



**CITY OF STURGEON BAY COMMON COUNCIL AGENDA
TUESDAY, JANUARY 4, 2022
6:00 P.M.
COUNCIL CHAMBERS, CITY HALL – 421 MICHIGAN ST
DAVID J WARD, MAYOR**

1. Call to order.
2. Pledge of Allegiance.
3. Roll call.
4. Adoption of agenda.
5. Recognition of Retiring Lt. Mike Smith from Sturgeon Bay Fire Department.
6. Introduction of Julie Gilbert, Destination Door County President/CEO.
7. Public Comment on agenda items only.
8. Consideration of the following bills: General Fund – \$107,249.97, Capital Fund - \$23,014.57, Cable TV - \$5,361.25, TID #4 - \$4,328.48, TID #5 - \$800.00, and Solid Waste Enterprise Fund - \$2,088.84 for a grand total of \$142,843.11 [roll call]
9. **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 12/21/21 regular Common Council minutes.
 - * b. Place the following minutes on file:
 - (1) Joint Parks & Recreation Committee/Board – 12/1/21
 - (2) Local Arts Board – 12/8/21
 - (3) Zoning Board of Appeals – 12/14/21
 - (4) Finance/Purchasing & Building Committee – 12/14/21
 - * c. Place the following reports on file:
 - (1) Fire Department Report – November 2021
10. Mayoral Appointments.
11. Consideration of: Spring Primary.
12. Second reading of ordinance re: Creation of Section 15.094 – Construction of Fences.

13. Resolution re: Authorized Representative to File Applications for Financial Assistance from State of Wisconsin Environmental Improvement Fund.
14. Finance/Purchasing & Building Committee recommendation re: Approve amendment to Lakebed Sublease with Sturgeon Bay Historical Society with conditions.
15. City Administrator report.
16. Mayor's report.
17. Adjourn.

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR.

Posted:

Date: 12-30-21

Time: 12:00 PM

By: JM

NOTE: COUNCIL CHAMBERS WILL BE OPEN TO THE PUBLIC TO OBSERVE AND RENDER PUBLIC COMMENT ON AGENDA ITEMS ONLY. THE MEETING WILL BE LIVESTREAMED AT <https://sbtv.viebit.com/> AND CABLE ACCESS CHANNEL 988.

CITY OF STURGEON BAY
GENERAL PROCEDURES FOR PUBLIC COMMENT AT COMMON COUNCIL MEETINGS

Any citizen requesting to address the Council during the public comment portion of the meeting:

- Must fill out a "Request to Comment" form and turn it in to the City Clerk or Mayor PRIOR to the start of the meeting. Name and address must be filled in. Indicate the agenda item number that you are planning to provide public comment on. Public Comment will be restricted to Agenda Items only.
- Individuals will have a maximum of three (3) minutes to address the Council. A total of 30 minutes will be allotted to Public Comment per meeting, unless the Council body agrees to extend the time. The extensions will be 15 minute additional increments.
- Priority will be given to City residents.
- The speaker shall not engage in personal attacks against the Mayor, Council members, City staff or its representatives and remain courteous and respectful. The Council/Committee requests that all comments and interactions between those present be conducted in a constructive and respectful manner. Anyone acting in a disruptive or disrespectful manner will be asked to leave the meeting by the person presiding at the meeting.
- The Mayor/Chair may ask questions of the speaker for clarification purposes.
- The Mayor/Chair may allow, at his discretion, Council/Committee members or staff to respond to the speaker's comment. However, dialogue will not ensue.
- The Mayor/Chair may refer the matter to a committee or to the City Administrator for further follow up as needed.

IF EVERYONE ABIDES BY THESE GUIDELINES, OUR MEETINGS WILL MOVE ALONG SMOOTHLY AND BUSINESS WILL BE CONDUCTED IN AN EFFICIENT AND TIMELY MANNER. YOUR COOPERATION WILL BE APPRECIATED BY ALL PRESENT AT THE MEETING.

PLEASE NOTE THAT LETTERS WILL NOT BE READ INTO THE RECORD AS PUBLIC COMMENT. ONLY LETTERS RECEIVED FOR A PUBLIC HEARING WILL BE READ INTO THE RECORD.

NOTE: IF TOPICS THAT WILL GENERATE SIGNIFICANT POTENTIAL FOR PUBLIC COMMENT APPEAR ON THE COUNCIL AGENDA, A PUBLIC HEARING WILL TAKE PLACE PRIOR TO THE COUNCIL MEETING.

RESPECTFULLY,
MAYOR DAVID J. WARD

REVISED: 6/2/20

DAT 8.
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ID:

CITY OF STURGEON BAY
DEPARTMENT SUMMARY REPORT

8.

INVOICES DUE ON/BEFORE 01/04/2022

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE
GENERAL FUND				
GENERAL FUND				
2017 CAPITAL PROJECTS & EQUIP				
01761	ASSOCIATED TRUST COMPANY	GO REFND BOND 11.14.2017	01-000-901-70002	475.00
TOTAL 2017 CAPITAL PROJECTS & EQUIP				475.00
2018 CAPITAL PROJ & EQ				
01761	ASSOCIATED TRUST COMPANY	GO PROM NOTE 11.6.2018	01-000-904-70002	475.00
TOTAL 2018 CAPITAL PROJ & EQ				475.00
TOTAL GENERAL FUND				950.00
CITY COUNCIL				
03133	CELLCOM WISCONSIN RSA 10	11/21 3 ALDERS CELLPHONES	01-105-000-58999	98.00
12300	LEAGUE OF WI MUNICIPALITIES	2022 STANDARD DUES	01-105-000-56000	3,703.79
BUBRICKS	BUBRICK'S COMPLETE OFFICE, INC	DESK PAD CALENDARS	01-105-000-54999	144.78
TOTAL				3,946.57
TOTAL CITY COUNCIL				3,946.57
LAW/LEGAL				
16555	PINKERT LAW FIRM, LLP	11/21 TRAFFIC MATTERS	01-110-000-55010	2,137.50
BUELOW	BUELOW, VETTER, BUIKEMA,	10/21 GENERAL LABOR MATTERS	01-110-000-57900	2,340.00
BUELOW		11/21 GENERAL LABOR MATTERS	01-110-000-57900	1,852.50
TOTAL				6,330.00
TOTAL LAW/LEGAL				6,330.00
CITY CLERK-TREASURER				
04650	DOOR COUNTY REGISTER OF DEEDS	11/21 FILING CHARGES	01-115-000-56350	12.00
08463	CNA SURETY	NOTARY RENEWAL/METZER	01-115-000-56000	30.00
13875	MUNICIPAL CODE CORP	ADMIN SUPPORT	01-115-000-57050	275.00
BUBRICKS	BUBRICK'S COMPLETE OFFICE, INC	FOLDERS/FILES	01-115-000-51950	157.70
USBANK	US BANK	2021 WGFOA CONF REG/CLARIZIO	01-115-000-55600	110.00
WCMA	WCMA	2022 DUES CLARIZIO	01-115-000-56000	50.00
TOTAL				634.70
TOTAL CITY CLERK-TREASURER				634.70
ADMINISTRATION				
USBANK	US BANK	CITY VEHICLE FUEL	01-120-000-54999	42.49
TOTAL				42.49
TOTAL ADMINISTRATION				42.49

INVOICES DUE ON/BEFORE 01/04/2022

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE

GENERAL FUND				
COMPUTER				
03101	CDW GOVERNMENT, INC.	6 MS SURFACE STYLUS PENS	01-125-000-55550	471.60
HARRIS	HARRIS COMPUTER SYSTEMS	2022 FINANCIAL SOFTWARE	01-125-000-55550	11,835.83
USBANK	US BANK	3 THIN CLIENTS	01-125-000-55550	595.18
USBANK		ZOOM	01-125-000-55550	63.99
TOTAL				12,966.60
TOTAL COMPUTER				12,966.60
MUNICIPAL SERVICES ADMIN.				
12100	LAMPERT YARDS INC	2 SHEETS PLYWOOD	01-145-000-58999	129.00
13360	MENARDS-GREEN BAY EAST	45- 2X6X12' SPF	01-145-000-58999	404.06
USBANK	US BANK	DLT SOLUTIONS SOFTWARE RENEWL	01-145-000-55550	1,210.30
TOTAL				1,743.36
TOTAL MUNICIPAL SERVICES ADMIN.				1,743.36
PUBLIC WORKS ADMINISTRATION				
USBANK	US BANK	CHAIR MAT	01-150-000-51950	49.95
TOTAL				49.95
TOTAL PUBLIC WORKS ADMINISTRATION				49.95
CITY HALL				
03806	CUMMINS NPOWER, LLC	ANNL MAINT.CITY HALL GENERATOR	01-160-000-58999	1,115.18
23730	WPS	12/21 421 MICHIGAN STREET	01-160-000-56600	2,319.87
WARNER	WARNER-WEXEL LLC	DISPENSER	01-160-000-51850	33.41
WARNER		CASE TOILET PAPER	01-160-000-51850	43.69
TOTAL				3,512.15
TOTAL CITY HALL				3,512.15
GENERAL EXPENDITURES				
BUBRICKS	BUBRICK'S COMPLETE OFFICE, INC	COPY PAPER	01-199-000-55650	559.05
EHLERS	EHLERS & ASSOCIATES, INC.	ARBITRAGE REPORT	01-199-000-57000	2,000.00
US BANK	US BANK EQUIPMENT FINANCE	12/21 FIRE COPIER	01-199-000-55650	99.50
US BANK		12/21 COPIER OVERAGES	01-199-000-55650	31.73
TOTAL				2,690.28
TOTAL GENERAL EXPENDITURES				2,690.28
POLICE DEPARTMENT				

