

COMMON COUNCIL  
August 20, 2019

A regular meeting of the Common Council was called to order at 7:12 pm by Mayor Ward. The Pledge of Allegiance was recited. Roll call: Bacon, Hayes, Williams, Avenson, Nault, Wiederanders and Reeths were present.

Bacon/Avenson to adopt agenda by removing item 7j from the consent agenda and placing it at 8a. Carried.

Richard Soukup, 819 N 4<sup>th</sup> Avenue; Carl Bridenhagen, 1028 W Maple Street; Bryan Wodack, 5907 Cedar Creek Place; George Husby, 1111 N 5<sup>th</sup> Avenue; and Scott Moore, 947 Pennsylvania Street spoke during public comment.

Bacon/Reeths to approve following bills: General Fund - \$216,780.34, Capital Fund - \$1,368,626.76, Cable TV - \$65.97, TID #2 - \$349.27, TID #4 - \$9,175.84 and Solid Waste Enterprise Fund - \$19,546.62 for a grand total of \$1,614,544.80. Roll call: All voted aye. Carried.

Nault/Williams to approve consent agenda:

- a. Approval of 8/6/19 regular Common Council and 8/6/19 Joint Plan Commission & Common Council minutes.
- b. Approval of the following minutes:
  - (1) Sturgeon Bay Utility Commission – 6/11/19
  - (2) Aesthetic Design & Site Plan Review Board – 7/29/19
  - (3) Finance/Purchasing & Building Committee – 7/30/19
  - (4) Revolving Loan Review Committee – 7/31/19
  - (5) Community Protection & Services Committee – 8/5/19
- c. Place the following reports on file:
  - (1) Inspection Department – July 2019
  - (2) Bank Reconciliation – July 2019
  - (3) Revenue & Expense Report – July 2019
- d. Consideration of: Approval of beverage operator license.
- e. Consideration of: Approval of Temporary Class B Beer licenses and Temporary Class B Wine license.
- f. Consideration of: Approval of Street Closure Applications from Sturgeon Bay Visitor Center.
- g. Consideration of: Approval of Street Closure Application from Sunshine House, Inc.
- h. Community Protection & Services Committee recommendation re: Approve the revision to Chapter 36, Code of Ethics, under Membership to add alternates.
- i. Community Protection & Services Committee recommendation re: Approve Chapter 10.35 of the Municipal Code, Possession of Tobacco & Vapor Products by Minors.
- j. ~~Community Protection & Services Committee recommendation re: Amend Section 10.20 in Chapter 25.04 of the Municipal Code, Penalties for Possession of Marijuana. Moved to regular agenda.~~

Carried.

Bacon/Nault to approve the following mayoral appointment:

**Ethics Board**

Joan Wake

Aldersperson Hayes was concerned for Ms. Wake to be placed on the Ethics Board considering her signature is on the open appeal against the City for the high water mark. Others felt Ms. Wake has dealt with ethical issues during her career and recuse herself if necessary. Roll call: Bacon, Williams, Nault and Reeths voted aye. Hayes, Avenson and Wiederanders voted no. Carried.

RECOMMENDATION

We, the Community Protection and Services Committee, hereby recommend to the Common Council to approve the amendment to Section 10.20 in Chapter 25.04 of the Sturgeon Bay Code of Ordinances, Penalties for Possession of Marijuana to alleviate fines possess of less than 1 oz. of marijuana on private property – 1<sup>st</sup> offense, but court costs would still be assessed.

COMMUNITY PROTECTION & SERVICES COMMITTEE

By: Dan Williams, Chr.

Williams introduced, stating that in the State of Wisconsin it is still illegal to purchase, use and possess. If caught using, they would still prosecute. CPS Committee members discussed the recommendation and believe additional information should be included. Avenson/Hayes to recommend to approve the amendment to Section 10.20 in Chapter 25.04 of the Municipal Code, Penalties for Possession of Marijuana to eliminate fines for 1<sup>st</sup> and 2<sup>nd</sup> offense of less than one oz. of marijuana on private property from \$100 and \$200 respectively to both be \$0.00, but court costs would still be assessed. Additionally, Penalties for Possession of Marijuana of less than one oz. of marijuana on public property to mimic open intoxicants in public fines from \$100 to \$50 for 1<sup>st</sup> offense and from \$200 to \$100 for 2<sup>nd</sup> and subsequent offenses, but court costs would still be assessed. Carried with Nault voting no.

