



**CITY OF STURGEON BAY COMMON COUNCIL AGENDA
TUESDAY, SEPTEMBER 3, 2019
7:00 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. Public Comment.
6. Consideration of the following bills: General Fund – \$94,245.21, Capital Fund - \$161,759.04, Cable TV - \$5,101.67, and Solid Waste Enterprise Fund - \$2,384.47 for a grand total of \$263,490.39. roll call]
7. 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 8/20/19 regular Common Council minutes.

* b. Approval of the following minutes:

1. Finance/Purchasing & Building Committee – 8/20/19
2. Board of Public Works – 8/20/19
3. City Plan Commission – 8/21/19
4. Parking & Traffic Committee – 8/27/19

* c. Place the following reports on file:

1. Fire Department – July 2019
2. Police Department – July 2019

* d. Consideration of: Approval of beverage operator licenses.

* e. Consideration of: Approval of Temporary Class B Beer license.

* f. Consideration of: Approval of Combination Class A Beer and Liquor license.

* g. Consideration of: Approval of Street Closure Application from Door County Medical Center.

* h. Consideration of: Approval of Extension to Noise Ordinance for Kitty O'Reilly's Irish Pub for October 12, 2019.

* i. Board of Public Works recommendation re: Defer special assessment for improvements of sidewalk for the following parcel #281-32-2102-0901 located at 525 North 7th Avenue and collect when property is sold and retitled.

- * j. Parking & Traffic Committee recommendation re: Set the fee of \$850.00 per parking space in lieu of providing parking for Price Insurance.
 - * k. Parking & Traffic Committee recommendation re: Replace the existing yield sign with a stop sign and clear additional brush leading up to the intersection at N. Hudson & N. Joliet Ave.
 - * l. Parking & Traffic Committee recommendation re: Table the delivery truck ordinance consideration due to the posted signs being acceptable and there is currently not a need for an ordinance.
- 8. Mayoral appointments.
 - 9. Resolution re: Adoption of a Public Participation Plan for the Update of the Comprehensive Plan.
 - 10. Consideration of: Request for Privilege in the Street for entry stoop for Shirley Weese-Young.
 - 11. First reading of ordinance re: Creating Section 10.35 of the Municipal Code – Possession of Tobacco and Vapor Products by Minors.
 - 12. Items to be Included on Future Agendas (New Business).
 - 13. Committee Chairperson Reports:
 - a. City Plan Commission
 - b. Finance/Purchasing & Building Committee
 - c. Park & Recreation Committee
 - 14. City Administrator report.
 - 15. Mayor's report.
 - 16. Convene in closed session in accordance with the following exemptions:

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)

 - a. Consideration of: Sale of City owned property on 14th Avenue.
 - b. Consideration of: Purchase of property located at 212 Locust Street.

Move to reconvene in open session to take formal action upon preceding subjects of closed session, if appropriate; or to conduct discussion or give further consideration where the subject is not appropriate for closed session consideration. The Council may adjourn in closed session.
 - 17. Adjourn.

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR.

Posted:

Date: 8.30.19

Time: 12:00pm

By: AM

CITY OF STURGEON BAY
DEPARTMENT SUMMARY REPORT

INVOICES DUE ON/BEFORE 09/03/2019

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE

GENERAL FUND				
GENERAL FUND				
LIABILITIES				
19880	STURGEON BAY UTILITIES	2018.2019 TAX ROLL SPCL CHRG	01-000-000-24340	16,251.16
R0000222	STURGEON BAY LIONS	APC FEE RFND/LIONS CLUB	01-000-000-44220	28.00
R0000222		PRK SHELTR FEE REFND/LIONS	01-000-000-46300	55.00
R0000222		STATE TAX REFND/LIONS	01-000-000-24214	2.75
R0000222		COUNTY TX REFND/LIONS	01-000-000-24215	0.28
R0000985	SULLYS THUMBS UP PRODUCE	8.17.19 FOOD SHARE/SULLY	01-000-000-21595	105.00
R0000985		08.24.19 FOOD SHARE/SULLYS	01-000-000-21595	158.00
R0000991	SPERBER FARMS	08.17.19 FOOD SHARE/SPERBER	01-000-000-21595	64.00
R0001001	RENARDS CHEESE	08.17.19 FOOD SHARE/RENARDS	01-000-000-21595	39.00
R0001119	NOU MOUA	8.17.19 FOOD SHARE/MALVITZ	01-000-000-21595	51.00
R0001488	BOB BORDEAU	08.17.19 FOOD SHARE/BORDEAU	01-000-000-21595	72.00
R0001488		08.24.19 FOOD SHARE/BORDEAU	01-000-000-21595	47.00
R0001510	DAVID BOYARSKI	08.17.19 FOOD SHARE/EMERALD	01-000-000-21595	51.00
THORP	PAT THORP	08.17.19 FOOD SAHRE/THORP	01-000-000-21595	22.00
TOTAL LIABILITIES				16,946.19
TOTAL GENERAL FUND				16,946.19
CITY CLERK-TREASURER				
03940	STEPHANIE REINHARDT	08/19 CONF MEAL EXPNSE/REINHARD	01-115-000-55600	14.94
10800	JP COOKE CO	2020 CAT LICENSES	01-115-000-54999	53.90
17700	QUILL CORPORATION	YELLOW TONER	01-115-000-51950	131.99
17700		CYAN TONER	01-115-000-51950	131.99
17700		MAGENTA TONER	01-115-000-51950	131.99
USBANK	US BANK	CONF REGISTRATION/CLARIZIO	01-115-000-55600	275.00
USBANK		FALL CONF REGISTER/CLARIZIO	01-115-000-55600	100.00
USBANK		CONF REGISTER/REINHARDT	01-115-000-55600	190.00
TOTAL				1,029.81
TOTAL CITY CLERK-TREASURER				1,029.81
COMPUTER				
03101	CDW GOVERNMENT, INC.	2 MONITORS	01-125-000-55550	239.62
TOTAL				239.62
TOTAL COMPUTER				239.62
CITY ASSESSOR				
ASSO APP	ASSOCIATED APPRAISAL	09.03.19 CONTRACT	01-130-000-55010	1,333.33
TOTAL				1,333.33
TOTAL CITY ASSESSOR				1,333.33
MUNICIPAL SERVICES ADMIN.				

DATE: 08/29/2019
TIME: 08:45:26
ID: AP443ST0.WOW

CITY OF STURGEON BAY
DEPARTMENT SUMMARY REPORT

PAGE: 2

INVOICES DUE ON/BEFORE 09/03/2019

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE

GENERAL FUND				
USBANK	US BANK	PIPE INSPECTION CAMERA	01-145-000-52700	395.99
TOTAL				395.99
TOTAL MUNICIPAL SERVICES ADMIN.				395.99
ELECTIONS DEPARTMENT				
19700	CITY OF STURGEON BAY	ELECTION SCISSOR	01-155-000-54999	1.47
TOTAL				1.47
TOTAL ELECTIONS DEPARTMENT				1.47
CITY HALL				
03159	CHARTER COMMUNICATIONS	07/19 FIRE CABLE SVC	01-160-000-58999	133.11
04966	EAGLE MECHANICAL INC	VALVE STEM	01-160-000-55300	44.42
23730	WPS	421 MICHIGAN ST	01-160-000-56600	533.73
AMER O D	AMERICAN OVERHEAD DOOR	REPAIRS PD GARAGE DOOR 4HR LBR	01-160-000-55300	368.00
WARNER	WARNER-WEXEL WHOLESALE &	PAPER PRODUCTS	01-160-000-51850	19.00
WARNER		PAPER PRODUCTS	01-160-000-51850	140.82
TOTAL				1,239.08
TOTAL CITY HALL				1,239.08
INSURANCE				
MCCLONE	MCCLONE AGENCY, INC	DUPLICATE CREDIT REIMB	01-165-000-55200	839.00
MCCLONE		DUPLICATE CREDIT REIMB	01-165-000-55200	1,713.00
MCCLONE		08/19 WORK COMP	01-165-000-58750	10,708.00
MCCLONE		08/19 GEN LIAB	01-165-000-56400	3,253.00
MCCLONE		08/19 POLICE LIAB	01-165-000-57150	1,289.00
MCCLONE		08/19 PUBLIC OFFICIAL	01-165-000-57400	1,235.00
MCCLONE		08/19 AUTO LIAB	01-165-000-55200	1,908.00
MCCLONE		08/19 AUTO PHYSICAL DAMAGE	01-165-000-55200	1,887.00
MCCLONE		09/19 WORK COMP	01-165-000-58750	10,708.00
MCCLONE		09/19 GEN LIAB	01-165-000-56400	3,253.00
MCCLONE		09/19 POLICE LIAB	01-165-000-57150	1,289.00
MCCLONE		09/19 PUBLIC OFFICIAL	01-165-000-57400	1,235.00
MCCLONE		09/19 AUTO LIAB	01-165-000-55200	1,908.00
MCCLONE		09/19 AUTO PHY DAMAGE	01-165-000-55200	1,887.00
TOTAL				43,112.00
TOTAL INSURANCE				43,112.00
GENERAL EXPENDITURES				
15890	PACK AND SHIP PLUS	OVERNIGHT SHIP/QUARLES	01-199-000-57250	47.32
19700	CITY OF STURGEON BAY	POSTAGE DUE ENVELOPE	01-199-000-57250	2.50

INVOICES DUE ON/BEFORE 09/03/2019

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE

GENERAL FUND				
STAPLES	WISCONSIN DOCUMENT IMAGING LLC	CYAN TONER	01-199-000-55650	248.09
STAPLES		BLACK TONER	01-199-000-55650	120.63
TOTAL				418.54
TOTAL GENERAL EXPENDITURES				418.54
POLICE DEPARTMENT				
04575	DOOR COUNTY HARDWARE	AIR DUSTER-OFFICE USE	01-200-000-51950	15.46
USBANK	US BANK	PARKING	01-200-000-55600	40.00
USBANK		BAGGAGE CHECK/PORTER	01-200-000-55600	30.00
USBANK		BAGGAGE CHECK	01-200-000-55600	30.00
USBANK		MEAL EXPNSE/PORTER	01-200-000-55600	14.71
USBANK		MEAL EXPNSE/PORTER	01-200-000-55600	41.35
USBANK		MEAL EXPNSE/PORTER	01-200-000-55600	39.36
USBANK		MISC/COMPUTER LAB	01-200-000-55500	138.00
TOTAL				348.88
TOTAL POLICE DEPARTMENT				348.88
POLICE DEPARTMENT/PATROL				
04696	DOOR COUNTY TREASURER	PACKER TRADING CARDS	01-215-000-54999	352.50
04696		07/19 FUEL	01-215-000-51650	3,965.41
22800	WALMART COMMUNITY	DATA CARD ICAC PHONES	01-215-000-58250	80.76
920DETAI	920DETAILING, LLC	6 SQUAD INTERIOR CLEANING	01-215-000-58600	90.00
JIM FORD	JIM OLSON FORD-LINCOLN, LLC	SQUAD 50 MAINTENANCE	01-215-000-58600	78.47
JIM FORD		SQUAD 10 MAINTENANCE	01-215-000-58600	41.96
JIM FORD		SQUAD 30 MAINTENANCE	01-215-000-58600	39.49
JIM FORD		SQUAD 30	01-215-000-58600	39.49
JIM FORD		ESCAPE MAINTENANCE	01-215-000-58600	39.49
USBANK	US BANK	FLOWERS/FUNERAL COYHIS MOM	01-215-000-54999	82.18
USBANK		VEHICLE CLEANING/PORTER	01-215-000-58550	10.55
USBANK		FUEL	01-215-000-51650	34.00
USBANK		FUEL	01-215-000-51650	36.01
USBANK		TRAINING MEAL/HENRY	01-215-000-55600	10.13
USBANK		UTILITY CART	01-215-000-54999	129.00
USBANK		ICLOUD STORAGE	01-215-000-58250	0.99
USBANK		FUEL	01-215-000-51650	13.25
TOTAL				5,043.68
TOTAL POLICE DEPARTMENT/PATROL				5,043.68
POLICE DEPT. / INVESTIGATIONS				
BAYCOM	BAYCOM	CF-31 TOUGHBOOK SETUP/INSTALL	01-225-000-57950	3,452.00
TOTAL				3,452.00
TOTAL POLICE DEPT. / INVESTIGATIONS				3,452.00