INVOICES DUE ON/BEFORE 01/04/2022

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE
GENERAL FUND				
USBANK	US BANK	WI CHIEF CONF REG/HENRY	01-200-000-55600	225.00
USBANK		WI CHIEF CONF HOTEL DEP/HENRY	01-200-000-55600	91.00
USBANK		OFFICE CHAIRS	01-200-000-51950	202.53
USBANK		INTERNAL HARD DRIVE	01-200-000-55500	105.49
USBANK		DESK TOP HARD DRIVE	01-200-000-55500	407.21
USBANK		WI CHIEF CONF REG/BRINKMAN	01-200-000-55600	225.00
USBANK		WI CHIEF CONF HOTEL DEP/BRNKMN	01-200-000-55600	91.00
TOTAL				1,347.23
TOTAL POLICE DEPARTMENT				1,347.23
POLICE DEPARTMENT/PATROL				
04575	DOOR COUNTY HARDWARE	BATTERIES	01-215-000-54999	15.99
04696	DOOR COUNTY TREASURER	11/21 FUEL BILL	01-215-000-51650	4,236.34
ALADTEC	ALADTEC, INC	2022 SCHEDULING MGMNT SYSTEM	01-215-000-58999	2,620.00
CUSTOM	CUSTOM SERVICE INFORMATION LLC	2022 ANNL POLICY UPDATE SVC	01-215-000-58999	550.00
ENGEBOSE	KYLE ENGEBOSE	DUTY BELT/BOOT REIMB/ENGEBOSE	01-215-000-52900	159.00
ENGEBOSE		RIFLE SLING-ENGEBOSE	01-215-000-52900	32.81
JIM FORD	JIM OLSON FORD-LINCOLN, LLC	SQUAD 50 MAINTENANCE	01-215-000-58600	61.73
JIM FORD		SQUAD 30 MAINTENANCE	01-215-000-58600	105.00
JIM FORD		SQUAD 60 MAINTENANCE	01-215-000-58600	105.00
JIM FORD		EXPLORER MAINTENANCE	01-215-000-58600	60.00
USBANK	US BANK	TOGGLE ASSEMBLY/SPOTLIGHT	01-215-000-54999	15.69
USBANK		COURSE REG/DEIBELE	01-215-000-55600	600.00
USBANK		COURSE REG/DEIBELE	01-215-000-55600	17.10
WI SPILL	WISCONSIN SPILLMAN USERS GROUP	2022 ANNL DUES SHARED AGNCY	01-215-000-58999	50.00
WI SPILL		2022 ANNL INSIGHT SERVER DUES	01-215-000-58999	25.00
WIEGANDM	MICHELLE SNOVER	TRAINING MEAL EXPENSE/SNOVER	01-215-000-55600	193.96
TOTAL				8,847.62
TOTAL POLICE DEPARTMENT/PATROL				8,847.62
POLICE DEPT. / INVESTIGATIONS				
DASH	DASH MEDICAL GLOVES, INC	MEDICAL GLOVES	01-225-000-57950	803.60
MAGNET	MAGNET FORENSICS USA, INC	FORENSIC SOFTWARE CONTRACT	01-225-000-57950	3,840.00
TOTAL				4,643.60
TOTAL POLICE DEPT. / INVESTIGATIONS				4,643.60
FIRE DEPARTMENT				
FIRE DEPARTMENT				
04696	DOOR COUNTY TREASURER	11/21 FUEL CHARGES	01-250-000-51650	1,619.42
15890	PACK AND SHIP PLUS	SHIPPING-SCBA FIT TEST EQUIP	01-250-000-57100	23.46
16570	PIONEER FIRE COMPANY	UNIFORMS	01-250-000-52900	1,402.15
DC FIRE	DOOR COUNTY FIRE CHIEF'S INC	ANNUAL DUES	01-250-000-56000	150.00
E-ONE	E-ONE INC	E4 DOOR REPLACEMENT	01-250-000-53000	6,803.05
ESO	ESO SOLUTIONS, INC	2022 RMS	01-250-000-56000	3,066.34
MUELLERA	ALLEN MUELLER	TRUCK NUMBERING	01-250-000-53000	1,440.00

INVOICES DUE ON/BEFORE 01/04/2022

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE
GENERAL FUND				
FIRE DEPARTMENT				
FIRE DEPARTMENT				
PAULCONW	PAUL CONWAY SHIELDS	STRUCTURE BOOTS	01-250-000-52900	470.00
USBANK	US BANK	ACTIVE 911 ANNL SUBSCRIPTION	01-250-000-56000	429.00
USBANK		E-BOOK SHIPBOARD FF	01-250-000-56000	83.13
USBANK		OFFICE MAP HOLDER	01-250-000-51950	65.63
USBANK		PENS	01-250-000-51950	26.24
USBANK		UNIFORM ID NAME	01-250-000-52900	73.00
USBANK		TIRES-E6	01-250-000-53000	3,551.00
USBANK		CREDIT WALMART	01-250-000-54999	-111.82
USBANK		CREDIT WPSG	01-250-000-52900	-11.65
USBANK		CREDIT WALLMART	01-250-000-54999	-6.14
USBANK		DRY ERASE & OFFICE SUPPLIES	01-250-000-51950	50.91
USBANK		DRY ERASE & OFFICE SUPPLIES	01-250-000-51950	44.99
USBANK		PENS-OFFICE SUPPLIES	01-250-000-51950	259.90
USBANK		STEER TIRES/E4	01-250-000-53000	1,782.92
TOTAL FIRE DEPARTMENT				21,211.53
TOTAL FIRE DEPARTMENT				21,211.53
ROADWAYS/STREETS				
PETERS	PETERS CONCRETE CO	CRUSHING ASPHALT	01-400-000-55700	9,023.85
PETERS		CRUSHING CONCRETE	01-400-000-55700	3,529.35
PETERS		MOBILIZATION	01-400-000-55700	2,000.00
TOTAL				14,553.20
TOTAL ROADWAYS/STREETS				14,553.20
SNOW REMOVAL				
SNOW REMOVAL				
GRAY'S	GRAY'S INC.	FLOW BLADES	01-410-000-51400	3,500.00
JBTRUCK	JB TRUCK SERVICE,LLC	HOSE	01-410-000-51400	26.44
JBTRUCK		HYDRAULIC FLUID	01-410-000-51400	11.05
JBTRUCK		HOSE	01-410-000-51400	15.54
R0000655	TRANSMOTION, LLC	HYDRAULIC FITTINGS	01-410-000-51400	218.64
USBANK	US BANK	FLOW WAX	01-410-000-51400	277.64
TOTAL SNOW REMOVAL				4,049.31
TOTAL SNOW REMOVAL				4,049.31
STREET SIGNS AND MARKINGS				
USBANK	US BANK	14 ROAD TRAFFIC SIGNS	01-420-000-52600	286.78
TOTAL				286.78
TOTAL STREET SIGNS AND MARKINGS				286.78
STREET MACHINERY				

DATE: 12/28/1921
TIME: 14:17:54
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CITY OF STURGEON BAY
DEPARTMENT SUMMARY REPORT

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INVOICES DUE ON/BEFORE 01/04/2022

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE

GENERAL FUND				
04603	HALRON LUBRICANTS INC	275 GAL DEF	01-450-000-51650	594.48
04696	DOOR COUNTY TREASURER	11/21 FUEL 341.21G	01-450-000-51650	1,015.10
04696		11/21 DSL FUEL 929.38G	01-450-000-51650	2,912.68
08225	HERLACHE SMALL ENGINE	BAR OIL	01-450-000-52150	15.00
13049	MAY'S SPORT CENTER	HANDLE	01-450-000-52150	7.99
ADVAUTO	GENERAL PARTS DISTRIBUTION LLC	OIL FILTER	01-450-000-52150	3.32
ADVAUTO		AIR FILTER/BRAKE CLEANR/DEGRSE	01-450-000-52150	40.67
ADVAUTO		HYDRAULIC FLUID	01-450-000-52150	50.59
ADVAUTO		PUMP/OIL/CLAMP/PLUG/EVACUATOR	01-450-000-52150	365.55
ADVAUTO		BRAKE CLEAN	01-450-000-52150	26.28
ADVAUTO		LUBE	01-450-000-53000	27.99
ADVAUTO		OIL FILTER	01-450-000-52150	20.98
ADVAUTO		LUBE	01-450-000-52150	6.64
ADVAUTO		STARTER	01-450-000-52150	172.95
ADVAUTO		LUBE	01-450-000-52150	126.66
ADVAUTO		CREDIT	01-450-000-52150	-32.89
ADVAUTO		AIR FILTER	01-450-000-52150	42.34
ADVAUTO		LUBE	01-450-000-52150	55.98
JIM FORD	JIM OLSON FORD-LINCOLN, LLC	FILTER ASSEMBLY	01-450-000-52150	7.52
LEONARD	LEONARD J KOEHNEN & ASSOCIATES	FCC LICENSE RENEWAL	01-450-000-57550	250.00
O'REILLY	O'REILLY AUTO PARTS-FIRST CALL	CLAMP/BK LN	01-450-000-52150	46.00
O'REILLY		DEF	01-450-000-52150	27.98
USBANK	US BANK	USED OIL FILTER PICKUP	01-450-000-58600	35.00
TOTAL				5,818.81
TOTAL STREET MACHINERY				5,818.81
CITY GARAGE				
07765	GRAINGER INC	SHOP HEATER MOTOR	01-460-000-55300	158.34
USBANK	US BANK	COUPLER	01-460-000-54999	50.00
VIKING	VIKING ELECTRIC SUPPLY, INC	SWITCH	01-460-000-54999	35.91
TOTAL				244.25
TOTAL CITY GARAGE				244.25
HIGHWAYS - GENERAL				
POLLOCK	DALE POLLOCK	SAFETY CLOTHING REIMB/POLLOCK	01-499-000-56800	250.00
TOTAL				250.00
TOTAL HIGHWAYS - GENERAL				250.00
PARK & RECREATION ADMIN				
PULSE	PENINSULA PULSE	2022 ADVERTISING	01-500-000-57450	1,418.48
TOTAL				1,418.48
TOTAL PARK & RECREATION ADMIN				1,418.48