RECOMMENDATION

We, the Sturgeon Bay Revolving Loan Fund Committee, hereby recommend that the City grant the loan request for 142 South 3<sup>rd</sup> Avenue, Healthy Way Market, LLC, subject to the following conditions:

- A. \$250,000 Loan
- B. Interest Rate: 4.00%
- C. Term of Loan: Five years with a 25 year amortization period.
- D. Monthly payments of principal only to the city through June 1<sup>st</sup>, 2020. Principle and interest to the City of Sturgeon Bay through August 1, 2024.
- E. The City will have second position on real estate.
- F. The City will have first position on equipment.
- G. Adam Goettelman will provide a personal guarantee.

We further recommend that DCEDC's Attorney be authorized to prepare the loan agreement, promissory note, security instrument and other necessary legal documents

and that the Mayor and City Clerk be authorized to sign the necessary documents to implement this action.

#### STURGEON BAY REVOLVING LOAN FUND COMMITTEE

By: Mike Gilson, Chr.

Avenson indicated she would abstain on this item.

Jim Schuessler, DCEDC Executive Director, introduced and addressed the few questions. Nault/Hayes to approve. Carried with Avenson abstaining.

#### RECOMMENDATION

We, the Finance/Purchasing & Building Committee, hereby recommend to approve the proposal to acquire the 5 vacant Cherry Court lots from Door County and transfer them to the Door County Housing Partnership.

#### FINANCE/PURCHASING & BUILDING COMMITTEE

By: Helen Bacon, Chr.

Bacon introduced. Community Development Director Olejniczak explained that Habitat would use the two inner lots for homes and town homes are considered for the remaining three lots. Williams/Avenson to approve. Carried.

#### RECOMMENDATION

We, the Finance/Purchasing & Building Committee, hereby recommend to accept the offer to purchase parcel #281-46-94110800, Lot 8, Block 11 in Sunset Hills #2 Subdivision from Door County Housing Partnership, Inc. in the amount of \$5,000, subject to the following conditions:

- \$5,000 down-payment assistance is not available for this lot.
- The building layout must be similar to that of other homes in the Sunset Hills #2 Subdivision.
- There must be a two-Car garage, either attached or detached.
- The Driveway must be paved.
- The assessed value of the property must be a minimum of \$135,000 by January 1, 2021. Otherwise, during the life of Tax Increment District #3, a payment in lieu of taxes on any shortfall in the required assessed value shall be made during each tax year in which such shortfall exists.

#### FINANCE/PURCHASING & BUILDING COMMITTEE

By: Helen Bacon, Chr.

Bacon introduced. Hayes/Wiederanders to approve. Carried.

#### RECOMMENDATION

We, the Finance/Purchasing & Building Committee, hereby recommend to waive the park shelter reservation and alcohol permit fees for the Sturgeon Bay Lions Club.

FINANCE/PURCHASING & BUILDING COMMITTEE

By: Helen Bacon, Chr.

Bacon introduced. Bacon/Wiederander to approve. Carried.

RECOMMENDATION

We, the Finance/Purchasing & Building Committee, hereby recommend to continue to work with Northpointe Development towards utilizing the West Side Field for an affordable housing project.

FINANCE/PURCHASING & BUILDING COMMITTEE

By: Helen Bacon, Chr.

Bacon introduced, explaining Northpointe Development were open to suggestions made at Finance. Realizes there is contention because of the ballfield, however West Side School deserves to be saved and restored. Bacon/Hayes to approve. Steps for the project that need to be taken by the developer, viability of the project as presented and impact of West Side Ballfield were discussed. Nault/Reeths to table until September 3<sup>rd</sup> Common Council meeting. Roll call: Williams, Nault and Reeths voted aye. Bacon, Hayes, Avenson and Wiederanders voted no. Motion failed. Vote taken on original motion. Carried with Nault and Reeths voting no.

Development Agreement with Sturgeon Bay Historical Society was not discussed. Mayor Ward suggested placing this item on the agenda once a month for a monthly update.

The following items were requested for future agendas: (Avenson) Council – Add discussion to City Administrator's report; (Williams) Finance – Review special assessment polices for curb, gutter, sidewalk and deferments; (Hayes) Council – Monthly Review of Ad Hoc West Waterfront Planning Committee recommendations. Hayes inquired in response of mass shootings and letters from Mayors around the country. A starting point would be a School Resource Officer Presentation at Council; (Wiederanders) Economic Development – Address Cherry Point Mall parking lot.

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

City Administrator VanLieshout gave his report.

The Mayor did not give his report.

Avenson/Williams to adjourn. Carried. Meeting adjourned at 9.06 pm.

Respectfully submitted,

Laurie A. Spittlemeister  
Deputy Clerk/Treasurer