DATE: 08/29/2019
TIME: 08:45:26
ID: AP443ST0.WOW

CITY OF STURGEON BAY
DEPARTMENT SUMMARY REPORT

PAGE: 4

INVOICES DUE ON/BEFORE 09/03/2019

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE
GENERAL FUND				
FIRE DEPARTMENT				
02005	BAY ELECTRONICS, INC.	PAGER CASE	01-250-000-57550	200.00
04696	DOOR COUNTY TREASURER	FUEL	01-250-000-51650	1,647.67
08225	HERLACHE SMALL ENGINE	GAS-OIL MIX	01-250-000-51650	14.00
16570	PIONEER FIRE COMPANY	UNIFORMS	01-250-000-52900	411.12
19880	STURGEON BAY UTILITIES	TRAINING SITE UTILITIES	01-250-000-51405	743.59
20725	T R COCHART TIRE CENTER	B8 FRONT TIRES	01-250-000-53000	768.00
23730	WPS	656 OXFORD AVE WS FIRE	01-250-000-56600	32.77
R0000655	TRANSMOTION, LLC	POWERSTEERING HOSE/E-6	01-250-000-53000	562.31
USBANK	US BANK	MONTHLY DATA	01-250-000-58250	317.42
USBANK		MEALS	01-250-000-55600	49.02
USBANK		UNIFORM BOOTS	01-250-000-52900	266.02
USBANK		FUEL	01-250-000-51650	92.93
USBANK		RENTAL CAR/FINAL INSPECT ENGIN	01-250-000-55600	214.07
USBANK		FUEL	01-250-000-51650	50.50
USBANK		FUEL	01-250-000-51650	21.80
USBANK		MEALS	01-250-000-55600	58.54
USBANK		LODGING	01-250-000-55600	371.16
USBANK		LODGING	01-250-000-55600	371.16
USBANK		AIRPORT PARKING	01-250-000-55600	56.00
USBANK		RESPIRATORY CARTIDGE	01-250-000-52350	192.92
USBANK		PARKING	01-250-000-55600	28.00
USBANK		COMPUTER CHARGING CORDS	01-250-000-51350	81.68
USBANK		COMPUTER CHARGING CORDS	01-250-000-51350	79.20
USBANK		UTILITY CART & HANDCLEANER	01-250-000-54999	275.77
TOTAL				6,905.65
TOTAL FIRE DEPARTMENT				6,905.65
ROADWAYS/STREETS				
19860	STURGEON BAY SAND & GRAVEL	QUARRY WASH	01-400-000-52500	70.12
19860		QUARRY WASH	01-400-000-52500	76.22
19860		QUARRY WASH	01-400-000-52500	71.04
TOTAL				217.38
TOTAL ROADWAYS/STREETS				217.38
STREET SIGNS AND MARKINGS				
USBANK	US BANK	GALVINZER CABLE	01-420-000-52100	2.32
USBANK		FERRULES	01-420-000-52100	1.99
TOTAL				4.31
TOTAL STREET SIGNS AND MARKINGS				4.31
CURB/GUTTER/SIDEWALK				
10750	PREMIER CONCRETE INC	5.75 CY CONCRETE @ 119	01-440-000-51200	684.25
10750		UNLOADING CHARGE	01-440-000-51200	20.00
TOTAL				704.25

DATE: 08/29/2019
TIME: 08:45:26
ID: AP443ST0.WOW

CITY OF STURGEON BAY
DEPARTMENT SUMMARY REPORT

PAGE: 5

INVOICES DUE ON/BEFORE 09/03/2019

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE

GENERAL FUND				
TOTAL CURB/GUTTER/SIDEWALK				704.25
STREET MACHINERY				
02005	BAY ELECTRONICS, INC.	RADIO PARTS/GRADER	01-450-000-57550	79.56
02005		CONNCECTOR INSTALL & LABOR	01-450-000-57550	62.50
04545	DOOR COUNTY COOPERATIVE/NAPA	SILICONE	01-450-000-51400	4.49
04545		FITTING/BACKHOE	01-450-000-53000	12.98
04696	DOOR COUNTY TREASURER	07/19 FUEL 595.83 G	01-450-000-51650	1,552.14
04696		07/19 DSL FUEL 407.46 G	01-450-000-51650	1,233.78
06012	FASTENAL COMPANY	PIPE CAP	01-450-000-53000	28.24
06012		HARDWARE	01-450-000-53000	160.75
JIM FORD	JIM OLSON FORD-LINCOLN, LLC	SOCKET ASSMBLY /HEADLIGHT	01-450-000-53000	318.32
L&P	L&P CONVENIENT STORE SBAY LLC	FUEL	01-450-000-51650	33.80
L&P		FUEL	01-450-000-51650	67.66
O'REILLY	O'REILLY AUTO PARTS-FIRST CALL	FUEL HOSE	01-450-000-53000	4.11
O'REILLY		NITRILE GLOVES	01-450-000-53000	36.78
O'REILLY		BAND CLAMP	01-450-000-53000	43.28
TOTAL				3,638.39
TOTAL STREET MACHINERY				3,638.39
CITY GARAGE				
18950	SAFETY-KLEEN CORP	PARTS WASHER SOLVENT	01-460-000-58999	256.18
22800	WALMART COMMUNITY	COMPUTER CASE/DAVIS	01-460-000-54999	14.88
USBANK	US BANK	12 EAR MUFFS @ 21.98E	01-460-000-54999	291.77
TOTAL				562.83
TOTAL CITY GARAGE				562.83
PARK & RECREATION ADMIN				
SWANK	SWANK MOTION PICTURES, INC	MOVIE/HARVEST FEST SBVC	01-500-000-52250	693.00
USBANK	US BANK	AMAZON PRIME	01-500-000-56000	13.07
USBANK		CREDIT/CANCEL AMAZON PRIME	01-500-000-56000	-13.07
TOTAL				693.00
TOTAL PARK & RECREATION ADMIN				693.00
PARKS AND PLAYGROUNDS				
04545	DOOR COUNTY COOPERATIVE/NAPA	BROOM	01-510-000-51850	12.99
04696	DOOR COUNTY TREASURER	07/19 FUEL 802.27 G	01-510-000-51650	2,089.91
04696		07/19 DSL FUEL 354.58 G	01-510-000-51650	936.09
08225	HERLACHE SMALL ENGINE	OIL	01-510-000-52700	80.00
08225		CHAIN SAW REPAIR	01-510-000-52700	80.03
13049	MAY'S SPORT CENTER	BELT/PULLEY-MOWERS	01-510-000-51900	60.47

DATE: 08/29/2019
TIME: 08:45:26
ID: AP443ST0.WOW

CITY OF STURGEON BAY
DEPARTMENT SUMMARY REPORT

PAGE: 6

INVOICES DUE ON/BEFORE 09/03/2019

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE
GENERAL FUND				
19959	SUPERIOR CHEMICAL CORP	URINAL SCREENS 2 @93.75	01-510-000-51850	187.50
19959		SHIPPING	01-510-000-51850	10.89
23730	WPS	335 S 14TH AVE-MEM FLD	01-510-000-56600	28.60
23730		835 N 14TH AVE	01-510-000-56600	151.71
ANT JENN	ANTHONY JENNERJOHN	WORK BOOT REIMB/A JENNERJOHN	01-510-000-56800	62.50
USBANK	US BANK	GLOVES	01-510-000-54999	193.82
USBANK		LUBRIZOL	01-510-000-51900	25.29
USBANK		FILTER	01-510-000-51900	13.95
USBANK		ADAPTIVE SWING SEAT	01-510-000-51350	399.99
USBANK		MOWER HOUR METER	01-510-000-51900	24.99
VIKING	VIKING ELECTRIC SUPPLY, INC	ROUND COVER	01-510-000-54999	4.76
VIKING		LIGHT BULB & SOCKET	01-510-000-54999	17.56
VIKING		FLOOD LAMP	01-510-000-54999	37.13
WARNER	WARNER-WEXEL WHOLESALE &	CLEANING SUPPLIES	01-510-000-51850	279.11
TOTAL				4,697.29
TOTAL PARKS AND PLAYGROUNDS				4,697.29
BALLFIELDS				
04966	EAGLE MECHANICAL INC	VALVE TESTING	01-520-000-58999	243.00
TOTAL				243.00
TOTAL BALLFIELDS				243.00
MUNICIPAL DOCKS				
23730	WPS	36 S NEENAH AVE	01-550-000-56600	29.31
TOTAL				29.31
TOTAL MUNICIPAL DOCKS				29.31
WATERFRONT PARKS & WALKWAYS				
04545	DOOR COUNTY COOPERATIVE/NAPA	GRASS SEED	01-570-000-51750	182.50
19860	STURGEON BAY SAND & GRAVEL	BEACH STONE	01-570-000-51750	87.15
TOTAL				269.65
TOTAL WATERFRONT PARKS & WALKWAYS				269.65
EMPLOYEE BENEFITS				
19700	CITY OF STURGEON BAY	SBVC GIFT CERT/WEALTHNESS	01-600-000-50550	20.00
19700		DCVB GIFT CERT/WEALTHNESS	01-600-000-50550	50.00
HUMANA	HRI	GO365 ADMIN FEE/REWARDS	01-600-000-50550	582.75
TOTAL				652.75
TOTAL EMPLOYEE BENEFITS				652.75
TOTAL GENERAL FUND				92,178.40

INVOICES DUE ON/BEFORE 09/03/2019

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE
CAPITAL FUND				
PATROL				
REVENUE				
11880	L&S TRUCK CENTER	2007 F 550 TRADE IN	10-000-000-48100	-17,000.00
TOTAL REVENUE				-17,000.00
TOTAL PATROL				-17,000.00
FIRE DEPARTMENT				
EXPENSE				
02005	BAY ELECTRONICS, INC.	RADIO WORK/E4 &E6	10-250-000-59060	485.66
TOTAL EXPENSE				485.66
TOTAL FIRE DEPARTMENT				485.66
ROADWAYS/STREETS				
LEAD LATERAL				
11880	L&S TRUCK CENTER	2019 FORD F 550 PURCHASE	10-400-000-59060	85,166.00
TOTAL LEAD LATERAL				85,166.00
ANNUAL RESURFACING & BASE REP.				
GB HIGH	GREEN BAY HIGHWAY PRODUCTS LLC	INLET PRJCTION MATERIALS	10-400-110-59095	334.43
TOTAL ANNUAL RESURFACING & BASE REP.				334.43
ANNUAL EXPENSE SL SEAL/CR FILL				
19593	STRUCK AND IRWIN PAVING, INC.	PROJECT 1903 FINAL BILLING	10-400-113-59096	75,393.20
TOTAL ANNUAL EXPENSE SL SEAL/CR FILL				75,393.20
TOTAL ROADWAYS/STREETS				160,893.63
PARKS AND PLAYGROUNDS				
EXPENSE				
06580	FOTH AND VAN DYKE	WATER SAMPLING LITTLE LAKE	10-510-000-59025	6,704.75
SALZ	SALZSIEDER LANDSCAPE & NURSERY	61 REPLCMNT TREES/SUNSET PRK	10-510-000-59025	10,675.00
TOTAL EXPENSE				17,379.75
TOTAL PARKS AND PLAYGROUNDS				17,379.75
TOTAL CAPITAL FUND				161,759.04
CABLE TV				
CABLE TV / GENERAL				
CABLE TV / GENERAL				
MANN	MANN COMMUNICATIONS, LLC	09.03.19 CONTRACT	21-000-000-55015	5,101.67
TOTAL CABLE TV / GENERAL				5,101.67
TOTAL CABLE TV / GENERAL				5,101.67
TOTAL CABLE TV				5,101.67

DATE: 08/29/2019
TIME: 08:45:26
ID: AP443ST0.WCW

CITY OF STURGEON BAY
DEPARTMENT SUMMARY REPORT

INVOICES DUE ON/BEFORE 09/03/2019

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE

SOLID WASTE ENTERPRISE				
SOLID WASTE ENTERPRISE FUND				
SOLID WASTE ENTERPRISE FUND				
04603	HALRON LUBRICANTS INC	USED OIL PICKUP-100 G	60-000-000-52050	15.00
04603		USED OIL PICKUP 400 G	60-000-000-52050	60.00
04696	DOOR COUNTY TREASURER	07/19 DLS FUEL 874.80 G	60-000-000-51650	2,309.47
TOTAL SOLID WASTE ENTERPRISE FUND				2,384.47
TOTAL SOLID WASTE ENTERPRISE FUND				2,384.47
TOTAL SOLID WASTE ENTERPRISE				2,384.47
TOTAL ALL FUNDS				261,423.58

MANUAL CHECKS

SUN LIFE INSURANCE	\$1,513.44
08/16/19	
Check # 85600	
09/19 Short/Long Term Disability	
01-000-000-21545	
 SOUTHERN DOOR SCHOOL DISTRICT	 \$207.12
08/20/19	
Check #85601	
07/19 Mobile Home Tax Payment	
01-000-000-41300	
 STURGEON BAY SCHOOLS	 \$346.25
08/20/19	
Check #85511	
07/19 Mobile Home Tax Payment	
01-000-000-41300	
 TOTAL MANUAL CHECKS	 \$2,066.81

DATE: 08/29/2019
TIME: 08:45:26
ID: AP443ST0.WOW

CITY OF STURGEON BAY
DEPARTMENT SUMMARY REPORT

INVOICES DUE ON/BEFORE 09/03/2019

VENDOR #	NAME	ITEM DESCRIPTION	ACCOUNT #	AMOUNT DUE
----------	------	------------------	-----------	------------

SUMMARY OF FUNDS:

GENERAL FUND
CAPITAL FUND
CABLE TV
SOLID WASTE ENTERPRISE

~~92,178.40~~ 94,245.21
161,759.04
5,101.67
2,384.47

TOTAL --- ALL FUNDS

~~261,423.58~~ 263,490.39

Helen L Bacon 8/29/2019
Sgt Wimmerman 8/29/2019
Jan Wilk 8/29/2019

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 4th Avenue; Carl Bridenhagen, 1028 W Maple Street; Bryan Wodack, 5907 Cedar Creek Place; George Husby, 1111 N 5th 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

Alderperson 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 – 1st 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 1st and 2nd 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 1st offense and from \$200 to \$100 for 2nd 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 3rd 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 1st, 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 3rd 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 policies 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

FINANCE/PURCHASING & BUILDING COMMITTEE
August 20, 2019

A meeting of the Finance/Purchasing & Building Committee was called to order at 6:48 pm by Chairperson Bacon in the Council Chambers, City Hall. Roll call: Alderpersons Bacon, Wiederanders and Williams were present. Also present: Mayor Ward, Alderpersons Avenson, Nault, Reeths and Hayes, City Administrator Van Lieshout, City Treasurer/Finance Director Clarizio, and Receptionist Metzger.