INVOICES DUE ON/BEFORE 01/04/2022

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE

GENERAL FUND				
PARKS AND PLAYGROUNDS				
04696	DOOR COUNTY TREASURER	11/21 FUEL 393.41G	01-510-000-51650	1,170.39
04696		11/21 DSL FUEL 31.50G	01-510-000-51650	98.72
04696		SIGNS	01-510-000-52550	46.90
08225	HERLACHE SMALL ENGINE	3 TREE SAFETY KITS	01-510-000-52350	299.97
08225		2 HEDGE TRIMMERS	01-510-000-51350	639.99
20725	T R COCHART TIRE CENTER	TIRE	01-510-000-53000	203.00
20725		TIRES/DISPOSALS	01-510-000-53000	184.00
JOHNBAUR	JOHN BAUR	SAFETY GLASSES REIMBURSE/BAUR	01-510-000-56800	8.15
WARNER	WARNER-WEXEL LLC	TOWELING/TISSUE	01-510-000-51850	154.90
WARNER		TOWELING DISPENSER	01-510-000-51850	33.41
TOTAL				2,839.43
TOTAL PARKS AND PLAYGROUNDS				2,839.43
WATER WEED MANAGEMENT				
O'REILLY	O'REILLY AUTO PARTS-FIRST CALL	BRAKE LINE	01-560-000-51400	24.84
TOTAL				24.84
TOTAL WATER WEED MANAGEMENT				24.84
EMPLOYEE BENEFITS				
CORAGGIO	ANN LIEBESKIND	4TH QTR WELLNESS	01-600-000-50550	2,250.00
TOTAL				2,250.00
TOTAL EMPLOYEE BENEFITS				2,250.00
TOTAL GENERAL FUND				100,651.18
CAPITAL FUND				
CITY HALL				
CITY HALL EXPENSE				
05500	ENERGY CONTROL AND DESIGN INC	#2 BOILER OVERHAUL-CITY HALL	10-160-000-59999	6,159.57
TOTAL CITY HALL EXPENSE				6,159.57
TOTAL CITY HALL				6,159.57
GENERAL EXPENDITURES				
COUNTY	COUNTY MATERIALS CORPORATION	ADJUSTING RINGS-SBU PORTION	10-199-000-51525	730.00
FERGUSON	FERGUSON WATERWORKS #1476	M/HOLE ADJ RING-SBU PORTION	10-199-000-51525	1,282.05
TOTAL				2,012.05
TOTAL GENERAL EXPENDITURES				2,012.05

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CITY OF STURGEON BAY
DEPARTMENT SUMMARY REPORT

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INVOICES DUE ON/BEFORE 01/04/2022

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE
CAPITAL FUND				
FIRE DEPARTMENT				
EXPENSE				
PAULCONW	PAUL CONWAY SHIELDS	TURN OUT GEAR	10-250-000-59050	2,238.50
TOTAL EXPENSE				2,238.50
TOTAL FIRE DEPARTMENT				2,238.50
STORM SEWERS				
EXPENSE				
COUNTY	COUNTY MATERIALS CORPORATION	ADJUSTING RINGS-CITY PORTION	10-300-000-59115	895.00
FERGUSON	FERGUSON WATERWORKS #1476	M/HOLE ADJ RING-CITY PORTION	10-300-000-59115	549.45
TOTAL EXPENSE				1,444.45
TOTAL STORM SEWERS				1,444.45
ROADWAYS/STREETS				
ROADWAYS/STREETS				
23617	DATCP	GRANT AVE AIS REVIEW	10-400-000-59096	510.00
TOTAL ROADWAYS/STREETS				510.00
TOTAL ROADWAYS/STREETS				510.00
CURB/GUTTER/SIDEWALK				
EXPENSE				
LILY BAY	LILY BAY SAND & GRAVEL LLC	140 YDS SCREENED TOPSOIL @ \$30	10-440-000-59102	4,200.00
SALZ	SALZSIEDER LANDSCAPE & NURSERY	30 STREET TREES	10-440-000-59102	6,450.00
TOTAL EXPENSE				10,650.00
TOTAL CURB/GUTTER/SIDEWALK				10,650.00
TOTAL CAPITAL FUND				23,014.57
CABLE TV				
CABLE TV / GENERAL				
CABLE TV / GENERAL				
MANN	MANN COMMUNICATIONS, LLC	01.04.2022 CONTRACT	21-000-000-55015	5,361.25
TOTAL CABLE TV / GENERAL				5,361.25
TOTAL CABLE TV / GENERAL				5,361.25
TOTAL CABLE TV				5,361.25
TID #4 DISTRICT				
TID #4 DISTRICT				
TID #4 DISTRICT				
CEDARCO	CEDAR CORPORATION	WTRFRONT CONSULT ENGINEERING	28-340-000-58999	4,328.48
TOTAL TID #4 DISTRICT				4,328.48

INVOICES DUE ON/BEFORE 01/04/2022

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE

TID #4 DISTRICT				
TID #4 DISTRICT				
TID #4 DISTRICT				
TOTAL TID #4 DISTRICT				4,328.48
TOTAL TID #4 DISTRICT				4,328.48
TID #5 DISTRICT				
TID #5 DISTRICT				
TID #5 DISTRICT				
CEDARCO	CEDAR CORPORATION	ENVIR SITE ASSESS-SUNSET SCHL	29-350-000-59082	800.00
TOTAL TID #5 DISTRICT				800.00
TOTAL TID #5 DISTRICT				800.00
TOTAL TID #5 DISTRICT				800.00
SOLID WASTE ENTERPRISE				
SOLID WASTE ENTERPRISE FUND				
SOLID WASTE ENTERPRISE FUND				
04696	DOOR COUNTY TREASURER	11/21 DSL FUEL 666.51G	60-000-000-51650	2,088.84
TOTAL SOLID WASTE ENTERPRISE FUND				2,088.84
TOTAL SOLID WASTE ENTERPRISE FUND				2,088.84
TOTAL SOLID WASTE ENTERPRISE				2,088.84
TOTAL ALL FUNDS				136,244.32

MANUAL CHECKS

AT&T MOBILITY	\$1,512.91
12/15/21	
Check # 89489	
11/21 Police Dept Cellphone Charges	
01-215-000-58250	
 SPECTRUM	 \$141.96
12/17/21	
Check # 89614	
11/21 Cable Statement Charges	
01-160-000-58999	
 STURGEON BAY SCHOOL DISTRICT	 \$4,701.92
12/20/21	
Check # 89615	
11/21 Mobile Home Tax Payment	
01-000-000-41300	
 EMPLOYEE BENEFITS CORP.	 \$242.00
12/28/2021	
Check # 89664	
FSA/COBRA/HRA	
01-600-000-50510	
 TOTAL MANUAL CHECKS	 \$6,598.79

DATE: 12/28/1921
TIME: 14:17:54
ID: AP443ST0.WOW

CITY OF STURGEON BAY
DEPARTMENT SUMMARY REPORT

PAGE: 9

INVOICES DUE ON/BEFORE 01/04/2022

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE

SUMMARY OF FUNDS:				
GENERAL FUND		100,651.18		107,249.97
CAPITAL FUND		23,014.57		
CABLE TV		5,361.25		
TID #4 DISTRICT		4,328.48		
TID #5 DISTRICT		800.00		
SOLID WASTE ENTERPRISE		2,088.84		

TOTAL --- ALL FUNDS		136,244.32		142,843.11

Helen Bacon December 28, 2021
Seth V. Williams 12/28/21

COMMON COUNCIL
December 21, 2021

A meeting of the Common Council was called to order at 6:00 p.m. by Mayor Ward. The Pledge of Allegiance was recited. Roll call: Bacon, Statz, Williams, Gustafson, Nault, Wiederanders and Reeths were present.

Williams/Nault to adopt the agenda. Carried.

State Representative Joel Kitchens spoke during public comment.

Bacon/Wiederanders to approve following bills: General Fund - \$213,117.27, Capital Fund - \$3,229.10, Cable TV - \$1,059.57, TID #4 - \$13,678.10, TID #5 - 1,300.00, Solid Waste Enterprise Fund - \$17,234.22 and Compost Site Enterprise Fund - \$232.42 for a grand total of \$249,850.68. Roll call: All voted aye. Carried.

Reeths/Statz to approve consent agenda:

- a. Approval of 12/7/21 regular Common Council minutes.
- b. Place the following minutes on file:
 - (1) Sturgeon Bay Utility Commission – 10/12/21
 - (2) Community Protection & Services Committee – 11/3/21
 - (3) Aesthetic Design & Site Plan Review Board – 11/8/21
 - (4) City Plan Commission – 11/29/21
 - (5) Finance/Purchasing & Building Committee – 11/30/21
 - (6) Personnel Committee – 11/30/21
 - (7) Industrial Park Development Review Team – 12/2/21
 - (8) Ad Hoc NERR Advisory Committee – 12/10/21
 - (9) City Plan Commission – 12/15/21
- c. Place the following reports on file:
 - (1) Fire Department Report – October 2021
 - (2) Police Department Report – November 2021
 - (3) Bank Reconciliation – November 2021
 - (4) Revenue & Expense Report – November 2021
- d. Consideration of: Approval of Beverage Operator's licenses.
- e. Personnel Committee recommendation re: Increase starting wages for 16 and 17 year old's to \$14.00 per hour and 18 years and over to \$15.00 per hour not to exceed the budgeted amount of \$19,000 for 2022 budgeted seasonal wages.
- f. Personnel Committee recommendation re: Combine the duties and positions of Water Weed Foreman and Harbor Master and adjust the seasonal foreman hourly wage from \$1.92 per hour to \$3.00 per hour from May 1 through October 31.
- g. Finance/Purchasing & Building Committee recommendation re: Approve the draft Solid Waste and Recycling Management Agreement with GFL Solid Waste Midwest, LLC.
- h. Consideration of: Approval of Appointment of Election Inspectors for 2022-2023.

Carried.

There were no mayoral appointments.

Williams introduced. Williams/Gustafson to read in title only the second reading of ordinance re: Section 10.175 of the Municipal Code – Public Consumption Area. Carried.

RECOMMENDATION

We, the Community Protection and Services Committee, hereby recommend the Common Council to approve changes to the creation of Section 15.094 – Construction of Fences of the City of Sturgeon Bay Municipal Code.

COMMUNITY PROTECTION AND SERVICES COMMITTEE

By: Dan Williams, Chr.

Introduced by Williams. Recommendation was sent back to committee to make changes for setback of at least 3 feet from edge of street or alley and 18 inches from public sidewalk. New fence construction must comply with ordinance, pre-existing fences are grandfathered but cannot be modified. Ordinance does not include hedges. Williams/Nault to adopt. Carried.

Williams/Statz to read in title only the first reading of ordinance re: Creation of Section 15.094 of the Municipal Code – Construction of Fences. Carried.

RECOMMENDATION

We, the Finance/Purchasing & Building Committee, hereby recommend to accept the bid from Custom Fab & Body as presented, in the amount of \$418,855 and declare the 1996 Chevy Step Van with excess equipment as surplus, and allow the use of the sale proceeds to offset the budget overage.

FINANCE/PURCHASING & BUILDING COMMITTEE

By: Helen Bacon, Chr.

Bacon introduced. Fire Chief Dietman confirmed the dollar amount of the bid to be \$418,109. He explained with vehicle storages and with Council approval now, the City may take possession of vehicle next year at this time. Reeths/Nault to accept bid from Custom Fab & Body as presented, in the amount of \$418,109 and declare the 1996 Chevy Step Van with excess equipment as surplus, and allow the use of the sale proceeds to offset the budget overage. Carried.

