

**2014 November 19**

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Sturgeon Bay Plan Commission Meeting

Overflow Crowd in council chambers, standing room only

## EXCERPTS

37:11 HC

“This parcel is the crown jewel of Sturgeon Bay [...] I’m going to go on record for speaking against this plan. I think when we look at Fish Creek, Sister Bay, Ephraim, what do they have in common - a public waterfront. Like really open, not just a little strip in front of a hotel. Sister Bay, mind you, bought the Helms Hotel, knocked it down, financed it from their own resources, and opened it up to the public. Why don’t we talk about that?” [brought a letter that a few people signed and gave to commission members].

42:22 MS

“I’m also against this development. Actually I’m opposed to any kind of development on that piece of property for many of the same reasons that Kelly mentioned. It goes against a lot of the trends that are in our country right now, where cities are trying to reclaim the waterfront that has been developed in the past, and trying to use it for public use. Hans mentioned Sister Bay, who is systematically buying up property in order to create a public waterfront. You have Manitowoc and Two Rivers and Algoma that have wonderful public waterfronts. Manistique in the UP has Lake Michigan shoreline with walking areas, across the road from hotels and places - they kept that public and it’s used and it’s beautiful. A lot of places, I looked some of these things up here, Charleston Waterfront Park, Pittsburgh North Shore Riverside Park, Louisville Waterfront Park - they’re winning awards for creating waterfront that can be used by everyone. And like Kelly said, this is why people come here. [...] You want to see the water. We have a working waterfront which is so special. The Trust for Public Land has written a document called “Measuring the Economic Value of a City Park System”. Now I realize we do have some, but we’re talking waterfront here. The chapter headings alone give this kind of information - ‘Public waterfront actually increased property values in Washington DC, stimulated tourism growth in San Diego, used to promote human health in Sacramento, and stimulated community cohesion and cut stormwater costs in Philadelphia’. These parks can transform cities. New York City’s former director of urban planning, Amanda Burden, turned Brooklyn’s waterfront into a thriving park, not development, and she said, ‘if there is any single lesson I’ve learned it is that public spaces have power. It’s not just the number of people using them, it’s the even greater number of people who feel better about their city just knowing that they’re there. A successful city is like a fabulous party - people stay because they’re having a great time, not looking at big buildings’. So if developers covet our waterfront property, it’s reason enough to keep it available to all of us, tourists as well as the locals - we want to enjoy it too.”

45:35 SF

“I’ve been a resident of the city of Sturgeon Bay for 31 years. The biggest thing that I have a problem with is the process - how this all happens [gesturing to crowded room]. And I don’t understand the lack of public information. If you wanted ‘shock and awe’ when you put the picture in the paper, when you announced you were going to have this meeting, you got shock and awe. And that’s the result that this all is [gestures to crowded room]. But there’s an opportunity. And I’ve heard it, I’ve heard it in just the speakers I’ve listened to tonight so far. It started with Mr. Papke, and his reference to that change is hard. But this isn’t change, this is the same thing that’s been going on. We’ve created a canyon of our canal going down from Sturgeon Bay to Lake Michigan, and this would close the last window of that canyon. We need to have that public visual corridor available for everyone. And it is valuable. So I suggest we do something different out of the box. And that’s invest in, our money, investing in keeping it green, wiping the slate clean, and utilizing what we have, that’s valuable to us right now. Our history is very valuable. We’re looking at a granary tower that has all the numbers that we need to figure out what it would cost to do it, and the public hasn’t had any input on whether that’s expensive or not. And it’s an option to have, to incorporate, rather than putting a picture on the wall of a restaurant that’s close but [of a place] that nobody can go to. So investing in that space and keeping it is very valuable. We lost the one that we had at Stone Harbor going through the same thing twenty years ago. We were told there were going to be visual corridors going to the water and when it ended up it was a solid line all the way down. [...] Let’s do something different, thinking about it outside of the box. That’s for us, the tax dollars that we’re already using to develop property that we already own.[...]”

55:56 SK

“[...a decade ago talking with Lars --- about Sister Bay...had he considered] the distinct difference between Chicago and Miami regarding their shoreline. Chicago owns their Lake Michigan shoreline, while in Miami, the shoreline’s owned by large hotels. The Chicago waterfront is populated by parks, zoos, large public beaches, yacht harbors. And while in Miami, it’s difficult to find one of the few narrow walkways permitting access to the sandy shoreline. It wasn’t long before Lars and the town of Sister Bay started putting forward a plan of action to acquire all of their downtown shoreline, buying up and clearing away former business like Helm’s Four Seasons Motel, and the old town library. They have since established an active public recreational destination with an expanded beach, a bandshell, a playground, and an extensive greenspace available for staging public events in the heart of downtown Sister Bay. We do not need another overbearingly large hotel, blocking the view and the access to the waterfront. [...] And please, let me speak for the tugboats. This is a shipyard town. The tugboats serve that industry, and they are part of what makes our downtown colorful and distinctive. Please, include them as part of the plan that makes our Maritime Museum, the Coast Guard, the yacht building and ship building, recognized as core heritage elements of the authentic brand that we seek to promote as Sturgeon Bay. Thank you and I do seek a referendum on this if possible and I oppose the change in zoning.”