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

1. Roll call.
2. Adoption of agenda.
3. Public comment on agenda items and other issues related to finance & purchasing.
4. Review bills.
5. Adjourn.

Carried.

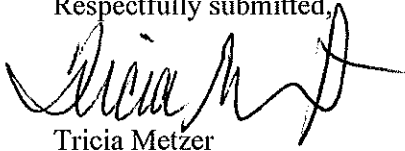
No one spoke during public comment on agenda items and other issues related to finance & purchasing.

Review bills

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

Moved by Alderperson Wiederanders, seconded by Alderperson Williams to adjourn. Carried. The meeting adjourned at 6:49 pm.

Respectfully submitted,



Tricia Metzger

BOARD OF PUBLIC WORKS

August 20, 2019

A meeting of the Board of Public Works was called to order by Chair Bacon at 7:00 p.m. Roll call: Members Mayor Ward, Bacon, Hayes, Williams, Avenson, Nault, Wiederanders and Reeths were present.

Ward/Reeths to adopt agenda.

1. Call to order.
2. Roll call.
3. Adoption of agenda.
4. Consideration of: Results from public hearing and recommendation of levying special assessments for improvement of the following street and the installation of Curb, Gutter, Sidewalk – West side of North 7th Avenue.
5. Adjourn.

Carried.

Mayor Ward stated the property owner may incur financial hardship if this assessment was paid in full or placed on the tax roll for the property. Ward/Williams to defer the special assessment for improvements of Sidewalk for the following parcel #281-3221020901 located at 525 N 7th Avenue, and collect when property is sold or retitled. Discussion took place as to what the process would be if a property was foreclosed. City Administrator mentioned the City will record the assessment, the deferred assessment would be collectible upon change of title. Carried with Avenson voting no.

Ward/Avenson to adjourn. Carried. Meeting adjourned at 7:10 p.m.

Respectfully submitted,



Laurie A. Spittlemeister
Deputy Clerk/Treasurer

CITY PLAN COMMISSION
Wednesday, August 21, 2019

A meeting of the City Plan Commission was called to order at 6:00 p.m. by Chairperson David Ward in the Council Chambers, City Hall, 421 Michigan Street.

Roll Call: Members Kirsten Reeths, Mark Holey, David Hayes, Debbie Kiedrowski, Jeff Norland, David Ward, and Dennis Statz were present. Also present were Community Development Director Marty Olejniczak, Planner/Zoning Administrator Chris Sullivan-Robinson, Community Development Secretary Cheryl Nault, and several members of the public.

Adoption of agenda: Moved by Mr. Norland, seconded by Mr. Holey to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from July 17, 2019 and August 6, 2019.
4. Consideration of: Comprehensive Plan Update – Timeline and Public Participation Plan.
5. Consideration of: Zoning Code sec. 20.31(4)(b) – Surfacing of parking lots.
6. Consideration of: Tourist Rooming House ordinance review.
7. Public comment on non-agenda Plan Commission related items.
8. Adjourn.

Carried.

Approval of minutes from July 17, 2019 and August 6, 2019: Moved by Mr. Holey, seconded by Mr. Hayes to approve the minutes from July 17, 2019. All ayes. Carried.

Moved by Ms. Reeths, seconded by Mr. Norland to approve the minutes from August 6, 2019. All ayes. Carried.

Consideration of: Comprehensive Plan Update – Timeline and Public Participation Plan: Mr. Olejniczak stated that the contract for the Comprehensive Plan update with the consultant, Vandewalle & Associates has been signed. He went over the project timeline. The kick-off meeting is scheduled for October 16th, with completion in June, 2020. It was noted that the December Plan Commission meeting will be held on the 11th instead of the regular scheduled date of the 18th. A resolution is required to approve the adoption of a public participation plan. The timeline may get adjusted over time.

A short discussion was held. Moved by Mr. Norland, seconded by Ms. Kiedrowski to recommend to Council approval of Resolution 2019-01 recommending the adoption of a public participation plan for the update of the Comprehensive Plan.

Mr. Holey questioned whether or not Plan Commission members are allowed to attend non-Plan Commission meetings that would be held with staff, the Mayor, and Vandewalle, as well as how much they would be able to participate. Mr. Olejniczak responded that the open meetings law must be complied with. Mayor Ward added Plan Commission members could attend for informational purposes.

A vote was taken on the motion. All ayes. Carried.

Consideration of: Zoning Code sec. 20.31(4)(b) – Surfacing of parking lots: Mr. Olejniczak stated that this item was brought back for discussion for two issues. The first is getting clarification on what surfacing is required and secondly, if there should be other exemptions besides single-family, two-family, and private professional storage uses.

Mr. Sullivan-Robinson stated that previous discussion had been held including different options for surfacing of parking lots based on location of the parking lot, overall size of the parking lot, type of use related to the parking lot, intensity of the use, or no change at all. It seemed as though the Commission was not in favor of changing the code based on some of the issues discussed, such as being able to use gravel or crushed cement or asphalt as an alternative to asphalt or cement. They thought that the ordinance should better defined how driveways and parking areas can be surfaced.

Mr. Sullivan-Robinson offered a couple of new options regarding surfacing. One of the options included allowing brick and porous/permeable pavement and pavers. The other option defines the current regulations with an addition that the asphalt or concrete must meet a carrying capacity of 4000 pounds. This also creates a separate section for the exemption that any heavy equipment vehicular storage areas not open to the general public do not need to be paved. Although, those areas must be maintained in a durable dustless position. Any driveway leading to that area must be paved with asphalt or concrete. As of now, paving is required. If one believes they have a hardship or reason not to pave, it can be brought to the Zoning Board of Appeals for a variance request.

Mr. Holey thought that the ordinance should just be made clearer and by combining the two options presented. Another thing to consider is requiring an additional 5 feet of concrete to buffer the gravel from the sidewalk, if gravel is allowed.

Ms. Kiedrowski thought that the seasonal use exemption should also be added.

Mr. Olejniczak agreed with Mr. Holey's comment about adding a concrete apron within 5 feet of a sidewalk, if a sidewalk exists.

Mr. Sullivan-Robinson was directed to come back to the next Plan Commission with a final draft including the changes discussed and a recommendation could then be made to Council.

Consideration of: Tourist Rooming House ordinance review: Mr. Olejniczak provided a brief history of previous Plan Commission meetings in which tourist rooming houses were discussed. For a long time Sturgeon Bay did not allow tourist rooming houses, aka short-term rentals or vacation rentals in the City, except in commercial or multi-family zones. It was requested that it be looked at. Since 2016 the City has allowed them anywhere in the City with a license and a few minor restrictions. Not long after the City opened it up to allow tourist rooming houses, the state legislature adopted rules that prohibited cities from restricting tourist rooming houses with a rental period of more than 7 days. But, you could restrict tourist rooming houses that operated for 6 or fewer days, as well as restricting the 7th -28th day period to no more than 180 consecutive days in an 365 day period. There have been some complaints and concerns from hotels about the impact of tourist rooming houses.

Mr. Statz met with some hotel and tourist rooming house owners to create an ordinance. He said that everyone who currently owns a tourist rooming house would be grandfathered in.

Jerry Kobishop, Sturgeon Bay, stated that he has three tourist rooming houses in Thunderhill Estates. He charges \$150 per night and offers a free family pass at the YMCA.

Jennifer Bacon, 728 Georgia Street, said that she doesn't own a tourist rooming house, but manages them. She has 4 employees. It is a busy season at this time and would rather this discussion be brought up in the winter. There is a short-term rental group that has been formed. They want to be part of the solution, not the problem. Tourist rooming houses should continue to be reviewed. Everyone should work together as a community.

Elaine Carmichael, 408 Snake Island Road, stated that tourist rooming houses are not the same as a hotel or resort. Currently, tourists have 3-4 day stays. People who run short-term rentals want to share the experience of Sturgeon Bay. Reviewing this in fall would be a better idea.

Alisa Landman, 330 N Joliet Avenue, stated that she has two short-term rentals. Most guests stay 3 – 5 days. Many guests are first time visitors.

Ben Keleny, 313 S Lansing Avenue, also owns two short-term rentals, along with one long-term rental. If anything changed, a lot of dollars will go away to other communities.

Mayor Ward stated that he didn't see a need to be hasty about this. He did suggest that we see how many rentals that we have and what the trend is.

Mr. Hayes mentioned that he owns a B & B and wondered what the differences were between that and a tourist rooming house.

Ms. Kiedrowski thought that the Marquette study that was included in the packet was useful information. She didn't think that the seven day limit made any sense.

Ms. Bacon added that Airbnb's and VRBO's (vacation rentals by owner) collect state taxes and submits them back to zip codes. There is an issue on how the tax is being distributed.

Mr. Norland wondered if the building was not operated as a short-term rental, what would it be operated as? Mr. Kobishop responded that he really didn't want to be in permanent rental business. The revenue is different. Ms. Carmichael responded they would leave one of their rentals for family and the other would be office.

Mr. Olejniczak explained that the reason for consecutive 180 days is to make it easier for municipalities to monitor and regulate. The ordinance mimics state rules. The City cannot prohibit a rental period of 7 days or longer in a consecutive 180 day period. You can pick your 180 days and let the City know what they are. The 180 days is a level that the City can regulate up to. The City can leave the ordinance as it is today and it would be in compliance with state statute. Currently, a short-term rental is allowed as long as it is licensed, pays room and state tax, is inspected by the Dept. of Agriculture, Trade and Consumer Protection, and the owner lives in Door, Brown, or Kewaunee counties or has a manager that lives in one of those counties. Also, the owner cannot have a sign larger than 2 square feet.

Ms. Bacon stated that the rest of Door County will follow suit with Sturgeon Bay's actions.

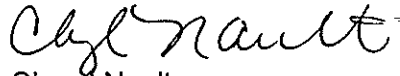
Mayor Ward would like more research done and will discuss this again at a few future meeting.

Mr. Sullivan-Robinson will draft an ordinance with what the state will allow us to regulate up to, along with what the current ordinance is.

Public comment on non-agenda Plan Commission related items: No one spoke during public comment.

Adjourn: Moved by Mr. Norland, seconded by Mr. Statz to adjourn. All ayes. Carried. Meeting adjourned at 7:08 p.m.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Cheryl Nault".

Cheryl Nault
Community Development Secretary

PARKING & TRAFFIC COMMITTEE**August 27, 2019**

A meeting of the Parking & Traffic Committee was called to order at 4:30 p.m. by Chairperson Avenson in Council Chambers, City Hall, 421 Michigan Street.

Members Kelly Avenson, Kirsten Reeths and Gary Nault were present. Also present: City Engineer Chad Shefchik, Police Chief Arleigh Porter, Municipal Services Director Mike Barker, and Planner/Zoning Administrator Christopher Sullivan-Robinson.

Moved by Ald. Nault, seconded by Ald. Reeths to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from 6/17/2019.
4. Public comment.
5. Consideration of: Payment in lieu of providing parking for Price Insurance.
6. Consideration of: Signage modifications at the intersection of N. Hudson Ave. & N. Joliet Ave.
7. Consideration of: Delivery truck ordinance
8. Discussion of: Time of future meetings.
9. Adjourn.

All in favor. Carried.

Moved by Ald. Reeths, seconded by Ald. Nault, to approve the minutes from 6/17/2019. Carried.

Public comment on Agenda items and other issues related to parking & traffic in the City of Sturgeon Bay.

No public comment.

Consideration of: Payment in lieu of providing parking for Price Insurance.

Christopher Sullivan-Robinson discussed location of Price Insurance and that they are required to have two parking spaces. He also explained the process of payment in lieu of parking. Mr. Price stated that he has a verbal agreement with a neighbor and that he has off-street parking spring through fall. His planned parking area is used in the winter to pile snow from the adjacent area. Chad Shefchik explained this is a normal process and the price for payment has been a wide range between \$100 and \$1,200. Chad estimates that creating additional parking spaces in an existing lot with today's prices would be \$1,700 per space.

Moved by Ald. Avenson, seconded by Ald. Reeths to set the fee of \$850 per parking space in lieu of providing parking for Price Insurance. All in favor. Carried.

Consideration of: Signage modifications at the intersection of N. Hudson Ave. & N. Joliet Ave.

Chad Shefchik spoke of the dangerous scenario which led to this recommendation of signage changes. He discussed mentioned accidents and some close calls with pedestrians near the intersection. Ald. Nault mentioned the location of mail boxes just after the current yield sign. It appears the yield sign has drivers focused on possible oncoming traffic and less on pedestrians. He also mentioned that the yield sign seems to be causing drivers to accelerate in an area that is a turn which adds to the danger. A local resident mentioned that there is some brush along the side of N. Joliet Ave. and he fears that the brush may prevent the drivers from seeing the sign before they get right to the intersection.

Moved by Ald. Nault, seconded by Ald. Reeths to replace existing yield sign with a stop sign and clear additional brush leading up to the intersection at N. Hudson & N. Joliet Ave. All in favor. Carried.

Consideration of: Delivery truck ordinance.

Moved Ald. Avenson. Seconded by Ald. Reeths to table the delivery truck ordinance consideration due to the posted signs being acceptable and there is currently not a need for an ordinance. All in favor. Carried

Discussion of: Time of future meetings. Ald. Nault mentioned that this was discussed during last meeting and unless there were no changes there was no need to discuss. The scheduled times would remain every other month, on the last Monday of the month, at 4:30 p.m.