RECOMMENDATION

We, the Finance/Purchasing & Building Committee, hereby recommend to accept the bid from Custom Fab & Body as presented, in the amount of \$207,828 contingent upon the chassis provided is a RAM 5500 or as close to specific bid requirements and to declare the 2014 Ram Brush Truck with excess equipment as surplus, and allow the use of the sale proceeds to offset the budget overage from the purchase of the Walk-In Ice/Water Heavy Squad #7 and purchase any additional loose equipment required to put the Brush Truck Squad #8 into service.

FINANCE/PURCHASING & BUILDING COMMITTEE

By: Helen Bacon, Chr.

Bacon introduced. With vehicle shortage, dealerships are not offering fleet pricing. Fire Chief Dietman found chassis from Custom Fab & Body, in which they require wire payment to ensure holding. With purchase of chassis, delivery of vehicle will be ahead of schedule next year. Bacon/Wiederanders to accept. Carried.

Statz/Gustafson to adopt resolution re: Relocation Order and Declaration of Necessity (Acquisition of Street Right-of-way for the extension of S. Grant Avenue). City Administrator VanLieshout stated the City has made numerous attempts to work with land owner for extension of S. Grant Avenue to connect with the end of Sawyer Drive in the Town of Nasewaupée. City Development Director Olejniczak explained the City is on step 7 of 24 of legal requirements for process of eminent domain. Carried.

City Engineer Shefchik introduced Award of Contract for Project 2201A – Concrete Replacement Program and 2201B – Asphalt Replacement Program. Bids received were higher than anticipated due to shortages of drivers, increased wages and additional overtime for contractors.

Bacon/Williams to award the Contract for Project 2201A – Concrete Replacement Program to Martell Construction, Inc. with unit pricing amounts totaling an estimated cost of \$289,879.00. Carried.

Williams/Nault to award the Contract for Project 2201B – Asphalt Replacement Program to Northeast Asphalt, Inc. with unit pricing amounts totaling and estimated cost of \$815,843.87. Carried.

City Administrator VanLieshout gave his report.

Mayor Ward gave his report.

Williams/Nault to adjourn. Carried. The meeting adjourned at 6:51 p.m.

Respectfully submitted,



Laurie A. Spittlemeister
Deputy Clerk/Treasurer

CITY OF STURGEON BAY
JOINT PARKS AND RECREATION COMMITTEE / BOARD MEETING
Wednesday, December 1, 2021
Council Chambers, City Hall, 421 Michigan Street
5:30 P.M.

A meeting of the Joint Parks and Recreation Committee / Board was called to order at 5:30 P.M. by Chairperson/Ald. Helen Bacon, in Council Chambers, City Hall, 421 Michigan Street.

Roll Call: Members present were Ald. Helen Bacon, Ald. Gary Nault, Chris Larsen, Randy Morrow, Marilyn Kleist, George Husby, Jay Renstrom, Director of Municipal Services, Mike Barker and Ald. J. Spencer Gustafson. Also present was City Administrator, Josh VanLieshout and Municipal Services Secretary, Patty Quinn.

Adoption of the Agenda: A motion was made by Ald. Nault and seconded by Ms. Kleist to adopt the agenda.

1. Roll call
2. Adoption of Agenda
3. Review of Minutes of October 27, 2021
4. Public Comment on Agenda Items
5. Review of Minutes from the Local Arts Board Meeting of November 10, 2021
6. Consideration to approve changes to the Fishing Tournament Rules & Regulations
7. Discussion and comments on City park usage – what have the Committee / Board members noticed and what has been heard
8. Director's report
9. Adjourn

All in favor. Carried.

Review of Minutes of October 27, 2021: No comments.

Public Comment on Agenda Items: The following spoke during public comment:

Chris Johnson, 8919 Baywoods Rd. – Opposed to Agenda item #6.

Kyle Carpenter, 5165 County Rd. K, New Franken – Opposed to Agenda item #6.

JJ Malvitz, 3040 Stevenson Pier Rd. – Opposed to Agenda item #6.

Chris Kellems, 120 Alabama St. – In favor of Agenda item #6

Brent TeKulve, 217 Main St., Luxemburg – Opposed to Agenda item #6.

Review of Minutes from the Local Arts Board Meeting of November 10, 2021: No comments. Ald. Bacon gave brief summary of the progress made on the roadmap/matrix for art acquisition.

Consideration to approve changes to the Fishing Tournament Rules & Regulations:

Ald. Nault and Ms. Kleist recused themselves on commenting or voting on this agenda item.

Various members gave their opinions on making changes that addressed topics such as the overall effect of tournaments on the bass population and the health of the fish; tournaments using "weigh on the water" systems versus bringing the fish back to the docks in water wells; the timing of making changes for 2023

and the effect on those now organizing tournaments that have registrations beginning January 1st, 2022; and balancing out residents versus tourists with usage of the Sawyer Park facilities.

Questions were addressed regarding the old and new rules and regulations for fishing tournaments. Points were discussed as to how the DNR handles certain phases of tournaments and several members thought that bringing in a DNR representative to a future meeting would be of help to the committee/board. Several suggested a slower approach to putting the new rules into place to help tournament organizers adjust.

Mr. Morrow made a motion to table the new rules and regulations for 2022 and have a meeting with tournament organizers to discuss new rules effective 2023. Mr. Morrow retracted this motion shortly after.

Discussion continued that included bringing back this agenda item to the next meeting and possibly meet with tournament organizers and invite a DNR fishing representative to a meeting. Ald. Bacon asked that members go through the new rules and regulations and make notes to bring back to the next meeting.

Mr. Morrow made a new motion to postpone any changes and retain the current rules and regulations for 2022, and to finalize the new rules by December 1st, 2022, that would be effective in 2023.

Mr. Husby seconded the motion with ayes from Dir. Barker, Mr. Renstrom, Ald. Gustafson, Mr. Husby, Mr. Morrow and Mr. Larsen. Nay from Ald. Bacon. Carried.

Discussion and comments on City park usage – what have the Committee/Board members noticed and what has been heard: Each member spoke on items they felt important for improvements to the City Parks that would ultimately increase usage.

Mr. Husby presented his thoughts on Memorial Field and its future. Mr. Renstrom spoke on Otumba and Sunset Parks. Ms. Kleist talked about the Sunset Park shelter. Ald. Gustafson shared thoughts on the Dog Park and Sunset Park. Ald. Bacon commented that more people are getting out and using the parks. Ald. Nault feels that new playground equipment at Otumba will draw more people and he also spoke on small improvements needed at Sawyer Park. Mr. Larsen spoke on maps for the original plan and he would like to see tree planting increased. Mr. Morrow brought up topics such as signage, bridge walkways, parking, tennis and basketball courts, and more garbage cans around the City. Ald. Bacon added comments on the 2022 budget and talked about the Westside water development. Mr. VanLieshout provided some initial thoughts on the Memorial Field modernization and the study currently being completed which will be introduced to this committee/board in more detail at the January meeting.

Director's report: Dir. Barker provided the following during the previous agenda discussion: planned improvements to the Sunset Park shelter; replacing the roof at Memorial Field; construction of a shade structure in the spring for the Dog Park; a kayak launch/ADA access being installed at Bullhead Point; more benches for the railroad spur; the Juniper Street shoreline restoration project; and he talked about County personnel helping the public with education on water weeds and related topics.

Next Meeting Date: Wednesday, January 26, 2021 @ 5:30 P.M. – City Hall.

Motion by Mr. Renstrom and seconded by Ald. Gustafson to adjourn. All in favor. Carried. Meeting adjourned at 7:41 P.M.

Respectfully submitted,


Patricia S. Quinn

Municipal Services Secretary

CITY OF STURGEON BAY
LOCAL ARTS BOARD MEETING
Wednesday, December 8, 2021
Council Chambers, City Hall, 421 Michigan Street
9:00 A.M.

A meeting of the Local Arts Board was called to order at 9:02 A.M., by Chairperson/Ald. Helen Bacon in Council Chambers, City Hall, 421 Michigan Street.

Roll Call: Members present were Ald. Helen Bacon, Margaret Lockwood, Stephanie Trenchard and melaniejane. Claire Morkin present via a virtual connection. Also present, Municipal Services Secretary, Patty Quinn.

Adoption of the Agenda: Moved by Ms. melaniejane and seconded by Ms. Lockwood to adopt the agenda.

1. Roll Call
2. Adoption of the agenda
3. Review of Minutes from November 10, 2021
4. Chair's report
5. Public comment on agenda items
6. Discussion on the development of a cultural matrix/roadmap for art acquisition
7. Consideration to approve paying stipends to artists to encourage the loaning of art to the City
8. Adjourn

All in favor. Carried.

Review of Minutes from November 10, 2021: No comments.

Chair's report: Ald. Bacon announced that Valerie Clarizio has joined the board of "Write On".

The board members want to add a call to creativity to the public to start in February. Ms. melaniejane, with the help of Suzanne Miller, City Administrative Assistant, will put together a press release and will send to all the members for their input, prior to the next meeting. Possible agenda item in January to consider approval for the call to creativity to begin February.

Other discussion was had regarding painting murals on City properties and privately-owned building walls.

Public comment on agenda items: No comments.

Discussion on the development of a cultural matrix/roadmap for art acquisition: Ald. Bacon distributed "An Open Forum for Creative Ideas" that included a list of projects for 2022, as well as items previously discussed to establish "Our Brand/What is Guiding Us". Next stop would be to create an ad-hoc group of two to three people to organize the project list and get more details for 2022 projects. She asked the members to take distributed document home and add and/or delete from it as it's a working document in progress.

The board discussed several future projects that included the Celestial Sailor metal art sculpture into Sunset Park. Ald. Bacon also introduced the idea of bringing the traveling exhibit called Washed Ashore to the City in 2024.

More discussion was had on murals and helping business owners apply for grants to help with the cost of a mural could be part of the mural project. The members would like to push for building embellishment with possibly asking business owners to apply to receive one of three grants each offering the same dollar amount rather than pursuing grants. It was pointed out that an ordinance changes would have to be approved and anything related to privately-owned buildings would need to be thought through.

Consideration to approve paying stipends to artists to encourage the loaning of art to the City:

Ald. Bacon suggested that the City Administrator should be present for this. She asked the members for any positives so that she can educate others on the importance of stipends in general and replies included that it would show appreciation and respect and it's more symbolic; it would give us a competitive edge; it's tangible and is a token of appreciation. Ald. Bacon will need to prepare an executive summary to bring to others at City Hall and will bring back further information to the next meeting. Ms. melaniejane will create a thank you note for Artist Steve Haas and have the Mayor sign it.