59:39 CW

“I also oppose this development, but I’m more offended as a citizen once again we find ourself at odds as a community and as a government, for no purpose. Marty just brought forward that you had developed a plan in 2011, late 2012 you revised it, 2013 you revised it again, 2014 they revised it, and 2014 October it’s going through its fifth generation of revisals - without ONE TIME bringing it forward to the general public at large. Not once. Tidbits, teasers, a ‘festival market’ was surely expounded a little bit on - but the Rotary Club isn’t your community. You are not our community. You are representatives of the people. Therefore you should get the public input, so that it doesn’t end up like this every time. [...] This is a devastation and a travesty to the community and we will fight this, as a community.”

1:05 ML

“[...] I strongly oppose this zoning change, and I urge the city plan commission, to move this decision to a referendum. Waterfront is a commodity that should not be taken lightly in our community. [...] I kayak, I ski, I walk these shores, as do many of our community members [...].”

1:08 SM

“I’d like to voice my strict opposition. [...] I don’t know why you’re persisting in a plan that has a phony pier jutting out and has any thought of those tugboats not being there. Those tugboats are there because Bay Ship needs them, and we need Bay Ship. They have to be there to dock the winter boats [...] and they move those boats constantly. They have to have them. And they have to be at a hard side dock so they can get maintenance equipment up and on them and they have to be able to fuel dockside. [...we need to retain the commercial dock...].”

1:23 TH

“[...] The waterfront is the greatest asset Sturgeon Bay has to offer. We must protect it and make it available to all. [...] This area should be community space that we can all enjoy. I’m here to voice my opposition to this plan and want the fate of this space to be open to public debate as to what it will become. Allow the citizens and taxpayers of this great town to have a say. [...].”

1:43 JN

“I’m strongly opposed to any type of development on this property. I’m willing to donate time and grass seed and trees and I know a lot of people that have shovels. [...should become green space...].”

1:58 EG

“My great-great grandfather built the first hotel on the west side of Sturgeon Bay, when it was Sawyer, the Bay View House. And he didn’t build it on the water. There might be a reason - it was because anything wasn’t filled in yet. And unfortunately all of you [plan commission], and you guys as well [hotel developers], are under a lot of scrutiny - because we’ve been shut off. And I’m still not happy with what happened at Stone Harbor. They’re closing in the canopy at Great Lakes Yachts. Look at the PJs building at the bottom of Jefferson Street. Enough is

enough. Basically, the city bought these lots. This is the city! [gestures to audience]. We are the city. So it needs to be put to a referendum. And I think the referendum should be about whether if the city can raise its own money to turn it into a green space like Jared said. [...]. Let's bring it to a vote. It's our property. Right now it is. [...]"

2:07 PR

"I have a hard time with any development on the water in Sturgeon Bay. We're very fortunate to have what we have already, as far as the waterfront, the beauty, [...]"

2:12 RS

"[...] What makes Sturgeon Bay and Door County unique is that we have more water, we have more shoreline, than almost anywhere in the world. What a blessing, and what a gift that we have, all that shoreline, and this [hotel] cuts that off from people [...]"

2:15 KF

"Lived here for twenty years, and I was part of the comprehensive plan for the community, and as far as I know it was the last one that was done, and I think some of you [plan commission] were also part of that process. The citizens of Sturgeon Bay were invited to participate, in that process, and this opportunity of the waterfront that we have right there, is being blown by this [hotel], and this is not a part of the comprehensive plan or the goals of the comprehensive plan, and I think you guys [plan commission] must know that, you must know what's in the comprehensive plan, that you're serving on this committee, I would expect so. You have to know that preserving the waterfront for the community is part of that comprehensive plan, the goal of the plan. So all this seems like - you know if you take a look at the waterfront in front of Stone Harbor, I know it's community access, we're supposed to be able to enjoy that, but it doesn't feel open, it doesn't feel 'community open', it doesn't feel picnic-y, bring your family - it feels like you're in somebody else's yard, somebody else's business. This [points to plan] is an opportunity to maybe - you know, there's a whole big community that enjoy silent sports, in tourism, around the world. Silent sports are a huge draw to communities. We could access/use that waterfront, and whatever amenities we would need, to draw that group, that crowd... as you all know how popular the marathons are up here, the races that take place all through the county, very popular, it brings a lot of people here, let Sturgeon Bay jump with both feet into that realm as well, and utilize the space that we've been given to encourage those folks to come to Sturgeon Bay and spend some money, spend some time, enjoy Potawatomi State Park - you know, we've got it [points to waterfront], why would we want to give it away? The waterfront wasn't there for an amenity for this hotel. The waterfront is there for us to use. I feel like the waterfront at Stone Harbor is like the amenity for Stone Harbor visitors. I have gone down to listen to music and sit outside in the back [waterfront] on occasion, but it doesn't feel like it's a park, and it doesn't feel like the community really has access to that [waterfront] in a way that they might here, if we give that opportunity to them here."