Motion to adjourn by Ald. Nault, seconded by Ald. Reeths. All in favor. Carried.

Meeting adjourned at 5:05 p.m.

Respectfully Submitted,



Mike Barker
Director of Municipal Services.



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
920-746-6901 FAX
Email: kmontevideo@sturgeonbaywi.org

STURGEON BAY FIRE DEPARTMENT JULY 2019 FIRE REPORT

JULY INCIDENTS: 122
YEAR TO DATE INCIDENTS: 830

INCIDENTS BY JURISTDICTION:

AVERAGE RESPONSE TIME:

CITY - East Side: 75 Year to Date: 538 EMERGENT: 4.07 Minutes NON-EMERGENT: 4.17 Minutes
 51 – Medical Incident 10 – Alarm/Detector Activation, No Fire 01 – Unauthorized Burning
 01 – Smoke Scare/Odor of Smoke 03 – Vehicle Accident 01 – Watercraft Rescue
 02 – Carbon Monoxide Incident 01 – Authorized/Control Burn 02 – Gas Leak
 01 – Water Rescue 01 – Excessive Heat/Scorch Burn, No Fire 01 – Outside/Grass/Brush Fire

CITY - West Side: 31 Year to Date: 194 EMERGENT: 3.28 Minutes NON-EMERGENT: 3.50 Minutes
 21 – Medical Incident 01 – Assist Police/Gvmt Agency 02 – Alarm/Detector Activation, No Fire
 01 – Fire Investigation 02 – Vehicle Accident 01 – Structure Fire
 02 – Gas Leak 01 – Cooking Fire

Town of Sevastopol: 07 Year to Date: 58 EMERGENT: 11.10 Minutes NON-EMERGENT: N/A Minutes
 01 – Water Rescue 01 – Alarm/Detector Activation, No Fire 02 – Power Line Down
 01 – Medical Incident 01 – Vehicle Accident 01 – Chemical Hazard

Town of Sturgeon Bay: 08 Year to Date: 33 EMERGENT: 7.21 Minutes NON-EMERGENT: N/A Minutes
 06 – Medical Incident 01 – Alarm/Detector Activation, No Fire 01 – Search for Person in Water

MUTUAL AID/MABAS INCIDENTS

Gibraltar: 0 Year to Date: 01
Egg Harbor: 0 Year to Date: 01
Sister Bay: 0 Year to Date: 01
Southern Door: 01 Year to Date: 04
 01 – Medical Incident

INPECTION REPORT:

Inspections – City of Sturgeon Bay:	<u>296 Inspections</u>	<u>176.25 Hours</u>
Inspections – Town of Sevastopol:	<u>38 Inspections</u>	<u>40.25 Hours</u>
Inspections – Town of Sturgeon Bay:	<u>03 Inspections</u>	<u>3.6 Hours</u>
Inspections – Town of Jacksonport:	<u>06 Inspections</u>	<u>3.0 Hours</u>

SPECIAL REPORTS, TRAINING AND MAINTENANCE

MAINTENANCE:

Firefighters put new LDH hose into service; assisted DPW with changing out lights and pressure washing the front of City Hall; pressure washed and changed spark plugs on Marine 1; installed lug nut indicators on apparatus; sprayed and pulled weeds at the training site; tested hydrant pump at Coast Guard Station; Marine 1 had repair work done at Bay Marine; worked on mounting equipment on new Engines.

TRAINING:

146.86 hours of training was conducted in July. Firefighters trained/toured on the USCG Mackinaw that is in dry dock at Bay Ship; trained with ropes and repelling techniques; Marine 1; confined space and pump operations on fire apparatus.

OTHER:

Fire Chief and AC attended City and other Town meetings; installed four (4) car seats; presented CPR training for members of Prince of Peace Church and stood by at the Thresheree Grounds for the Farm Breakfast. Sturgeon Bay Fire took delivery of two new Fire Engines (Engine 4 & Engine 6).



STURGEON BAY POLICE DEPARTMENT



The mission of the Sturgeon Bay Police Department is to serve, protect, and work in partnership with the community to ensure a safe, nurturing environment.

To: The Honorable Mayor
Members of the Common Council
Members of the Police and Fire Commission
City Administrator Josh VanLieshout
Officers of the Sturgeon Bay Police Department
Media

From: Captain Daniel J. Brinkman

Subject: Monthly Report for July, 2019

Date: August 19, 2019

The following is a summary of the Police Department's activities for the month of July that includes crimes investigated, traffic accidents investigated, training completed, and public education provided by department members.

Crimes Investigated

The Department, during the month, investigated a total of 54 crimes.

These crimes can be broken down and classified as follows.

Battery.....	02
Burglary.....	01
Disorderly Conduct.....	05
Possess Controlled Substance.....	02
Fraud / Forgery.....	10
Domestic Abuse.....	02
Theft.....	11
Criminal Damage to Property.....	06
Threats to Injure.....	02
ICAC.....	03
Sexual Assault.....	05
Violate Court Order.....	01
Child Abuse / Neglect.....	01
Death Investigation.....	01
Adult / Elder Abuse.....	01
Arson.....	01
TOTAL	54

The above crimes resulted in the loss of \$3,806 to the community, of which \$3,232 has been recovered.

Arrests

The Department completed a total of 146 arrests during the month. These arrests encompass violations from traffic to felony, and are listed below by type of violations and number of arrests for each category.

A. Felony Crime Arrest

Bail Jumping.....	01
Internet Crimes against Children.....	03
Theft.....	06
Arson.....	01

TOTAL 11

B. Misdemeanor Crime Arrests

Disorderly Conduct.....	07
Battery.....	03
Bail Jump.....	05
Possess Controlled Substance.....	02
Possess Drug Paraphernalia.....	01
Resist / Obstruct Officer.....	01
Violate Court Order.....	01
Theft.....	12
Lewd & Lascivious Behavior.....	01
Sexual Assault.....	01
Unlawful Use of Telephone.....	01

TOTAL 35

Wisconsin Probation & Parole Arrests / Warrant Arrests24

TOTAL 24

C. Ordinance Violation Arrests

Disorderly Conduct.....	01
Animal Running at Large.....	01
Possess Marijuana.....	01
Retail Theft.....	01
Disorderly Conduct w/Motor Vehicle.....	01
Open Intoxicant in Public	01

TOTAL 06

D. Traffic Crime Arrests

Operate while Intoxicated 2 nd or More.....	02
Operate Motor Vehicle while Revoked.....	03
Hit and Run.....	01
Ignition Interlock Device Tampering.....	01
Operate w/o Valid Driver's License.....	01

TOTAL 08

E. Traffic Violation Arrests

Operate Motor Vehicle while Intoxicated.....	04
Speeding.....	24

Operate Motor Vehicle w/o Insurance.....	05
Operate Motor Vehicle while Suspended.....	01
Fail to wear Seatbelt.....	03
Unregistered Vehicle.....	04
No Valid Driver's License.....	03
Miscellaneous Violations.....	18
TOTAL	62

In addition to the preceding arrests, the Department conducted a total of 238 traffic stops during the month and logged 48 violations for various motor vehicle defects and local ordinances and issued 41 written warnings for those violations. A total of 02 parking ticket were issued for parking violations throughout the city.

Traffic Accidents

The Department during the month investigated a total of 19 vehicle accidents. These accidents are categorized into four types.

A.	Motor Vehicle Accidents Involving Fatalities.....	00
B.	Motor Vehicle Accidents Involving Injuries	03
C.	Motor Vehicle Accidents Involving Property Damage (greater than \$1,000.00)	16
D.	Motor Vehicle Accidents Involving Property Damage (less than \$1,000.00)	00
	TOTAL	19

Police Service Calls

Department members handled 510 service calls during the month. These calls consist of both citizen requests for police service as described below (413), crimes investigated (54), traffic accidents investigated (19), and Wisconsin Probation and Parole Assists (24).

A.	Traffic and Road Incidents	86
----	----------------------------------	----

This category consists of all assignments involving assists to stranded motorists, directing traffic, complaints of noisy or otherwise disorderly vehicles, removing obstructions from roadways, and all parking problem complaints.

B.	Noise Complaints	08
----	------------------------	----

These complaints involve private parties, licensed liquor establishments, and parties in public places.

C.	Sick and Injured Persons	09
----	--------------------------------	----

Assistance rendered to the Ambulance Service and sick or injured persons.

D.	Alarms	32
----	--------------	----

Officers responded to activated burglar and hold-up alarms at area banks and other business establishments and residences as well as fire alarms.

E. Complaints Involving Animals	32
Investigations by officers of noisy animals, loose animals, animal bites, wild animals and sick, injured or dead animal complaints.	
F. Civil Disputes	04
Arguments between neighbors, landlords and tenants, and family members where no crimes have been committed.	
G. Escorts	03
Transporting citizens, money escorts for area financial institutions, funerals, and for area industry and farming.	
H. Citizen Assist.....	46
This category is broad and involves such services as assistance in gas drive-off, emergency notifications, attempts to locate people, retrieval of personal property, and vehicle registration assistance.	
I. Assistance Rendered to Other Agencies	08
Includes assistance to other law enforcement and government agencies.	
J. Suspicious Person / Vehicle / Circumstance.....	39
Involves both citizen complaints and observations by officers on patrol who took investigative action in regard to the suspicious behavior of vehicles and people.	
K. Self-Initiated Field Activity	12
All initiated activity by the officer to include, but not limited to, routine security checks of area industries, businesses, city parks, residences, and compliance checks of local liquor establishments.	
L. Juvenile Problems.....	02
Requests for police service that strictly involve property calls and all unfounded calls for police service. The calls vary from mischief to family problems to runaway situations.	
M. Miscellaneous Incidents	112
Includes arrest warrants served, recovered property calls, and all unfounded calls for police service. This category includes 9-1-1 calls investigated by Department members during the month.	
N. Welfare Checks	20
Includes calls to check on the well-being of a person who has not been heard from or seen for a period of time by family, friends, neighbors, or employers.	

TOTAL 413

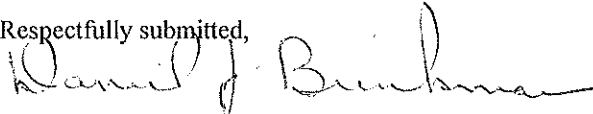
Department Training

The joint dive team and SWAT conducted their monthly training session. Department members completed mandatory firearms qualification.

Notes

July 4th kicked off a busy month for the officers of the SBPD, but other events such as the Door County Triathlon, Scenic Shore 150 Bike Ride, Sidewalk Sales, Tall Ships and the start of the Door County Fair brought many visitors to Sturgeon Bay and the Door Peninsula.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel J. Brinkman". The signature is written in a cursive style with a large, stylized initial "D".

Captain Daniel J. Brinkman

7d.

7d.

BEVERAGE OPERATOR LICENSE

1. Brauer, Molly E.
2. VanPay, Becky M.

TEMPORARY CLASS B BEER LICENSE

Sturgeon Bay Visitor Center
36 South Third Avenue
Sturgeon Bay, WI 54235
Date: September 20, 2019
Agent: Pam Seiler
Location: Martin Park – Movie in the Park

COMBINATION CLASS A BEER AND LIQUOR LICENSE

Tikapur Petroleum LLC
1331 Green Bay Road
Sturgeon Bay, WI 54235
Date: September 4, 2019 – June 30, 2020
Agent: Tark Ojha
Location: 1331 Green Bay Road
DBA: Cherryland Shell

**CITY OF STURGEON BAY
STREET CLOSURE APPLICATION**

Name of Applicant:

Douglas County Medical Center (DCMC)

Name of Event:

Employee Picnic

Contact Phone #:

920 746-3597

Date(s) of Event:

Thurs. 9/5Time: 3:00 - 9:00 PM

Estimated # of Attendees:

800

Specific Location:

~~600~~ South 16th Place
in Front of Hospital

Attach map of requested street closure area including barricades location, tent/booth location, or any street obstruction. The map must be in final form.



Attach Certificate of Insurance with the City listed as ADDITIONAL INSURED. Limits as follows: Commercial General Liability - \$1,000,000 each occurrence limit; Fire Damage Limit - \$50,000 any one fire; Medical Expense Limit - \$5,000 any one person; and Workers Compensation - As required by the State of Wisconsin.



Temporary Beer and/or Wine license has been applied for, approximately four weeks prior to the event date, by a qualified organization and fee paid. (If applicable.)



Hold Harmless Agreement has been signed of Officer(s) of Event/Organization.



Agreement for Reimbursement of Expenses has been signed by Officer(s) of Event/Organization.



If tents larger than 20 x 20 are used, must agree to contact the Fire Department for inspection, prior to event.

What arrangements are made for clean up?

We will clean up

Other comments or explanation:

Signature of Responsible Party:

Dan Bixal

Address:

323 South 18th Ave

Date Submitted:

8/19/2019

(Street Closure applications may not be submitted/approved more than 90 days in advance of event date.)

Approval:

Fire Chief:

Date:

Police Chief:

Date:

Comm. Dev:

Date:

Streets/Parks:

Date:

City Clerk:

Date:

Finance Dir:

Date:

City Engineer:

Date:

City Admin:

Date:

Common Council Approval Date:



Copy of Approved Street Closure Application sent to EMS Director.

7h.

7h.

August 15, 2019

To David Ward,

We, Buster and Amy Crook, are asking for a music extension on Saturday October 12, 2019 until Midnight at Kitty O'Reillys Irish Pub, 59 E Oak Street. We are having a wedding party celebration and they would like to proceed their celebration after 10pm.