Ms. Trenchard left the meeting at 10:08 A.M.

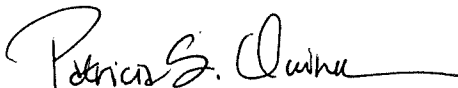
Possible Items for next month's agenda:

- Consideration to approve a call to creativity to the public to begin in February 2022.
- Consideration to approve paying stipends to artists to encourage the loaning of art to the City.
- Discussion of building embellishment and the painting of murals.
- Discussion on members choosing areas/projects of interest.

Next Meeting Date: Wednesday, January 12, 2022 @ 9 A.M. – Council Chambers, City Hall.

Motion to adjourn by Ms. Lockwood and seconded by Ms. melaniejane. All in favor. Carried. Meeting adjourned at 10:25 A.M.

Respectfully submitted,



Patricia S. Quinn
Municipal Services Secretary

**Zoning Board of Appeals
December 14, 2021**

The City of Sturgeon Bay Zoning Board of Appeals was called to order at 12:00 p.m. by Chairperson William Murrock in Council Chambers, City Hall, 421 Michigan Street.

Roll call: Members William Murrock, Dave Augustson, Nancy Schopf and Morgan Rusnak were present. Members Bill Chaudoir and Alternate Michael Marit were excused. Also present were Community Development Director Marty Olejniczak, Planner/Zoning Administrator Chris Sullivan-Robinson and Deputy Clerk/Treasurer Laurie Spittlemeister.

Adoption of agenda: Moved by Ms. Schopf, seconded by Ms. Rusnak to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from November 9, 2021.
4. Public Hearing: Petition for variance from Section 20.27 (2) of the City of Sturgeon Bay Zoning Code for Collin Jeanquart, located at 1642 Cove Road, Parcel #281-34-65001101.
5. Consideration of: Petition for variance from Section 20.27 (2) of the City of Sturgeon Bay Zoning Code for Collin Jeanquart, located at 1642 Cove Road, Parcel #281-34-65001101.
6. Adjourn.

All ayes. Carried.

Approval of Minutes from November 9, 2021:

Moved by Mr. Murrock, seconded by Ms. Schopf to approve the minutes from November 9, 2021. All ayes. Carried.

Public hearing: Petition for variance from Section 20.29(2) of the City of Sturgeon Bay Zoning Code Collin Jeanquart, located at 1642 Cove Road, Parcel #281-34-65001101:

Chairperson Murrock opened the public hearing at 12:04 p.m.

Mr. Sullivan-Robinson introduced the item for public hearing. Mr. Jeanquart is looking for a variance from Section 20.27 (2) of the City of Sturgeon Bay Zoning Code. The current setbacks are 40 feet and requesting a variance of 15 feet to rebuild a single-family home with a 25 feet setback from the edge of Cove Road right-of-way. The subject property, as well as properties to the north and east are zoned agriculture, properties to the west are zoned single family. Wetlands surrounds the property on the north and east side, limiting the buildable area. The property owner petitioned the City to vacate undeveloped Ackerman Street right-of-way on the north side of the property back in September, which was successful, however the City required an easement for municipal vehicles and school buses to turn around. The vacated right-of-way was added to Mr. Jeanquart's property, however it has substantial wetlands restricting the buildable area of the property.

In the 1990's, there were two variances granted for this property. Agriculture zoned properties do not have design standards for single family homes, however the house design does meet design standards for single family homes zoned in Rural Residential areas.

Ms. Schopf asked why the property was zoned Agriculture.

Mr. Sullivan-Robinson responded that the property was zoned Agriculture years ago. Mr. Olejniczak added Cove Road does not have City sewer or water to the homes and many of the lots were subdivided before there was a modern zoning code.

Mr. Murrock inquired that City Council voted on vacated Ackerman Street.

Mr. Olejniczak replied the City suggested Mr. Jeanquart go through the street vacate process for Ackerman Street to gain additional buildable area for the new house. The current house on the property is not conforming, however the new house plan is more conforming.

Collin Jeanquart, 1647 Cove Road, stated that the current house is unsafe and full of mold and mildew. The house will be removed and replaced with one that is more conforming. They went through the street vacation process of Ackerman Street. If the street was not vacated, there would be less than 10 square feet of buildable area. Also limiting buildable area is a City owned culvert.

Mr. Murrock asked if the full house was to be demolished and inquired if there would be a crawl space or basement.

Mr. Jeanquart responded the current house would be removed. They are still fine tuning the elevation, so it is not yet decided if there will be a crawl space or basement.

Mr. Augustson questioned if the approximate square footage of the house living space is 1050 square feet.

Mr. Jeanquart confirmed that it was.

Mr. Murrock asked if there were any hurdles they had to overcome.

Mr. Jeanquart responded the street vacation, drainage ditch leading to a culvert on the north side of the property and buildable area because of the considerable area of wetlands on the property. He would like the new house to be more conforming and safer.

Ms. Rusnak inquired if the new home would be their primary residence.

Mr. Jeanquart stated that it would be a guest home or rental.

Michael LeClair, 1635 Cove Road spoke in favor of the variance request. All of the neighbors like the idea of the new home, which will make the neighborhood more attractive.

There was one letter of correspondence in favor of the variance request from William and Martha Beller, 1627 Cove Road.

No one spoke in opposition of the variance request.

There were no letters of correspondence in favor of the variance request.

The public hearing was declared closed at 12:21 p.m.

Consideration of: Petition for variance from Section 20.29(2) of the City of Sturgeon Bay Zoning Code Collin Jeanquart, located at 1642 Cove Road, Parcel #281-34-65001101:

Mr. Murrock stated that the current house is in bad repair. It would be easier to tear down and rebuild, in which Ms. Schopf agreed.

Ms. Rusnak commented the property owner on the steps taken for the vacated street prior to requesting a variance.

Moved by Ms. Schopf, seconded by Ms. Rusnak to approve the variance as presented. Ms. Schopf's reasons are that the new home would be an improvement for the City and neighborhood. Ms. Rusnak's agreed, adding that the property would be more conforming and the property owner did due diligence of vacating Ackerman Street prior to requesting a variance. Roll call: all ayes. Carried.

Moved by Mr. Augustson, seconded Ms. Schopf to adjourn. All ayes. Carried. The meeting adjourned at 12:25 p.m.

Respectfully submitted,



Laurie Spittlemeister,
Deputy Clerk/Treasurer

FINANCE/PURCHASING & BUILDING COMMITTEE
December 14, 2021

A meeting of the Finance/Purchasing & Building Committee was called to order at 4:00 pm by Chairperson Bacon in the Council Chambers, City Hall. Roll call: Alderpersons Bacon, and Wiederanders were present. Alderperson Williams was excused. Also present: City Administrator VanLieshout, Fire Chief Dietman, and Office Accounting Assistant II Metzger.

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

1. Roll call.
2. Adoption of agenda.
3. Public comment on agenda items and other issues related to finance & purchasing.
4. Consideration of: Bid acceptance for 2022 Capital Fire Dept. Budget, Walk-In Ice/Water Heavy Squad.
5. Consideration of: Bid acceptance for 2022 Capital Fire Dept. Budget, Brush/1st Response Truck
6. Review bills.
7. Adjourn.

Carried.

No one spoke during public comment on agenda items and other issues related to finance & purchasing.

Consideration of: Bid acceptance for 2022 Capital Fire Dept Budget, Walk-In Ice/Water Heavy Squad:
Fire Chief Dietman stated that during the budget process the department became aware that there were going to be issues obtaining a chassis and backlogs. In an effort to obtain a signed contract prior to year-end bids were sent out early. Bids were published and sent to Custom Fab and Body and Ferrara for the replacement of the walk-in ice/water heavy squad #7. Only Custom Fab and Body returned a bid in the amount of \$418,109 which includes 2 options for camera systems and an air ride system. The 2022 budget allocated \$414,855 for the purchase. The bid from Custom Fab is \$3,251 over budget. With supply chain issues, the increasing costs of components the bid was higher than expected. The existing squad #7 with loose equipment has an estimate value of \$1,500, the sale proceeds would apply towards the budget overage. The new squad is expected by December 2022 or January 2023.

Moved by Alderperson Wiederanders, seconded by Alderperson Bacon to recommend to Common Council to accept the bid from Custom Fab & Body as presented, in the amount of \$418,855 and declare the 1996 Chevy Step Van with excess equipment as surplus, and allow the use of the sale proceeds to offset the budget overage. Carried.

Consideration of: Bid acceptance of 2022 Capital Fire Dept Budget, Brush/1st Response Truck:
Fire Chief Dietman stated that Custom Fab and Body submitted the bid for the brush truck with and International chassis this is much larger than need. The department is not interested in the International chassis and requested that Custom Fab find a chassis closer to specifications. A 2021 RAM chassis was located in Muncy Pennsylvania. The international chassis bid came in at \$66,000 the RAM is \$54,785. The bid with the change in chassis came in at \$207,828. The amount allocated in the 2022 budget is \$206,000 which puts bid is over budget by \$1,828. The existing brush truck #8 is valued at a minimum of \$15,000 the vehicle sale proceed will cover the budget overages from this purchase and squad #7. He explained that the chassis dealer will not hold the chassis, they are requiring a deposit of \$13,700. The

funds will be wired on December 15, 2021. The balance of \$41,085 will need to be wired on December 22, 2021 to complete the sale. The department will take delivery of the chassis in January 2022.

Moved by Alderperson Wiederanders, seconded by Alderperson Bacon to recommend to Common Council to accept the bid from Custom Fab & Body as presented, in the amount of \$207,828 contingent upon the chassis provided is a RAM 5500 or as close to specific bid requirements as requested. With the Finance Committees approval, wire a deposit of \$13,700 to Fairfield Ram of Muncy, in Muncy PA on Wednesday December 15, 2021 to hold the chassis, and with Council approval wire the remaining balance due of \$41,085 on Wednesday December 22, 2021, with delivery of RAM Chassis in 2022. In addition, declare the 2014 Ram Brush truck with excess equipment as surplus, and allow the use of the sale proceeds to offset the budget overage from the purchase of the Walk-In Ice/Water Heavy Squad #7, and purchase any additional loose equipment required to put the Brush Truck Squad #8 into service. Carried.