**2015 January 06**

<https://sbtv.viebit.com/#9c122f1f3fc54b411593ca66ad92c1fd>

Large overflow crowd. Met in fire truck bay.

Common Council Meeting

30 minutes total allowed for public comment

EXCERPTS

22:54 HC

‘We are all here because we feel deep concern about the hotel development on the west side. I am coming before you tonight trying to understand both sides of the equation. I can only imagine what’s it like to have large turnouts like this... [...] I’m to ask you sincerely to come up with extra patience in this situation... There is significant evidence that we better be careful. I know that there’s letters on file from [attorneys]... I ask you to please take extra time... your client is not happy. Your clientele is the city. And I know there is more than 1300 signatures that have been gathered.... nore signatures than in the last mayoral election.

26:00 KF

I understand that the WRA and the city have been working on this waterfront plan, although it has changed here and there, for 30 years. A lot has happened in that time, we now have Stone Harbor, Maritime Museum, two bridges, a comprehensive plan that was put in place in 2011 and now we’re looking at an additional TID district that has its own project plan. We also moved the coast guard to the waterfront which used to be a waterfront view that was enjoyed by citizens and tourists alike at Sawyer Park. Within that plan for TID 4, it’s made very clear that the city is not mandated to make any public expenditures in the plan. It also states that the plan is and should be based on market conditions, and the status of development at the time the project is scheduled for construction. Due to the fact that a market study or an economic community impact study has not been done on the current proposal, regardless of its footprint or its height, we really don’t know the market condition. [...]

29:20 LB

I’m also a member of the Plan Commission. [...] When you see this many people, and on occasion many more, come to a meeting and say this is not what we elected you to do, then I think it’s important for you to recognize your representative capacity, and wonder how can I represent my constituents because apparently, we are headed down the wrong path and you have an opportunity now to step back from a plan that is NOT favored by the majority of your constituents, and I can tell you that because everywhere I go, and I mean everywhere, church, library, grocery store downtown on the street, people are saying I am so glad we are reviewing this because this plan is not for me. I understand council has been advised not to vote in closed

session on this issue, but rather reconvene in open session for the vote, but has elected not to. I hope you'll reconsider that.

32:30 CW

."[...]We have been sued twice in our TIDs - once in RTUD 2 and once in TID2 amended. Don't make it a third time. Be responsible. Listen to what the people are saying. before you stubbornly sit there and ram it down our throat again.

35:40 KC

"Dear Mr. Mayor, we are pleased we are going to present you here today a petition affirming this statement: 'We respectfully demand that a moratorium be placed on all TID4 waterfront development, with the exception of the former Appleby's property, for one year, to allow the city to develop new plans that reflect information from the city, from the community, economic, environmental, and traffic impact studies'. I have, from online petitions, door-to-door petitions, business owners having these petitions in their shops and stores, we have over 1300 signatures. Most of them are from Sturgeon Bay. Some of them are not - they're from all over the country - but that's because Sturgeon Bay brings in tourists concerned visitors property owners that don't live here year around, are not considered residents, but they have a vested interest in how the development of this community proceeds. So I ask you to count all of those petition signatures, and not discount them. That's very important that we have their information. I as a business owner, it's very important for me to have future investors say, yes, I think Surgeon Bay is a great place, they have the right idea, it's moving forward - I might need that some day. This hotel is not a good idea. We are asking you to put something there that will benefit the whole and not just one. We needs something that gives back, that is not a parasite to our community. This site is very valuable. It has amazing potential, it just might not be here yet. So I hope we are not married to this idea. It is okay to leave your groom at the altar. Sometimes it's a good idea. And sometimes you should listen to your mother. And that's probably a very good idea in this case to do that."

41:10 M

Look at all these people. ... Do not go behind closed doors and say, all my people say this is a good idea... Please do not vote on this thing tonight.

## January 2015

Online petition delivered to City January 2015

[http://petitions.moveon.org/sign/city-of-sturgeon-bay?source=s.fwd&r\\_by=281120](http://petitions.moveon.org/sign/city-of-sturgeon-bay?source=s.fwd&r_by=281120)

“We the undersigned request and demand that the City of Sturgeon Bay immediately reject and deny the West Waterfront Redevelopment Plan(s) that have been submitted by Mr. Robert Papke”. There are currently 628 signatures. Petition Background: The City of Sturgeon Bay has received a petition to rezone and develop a large tract of land on the city waterfront. The zoning petition is flawed, the City has violated Wisconsin Open Meeting Laws, several of the members of the committees responsible for making the decision have serious conflicts of interest, and the City appears determined to grant the zoning request, despite overwhelming opposition from its citizens.