Sincerely,

Buster and Amy Crook

Kitty O'Reillys Irish Pub

RECOMMENDATION

TO THE HONORABLE MAYOR AND COMMON COUNCIL:

We, the Board of Public Works, hereby recommend to defer the special assessment for improvements of Sidewalk for the following parcel #281-3221020901 located at 525 N 7th Avenue, and collect when property is sold or retitled.

Respectfully submitted,
 BOARD OF PUBLIC WORKS
 By: Helen Bacon, Chairperson

RESOLVED, that the foregoing recommendation be adopted.

Dated: August 20, 2019.

Introduced by _____.

Moved by Alderperson _____, seconded by

Alderperson _____ that said recommendation be adopted.

Passed by the Council on the _____ day of _____, 2019.

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



Phone 920-746-2900
Fax 920-746-2905
Email:
sreinhardt@sturgeonbaywi.org

Visit our website at: www.sturgeonbaywi.org

TO: Common Council

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

DATE: August 13, 2019

RE: RESULTS OF PUBLIC HEARING ON SPECIAL ASSESSMENTS FOR improvement of the following streets and the installation of Curb, Gutter, Sidewalk – West side of north 7th Avenue.

Property Owner: Justin Vought
Speaker at public hearing: Jacqueline Paszczak
Address: 525 North 7th Avenue
Parcel #: 281-3221020901
119' Sidewalk Cost: \$2,975.00
Opposed to sidewalk assessment

COMMON COUNCIL

July 16, 2019

A meeting of the Common Council was called to order at 7:00 p.m. by Mayor Ward. The Pledge of Allegiance was recited. Roll call: Bacon, Hayes, Williams, Avenson, Nault, Wiederanders, and Reeths.

Nault/Williams to adopt agenda moving Item 18 to right after the Consent Agenda and moving Items 7j and 7m to the regular agenda. Carried.

The following people spoke during public comment: Scott Moore, 947 Pennsylvania St; Trudy Herbst, 228 W. Pine St; Kelly Catarozoli, 344 N. 3rd Ave; Claire Morkin, 110 N. Joliet Ave; Pam Seiler, 36 S. Third Ave; Chris Kellems, 120 Alabama St; Bonnie Ripp, 5081 County P; Annie Lampert, 33 N. Joliet Ave; Beth Renstrom, 34 Bluebird Dr; and Hans Christian, 330 N. 3rd Ave.

Bacon/Reeths to approve the following bills - General Fund - \$144,921.12, Capital Fund - \$4,511.74, Cable TV - \$425.85, TID #4 - \$895.00, and Solid Waste Enterprise Fund - \$3,460.92 for a grand total of \$154,214.63. Roll call: All voted aye. Carried.

Bacon/Williams to approve consent agenda:

- a. Approval of 7/2/19 regular Common Council minutes.
- b. Approval of following minutes:
 1. Joint Review Board – 6/25/19
 2. Finance/Purchasing & Building Committee – 6/25/19
 3. Joint Parks & Recreation Committee/Board – 6/26/19
 4. Historic Preservation Commission – 6/28/19
 5. Community Protection & Services Committee – 7/8/19
- c. Place the following reports on file:
 1. Inspection Department Report – June 2019
 2. Police Department Report – June 2019
- d. Consideration of: Approval of beverage operator licenses.
- e. Consideration of: Approval of Temporary Class B Beer licenses and Temporary Class B Wine licenses.
- f. Consideration of: Approval of Sidewalk Café Permit for Stone Harbor Resort.
- g. Consideration of: Approval of exception to noise ordinance for Door County Fair.
- h. Community Protection & Services Committee recommendation re: Approval of Combination Class B Beer and Liquor license for The Nautical Inn of Sturgeon Bay.
- i. Community Protection & Services Committee recommendation re: Approve the Mann Communication contract for two years.
- j. ~~Community Protection & Services Committee recommendation re: Approve the creation of Chapter 37 of the Municipal Code, Commercial Quadricycle Licensing. Moved to regular agenda.~~
- k. Community Protection & Services Committee recommendation re: Approve the amendment to Section 10.175 of the Municipal Code, Drinking on Public Property Regulated.
- l. Community Protection & Services Committee recommendation re: Approve the amendment to Section 10.19 of the Municipal Code, Noxious Weeds Prohibited.
- m. ~~Community Protection & Services Committee recommendation re: Approve the amendment to Chapter 25.04 of the Municipal Code, Penalties for Possession of Marijuana. Moved to regular agenda.~~
- n. Community Protection & Services Committee recommendation re: Approve the General Procedures for Public Comment at Common Council meetings with additions.
- o. Finance/Purchasing & Building Committee recommendation re: Approve two year lease with Richard Stoll for the Sturgeon Bay Yacht Club "E" Dock beginning July 15, 2019 until July 15, 2021 in the amount of \$2,000.

Carried.

The Ad Hoc West Waterfront Planning Committee presented their Plan and Recommendations regarding the West Waterfront to the Common Council. After a brief introduction by Co-Chair

Hauser, Committee members reviewed the key components of the Plan and Recommendations. Community Development Director Olejniczak outlined the future process of the plan and the Council members asked questions and made comments on the Plan. No formal action was taken.

Bacon/Nault to approve the following mayoral appointment:

Ethics Board

Dan Powers

Carried.

RECOMMENDATION

We, the Finance/Purchasing & Building Committee, hereby recommend to accept the WIPFLi CPA's and Consultants 2018 financial audit report for the City of Sturgeon Bay and place it on file.

FINANCE/PURCHASING & BUILDING COMMITTEE

By: Helen Bacon, Chr.

Finance Director Clarizio and Brian Anderson from WIPFLi presented the audit report to the Council. Williams/Avenson to adopt. Carried.

RECOMMENDATION

We, the Finance/Purchasing & Building Committee, hereby recommend that the City issue \$2,345,000 in general obligation promissory notes for the purpose of funding capital projects and purchases including storm sewer outlay, improvements to public buildings, facilities, properties and the acquisition of vehicles and equipment.

FINANCE/PURCHASING & BUILDING COMMITTEE

By: Helen Bacon, Chr.

Brad Viegut, Baird, presented the borrowing details to the Common Council. Bacon/Reeths to adopt. Carried.

Williams/Bacon to adopt the resolution providing for Sale of Approximately \$2,345,000 General Obligation Promissory Notes. Carried.

RECOMMENDATION

We, the Community Protection & Services Committee, hereby recommend to approve Chapter 37 of the Sturgeon Bay Code of Ordinances, Commercial Quadricycle Licensing, as created.

COMMUNITY PROTECTION & SERVICES COMMITTEE

By: Dan Williams, Chr.

Avenson/Wiederanders to adopt. Discussion took place regarding the horse carriage that used to operate in the City, the proposed routes, and safety factors such as seatbelts and slow moving vehicle signs on the pedal cart. Hayes/Williams to amend the motion to add to the ordinance that seatbelts must be worn by passengers. Vote taken on the amendment. Carried. Nault/Hayes to amend the amended motion that a slow moving vehicle sign must be on the quadricycle. Vote taken on the second amendment. Carried. Vote taken on the original motion as amended. Carried.

Avenson/Wiederanders to adopt the first reading of the ordinance creating Chapter 37 of the Municipal Code, Commercial Quadricycle Licensing, adding in the amendment to include seatbelts and slow moving vehicle signage. Carried.



Avenson/Nault to approve the preliminary resolution and engineering report for Declaring Intent to Levy Special Assessments for Sidewalk Installation on North 7th Avenue. It was noted that the proposed special assessment would total \$2,975.00. Carried.

Avenson/Hayes to adopt the first reading of the ordinance amending Section 10.175 of the Municipal Code – Drinking on public property regulated. Carried.

Reeths/Avenson to adopt first reading of ordinance amending Section 10.19 of the Municipal Code – Noxious weeds. Carried.

Mayor Ward relinquished the Chair to Council President Williams.

RECOMMENDATION

We, the Community Protection & Services Committee, hereby recommend to approve the amendment to Chapter 25.04 of the Sturgeon Bay Code of Ordinances, Penalties for Possession of Marijuana.

COMMUNITY PROTECTION & SERVICES COMMITTEE

By: Dan Williams, Chr.

Hayes/Wiederanders to adopt. Discussion took place regarding recreational verses medical marijuana, the current fines, fines as they relate to court courts, citations related to marijuana in the City and the definition of abode. Further discussion took place regarding enforcement of ordinances, having the City Attorney look in to the changes to the ordinance and whether to wait for the State to make decision regarding marijuana.

Roll call: Bacon, Williams, Nault and Reeths voted no. Hayes, Avenson, and Wiederanders voted aye. Motion failed.

Mayor Ward resumed the Chair.

The Council took a 5 minute recess at 9:40 pm and reconvened at 9:45 pm.

Avenson/Wiederanders to refer the first reading of the ordinance re: Section 25.04 of the Municipal Code – Penalties for Possession of Marijuana to Community Protection & Services Committee. Carried.

Avenson/Williams to stripe two courts at Sunset Park for pickleball and recommend the City develop a budget for pickleball courts in 2020. Discussion took place regarding the original recommendation from the Joint Parks & Recreation Committee/Board, tennis courts at Otumba Park and tennis courts at Sunset Park. Carried.

Nault/Bacon to remove from the table consideration of: Development Agreement with Sturgeon Bay Historical Society. Carried with Avenson voting no.

Nault/Reeths to continue to have the Development Agreement with Sturgeon Bay Historical Society as “consideration of” on every future council agenda. Discussion took place regarding whether an attorney should be present at all meetings if this was placed on the agenda as “consideration of.” Avenson/Hayes to amend the motion to change the word “consideration” to “discussion.” Vote taken on the amendment. Carried. Vote taken on the original motion as amended. Carried with Avenson voting no.

Nault proceeded to request that agenda items related to the Development Agreement with Sturgeon Bay Historical Society appear on the next Council agenda. They include: Consideration of: Liquidated Damages Clause in Development Agreement with Sturgeon Bay Historical Society; Consideration of: Committee formed by the Mayor to meet with the Financial Donor of the Granary; and Consideration of: Remove the obligation of the City to accept the gift of the donation of the granary from SBHS.

The following items were requested for future agendas: (Hayes) Parks & Recreation Committee – Development of Indoor ice hockey; (Hayes) CPS – Review of Noise Ordinance and exemptions; (Mayor) CPS – Consideration of: Alternate members to Ethics Committee; (Nault) CPS – Methods of communicating with residents regarding ordinance violations. (Reeths) CC – Discussion on storm sewer infrastructure in relation to heavy rainfalls.

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

The City Administrator gave his report.

There was no mayoral report.

Nault/Reeths to adjourn. Carried. The meeting adjourned at 10:24 p.m.

Respectfully submitted,

Stephanie L. Reinhardt
City Clerk/HR Director

EXECUTIVE SUMMARY

DATE: June 14, 2019

TITLE: Preliminary Resolution and Engineering Report for Declaring Intent to Levy Special Assessments for Sidewalk Installation on N 7th Ave

BACKGROUND: At the January 15, 2019 Board of Public Works meeting a mill & pave project for Georgia Street from 580 LF east of N 5th Ave to N 8th Ave was approved. Included within the approval was the addition of a sidewalk along the west side of N 7th Ave, as shown on the attached plan, that was budgeted to be paid for by levying special assessments. It was decided to add this section of sidewalk because all of N 7th Ave from Louisiana Street to Delaware Street (approx. 0.65 miles) had a sidewalk on one or both sides of the roadway except at this one missing location. This sidewalk addition completed the connectivity of the sidewalk network along N 7th Ave. Typically the City of Sturgeon Bay has chosen to levy special assessments for new improvements within the right of way that did not previously exist. Consistent with past special assessments, the abutting property owners will only be assessed for the cost of the new sidewalks. The City will be responsible for costs related to any new curbing, driveway repairs, apron installations, curb ramps, lawn restoration, etc.

FISCAL IMPACT: This project has been completed and the final quantities have been verified. The proposed special assessments would total \$2,975.00. If it is determined not to levy the special assessments then an additional \$2,975.00 will have to be covered by the 2019 Capital Roadway Improvements Budget.

RECOMMENDATION: Pass the preliminary resolution for declaring intent to levy special assessments for sidewalk installation.