Review bills

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

Moved by Alderperson Wiederanders, seconded by Alderperson Bacon to adjourn. Carried. The meeting 4:23pm.

Respectfully submitted,



Tricia Metzger



Kalin Montevideo
Assistant Fire Chief

CITY of STURGEON BAY FIRE DEPARTMENT

421 Michigan St
Sturgeon Bay, WI 54235

920-746-2916 Station 920-746-2448 Office
Email: kmontevideo@sturgeonbaywi.org

STURGEON BAY FIRE DEPARTMENT NOVEMBER 2021 FIRE REPORT

OCTOBER INCIDENTS: 151
2021 TOTAL INCIDENTS: 1,533

INCIDENTS BY JURISDICTION:

CITY - East Side: 101 Year to Date: 1,006
90 – Medical Incident
01 – Smoke Scare/Odor of Smoke
01 – Arcing, Shorted Electrical Equip.

AVERAGE RESPONSE TIME:

EMERGENT: 3.43 Minutes NON-EMERGENT: 4.55 Minutes

01 – Vehicle Accident
03 – Public Service Assistance
01 – Smoke/Odor Removal
03 – Carbon Monoxide Incident
01 – Alarm/Detector Activation, No Fire

CITY - West Side: 42 Year to Date: 370 EMERGENT: 3.46 Minutes NON-EMERGENT: 4.36 Minutes
36 – Medical Incident
01 – Citizen Complaint
01 – Elevator Rescue
01 – Gas Leak
01 – Vehicle Accident
01 – Arcing/Shorted Electrical Equip.
01 – Assist Law Enforcement/Gvmt Agency

Town of Sevastopol: 03 Year to Date: 87 EMERGENT: 7.29 Minutes NON-EMERGENT: N/A
02 – Vehicle Accident
01 – Medical Incident

Town of Sturgeon Bay: 04 Year to Date: 51 EMERGENT: 8.47 Minutes NON-EMERGENT: 9.28 Minutes
03 – Medical Incident
01 – Power Line Down

MUTUAL AID/MABAS INCIDENTS

Southern Door: 0 Year to Date: 09
Brussels, Union, Gardner: 0 Year to Date: 05
Gibraltar: 0 Year to Date: 01
Sister Bay/Liberty Grove: 0 Year to Date: 01
Jacksonport: 0 Year to Date: 01
Egg Harbor: 0 Year to Date: 01
Baileys Harbor
01 – Structure Fire
01 Year to Date: 01

INSPECTION REPORT:

	<u>Regular Inspections</u>	<u>Re Inspections</u>	<u>Occupancy Inspections</u>	<u>Hours</u>
Inspections – City of Sturgeon Bay:	<u>110</u>	<u>14</u>	<u>01</u>	<u>238.61</u>
Inspections – Town of Sevastopol:	<u>0</u>	<u>03</u>	<u>0</u>	<u>1.35</u>
Inspections – Town of Sturgeon Bay:	<u>01</u>	<u>0</u>	<u>0</u>	<u>.25</u>
Inspections – Town of Jacksonport:	<u>03</u>	<u>01</u>	<u>0</u>	<u>2.20</u>

Sevastopol Burn Permit: Permits Issued for Month: 03 Year to Date Permits Issued: 76

SPECIAL REPORTS, TRAINING, AND MAINTENANCE

MAINTENANCE:

Firefighters conducted maintenance and repairs on SCBA units; replaced batteries in Engine 4 and cleaned up the cables; installed a new door on Engine 4; assisted Town of Sevastopol by replacing bulbs at the Town Park; collected air samples on the air cascade system to send in for analysis; installed a power vent on the connex boxes at the Training Facility; inventoried all hose on apparatus; constructed a step for the trailer; installed a new drop-down power cord for the trailer; cleaned up and organized the mezzanine area; tested large diameter hose (LDH); cleaned up and winterized Marine 1 and put it into storage; repaired a toilet at the westside station, and began fit test for SCBA for firefighters.

TRAINING:

178 hours of training was conducted in November. Firefighters trained with driver/operator procedures; on-duty firefighters tour Sevastopol School following construction/remodel; confined space operations and participated in our annual USCG drill at Bayshipbuilding and three part-time firefighters continued Emergency Medical Responder (EMR) training at NWTC.

OTHER:

Fire Chief and AC attended City and other Town meetings; installed three car seats and gave a fire safety talk and tour for a local Boy Scout Troop.

Stephanie L. Reinhardt
City Clerk/
Human Resources Director
City of Sturgeon Bay
421 Michigan Street
Sturgeon Bay, WI 54235



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Visit our website at: www.sturgeonbaywi.org

TO: Mayor & Common Council

FROM: Stephanie L. Reinhardt, City Clerk/Human Resources Director

DATE: December 28, 2021

RE: Spring Primary

It is necessary for the Common Council to determine if a Spring Primary should be held if there are three or more candidates for an office (or offices).

The State Statutes require that the Common Council must decide "not later than" three days after the filing deadline which is January 4, 2022. It would be appropriate for the Council to make a decision as to whether to hold a primary if three or more candidates qualify for an office(s).

ORDINANCE NO. _____

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

SECTION 1: Section 15.094 of the Sturgeon Bay Municipal Code is hereby created as follows:

15.094 - Construction of Fences.

(1) Definition:

- (a) An independent structure forming a barrier between lots, between a lot and a street or an alley, or between portions of a lot or lots and includes a wall or lattice work screen.

(2) Requirements.

- (a) *Setbacks.* Fences must be setback at least 3 feet from the traveled edge of a street or alley and at least 18 inches from a public sidewalk. No fence may be placed within the right-of-way of a street or alley right-of-way. Fences are also subject to street vision clearance triangle rules defined in section 11.02(4)(v) of the municipal code.
- (b) *Height.* The overall height of a fence body measured from the finished grade to the highest point of the fence shall not exceed 8 feet, not including the fence post. Fence posts shall not exceed 9 feet.
- (c) *Design.* The finished side of the fence shall face the adjacent property owner. Fences shall not be electrified, contain barbed wire (subject to section 15.095), or any other elements harmful to life or limb. Fences shall be affixed to the ground.
- (d) *Maintenance.* The fence structure and exterior shall be maintained in good repair and appearance. The City is not responsible for any damage to personal property which is caused by maintenance of City infrastructure by Municipal Crews.
- (e) All fences will require a permit from the City prior to construction. Application fees shall be determined and administered from the fee schedule.
- (f) Any fence constructed after January 1, 2022 must comply with this ordinance. Any fence constructed prior and not in conformance with this ordinance may be maintained, but no alteration, or modification or improvement shall be permitted unless the result is conformance with this ordinance.

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

Approved:

Attest:

David J. Ward
Mayor

Stephanie Reinhardt
City Clerk

RESOLUTION FOR AUTHORIZED REPRESENTATIVE TO FILE APPLICATIONS
FOR FINANCIAL ASSISTANCE FROM
STATE OF WISCONSIN ENVIRONMENTAL IMPROVEMENT FUND

WHEREAS, it is the desire if the city of Sturgeon Bay, Wisconsin, a municipal corporation, to file several applications for state financial assistance for its water distribution facilities under the Wisconsin Environmental Protection Fund (ss, 281.58, 281.59, 281.60 and 281.61, Wis. Stats.);

Whereas it is necessary to designate a representative for filing said applications;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Sturgeon Bay, that the Water-Wastewater Utility Manager of Sturgeon Bay Utilities is hereby appointed as the authorized representative for the City of Sturgeon Bay for the purpose of filing these applications, and that the representative is further authorized and empowered to do all things necessary in connection with said applications.

Read by Alderperson_____

Moved by Alderperson_____, and seconded by Alderperson_____
That said resolution be adopted.

Passed by the Common Council on the _____ day of _____, 2021.

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

We, the Finance/Purchasing & Building Committee, hereby recommend to approve the amendment to the lakebed sublease with the Sturgeon Bay Historical Society, Inc. conditioned upon review by the City Attorney, continued maintenance of the previously escrowed sum and inclusion of language for a methane mitigation plan comprising of offsite third-party monitoring and immediate notification of any active alarms to the Sturgeon Bay Fire Department, in addition, to include the Fire Department for any amendment with the DNR which would reduce or eliminate monitoring on site.

Respectfully submitted,

FINANCE/PURCHASING & BUILDING
COMMITTEE

By: Helen Bacon, Chairperson

RESOLVED, that the foregoing recommendation be adopted.

Dated: December 28, 2021

Introduced by _____.

Moved by Alderperson _____ seconded by

Alderperson _____ that said recommendation be adopted.

Passed by the Council on the _____ day of _____, 2021.



City of Sturgeon Bay
421 Michigan Street
Sturgeon Bay, WI 54235
jvanlieshout@sturgeonbaywi.org

Joshua J. Van Lieshout
City Administrator

920-746-6905 (Voice)
920-746-2905 (Fax)

Memorandum

To: Finance Committee

From: Josh Van Lieshout, Administrator

Re: First Amendment to City of Sturgeon Bay – Sturgeon Bay Historical Society Foundation, Inc.
Lakebed Sub-lease Amendment

Date: December 22, 2021

Item: First Amendment to City of Sturgeon Bay – Sturgeon Bay Historical Society Foundation, Inc.
Lakebed Sub-lease Amendment

Discussion: The City of Sturgeon Bay has previously entered into development agreements calling for the renovation of the former Teweles and Brandeis Grain Elevator with the Sturgeon Bay Historical Society Foundation, Inc. (SBHSF). The renovated grain elevator will become a seasonally occupied space suitable for public assembly and gatherings. As the building and addition is located on lands located below the ordinary high-water mark, a sub-lease for the use of the lakebed area was required as part of the development agreement.

To complete the project, SBHSF was required to conduct a site investigation and take necessary remedial action. Previous site investigation efforts on this and adjacent lands above and below the OHWM had also discovered the presence of the methane in concentrations necessary for remediation or mitigation if covered buildings were to be constructed. In 2015 Wisconsin Department of Natural Resources issued historical fill exemption approval (HFE) for the former Sawyer Hotel project, this HFE also called for measures to mitigate methane.

As a part of DNR's review and approval of SBHSF's historic fill exemption, DNR identified a number concerns and as part of their approval established several conditions (pgs. 3-7), condition 10(a) requires the lakebed sublease the City entered into with SBHSF to be amended to require SBHSF to comply with the historic fill exemption.

To fulfill this condition, SBHSF is requesting the City amend the sublease. SBHSF has drafted, and is proposing the attached amendment.

