

Common Council
January 5, 2010

A regular meeting of the Common Council was called to order at 7:01 p.m. by Mayor Voegele. The Pledge of Allegiance was recited. Roll call: Wiegand, Vandertie, Lodl, Abeyta, Mann, Benzshawel, and Birmingham present.

Abeyta/Mann to adopt agenda. Roll call: All voted aye. Carried.

The Council reviewed the unfinished business.

No one spoke during public comment.

Birmingham/Abeyta to approve bills: General Fund – \$90,484.55, Capital Fund - \$1,242,992.66, Cable TV - \$8,039.29, TID #2 - \$3,969.13, and TID #3 - \$11,118.88 for grand total of \$1,356,604.51. Roll call: All voted aye. Carried.

Abeyta/Mann to approve consent agenda:

- a. Approval of 12/15/09 regular Common Council minutes.
- b. Approval of the following minutes:
 - (1) Finance/Purchasing & Building Committee – 12/8/09
 - (2) Zoning Board of Appeals – 12/14/09
 - (3) Community Protection & Services Committee – 12/15/09
 - (4) City Plan Commission – 12/16/09
 - (5) Zoning Board of Appeals – 12/17/09
 - (6) Loan Review Committee – 12/17/09
 - (7) Harbor Commission – 12/17/09
- c. Approval of the following report:
 - (1) Fire Department Report – November 2009
 - (2) Street Department Report – November 2009
 - (3) Bank Reconciliation – November 2009
 - (4) Revenue & Expense Report – November 2009
- d. Consideration of: Approval of Beverage Operator license.
- e. Revolving Loan Fund Committee recommendation re: Loan of \$250,000 be approved for Therma-Tron-X Holdings to be used to purchase equipment, subject to conditions.
- f. Revolving Loan Fund Committee recommendation re: Loan of \$40,000 be approved for Kitty O'Reilly's Irish Pub to be used to purchase equipment, subject to conditions.

Roll call: All voted aye. Carried.

The mayor made the following appointments:

Waterfront Redevelopment Authority – 5 year term

Thomas Herlache, Chr.

Sturgeon Bay Visitor Center – 1 year term

Thomas Benzshawel (Council Rep)

Board of Parks & Recreation – 3 year term

William Fuerst
George Husby
Leif Hagman

Local Arts Board – 3 year term

Ronald Vandertie, Parks & Recreation Board Representative
Robert Fink

Door County Tourism Zone Commission – 1 year term

Thomas Benzshawel (Council Rep.)
David Holtz

Wiegand/Birmingham to confirm. Roll call: All voted aye.

Abeyta/Vandertie to hold a spring primary if there are three or more candidates for an office. Roll call: All voted aye except Birmingham who abstained.

Officer Steve South of the SBPD presented the Community Service Officer (CSO) grant application to the Council. The grant award was for \$24,879 and would cover three CSO's and four volunteer cadets. Officer South explained the roles of both positions and their associated job duties. Abeyta/Wiegand to accept the grant in the amount of \$24,879 for the Community Service Officer program. Discussion ensued regarding what vehicle the CSO's would use, whether they could be on the police boat, their eligibility for unemployment if the program isn't funded in future years, whether the positions were necessary, whether this program could be broken down and just the volunteer part started, that the grant covers equipment, and that the program may be needed. Roll call: Wiegand, Vandertie, Abeyta, Mann, Benzshawel, Birmingham voted aye. Lodi voted no. Carried.

Wiegand/Mann to read in title only and adopt the second ordinance regarding annexing property to the City of Sturgeon Bay known as Sturgeon Bay Utility Property on North 14th Avenue (Peterson Road) and apply temporary zoning. Roll call: All voted aye. Carried.

RECOMMENDATION

We, the Finance/Purchasing & Building Committee, hereby recommend to transfer \$881.00 from account #10-215-000-59035 into account #10-200-000-59035 to purchase one administrative vehicle.

FINANCE/PURCHASING & BUILDING COMMITTEE

By: Thad Birmingham, Chr.

Introduced by Birmingham. Birmingham/Abeyta to adopt. Roll call: All voted aye except Wiegand who abstained. Carried.

RECOMMENDATION

We, the Finance/Purchasing & Building Committee, hereby recommend to approve the purchase of one Chevrolet Impala to be used as a police department administrative vehicle from Jim Olson Motors in the amount of \$19,881.

FINANCE/PURCHASING & BUILDING COMMITTEE

By: Thad Birmingham, Chr.

Introduced by Birmingham. Birmingham/Abeyta to adopt. It was noted that this vehicle would be used primarily for the Sgt./Investigator position or for out of town training. Roll call: All voted aye. Carried.

RECOMMENDATION

We, the Finance/Purchasing & Building Committee, hereby recommend to approve the purchase of two Ford Crown Victorias to be used as squad cars from Witt Peninsula Ford in the amount of \$42,900.

FINANCE/PURCHASING & BUILDING COMMITTEE

By: Thad Birmingham, Chr.

Introduced by Birmingham. Birmingham/Abeyta to adopt. Roll call: All voted aye except Wiegand who abstained. Carried.

