to 10-410-000-59065 grader.
- k. City Plan Commission recommendation re: Approve an amendment to Section 20.12(2)(c)(11)(a) of the Municipal Code (Zoning Code) regarding minimum side and rear yard for detached accessory dwelling units.
- l. ~~City Plan Commission recommendation re: Approve an amendment to Section 20.29(1) of the Municipal Code (Zoning Code) regarding accessory building heights regulations. Moved to regular agenda.~~

Carried.

There were no mayoral appointments.

RECOMMENDATION

Finance/Purchasing & Building Committee, hereby recommend to approve the pre-annexation agreement with Duquaine Development, Inc. with stipulations for park fees for phase 1 would be \$150.00 per unit and the boundaries for the annexation agreement are approved by the City.

FINANCE/PURCHASING & BUILDING COMMITTEE

By: David Ward, Chr.

Introduced by Ward. Ward/Allmann to adopt. Discussion took place regarding the development with an explanation of the phases of the development by Community Development Director Olejniczak. Carried.

RECOMMENDATION

We, the City Plan Commission, hereby recommend to approve an amendment to Section 20.29(1) of the Municipal Code (Zoning Code) regarding accessory building height regulations as attached.

CITY PLAN COMMISSION

By: Dennis Statz, Vice-Chr.

Introduced by Hauser. Hauser/Avenson to adopt. Community Development Director Olejniczak summarized the proposed amendment. Avenson/Hauser to suspend the rules to allow interested parties to clarify their concerns of the amendment. Carried. Scott Moore addressed the Council with his concerns on whether this amendment covers all detached accessory buildings that are accessory to one or two dwellings and offered a resolution to his concerns. Avenson/Catarozoli to return to regular business. Carried. Discussion took place regarding the next step in the process which is scheduling a public hearing and that changes can still be made to the ordinance. Carried.

Catarozoli/Ward to award the Contract for Project 1902A . Concrete Replacement Program to Martell Construction, Inc. with unit pricing amounts totaling an estimated cost of \$141,977.75. Carried.

Catarozoli/Hayes to award the Contract for Project 1902B . Asphalt Replacement Program to Northeast Asphalt, Inc. with unit pricing amounts totaling an estimated cost of \$315,208.80. Carried.

Hauser/Catarozoli to override the mayoral veto of Council action approving the withdrawal of the City from the appeal of the judgement of Door County Circuit Court case 16-CV-23 (Court of Appeals Case 2017AP800). Discussion took place on whether it was appropriate to continue with the appeal process until the determination of the OHWM was final, whether continuing with the appeal was contrary to other Council action, and the role of the WRA in the appeal. Carried with Ward voting no.

The Council took a 10 minute recess at 8:55 p.m.

A draft Development Agreement between the City of Sturgeon Bay and the Sturgeon Bay Historical Society Foundation, Inc. was presented to the Council. City Administrator VanLieshout and City Attorney Jim Kalny reviewed the entire draft agreement with the Council to explain the items in the agreement. A lengthy discussion ensued regarding whether or not the agreement should be adopted at this meeting, whether the exhibits needed to be included for the draft to be complete, details about the referenced Pledge Agreement, the lakebed lease details, the granary staging area and project site, whether the agreement concurred with the resolution as no cost to the City+, whether it was appropriate or important to see plans for the granary prior to approval, and restoration vs. renovation. Hauser to approve the Development Agreement between the City of Sturgeon Bay and the Sturgeon Bay Historical Society Foundation, Inc. upon the Pledge

Agreement document being received and contingent upon the Sturgeon Bay Historical Society paying all legal fees. After discussion, the motion was withdrawn. City Attorney Kalny stated that some items related to the Development Agreement should be discussed in closed session.

The following item was requested by Ald. Hayes to be included on a future agenda: Development Agreement between the City of Sturgeon Bay and Sturgeon Bay Historical Society, Inc.

The City Administrator gave his report.

City Plan Commission member Hauser, Finance/Purchasing & Building Committee chair Ward and Park & Recreation chair Hauser presented reports for their respective committees/commissions.

The Mayor made his comments.

After Mayor Birmingham announced the statutory basis, Hauser/Catarozoli to convene in closed session in accordance with the following exemption: Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified business, whether 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. All voted aye. Carried.

The meeting moved to closed session at 10:33 p.m. and adjourned at 11:49 pm.

Respectfully submitted,

Stephanie L. Reinhardt
City Clerk/HR Director