As of this writing, the City Attorney is completing his review of the proposal and referenced documents. Thus far, no objection has been noted.

Based on my understanding of the HFE, the City does not have any obligations relative to assurance or performance of SBHSF and SBHSF's satisfaction unless there is a default under the terms of the sublease.

Recommendation:

The Finance Committee and Common Council have a number of options including:

- Recommend approval conditioned up City Attorney Review.
- Recommend approval with modifications,
 - including continued maintenance of the previously escrowed sum in the event of default
- Deny the proposal, offer substitutions, etc.

From: Dietman, Tim

Sent: Friday, December 24, 2021 10:24 AM

To: VanLieshout, Josh <jvanlieshout@sturgeonbaywi.org>; Olejniczak, Marty <MOlejniczak@sturgeonbaywi.org>

Cc: Montevideo, Kalin <kmontevideo@sturgeonbaywi.org>

Subject: Lakebed Lease w/SBHS

Importance: High

Josh,

After reading through the proposed changes in the lake bed lease for the Granary site I do have concerns and feel this is the appropriate time to add in a couple of items regarding the methane/gas issue.

I understand they are speaking to a single reading from 2019, but with the additional ground disturbance, there could potentially be more issues in the future. At this time to ensure there is no gap in what will need to be done on this building along with the others planned I would suggest the following changes:

1. We are not able to enact a local ordinance that we (SBFD/City) can enforce due to the state Minimum-Maximum rule which restricts the adoption of local ordinances which would be considered more or less restrictive. Meaning we cannot create a local ordinance that would require any additional monitoring, testing, or protection than what is described by the DNR ruling.
2. Under the OM&M, any site/structure that has identified an elevated level of Methane of any other gas that could potentially pose a danger to the residents or occupants, shall not only be required to have positive monitoring and ventilation at all times whether occupied or not, shall have an alarm monitoring system that is monitored off-site 24/7/365 and the local Fire Department **SHALL** be notified immediately of any active alarm.
3. Once monitoring is established due to high levels, if there is a sufficient time that no levels have been recorded the Fire Department would have to sign off of continued monitoring before any changes to monitoring were made.
 - a. The reason is if additional construction happens in a general area there is a potential for increased readings due to the ground being disturbed and underground fractures

I am requesting that the above be discussed Monday, December 27, 2021, along with City Legal to ensure proper language is presented at the meeting on Tuesday with Finance to ensure proper monitoring and accommodations are included in the lease agreement/change.

As an added issue, we (Sturgeon Bay Fire Department) will be requesting proper monitoring equipment, calibration equipment, and vehicle charging equipment as our current test monitors does not ensure the level of readings that would be required. While this equipment is not budgeted we believe TID funds would be appropriate for the purchase of all needed testing equipment.

***Tim Dietman, Fire Chief
Sturgeon Bay Fire Department
421 Michigan St.
Sturgeon Bay, WI 54235***

**FIRST AMENDMENT TO
LAKEBED SUBLEASE**

THIS FIRST AMENDMENT TO LAKEBED SUBLEASE (this “**First Amendment**”) is dated effective the ____ day of _____, 2022 (the “**Effective Date**”) between CITY OF STURGEON BAY, a Wisconsin municipality (“**Lessor**”) and STURGEON BAY HISTORICAL SOCIETY FOUNDATION, INC., a Wisconsin non-stock corporation (“**Lessee**”). Each of Lessor and Lessee may be referred to herein as a “**Party**,” and together as the “**Parties**.”

RECITALS:

A. Lessor has record title to a vacant parcel of real estate, located at 72 East Locust Street, described as Lot 2 of Certified Survey Map #2952 recorded in Vol.18, Pg.57, tax parcel 2911210080101B (the “**Property**”); and

B. Lessee occupies a portion of the Property (the “**Premises**”) pursuant to a Lakebed Sublease between the Parties dated as of October 6, 2020, to make certain renovations to the historic Teweles and Brandeis Grain Elevation or (the “**Granary**”) and to operate the Granary pursuant to the terms of a certain Development Agreement, as amended on February 18, 2020 (the “**Development Agreement**”) for various public purposes, including as a historic building, shelter, meeting place and exhibition facility; and

C. A provision of the Development Agreement requires approval by the Wisconsin Department of Natural Resources (the “**DNR**”) of a Granary Remediation Plan; and

D. Lessee will comply with the pre-existing remediation plan for the Property under BRRTS 02-15-563485 (Door Co. Coop Below OHWM) and 07-15-586506 (Door Co. Coop Redevelopment) by renovating the Granary and thereby covering and capping the Premises; and

E. Lessor’s renovation of the Granary and occupation of the Premises requires approval by the DNR of a *Development at Historic Fill Site or Licensed Landfill – Exemption Application* (the “**Exemption Application**”) due to the Premises being an historic fill site; and

F. The Parties and DNR desire to ensure that the terms and conditions of the approved Granary Remediation Plan and Historic Fill Exemption are enforceable against Lessee’s successors and assigns;

AMENDMENT:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties hereto agree that the foregoing recitals are true and correct and incorporated herein by this reference, and further agree that Section 6.4 of the Lakebed Sublease, entitled Compliance with Remediation Plan, is hereby deleted and replaced with the following:

- (a) Lessee and its successors and permitted assigns shall comply with the Granary Remediation Plan as set forth in the Development Agreement including any conditions and requirements imposed by the DNR and all conditions and requirements of DNR's approval of Lessee's Exemption Application, as provided in that certain *Conditional Case-by-Case Grant of Exemption for the Development of a Property Where Solid Waste has been Disposed – Door Cnty Coop Below OHWM, BRRTS# 02-15-563485 & 07-15-586506* issued by DNR dated December 16, 2021, attached hereto as Exhibit D and incorporated by reference, as may be amended from time to time.
- (b) The Operation, Maintenance, and Monitoring (OM&M) plan referenced in paragraph 10.e. of Exhibit D shall include a provision for 24-hour, third party monitoring and shall identify response conditions acceptable to the Lessor that trigger notification to the City of Sturgeon Bay Fire Department.
- (c) Lessee shall provide Lessor with a reasonable opportunity to participate in discussions over any proposed amendment of Exhibit D.
- (d) The Granary Operation and Maintenance Fund established pursuant to Section 1(k) of the Development Agreement between Lessor and Lessee dated July 22, 2019, as amended, may be used by the City following completion of the Project to cure any default under this paragraph 6.4 of the Sublease.
- (e) Notwithstanding the foregoing, and other than those conditions directly imposed on lessee by the Wisconsin DNR pursuant to Exhibit D, Lessee's methane monitoring and notification obligations imposed by paragraph 6.4(b) above shall not be greater than those imposed on other developments within the DNR- designated historic fill area of the City's West Waterfront.

IN WITNESS WHEREOF, the Parties hereto have caused this First Amendment to Lakebed Sublease to be amended as of the date first written above.

[Signatures Appear on Following Pages]

LESSOR:

CITY OF STURGEON BAY

By: _____
David Ward, Mayor

By: _____
Stephanie Reinhardt, Clerk

STATE OF WISCONSIN :
: SS.
COUNTY OF DOOR :

Personally came before me this ____ day of January, 2022, the above-named David Ward, the mayor of the City of Sturgeon Bay, to me known to be the mayor of that city and the person who executed the foregoing instrument and acknowledged the same as to the act of that city by its authority.

* _____
Notary Public, State of Wisconsin
My Commission: _____

STATE OF WISCONSIN :
: SS.
COUNTY OF DOOR :

Personally came before me this ____ day of January, 2022, the above-named Stephanie Reinhardt, the clerk of the City of Sturgeon Bay, to me known to be the clerk of that city and the person who executed the foregoing instrument and acknowledged the same as to the act of that city by its authority.

* _____
Notary Public, State of Wisconsin
My Commission: _____

LESSEE:

**STURGEON BAY HISTORICAL SOCIETY
FOUNDATION, INC.**

By: _____
Christie Weber, President

By: _____
Kelly Avenson, Secretary

STATE OF WISCONSIN :
: SS.
COUNTY OF DOOR :

Personally came before me this ____ day of January, 2022, the above-named Christie Weber, as President of the Sturgeon Bay Historical Society Foundation, Inc., a Wisconsin non-stock corporation, to me known to be the president of that corporation and the person who executed the foregoing instrument and acknowledged the same as to the act of that corporation by its authority.

* _____
Notary Public, State of Wisconsin
My Commission: _____

COUNTY OF DOOR :

Personally came before me this ____ day of January, 2022, the above-named Kelly Avenson, as Secretary of the Sturgeon Bay Historical Society Foundation, Inc., a Wisconsin non-stock corporation, to me known to be the secretary of that corporation and the person who executed the foregoing instrument and acknowledged the same as to the act of that corporation by its authority.

* _____
Notary Public, State of Wisconsin
My Commission: _____

EXHIBIT D

**TO LAKEBED SUBLEASE
BETWEEN THE CITY OF STURGEON BAY AND
THE STURGEON BAY HISTORICAL SOCIETY FOUNDATION, INC.**

BEFORE THE

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

CONDITIONAL GRANT OF EXEMPTION
FOR
DEVELOPMENT ON A PROPERTY
WHERE SOLID WASTE HAS BEEN DISPOSED

FINDINGS OF FACT

The Department finds that:

1. The State of Wisconsin owns the property located at 72 East Locust Street in Sturgeon Bay, Wisconsin (the "Property"). The City of Sturgeon Bay obtained a long-term lease from the State of Wisconsin. The Sturgeon Bay Historical Society Foundation, Inc (SBHS) obtained a long-term sublease from the City of Sturgeon Bay for the area associated with the Historic Granary (the "Granary").
2. Solid waste consisting of construction rubble and wood debris has been disposed of at this property and remains at this Property, as this area is below the ordinary high water mark and behind the bulkhead.
3. Additional facts relevant to the review of the grant of exemption modification request include the following:
 - Methane sample results from within the proposed Granary foundation measured between 50%-60% total methane concentration in September 2019.
 - Methane sample results from within the proposed Granary foundation measured between 0.0%-0.4% total methane concentration in October 2021.
4. On behalf of SBHS, GEI Consultants has submitted a request dated July 12, 2021, Supplemental Information dated October 20, 2021, and two addendums dated December 14 & 15, 2021, for an exemption from the prohibition in NR 506.085, Wis. Adm. Code. The request has been submitted under the seal of a professional engineer, professional geologist or hydrologist relating to the proposed development and the environmental conditions at the Property.
5. Additional documents considered in review of the exemption request include the following:
 - Historic Fill Exemption – Response Memo by GEI Consultants, dated December 9, 2021
 - Addendum to Historic Fill Exemption Request by GEI Consultants, dated September 10, 2021. Document superseded by October 20, 2021 Supplemental Information.
 - Subsurface Exploration and Geotechnical Engineering Evaluation by GEI Consultants, dated April 19, 2021.
6. The Granary is a 100 year old building. The drafty design of the Granary allows for natural air movement which is typically not found in new construction buildings. The conditions, mitigation, and engineering controls are designed specifically for the Granary.
7. Based upon the information provided to the Department, the proposed development at the property is not expected to cause future exceedances of applicable soil and groundwater standards.