### EXCERPTS

618. *CR* from Sturgeon Bay, WI signed this petition on Feb 3, 2015.

The case for this development is simply not sound. The proposed development will become a future burden to the city and the tax-payers, tie-up space that should remain accessible to the public, and interfere with existing lodging and tourism economy, rather than add to it. In addition, the project has many potential conflicts of interest, bias from committee members, and has been pushed through in a process that has not been transparent or well-researched. On all levels, this is an unfair burden to the residents of the City of Sturgeon Bay.

609. *CG* from Sturgeon Bay, WI signed this petition on Feb 3, 2015.

With limited waterfront space left along Sturgeon Bay, this property should be treated as a precious resource. Use of the property should be carefully and fully considered with sufficient time for public comment and response to the views of members of the public who oppose this petition. There seems to be little public support for the proposed rezoning and development and many reasons to reject it.

560. *DN* from TOLEDO, OH signed this petition on Jan 23, 2015.

I grew up in Sturgeon Bay, Wisconsin - Do not let developers take waterfront property! It belongs to the public, it is a natural resource that some committee can't give away - or SHOULD NOT give away.

471. *JH* from Sun Prairie, WI signed this petition on Jan 21, 2015.

SB is my hometown, I am UW alumni, and have followed this story with much dismay. Follow the law, have Open Meetings, recuse if there is conflict of interest. Do what's right.

303. *LH* from Sturgeon Bay, WI signed this petition on Jan 20, 2015.

The city needs to propose a plan for moving ahead that is healing and allows for public input and then all parties involved, on both sides of the issue, need to be respectful of each other.

185. *HS* from Bailey, CO signed this petition on Jan 19, 2015.

I lived in Sturgeon Bay for nearly 10 years, and I strongly feel that the last thing the city needs is a massive hotel on the west side. Create a marketplace, a park, something community-focused that doesn't take away from the uniqueness of the city's working waterfront. Listen to your citizens (and local business owners, for that matter), City of Sturgeon Bay. Once this is done, it can't be undone. Go slow, and do the right thing.

174. *NT* from Sturgeon Bay, WI signed this petition on Jan 19, 2015.  
The land should be used for park

79. *MS* from Sturgeon Bay, WI signed this petition on Jan 19, 2015.  
With so much opposition to this proposal, it's obvious it's not just a vocal few. It's wrong of the city to have its own agenda and not listen to the people. Even visitors have said they don't see a huge hotel down there. Enough of our waterfront has been ruined by similar developments.

53. *JS* from Saint Paul, MN signed this petition on Jan 19, 2015.  
Seems like legal action may be necessary.

35. *KS* from sturgeon bay, WI signed this petition on Jan 19, 2015.  
Not needed in this location public should have access to this beautiful piece of property I used to fish back there with some very old timers of DOOR COUNTY



**2015 February 17**

<https://sbtv.viebit.com/#560bb4b66c554ba42ba6385135177446>

Sturgeon Bay Common Council Meeting  
(overflow crowd - 200+)

EXCERPTS

11:08 M

“Can I give up my three minutes so we can get some responses to some of the questions? What I’m seeing is the same thing keeps happening - the people have been asking questions for months and we’re not getting answers. There’s been no transparency, still. All we get is ‘no comment’. Can I at least ask that question, when we can get some of these answers, that we keep asking? [silence] Anybody? [silence] Anybody? No? [silence]. Ok, well. That’s great. Kind of hammers that point home. So yeah, the lack of transparency - terribly disturbing. I do know there are people involved in city government and they’re absolutely baffled by what’s going on here as well. The utter disregard for all these very intelligent thoughtful people that have really, um, that are great contributors to this community, that have been ignored, completely ignored, it’s just, it’s very sad, the whole thing is very sad to me. And you know, now we’re talking about tearing down a historic structure, and moving the tugboats....“

38:20 ST

“I have two points that I would like to make. First is a response to the last common council meeting that I attended along with, I guess it was, 154 other people who were against the project and 4 that weren’t and I don’t know how many that were neutral. But basically I was sort of surprised and sort of appalled at the lack of response and attention given to my fellow taxpayers and community members that were here at the meeting, which included, as someone mentioned already, children, elderly people, republicans, democrats, a wide variety of people. And especially taxpayers. And this especially smarts after having just paid our taxes last month. The folks in favor of this project going forward stand to gain from my personal labors, because I, along with other small business owners, have created something unique and thoughtful that enriches our town. We are asking that you do the same and work as partners with everyone, including those paying taxes, and we’ll all benefit from our collective endeavors... Being a community includes a feeling of fellowship for all involved, and the response, or should I say lack of response about this issue, from this leadership, lacks the spirit of community. My other point is, I recently watched the special on PBS about the aerial views of Wisconsin. And many towns had a centerpiece... our little town needs a centerpiece, and the granary, in that location, has the opportunity to be our centerpiece...”