SUBMITTED BY: Chad Shefchik
Chad Shefchik
City Engineer

6-25-19
Date

REVIEWED BY: Val Clarizio
Val Clarizio
Finance Director

6/20/19
Date

REVIEWED BY: _____
Stephanie Reinhardt
City Clerk

Date

REVIEWED BY: _____
Josh VanLieshout
City Administrator

Date

**PRELIMINARY RESOLUTION
DECLARING INTENT TO LEVY SPECIAL ASSESSMENTS UNDER MUNICIPAL POLICE
POWER PURSUANT TO SECTION 66.0703, WIS. STATS.**

RESOLVED, by the Common Council of the City of Sturgeon Bay, Wisconsin:

1. The Common Council hereby declares its intention to exercise its police power under Section 66.0703, Wisconsin Statutes, to levy special assessments upon property in the Assessment District hereafter described for benefits conferred upon such property by reason of the following public work improvements:

Installation of new sidewalks along the west side of N 7th Ave at parcel #2813221020901
2. The Property to be assessed lies within the following described Assessment District:

Assessment District:

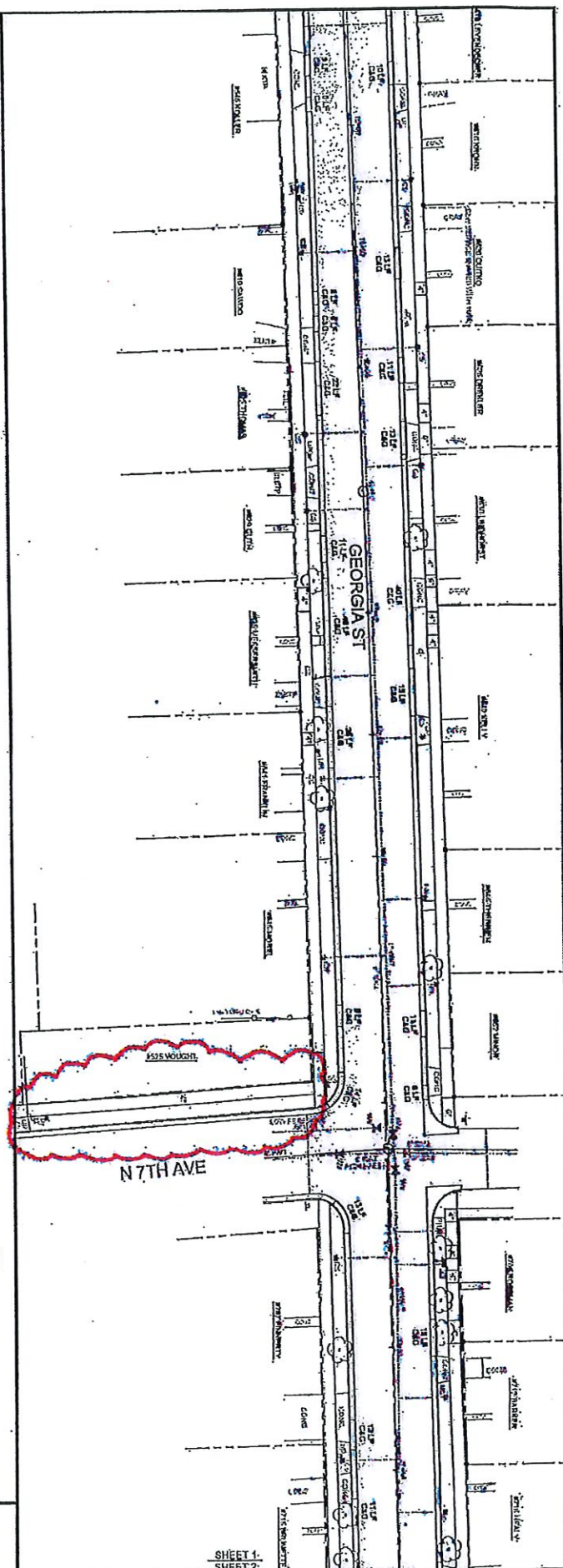
1) West side of N 7th Ave at parcel #2813221020901
3. It is proposed that 100 percent of the cost of the installation of the sidewalks in the project area of the Assessment District be assessed against the benefitted properties.
4. The Common Council determines that the improvements constitute an exercise of the police power for the health, safety, and general welfare of the municipality and its inhabitants.
5. The City Engineer shall prepare a report which shall consist of:
 - a. Preliminary plans and specifications for the improvements.
 - b. An estimate of the entire cost of the proposed improvements.
 - c. A schedule of proposed assessments.
6. When the report is completed, the City Engineer shall file a copy of the report with the Municipal Clerk for public inspection and, if state property is to be assessed, shall mail a copy of the report to the responsible state agency and, for assessments of \$50,000 or more, to the Wisconsin State Building Commission.
7. Upon receiving the report of the City Engineer, the Municipal Clerk shall cause notice to be given stating the nature of the proposed improvements, the general boundary lines of the proposed Assessment District (including a small map thereof), the time and place at which the report may be inspected, and the time and place of the public hearing on the matters contained in the preliminary resolution and the report. This notice shall be published as a class 1 notice under Ch. 985, Stats, and a copy shall be mailed, at least 10 days before the hearing, to every interested party whose address is known or can be ascertained with reasonable diligence.

8. The public hearing shall be held in the Common Council Chambers in City Hall, 421 Michigan Street, on the 6th day of August, 2019 at 7:00 p.m. or shortly thereafter, in accordance with Section 66.0703 (7), Wisconsin Statutes.
9. The assessment against any parcel may be paid in cash, subject to installment payment privileges, or subject to deferment. The determination of whether or not an assessment is deferrable will be determined by the Common Council at or after the public hearing to be held in connection with this matter. Six annual installments are hereby authorized except when total assessment on a single parcel exceeds \$6,000 then twelve installments can be applied for.

Introduced by

Moved by Alderperson _____, seconded by Alderperson _____, that said resolution be adopted.

Passed by the Council on the ____ day of _____, 2019.



SHEET 1
SHEET 2

CITY OF STURGEON BAY
GEORGIA ST
MILL & PAVEMENT SITE PLAN

DEC 2018
SHEET
1 OF 2

REPORT ON THE PROPOSED SPECIAL ASSESSMENTS FOR SIDEWALK INSTALLATION IMPROVEMENTS AGAINST PROPERTIES LOCATED IN STURGEON BAY, WISCONSIN

This report is submitted in accordance with the requirements of ss66.60, Stats., and the Preliminary Resolution of the City of Sturgeon Bay, Wisconsin, dated July 16, 2019, determining to levy special assessments on the benefited properties for the public improvements described in Schedule B of this report to be made in the Assessment District described in Schedule C of this report.

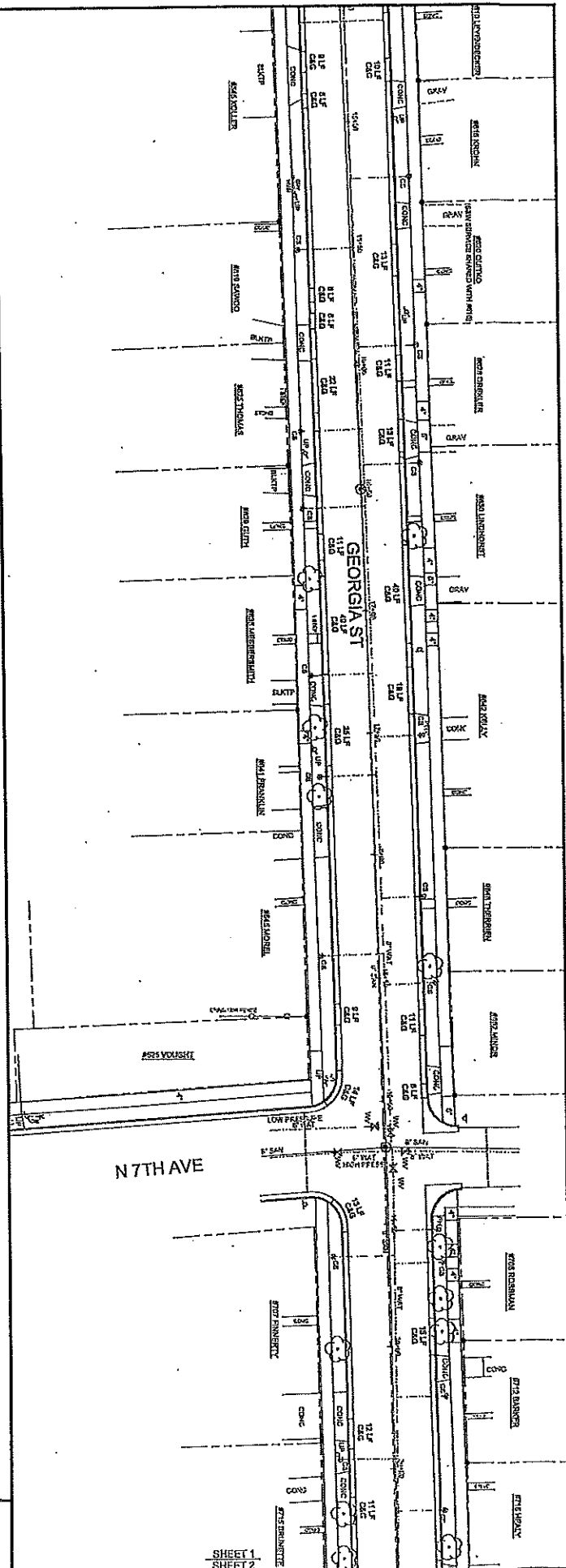
This report consists of the following schedules:

- Schedule A Preliminary plans and specifications for the improvements.
- Schedule B Estimate of the entire cost of the proposed improvements.
- Schedule C Schedule of proposed assessments.

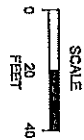
Schedule A Preliminary plans and specifications for the improvements are attached hereto:

Schedule B Estimate of the entire cost of the proposed improvements is attached hereto:
NOTE: Costs shown on the estimate are based on actual pricing from the awarded contractor.

Schedule C Schedule of proposed assessments is attached hereto:



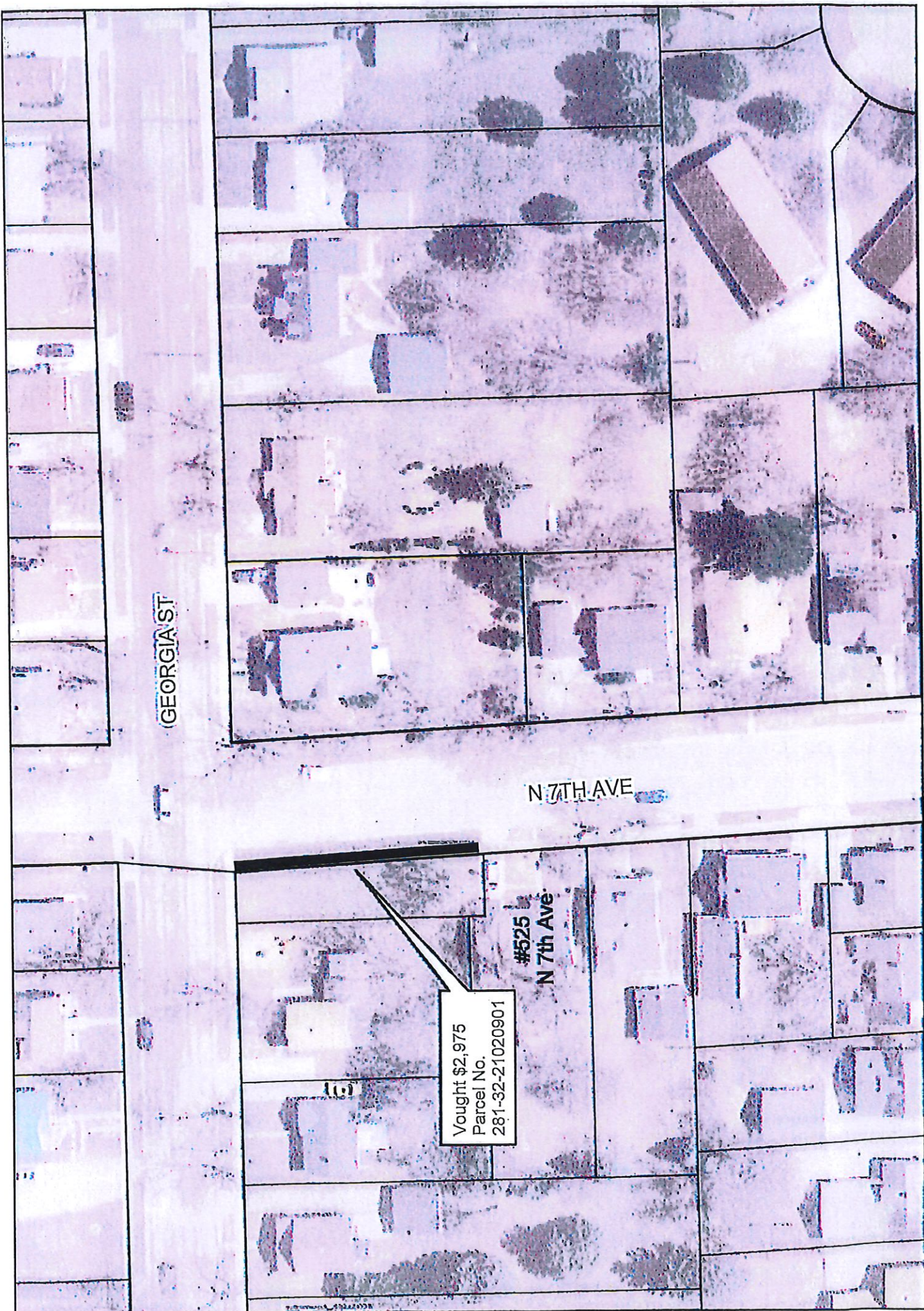
SHEET 1
SHEET 2



CITY OF STURGEON BAY
GEORGIA ST
MILL & PAVE SITE PLAN

DEC, 2018
SHEET
1 OF 2

Parcel Number	Last Name	First Name	Mailing Address				Property Address	4" Sidewalk		Total Cost
			Street 1	City	State	ZIP		(SF)	Cost	
2813221020901	Vought	Justin	525 N 7th Ave	Sturgeon Bay	WI	54235	525 N 7th Ave	595.00	\$ 2,975.00	\$ 2,975.00
							Totals	595.00	\$ 2,975.00	\$ 2,975.00



JUNE, 2019

N 7th Ave Sidewalk
Proposed Assessment



R E C O M M E N D A T I O N**TO THE HONORABLE MAYOR AND COMMON COUNCIL:**

We, the Parking & Traffic Committee, hereby recommend to Council to set the fee of \$850.00 per parking space in lieu of providing parking for Price Insurance.