RECOMMENDATION

We, the City Plan Commission, hereby recommend approval of the Final Planned Unit Development for Walmart Supercenter based on plans and documents submitted and subject to the following conditions:

1. Implementation at the developer's expense of all street and traffic improvements needed for the development as indicated in the traffic impact analysis based upon the approximately 150,000 square feet of retail, including the acquisition of right-of-way needed for the improvements.
2. A development agreement shall be approved between the Common Council and the developer, which shall address at a minimum:

- a. The developer shall be responsible for the costs to extend sanitary sewer and water mains and other utilities into the subject site, including the establishment of necessary utility easements.
 - b. A contribution from the developer for a future water tower on N. 14th Avenue and distribution system to the water tower.
 - c. The traffic improvements and costs as described in condition #1 above.
 - d. Completing the stormwater conveyance improvements at the developer's expense for the routing of stormwater to the detention facility on the County-owned John Miles Park property, including obtaining any necessary drainage easements.
 - e. A contribution from the developer for biking and pedestrian improvements leading to the PUD site. However, the normal requirement to install a sidewalk along the 14th Avenue frontage shall be waived at this time.
3. The developer shall make a formal request to the Sevastopol School District to annex the PUD property into the Sturgeon Bay School District for that portion of the PUD site that is not currently within the Sturgeon Bay School District.
 4. A landscaping maintenance plan showing how the landscape materials will be properly maintained and replaced especially during the initial five years after installation must be submitted to and approved by the Plan Commission prior to building permits being issued.
 5. A revised lighting plan shall be submitted to and approved by the City Engineer. The light fixtures shall be consistent fixtures for Econo Foods parking lot and height shall not exceed 42 feet.
 6. Street trees must be included for the street improvements along both Egg Harbor Road and 14th Avenue. Locations and species shall be determined by the City Forester.
 7. Prior to adoption of the PUD ordinance, adjustments to the stormwater collection system shall be submitted to and approved by the City Engineer, with such adjustments to include more storm inlets, relocation of storm inlets, grading changes or a combination thereof.
 8. The PUD ordinance for this PUD shall include, at a minimum, the following parameters, restrictions, and requirements:
 - a. The underlying zoning districts shall remain as currently classified (C-1 for southern portion, A for northern portion)
 - b. The height and area requirements (setbacks, impervious surface ratio, etc) of the C-1 district shall apply.
 - c. Prior to issuance of any permits for development, a construction erosion control and drainage plan shall be reviewed by the City Engineer with input from the Door County Soil and Water Department. The plan shall address (but not be limited to) protecting areas where crevices are exposed in bedrock during site grading and construction activities for the building, parking areas, and stormwater detention pond.
 - d. The types of retail sales within the proposed building shall be consistent with the retail categories used for the economic impact analysis completed by Vierbicher Associates for this proposed development (e.g. electronics, health & beauty, groceries, etc).
 - e. Any ground signs (free-standing signs) associated with development within the PUD shall be back-lit signs.
 - f. Establishment of a Community Wall.
 9. Latitude for staff to continue negotiations regarding the development.

Introduced by Wiegand. Wiegand/Abeyta to adopt. Mike Tadych, representing Econo Foods, addressed the Council with a couple of concerns that remain with the Wal-Mart Supercenter Project. Deb Tomczuk, representing Wal-Mart, addressed the Council regarding the timeline of the project and the changes that have occurred since the last time the Council viewed the plans. Discussion took place regarding the language in the recommendation regarding the water tower. Mann/Abeyta to make an amendment replacing language for Item #2b in the recommendation to read as follows: A contribution from the developer for improvement of water storage and/or supply facilities as needed to supply and support the Wal-Mart Store. Mann/Abeyta to call for the question. Roll call: All voted aye. Vote taken on the amendment. Roll call: Wiegand, Lodi, Abeyta, Mann, Benzshawel, and Birmingham voted aye. Vandertie voted no. Carried. Vote taken on original motion as amended. Roll call: All voted aye. Carried.

RECOMMENDATION

We, the Finance/Purchasing & Building Committee, hereby recommend to extend the 2009 contract with Greg Weisheipl, City Assessor, for 90 days.

FINANCE/PURCHASING & BUILDING COMMITTEE
 By: Thad Birmingham, Chr.

Introduced by Birmingham. Birmingham/Abeyta to adopt. Roll call. All voted aye. Carried.

No one spoke during public comment.

The Mayor made comments on the 1/5/10 agenda.

After the Mayor announced the statutory basis, Wiegand/Benzshawel to convene in closed session in accordance with the following exemptions: Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Wis. Stats. 19.85(1)(g) Consideration of: Ironwood Street Drainage options. b. Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Wis.Stats. 19.85(1)(e) i. Consideration of: Sale of City property. ii. Consideration of: Quit claim deed for encroachment on property. Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Wis. Stats. 19.85 (1)(c) To consider the performance evaluation of a public employee over which the Common Council has jurisdiction or exercises responsibility. Roll call: Carried with Abeyta abstaining. The meeting moved to closed session at 9:15 p.m. and adjourned at 9:57 p.m.

Respectfully submitted,

Stephanie L. Reinhardt
City Clerk