41:40 pm

“Everybody’s made all the points that need to be made, except that one thing that seems to be lacking in all the reasoning I’m hearing from the side that’s in favor, which means you guys, is really any kind of any scientific reasoning of what brings tourism to this town...”

48:30 CW

“The last speaker inspired me to speak. What I really wanted to ask you is, nobody’s given the citizens any kind of understanding of why the city would be so interested in building a big pier without defining a use...an extensive pier that would cause all kinds of impacts to sailing and navigable waters between our bridges and hurting our marine travel economy and our community. I really beg one of you to give us some idea, what the big plan is for that pier... nobody tells us why you’re building it....”

51:20 CR

“I’ve lived in Sturgeon Bay for five years, and I’ve been participating in this conversation about the waterfront development on and off for the last couple of months. I missed the last meeting, and I’m really sad that I did, because it sounds like democracy completely failed us. We have a group of people sharing their opinions, and you’re our elected representatives. You’re supposed to hear our voices, you’re supposed to take into consideration our thoughts and feelings and opinions, you’re supposed to do the research, you’re supposed to make a plan, and what I hear is that not only are you not taking into consideration the comments that are coming from the people, I don’t hear answers and solid facts and solid research. Tonight’s discussion about moving the tugs, that’s like a piece of the puzzle for a plan, that was never even taken into consideration.

The fact that we’ve gone this far down the road to approve something, without doing the research, I think points to a lack of sincerity in taking into consideration the taxpayers. Democracy has failed us, is what I see. It’s really frustrating, and very disturbing. “

52:58 KC

“... Last thing, the pier. We haven’t even investigated this enormous pier, so please, we have to stop telling people that we’re even going to get it, we don’t even know if we can have it, I know the Army Corps of Engineers has not been consulted on this large pier”.

**2015 April 02**

City attorney press release following Davis & Kuelthau letter

LB after press release:

“As you pointed out, the original plan had the hotel, the development sitting much closer to the water, and it came as a surprise to everybody? that that was on public land? So I think the letter from Davis & Kuelthau was suggesting, well, if we could have been surprised that recently, by the appearance of public land on this site, which was always there, even when the original development was drawn, then it’s possible that we could be surprised again, and they’re just asking that we make the effort to do the research, do the historical comparisons, and not just assume that convenience will dictate what can go on that land.”

**2015 April 28**

Joint Meeting of the Plan Commission, Waterfront Design Review Board, and Park & Recreation. Festival Waterfront Park - Planning & Design Meeting (second “supercommittee meeting”)

<https://sbtv.viebit.com/#7d307179e7e5262becff2fec3d95bd76>

EXCERPTS

47:10 SF

“...It was alluded to [earlier in the meeting] that there was some information that the public was going to bring forward and I just want to bring to your attention that the Midwest Environmental Advocates are acting on behalf of the public here in Sturgeon Bay in researching and developing a commentary on public access, public rights, and issues involving the ordinary high water mark and the public trust doctrine. This is an important thing because it does affect many decisions that are being made or about to be made or have been made. The MEA is acting as co-counsel with an attorney in Madison who specializes in water resources and public trust doctrine. This relationship is new and all parties are looking forward to participating in this process with the city and the public and we are looking forward to communicating with both the city and the public and want to give our decision makers an opportunity to think about things before making decisions in regard to moving forward with the west side plan. Once the research is completed everyone will be able to see it and will know what the rights are for the public and help the public trust experts to look at what the actual alternatives will be. That being said, it is good to know that this is not a done deal and that no one’s hands are tied. It is important for you to know that we as citizens and members of the public support the council in saying no to this and to put it on hold. So please think about what I just said. We are not against development, we are against *this* development. And there are viable alternatives and with the public’s input we believe we can do better. Thank you.”

**2015 July 20**

Waterfront Redevelopment Authority

*The WRA meetings are not recorded. Three audio clips that were posted online by doorcountydailynews.com.*

Ald. Catarozoli had taken a call during the meeting from Russ Rassmussen during which she reported to the WRA that he had clarified to Kelly that the OHWM only applied to a portion of the hotel parcel.

In post meeting comments:

DC:

“As Ms. Catarozoli has pointed out, two-thirds of the parcel on which the hotel sits does not have an ordinary high water mark determination. Mr. Rassmussen, head of the water section of the DNR, confirmed that for Ms. Catarozoli. He would confirm it for you as well. Mr. Nesbitt’s letter to the title company was misleading. (Nesbitt in background: Careful where you go there). I’m very careful, Mr. Nesbitt. I understand this can be a litigious community, if you’re not careful. So I’m quite careful. That letter was misleading, and to date the city has not responded to MEA’s introduction of the fact that that was a misleading letter. So far it’s undisputed that that letter was misleading. So again you have two components to consider: a misleading letter, delivered to the title company, and an ordinary high water mark determination that doesn’t exist for two-thirds of the parcel. It is your body’s determination what you wish to do - you can fall back on your insurance policies if you like, but that doesn’t seem prudent. I think caution and prudence would be in order.”