Respectfully submitted,

PARKING & TRAFFIC COMMITTEE

By: Kelly Avenson, Chr.

RESOLVED, that the foregoing recommendation be adopted.

Dated: August 27, 2019

* * * * *

Moved by Alderperson _____, seconded by Alderperson
_____ that the said recommendation be adopted.

Passed by the Council on the _____ day of _____, 2019.

R E C O M M E N D A T I O N**TO THE HONORABLE MAYOR AND COMMON COUNCIL:**

We, the Parking & Traffic Committee, hereby recommend to Council to replace the existing yield sign with a stop sign and clear additional brush leading up to the intersection at N. Hudson & N. Joliet Ave.

Respectfully submitted,

PARKING & TRAFFIC COMMITTEE

By: Kelly Avenson, Chr.

RESOLVED, that the foregoing recommendation be adopted.

Dated: August 27, 2019

* * * * *

Moved by Alderperson _____, seconded by Alderperson

_____ that the said recommendation be adopted.

Passed by the Council on the _____ day of _____, 2019.

R E C O M M E N D A T I O N

TO THE HONORABLE MAYOR AND COMMON COUNCIL:

We, the Parking & Traffic Committee, hereby recommend to Council to table the delivery truck ordinance consideration due to the posted signs being acceptable and there is currently not a need for an ordinance.

Respectfully submitted,

PARKING & TRAFFIC COMMITTEE

By: Kelly Avenson, Chr.

RESOLVED, that the foregoing recommendation be adopted.

Dated: August 27, 2019

* * * * *

Moved by Alderperson _____, seconded by Alderperson

_____ that the said recommendation be adopted.

Passed by the Council on the _____ day of _____, 2019.

MAYORAL APPOINTMENTS**9/3/19****Board of Review - Alternate**

Jonathon Kruse – Bio attached

Jonathan (Jon) Kruse has been a resident of Sturgeon Bay since January of 2006. He and his wife Angie have three children, Allison, Jack and Teddy.

Jon's background is diverse. He started working in the marine industry at the age of 16 and then attended university to become an airline pilot, but changed over to airline management. After 5 years in the airline industry, Jon went back to his true love and that is boats or anything having to do with boats. Jon works as the North America Sales Manager for Marine Travelift here in Sturgeon Bay, which takes him all over the United States to wherever there are marinas, boatyards and shipyards.

When Jon is not working or spending time with his family, he also serves on the Sturgeon Bay Yacht Club Board of Directors where he also served as Commodore for two years. Jon has also served on Saint John Bosco Catholic School's Board of Trustees for seven years and served as a Den and Pack Leader with the Boy Scouts for two years.

Jon and his family are members of St. Joseph Catholic Church.

CITY COUNCIL RESOLUTION 2019-____
RECOMMENDING THE ADOPTION OF A PUBLIC PARTICIPATION PLAN
FOR THE UPDATE OF THE COMPREHENSIVE PLAN
CITY OF STURGEON BAY, WISCONSIN

WHEREAS, the City of Sturgeon Bay on March 2, 2010 adopted the City of Sturgeon Bay Comprehensive Plan Update under the authority of and procedures established by §66.1001(4), Wisconsin Statutes; and

WHEREAS, that Comprehensive Plan document advises both the regular Plan Commission review of the Comprehensive Plan, as well as the ability to respond to unique circumstances which arise in relation to the Comprehensive Plan which are distinct from the regular plan review process, and to enable the City's consideration of potential amendments and updates where the Plan becomes irrelevant or contradictory to emerging policy or trends; and

WHEREAS, §66.1001(4)(a), Wisconsin Statutes, requires that the governing body of the local governmental unit adopt written procedures designed to foster public participation at every stage of the comprehensive plan preparation or update process, and that such written procedures shall provide for wide distribution of draft plan materials, an opportunity for the public to submit written comments on the plan materials, and a process for the governing body to respond to such comments; and

WHEREAS, the City of Sturgeon Bay believes that meaningful public involvement in processes designed to consider and update its Comprehensive Plan is important to assure that the resulting Plan meets the wishes and expectations of the public; and

WHEREAS, the attached "Public Participation Strategy and Procedures for the City of Sturgeon Bay Comprehensive Plan Update" includes procedures to foster public participation, ensure distribution of draft plan materials, provide opportunities for written comments on such materials, and provide mechanisms to respond to such comments.; and

WHEREAS, at a duly noticed public meeting held on August 21, 2019, the City of Sturgeon Bay Plan Commission adopted resolution 2019-01 recommending that the Sturgeon Bay City Council adopt the attached "Public Participation Strategy and Procedures for the City of Sturgeon Bay Comprehensive Plan Update" as its public participation procedures for updating the City's Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sturgeon Bay hereby adopts the procedures included in the "Public Participation Strategy and Procedures the City of Sturgeon Bay Comprehensive Plan Update" as its public participation procedures for periodic amendments to the City's Comprehensive Plan, meeting the requirements of §66.1001(4)(a), Wisconsin Statutes.

Approved this 3rd day of September, 2019

David J. Ward, Mayor

Stephanie Reinhardt, City Clerk

Executive Summary

Title: Public Participation Plan for Update to the Sturgeon Bay Comprehensive Plan


Background: The Common Council recently approved the contract with Vandewalle & Associates to update the Sturgeon Bay Comprehensive Plan. One of the first tasks to accomplish is adopting a public participation plan. This plan is required under the state's Comprehensive Planning Law. Vandewalle has submitted the proposed public participation plan. It closely matches the public input processes and opportunities that they included in their proposal. It provides a number of specific ways for the public to be involved in the creation of the comprehensive plan and also allows for informal input to be gained throughout the planning process.

The Plan Commission reviewed the public participation plan at its last meeting. It adopted a resolution approving the public participation plan. Under the statute the Common Council must also approve the document via its own resolution.

Fiscal Impact: The items contained in the public participation plan are already included in the contract with Vandewalle & Associates. There is no additional fiscal impact.

Recommendation: Adopt the resolution approving the Public Participation Plan for Sturgeon Bay Comprehensive Plan Update.

Drafted by:



Marty Olejniczak
Community Development Director

8-29-19

Date

Reviewed by:

Josh Van Lieshout
City Administrator

Date

PUBLIC PARTICIPATION STRATEGY AND PROCEDURES
FOR THE CITY OF STURGEON BAY
COMPREHENSIVE PLAN UPDATE
2019

Introduction

A key required component of Section 66.1001 of Wisconsin Statutes—the State’s comprehensive planning legislation—is actively involving community stakeholders as each local comprehensive plan is being developed, updated, or amended. Public participation helps to ensure that the resulting comprehensive plan accurately reflects the vision, goals, and values of citizens of the community.

Section 66.1001(4)(a) of Wisconsin Statutes requires the City of Sturgeon Bay to adopt, by resolution, written procedures designed to foster public participation at every stage in the preparation, update, or subsequent amendment of its comprehensive plan. The written procedures must provide for wide distribution of the comprehensive plan, an opportunity for the public to submit written comments on the plan, and provisions for local response to such comments.

This document meets this statutory requirement. It serves as the procedures that will be used to guide the required ten-year update to the City’s Comprehensive Plan, which was adopted on March 2, 2010.

Major Goals of Public Participation Strategy

- Provide opportunities for members of the public to participate in processes to consider and adopt a complete update to the City’s Comprehensive Plan.
- Adopt an updated plan that reflects the ideas, desires, and objectives of most residents and property owners.
- Meet both the letter and spirit of Wisconsin’s Comprehensive Plan legislation.
- Use the City’s Plan Commission as a foundation for guiding the plan update process.
- Recognize that the goals expressed above must be balanced with the need to complete the Comprehensive Plan update within a reasonable timeframe.

Selected Public Participation Techniques

The City will, at a minimum, use the following techniques to obtain public input during the plan update process:

- Assure that all Plan Commission and City Council meetings to consider and adopt the updated plan are open to the public and are noticed as required by State open meeting regulations.
- Public comments will be solicited and responded to at every stage of planning process.
- A survey will be developed and administered to community members to solicit feedback and determine community priorities.
- Hold focus groups with key stakeholders identified by the City.
- Hold one public engagement workshop to discuss the community vision for the Comprehensive Plan. This meeting will be open to the public and advertised in advance.
- Hold one target area planning workshop to focus input on areas of specific interest and potential planning and redevelopment opportunities.

- Provide an opportunity at each public meeting held on the Comprehensive Plan update for public comment. Some meetings will be particularly meant to encourage wide participation from the public. Other meetings are intended to be work sessions for the Plan Commission, City Council, or some combination. The public comment period will be provided at either the beginning or end of each public meeting, or at one or more other parts of the meeting at the discretion of the Plan Commission or City Council. This will allow the Commission or Council to concentrate on completing tasks without interruption, while still allowing the public an appropriate chance to observe and comment.
- Maintain a timely and informative website regarding the planning process, plan drafts, and upcoming public meetings. The website will be housed on the City website and will include opportunities for public comment.
- Hold at least one public open house to review the draft plan.
- Hold at least one formal public hearing on the proposed Comprehensive Plan update and the adopting ordinance prior to adoption. All members of the public will have an opportunity to present testimony and offer comments at the public hearing. The public hearing will be noticed and held per the requirements of Wisconsin Statutes, Section 66.1001.

Opportunities for Comments/Responses on Draft Comprehensive Plan

The City will have copies of draft plan materials available at City Hall and the Library during normal business hours. The City will also provide copies of the draft and final plan to adjacent and overlapping governments and non-metallic mineral interests as required by statute, and to members of the participating public as requested. The City may charge for public copies an amount equal to the costs of time and materials to produce such copies.

Public comments will be solicited and responded to at every stage of the plan update process. Written comments on the comprehensive plan update may also be delivered, mailed, or emailed to the City Clerk. The City will respond to written comments via mail, email, telephone, meeting, and/or through consideration of appropriate changes to the draft comprehensive plan.

PLAN COMMISSION RESOLUTION 2019-01
RECOMMENDING THE ADOPTION OF A PUBLIC PARTICIPATION PLAN
FOR THE UPDATE OF THE COMPREHENSIVE PLAN
CITY OF STURGEON BAY, WISCONSIN

WHEREAS, the City of Sturgeon Bay on March 2, 2010, adopted the City of Sturgeon Bay Comprehensive Plan Update, under the authority of and procedures established by §66.1001(4), Wisconsin Statutes; and

WHEREAS, that Comprehensive Plan document advises both the regular Plan Commission review of the Comprehensive Plan, as well as the ability to respond to unique circumstances which arise in relation to the Comprehensive Plan which are distinct from the regular plan review process, and to enable the City's consideration of potential amendments and updates where the Plan becomes irrelevant or contradictory to emerging policy or trends; and


WHEREAS, §66.1001(4)(a), Wisconsin Statutes, requires that the governing body of the local governmental unit adopt written procedures designed to foster public participation at every stage of the comprehensive plan preparation or update process, and that such written procedures shall provide for wide distribution of draft plan materials, an opportunity for the public to submit written comments on the plan materials, and a process for the governing body to respond to such comments; and

WHEREAS, the City of Sturgeon Bay believes that meaningful public involvement in processes designed to consider and update its Comprehensive Plan is important to assure that the resulting Plan meets the wishes and expectations of the public; and

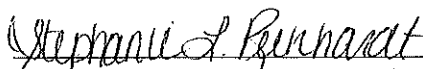
WHEREAS, the attached "Public Participation Strategy and Procedures for the City of Sturgeon Bay Comprehensive Plan Update" includes procedures to foster public participation, ensure distribution of draft plan materials, provide opportunities for written comments on such materials, and provide mechanisms to respond to such comments.

NOW, THEREFORE, BE IT RESOLVED that the Plan Commission of the City of Sturgeon Bay hereby recommends that the City Council adopt a resolution to constitute official City approval of the attached "Public Participation Strategy and Procedures for the City of Sturgeon Bay Comprehensive Plan Update" as required under §66.1001(4)(a), Wisconsin Statutes.

Adopted this 21st day of August, 2019.



David J. Ward, Mayor and Plan Commission
Chair



Stephanie Reinhardt, City Clerk

EXECUTIVE SUMMARY

Title: Request for Privilege in the Street for entry stoop for Shirley Weese-Young

Background: Shirley Weese-Young requests an encroachment into the street right-of-way in front of her building at 231 N. Third Avenue. She wants to construct a concrete ramp and entry stoop for a new entrance into this renovated building (former Door County Advocate). In order to meet the American with Disabilities Act accessibility code, a ramp is required.

The required ramp to comply with the ADA could be internal to the building or external to the building. The proposal by Ms. Weese-Young and her architect Virge Temme is to construct an external ramp. It is proposed to be 4' wide by 8'-4" long ramp leading to a 4' by 6'-10" entry stoop. The stoop would be 5" above the level of the sidewalk. The building is right on the edge of the street right-of-way with no setback. Thus, the total encroachment is 4' by 15'-2" (60.67 sq. ft.).

The mechanism to allow this permanent encroachment into the City's street right-of-way is known as a privilege in the street. This is governed by section 66.0425 of the Wisconsin Statutes and such privileges have been granted by the Council from time to time, most recently for Fincantieri's security fence at the foot Jefferson Street.

The City Engineer reviewed a previous proposal for the location and design of the ramp/stoop. An issue was identified that in order to clearly delineate the grade difference and prevent tripping hazard, a railing or other means of identifying the grade change was requested. The latest plan shows metal panels along the side of the ramp and the end of the stoop. The City Engineer believes that issue is satisfied.