8. On behalf of SBHS, a professional engineer has certified that the development of the property as described in the application will not cause or exacerbate an exceedance of any applicable soil or groundwater standard and will not cause a significant increase in risk due to the migration or concentration of explosive or toxic gasses or cause any other significant risk or threat to public health, safety or welfare or the environment.
9. If the conditions set forth below are complied with, the development of the Property will not result in environmental pollution as defined in ss. 289.01(8) and 299.01(4), Wis. Stats.

CONCLUSIONS OF LAW

1. The Department has the authority under s. NR 500.08(4), Wis. Adm. Code to issue an exemption from the prohibition in s. NR 506.085, Wis. Adm. Code, if the proposed development will not cause environmental pollution as defined in ss. 289.01(8) and 299.01(4), Wis. Stats.
2. The Department has authority to approve a grant of exemption with conditions if the conditions are necessary to ensure compliance with the applicable provisions of chapters NR 500 to 538, Wis. Adm. Code, or to assure that environmental pollution will not occur.
3. The conditions set forth below are necessary to ensure compliance with the applicable provisions of chapters NR 500 to 538, Wis. Adm. Code, and to assure that environmental pollution will not occur.
4. In accordance with the foregoing, the Department has the authority under s. NR 500.08(4), Wis. Adm. Code, to issue the following conditional grant of exemption.

CONDITIONAL GRANT OF EXEMPTION

The Department hereby issues an exemption from the prohibition in s. NR 506.085, Wis. Adm. Code for development on a property which contains solid waste as proposed in the submittal dated July 12, 2021, October 20, 2021, and December 14 & 15, 2021 subject to the following conditions:

1. No action related to the development of the property may be taken which will cause a significant adverse impact on wetlands as provided in ch. NR 103, Wis. Adm. Code.
2. No action related to the development of the property may be taken which will cause a significant adverse impact on critical habitat areas, as defined in s. NR 500.03(55), Wis. Adm. Code.
3. No action related to the development of the property may be taken which will cause a detrimental effect on any surface water, as defined in s. NR 500.03(62), Wis. Adm. Code.
4. No action related to the development of the property may be taken which will cause a detrimental effect on groundwater, as defined in s. NR 500.03(62), Wis. Adm. Code, or will cause or exacerbate an attainment or exceedance of any preventive action limit or enforcement standard at a point of standards application as defined in ch. NR 140, Wis. Adm. Code.

5. No action related to the development of the Property may be taken which will cause a migration and concentration of explosive gases in any structures in excess of 25% of the lower explosive limit for such gases at any time. No actions may be taken which will cause a migration and concentration of explosive gases in the soils outside of the limits of solid waste disposal within 200 feet of the property boundary or beyond the property boundary in excess of the lower explosive limit for such gases at any time. No actions may be taken which will cause a migration and concentration of explosive gases in the air outside of the limits of solid waste disposal within 200 feet of the landfill boundary or beyond the landfill property boundary, as applicable in excess of the lower explosive limit for such gases at any time.
6. No action related to the development of the property may be taken which will cause an emission of any hazardous air contaminant exceeding the limitations for those substances contained in s. NR 445.03, Wis. Adm. Code.
7. No action related to the development of the property may be taken which will cause an exceedance of a soil clean up standard established in accordance with ch. NR 720, Wis. Adm. Code.
8. This exemption shall transfer with changes in property ownership or control of the property by such means as a lease. In accordance with s. 289.46(2), Stats., any person having or acquiring rights of ownership in land where a solid or hazardous waste disposal facility was previously operated may not undertake any activities on the land which interfere with the closed facility causing a significant threat to public health, safety or welfare. The Department of Natural Resources should be contacted to discuss any proposed changes to avoid activities that could violate the statute.
9. This grant of exemption is limited to the proposed changes described in your application, and the project must be constructed in accordance with submissions made to the Department as part of the application. If you are considering additional changes beyond those described in the application, a new application must be submitted to the Department for approval.
10. To mitigate the risk from methane present in soil vapors on the Property, SBHS and its successors and permitted assigns must:
 - a. Within 45 days of the issuance of this letter, amend the Lakebed Sublease dated effective October 6, 2020, ("Sublease") to require Lessee to comply with these conditions. Provide the Department with a copy of the executed amended Sublease within 10 days after it is fully executed.
 - b. Notify the Department in writing at least 60 days in advance of transferring ownership or operation of the Granary to another party or of assigning its obligations under the Sublease to any other party.
 - c. Notify the Department in writing immediately if it is in default of the Sublease or if the Sublease is terminated.
 - d. Provide the Department with a reasonable opportunity to participate in discussions over any new lakebed sublease to extend or replace the Sublease, so that the Department can ensure the new sublease continues to be protective of public health and the environment.

- e. Install the mitigation system during construction according to the system design plan. Submit an interim action report, with as-builts, per Wis. Admin. Code §§ NR 708.11 to the Department within 30 days after installation of the system and before the City of Sturgeon Bay issues the occupancy permit. The report should document installation for the Department to verify the proper mitigation and for environmental/mitigation professionals to reference for system repairs as well as document the commissioning.
- f. A separate Operation, Maintenance, and Monitoring (OM&M) plan per Wis. Admin. Code §§ NR 724.13(1)(c) & NR 724.13(2) (Note (2)(k) specifically and ref. RR-981 for a template.) shall be submitted to the Department within 30 days after system installation. The OM&M Plan should include:
 - a. Form 4400-321, Methane System Inspection Log needs to be utilized per Wis. Admin. Code § 726.11(2)(d). Create a site-specific form utilizing the “+” & “-“ buttons on the right of the form (e.g., 3 drop points, no sealed sump, 4 vapor pins remain for PFE) for the owner to use. Site-specific photos recommended.
 - b. Photos to include title, date taken, description of feature, etc. per Wis. Admin. Code § NR 724.13(2)(k) & RR-981.

The purpose of the OM&M Plan is for the non-technical property owner or tenant(s) to understand the need for the system and exactly what needs to be done to assure the system continues to operate for protectiveness. The OM&M Plan should specify the specific system components: 3 extraction points, mitigation fan, audible alarm, contact for repair or inspection, etc. for the routine inspection by non-technical individuals.

- g. Within 30 days after starting the methane mitigation system, a Continuing Obligation (CO) fee must be paid to the Department, and the Department will apply the Vapor Mitigation Systems CO to the Property.
- h. Operate the methane mitigation system in accordance with the OM&M plan and Wis. Admin. Code § NR 724.13.
- i. Conduct an annual inspection of the operating methane mitigation system by September 30th. The inspections must be conducted by a qualified individual trained according to the OM&M plan. The inspection shall be documented on the Methane System Inspection Log and submitted to the Department by October 15th annually.
- j. Conduct a routine use inspection of the operating methane system and monitors, prior to occupying the building for events and daily use. If response conditions exist, prohibit occupancy, and follow Emergency Response Plan.
- k. Emergency Response Plan shall be updated and provided to both the Department and local fire Department within 60 days of the Historic Fill Exemption approval and before the occupancy permit is issued.
- l. Emergency Response Plan should be reviewed, revised, and provided to both the Department and local fire department on an annual basis.

- m. Post emergency instructions in conspicuous locations within the Granary building regarding what to do in case of a methane alarm.
- n. Maintain a copy of the OM&M Plan, Emergency Response Plan in a readily accessible location within the Granary building.
- o. Develop a training plan for the purposes of training the Granary building manager or operator in how the methane mitigation system works. Ensure the building manager is trained according to the OM&M plan and the Emergency Response Plan and ensure any new building manager is trained if staff turnover occurs. Plan must indicate that only staff with proper training may grant access to the building.
- p. Provide the City of Sturgeon Bay with a copy of the methane mitigation design plans, Interim Action Report with as-built plans and specifications, OM&M Plan, and Emergency Response Plan to maintain for public inspection.
- q. Prohibit open flames (e.g., candles, matches, lighters, etc.) and smoking in and around the Granary building. Post signs in conspicuous places in and around the Granary which indicate open flames and smoking are prohibited within 50 feet of the Granary building.
- r. Prohibit users of the Granary building from bringing external appliances (e.g., microwaves, heaters, AC units, candles, catering food warmers heated by flames, etc.) into the building.
- s. Monitor and vent public restrooms year round, even if the Granary building is closed. Restrooms must follow same protocol as Granary building prior to allowing access to the public.
- t. Per Wis. Stat. § 292.11(8) and Wis. Admin. Code § NR 727.05, the Department may conduct periodic pre-arranged inspections to ensure that these conditions are met. If these conditions are not met, the Department may take enforcement action under Wis. Stat. ch. 292 to ensure compliance with the exemption conditions.

All submissions or notices to the Department shall be written documentation sent to the Department using the RR Program Submittal Portal at dnr.wi.gov, search "RR submittal portal" (<https://dnr.wi.gov/topic/Brownfields/Submittal.html>).

This exemption is based on the information available to the Department as of the date of this document. If additional information, project changes or other circumstances indicate a possible need to modify this exemption, the Department may ask you to provide further information relating to this activity. Likewise, the Department accepts proposals to modify exemptions, as provided for in state statutes and administrative codes.

NOTICE OF APPEAL RIGHTS

If you believe you have a right to challenge this decision made by the Department, you should know that Wisconsin statutes and administrative codes establish time periods and requirements for reviewing Department decisions.

To seek judicial review of the Department's decision, sections 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. You have 30 days after the decision is mailed or otherwise served by the Department to file your petition with the appropriate circuit court and serve the petition on the Department. The petition shall name the Department of Natural Resources as the respondent.

Dated: December 16, 2021

DEPARTMENT OF NATURAL RESOURCES
For the Secretary



Roxanne N. Chronert
Team Supervisor, Northeast Region
Remediation & Redevelopment Program



Karen Campoli
Hydrogeologist, Northeast Region
Remediation & Redevelopment Program