**2015 July 21**

Common Council

<https://sbtv.viebit.com/#4295759e84ef89c2e839c04b09e76b23>

*public input excerpt*

23:55 Bruce Joffe

“[...] When I listened to things that were going on yesterday [WRA meeting] certain things just really concerned me. I was confused about some, I was concerned about others. First let me speak to what I was confused about. I was confused about, as my friends mentioned, there seems to be two completely different stories or explanations or whatever. According to Midwest Environmental, which yesterday Ms. Catarozoli said that right before the meeting she was on the phone with the DNR and they confirmed it, in big bold letters here it says ‘the DNR’s Ordinary High Water Mark determination does NOT cover the entire hotel parcel’, and it said that the city is proceeding at significant risk that title insurance for the hotel parcel will be rescinded. But I also heard representatives from the City say that that’s not true. It’s either one thing or the other and I would like to see it in writing. I would like to know what the answer is. Is this parcel totally zoned to do what’s expected or isn’t it? Because we are hearing two different things. So that is my confusion. My concern has to do with the speed at which this is occurring. This is Wisconsin, folks. It has taken me three months from the point at which the weather turned nice to get my house painted. It has taken three months and still their pictures [the two new alderpeople] are not up yet [on the city website]. I heard yesterday June 2016 that this hotel would be done. That concerns me.”

*motion to approve of items mentioned for compliance with Sawyer Hotel Development agreement (costs, final plan, financing).  
discussion.*

31:20 Ald Vandertie

“If the high water mark changes when the construction is underway, performance bond is what we’re going to have so the taxpayer won’t be on the hook?”

Marty:

“The performance bond has no relation to the high water mark. That has to do with the the builder has the means to accomplish the construction. [...]”

Ald. Vandertie

“So that’s really the same thing.”

Marty;

“No it’s not the same thing.”

Ald Vandertie

“well, if he can’t construct it, he’s on the hook”.

Mayor:

No Ron, what I think you're talking about, and I don't want to put words in your mouth, if the DNR should happen to change their high water mark determination, their title company would be on the hook. Okay? That's why you have title insurance.

Ald. Vandertie:

oh, yes.

Mayor: Right now we have title insurance on that piece of property. So that's been issued. [more discussion of performance bond for construction]

Ald. Catarozoli:

Just a comment to Ron. With the title insurance, I'm not sure if you were here yesterday, we kind of went over that. Mr. Nesbitt wrote a letter to the title insurance company waiving two exceptions on their because it was his perception, is that safe to say? [to Nesbitt] that the letter of concurrence did cover both parcels. We've now, after it's been reviewed, it does not cover both parcels. So I think part of what you were asking, though, is what happens if that changes. And is that something we need to address?

At this point. Because obviously we've only looked at, we've only got concurrence for one parcel so we need a letter of concurrence for the other parcel, we need a determination there because the hotel sits on both.

Mayor:

No I would disagree. I don't believe we do need a concurrence for a parcel that we already have insurance for.

Ald. Catarozoli:

But we gave them wrong information.

Mayor:

No we didn't give -

Ald. Catarozoli:

Yes we did, because -

Mayor:

Ms. Catarozoli, you know we didn't give anybody wrong information. As a matter of fact, nobody, I don't think, here knows what happened in that meeting.

Ald. Catarozoli:

That's not the part we're discussing, here, Mr. Mayor. We are talking about the second parcel, essentially one side of the hotel. We made a new lot for this hotel, which covers both [parcels]. I am not implying anything, but the letter written from Randy to the title insurance company at the time told them to waive that because this covered the whole thing. And we know now it doesn't. So what do we do at this point Randy, with the fact that we have new information and we have confirmation from the DNR - what do we do with the title company?

Randy Nesbitt:

Can I address that Mr. Mayor?

Mayor:

Yeah go ahead.

Randy Nesbitt:

First of all, I'd like to note that the letter I sent to the title company asking them to remove two exceptions was based upon the developer's request that those two exceptions be removed. So that was a request of the title company asking if they would remove those exceptions. Second of all, a

letter such as that requesting that exceptions be removed is of very little value to a title company. They don't base anything other than it being a request. They could care less what I think of the title to the property, or where I think the high water mark is. They do their own evaluation. As a matter of fact Don Schenker, one of the state's top title searchers who did the evaluation for the title company, he's the underwriter, was in touch with counsel throughout this process and he's the one that suggested as to everything but the co-op property, you need something additional. And then it was discussed through the process with the DNR as to what that additional item would be. And that's where the dnr concurrence came up. And so it was actually the title company that directed, in order to issue complete title for this property, we need a concurrence on the adjacent property. We already have what we need as to the existing property which was the co-op property. So there was never a question from day one as to needing anything additional on that co-op property. Not only did the DNR not ask for it, but the title company and their underwriter didn't ask for it. So that's where it stands. I mean we proceeded according to what the title company said they needed in order to issue title insurance on the adjacent parcel which was the DNR concurrence.

Mayor:

Ok. And Ms. Catarozoli I'm understanding your question to be shouldn't we ask - or your question is on the co-op parcel, is that correct?

Ald. Catarozoli:

That's right. There was no determination made on that because we didn't even ask. Did we. Because we didn't think we had to. Which, I'm understanding why. But wouldn't we now have maybe more understanding of this, and we are understanding more of the Public Trust Doctrine, and what it really means, and how do we just say, okay, we have the evidence, but we don't have to look at it? I don't get how that's the right thing to do for this city.

Mayor:

Well, I think that's a good question for the title company. I don't know how they came up with their - I mean, they made a determination to issue title insurance.

Ms. Catarozoli:

Okay so just to be clear. There would be no implications for the city, even though we have all this information, which we do, I mean you put it together very nicely [to Nesbitt] for us, that the DNR told us they do not have any determination on the second parcel, there will be no implication on the city if there is a lawsuit or anything - it will go to the title company will have to worry about that?

Randy:

I've always said, anybody can sue anybody. [laughs]

Ald. Catarozoli:

That's what I'm asking [frustrated]. I want to make sure we are doing everything we can to protect us, because I have to protect them [the audience] - we all do. So are we doing everything, Randy, to protect ourselves.

Randy:

We are proceeding in the same manner that the DNR did when they built their district headquarters on the waterfront. They did not obtain a concurrence, they obtained insured title, they built their own facility, without going through the concurrence process [laughs]. [gestures to Mayor].



Ald. Catarozoli:

I think that's kind of a ridiculous comparison. And considering that is a public building. They are a public entity. That's a little different. So. I don't think that was really a fair comparison. And sometimes you learn things, and then you have to deal with the facts at that time. You can't continue to ignore them, is my point. Because how sad would we be if we continued to ignore new information, with science, with everything, if we said well that's great, but this is how we've always been doing it. We can't keep doing that. That's just not right. Especially in this, in an area where our biggest benefit is conservation of our natural resources. We should set the precedents and say, we adhere to the public trust doctrine because we know how important it is. We have to be the ones that are clear here. We have to be the ones setting a good example. We know this was filled land. We know it. And you know what, we respect our constitution. That's what I'm looking at here. And covering the city's butt. That's what I want to know. Are we doing that, Randy?

Randy:

We are doing that.

Ald. Catarozoli:

Okay. I will remember that. It's on camera. Thank you.

*vote: ayes, two noes.*

*public comment section excerpt.*

43:43 MO

I attended yesterday's WRA meeting and I just have an observation I'd like to make about yesterday. I was struck by the sort of simmering hostility and disdain that some members of that particular committee have for being questioned or drawn into discussions about various matters that were brought up at the committee. [...] I was struck by the disdain that members seem to feel for not only members of the community but of their own committee that they disagreed with. [...] Members should be reminded that they are working for the public good, not just for themselves.

49:40 HC

"I want to comment on my huge disappointment with all of you. For missing an opportunity to build community, to build something to be proud of. As you know you're representing the citizens of Sturgeon Bay. You are completely replaceable, as will be everybody else who will take your position in the future - the mayor, city administrator, council member, we're all replaceable. So we're not here to act on personal grudges, we're here to serve the community. And throughout the nine months or year now that we have stared at each other and tried to wrestle with each other, I've for the most part held the hope that we would not only come up with a better end result, but we would also come up with a process that we can be proud of. And we have not. We have not. We have not come up with a process that we can be proud of. For me that's almost worse than whether the hotel is built with a black stripe or a red stripe. We'll be stuck with a monument of community failure. That's the bottom line. We have had an opportunity to build something amazing, and we could have taken the time to find the money for it. And we could have taken the time to build a consensus around it, that we can be proud of. And

we didn't. We did not. That's something that I think we should all reflect on, privately, and say what are we doing here, with this hotel. We've divided a community, we have ignored people who have persistently requested input and participation. Knowing that you will be replaceable, that's just what life is like, it's not a threat, just a reality, there will be elections, some of you will be probably thrown out of office, others will be back, but overall, are we here to serve the greater good, and I don't think we've done that. "

## [Smart Growth Sturgeon Bay](#)

[August 21, 2015](#) ·

Please sign and share this petition to be delivered to Rep. Joel Kitchens next Tuesday. If you want to stay involved with issues regarding West Waterfront Redevelopment, please send your email and/or other contact information to: [smartgrowthsb@gmail.com](mailto:smartgrowthsb@gmail.com). Let's get it done!

### **Our Land, Your Legacy**

Petition by [Smart Growth Sturgeon Bay](#)

To be delivered to **Rep. Joel Kitchens (WI-1)**

As a champion of environmental issues regarding our precious shoreline, you are formally requested by citizen advocates to publicly support a complete Ordinary High Water Mark determination from the DNR as it relates to the site of the proposed development of Lindgren Hotel.

### **Petition Background**

The Public Trust Doctrine protects citizens from private development on publicly owned land. If you will not defend your hometown, how can the rest of state trust that you will uphold their rights over private interests? Your support means everything to us.

#### *EXCERPTS*

374. *PM* from Sturgeon Bay, WI signed this petition on Nov 7, 2015.

Please review the photos of our ancient waterfront and know that this petition has merit. This is the last piece of waterfront property in the heart of Sturgeon Bay and it's use should be preserved for the taxpayers, residents and visitors that love the area and the Tug Boats that are present there. It would cost us millions to move the tug boats and we would lose those precious resources forever if the land that is ours is despoiled by a Hotel which lacks architectural charm and would impinge on the enjoyment of our waterfront.

346. *LB* from Sturgeon Bay, WI signed this petition on Nov 6, 2015.

This is a non-partisan, constitutional issue.

344. *DV* from Sturgeon Bay, WI signed this petition on Nov 5, 2015.

Before this proposed development is allowed to proceed, it must be determined without a doubt that the land that it would encompass is not part of the public domain. If it is the public domain, the city of Sturgeon Bay has no right to sell that land to a developer. Any development of that land must be for public not private use.

312. *SK* from Sturgeon Bay, WI signed this petition on Aug 25, 2015.  
Many people have written requests to WI DNR for a ruling on the OHWM at the Sturgeon Bay proposed site with no response.

306. *DC* from Sturgeon Bay, WI signed this petition on Aug 24, 2015.  
It is unfortunate that the City and the DNR have been ambivalent to the careful presentation of incontrovertible facts showing that the public has perpetual rights to the land the City currently intends to sell for the Lindgren Hotel. These facts have been clearly brought forward in letters produced by MEA. Neither the City or the DNR have provided any response to these letters.

224. *AB* from Cross Plains, WI signed this petition on Aug 23, 2015.  
Representative Joel Kitchens should uphold the Wisconsin Public Trust Doctrine.

168. *JS (District 7)* from Sturgeon Bay, WI signed this petition on Aug 22, 2015.  
It is your responsibility to protect the integrity of the Public Trust Doctrine and to ensure your constituents are being listened to. Preservation of our resources is key heading into the future. If our politicians keep their eye only on the \$\$ they are making the resources tourists visit Door County for will be gone.

112. *RM* from Sturgeon Bay, WI signed this petition on Aug 22, 2015.  
No one wants this property used illegally. We need an honest determination of the high water mark based on old maps etc. Please do your job and save our waterfront...

111. *NA* from Sturgeon Bay, WI signed this petition on Aug 22, 2015.  
The State of Wisconsin is constitutionally entrusted with wholehearted defense of public rights under the Public Trust Doctrine. Respectfully, Rep. Kitchens, this is your local opportunity to uphold this statewide concern.

79. *SF* from Sturgeon Bay, WI signed this petition on Aug 22, 2015.  
Since this is a State wide issue, and not a "local" issue, though it is happening in our local community, it would seem that any responsible politician from Door County that represents us at the State Level, would have gotten involved in this issue from the get go. It is very disappointing that this issue is "too hot" and "should be resolved at the local level". It is sad that the public needs to take the public through legal paths in order to qualify what is the public's. Just saying!

63. *MM* from Sturgeon Bay, WI signed this petition on Aug 22, 2015.  
The waterfront is our history. Protecting it is our duty. It is our legacy to our children. The elected officials who are suppose to be working for the people are working against them instead. The public wants to be heard. This project is severely flawed and incomplete and must not continue. Growth is good, but growth at the expense of the people and the land is poor policy. This is our land and we want it taken care of properly.

49. *KC* from Sturgeon Bay, WI signed this petition on Aug 21, 2015.

Please help us do the right thing and set a good example for other communities. Intelligent people long ago had the foresight to include the public trust doctrine in our constitution. Please help us honor their vision.

44. *CW* from Sturgeon bay, WI signed this petition on Aug 21, 2015.

Please protect our shore land, our parks and our existing businesses. What sturgeon bay does impacts all of Door County.

34. *LC* from sturgeon bay, WI signed this petition on Aug 21, 2015. This is a State Constitutional issue and should be upheld for the public. There are many areas for private/commercial building, this site belongs to the people of your state, you need to protect the rights of those you serve.

26. *MS* from Sturgeon Bay, WI signed this petition on Aug 21, 2015.

I do NOT want public land nibbled away by developers, even if our city leaders think it's OK. The Public Trust Doctrine is there for a reason and should be upheld.

18. *BS* from Sturgeon Bay, WI signed this petition on Aug 21, 2015.

Please uphold the state law. Past mistakes do not justify ignoring what is right.

15. *ML* from STURGEON BAY, WI signed this petition on Aug 21, 2015.

Citizen rights over private interests should never be a question. Please publicly support our shoreline.