The new plan shows the ramp going south along the building whereas the original proposal was to run it north. A problem has been identified that the bottom end of the ramp is located at the corner of the building with a private driveway running alongside the building. Under this configuration the ramp ends at a blind corner. This presents a hazard between wheelchair bound people and vehicles. In addition, the sidewalk slopes down to meet the grade of that driveway entrance. People in wheelchairs may find it more difficult to navigate the grade change and ramp due to that driveway slope. Thus, it is recommended to not allow the ramp to the south and have the ramp run northerly instead.

The 4-foot encroachment will still leave enough remaining sidewalk to meet minimum width. But if pedestrian movement is a concern, the Council could consider requiring the petitioner to remove the street tree and tree grate and replace with concrete.

Under the state statute the City can require compensation for the privilege in the street. In addition, the City can require removal of the encroachment upon 10 days notice. The removal is at the property owner's expense as is any replacement if the removal were needed for short-term project such as replacement of underground utilities. Liability for the encroachment is assumed by the grantee. The City can impose conditions and require posting of a bond not exceeding \$10,000 to secure performance of conditions.

Fiscal Impact: There is no direct fiscal impact. The impact is to the use of the right-of-way by the traveling public.

Recommendation: The Council needs to weigh the benefits of improving and occupying the building against the loss of the 60 square feet for pedestrian access and other public use. If it feels the benefits outweigh the costs, then it should approve the privilege in the street, based upon the submitted plans, subject to the following conditions:

1. The ramp shall be located on the northerly side of the entry stoop.
2. The grantee shall compensate the City an annual amount equivalent to the sidewalk café license fee (currently \$55 per year).
3. The grantee shall pay attorney fees and recording fees for the drafting and recording of the formal privilege in the street document.
4. The design of the metal panels delineating the side and end of the ramp/stoop shall be approved by the Aesthetic Design and Site Plan Review Board.
5. (optional) The grantee shall cover the costs of removal of the tree/grate and replacement with concrete, if such removal is requested by the City.

Prepared by: Martin Olejniczak 8-29-19
Martin Olejniczak
Community Development Director
Date

Reviewed by: Mike Barker 8-29-19
Mike Barker
Public Works Director
Date

Reviewed by: Chad Shefchik 8-29-19
Chad Shefchik
City Engineer
Date

Reviewed by: Josh Van Lieshout 8/29/19
Josh Van Lieshout
City Administrator
Date

REQUEST FOR "PRIVILEGE IN THE STREET"

LOCATION: ²³¹~~321~~ N THIRD AVE, STURGEON BAY

PROPERTY OWNER: SHIRLEY WEESE-YOUNG

Description: Request to construct a permanent concrete entry stoop with 8'-4" ramp

Conditions leading to request:

Building's occupancy type changed from B (Business) to A (Assembly), creating a greater occupancy load, and causing the building to fall under current construction codes. These codes mandated ADA accessibility to 50% of the openings. There are two openings in this unit: one to the street and one to the alley. The alley is inaccessible per ADA codes due to a 48" level change from entry door to main floor. Front door, facing Third Avenue is the only viable accessible route.

Original review of the building suggested that the sidewalk was less than 1" below the finished floor level, and plans were made to slope the concrete sidewalk toward the door, per IVB 1010.5, cited below.

IBC 1010.5: There shall be a floor or landing on each side of a door. Such floor or landing shall be at the same elevation on each side of the door. Landings shall be level except for exterior landings which are permitted to have a slope not to exceed 0.25 unit vertical in 12 units horizontal.

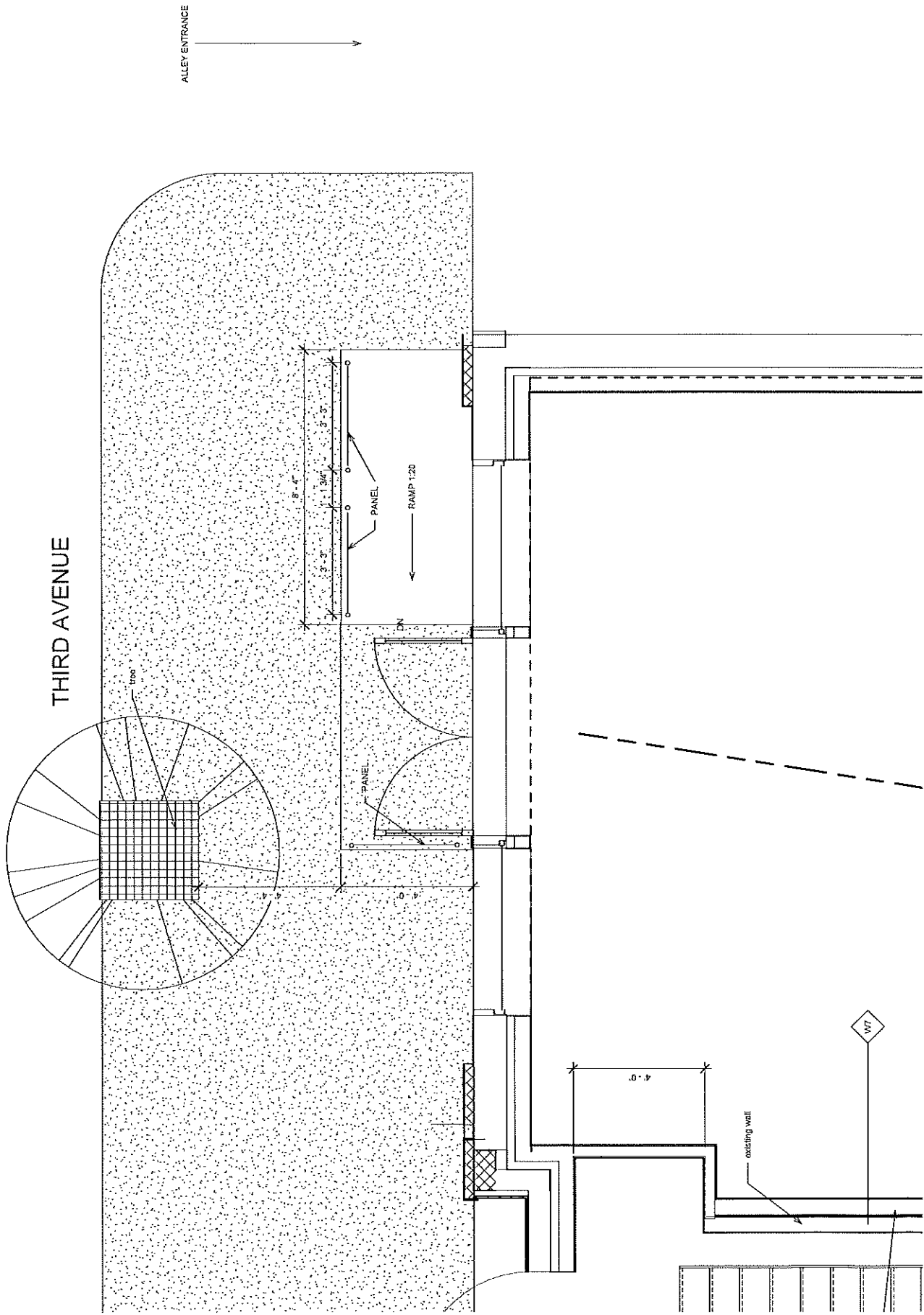
Upon completion of all interior work, a portion of the front masonry wall was removed in preparation to measure and install new entry doors. It was only then discovered that there was a 5" difference between sidewalk level and finished floor level, rather than a 1" difference that exists at the building's central entry. This precluded the plan to create a simple small slope up to the doors.

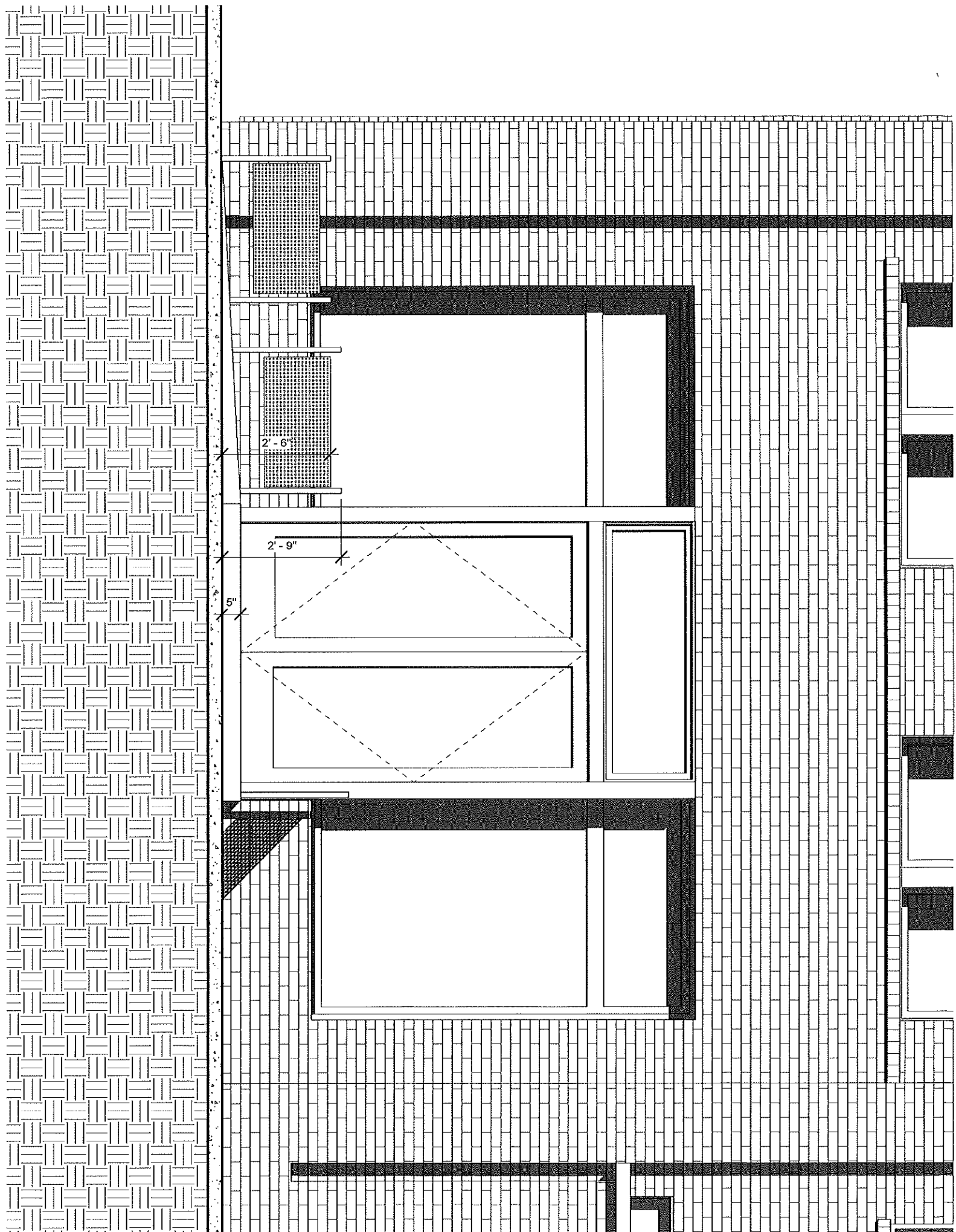
Options were weighed and the only viable solution is to construct a 5" tall stoop, measuring 48" from the doors, with a ramp leading to the stoop.

Commercial code does not require handrail or guardrail for a 5" tall ramp. However, City Staff expressed concern about pedestrian safety if there was no guardrail or other feature in place to alert pedestrians of a grade change. City staff and Building Inspector agreed that metal panels or similar features that clearly indicate the location of an elevation change would be acceptable to install, in lieu of a continuous handrail which might not be as readily visible.

Existing use of sidewalk by neighboring tenants:

The remainder of sidewalks along this stretch are used for restaurant dining tables and chairs, and further down they are used to display racks of clothing. These project a similar distance into the sidewalk.











(4) Notwithstanding sub. (2), a local government may enact an ordinance or adopt a resolution authorizing the local government to prepare a report specified in sub. (2) (c).

(5) If a local government enacts an ordinance or adopts a resolution that complies with the requirements of sub. (2), the local government must determine the cost incurred in preparing the report specified in sub. (2) (c). As soon as practicable after the local government generates revenue from a facility specified in sub. (2) (intro.), the local government shall use the revenues to reimburse the treasury of the local government for the cost determined under this subsection.

History: 2003 a. 278, 327; 2007 a. 42.

66.0423 Transient merchants. (1) In this section:

(a) “Sale of merchandise” includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm or the sale of produce or other perishable products at retail or wholesale by a resident of this state.

(b) “Transient merchant” means a person who engages in the sale of merchandise at any place in this state temporarily and who does not intend to become and does not become a permanent merchant of that place.

(2) Cities and villages, and towns not subject to an ordinance enacted under s. 59.55 (4), may, by ordinance, regulate the retail sales, other than auction sales, made by transient merchants and provide penalties for violations of those ordinances.

History: 1989 a. 301, 359; 1999 a. 150 ss. 110, 250, 251; Stats. 1999 s. 66.0423.

66.0425 Privileges in streets. (1) In this section, “privilege” means the authority to place an obstruction or excavation beyond a lot line, or within a highway in a town, village, or city, other than by general ordinance affecting the whole public.

(2) A person may apply to a town or village board or the common council of a city for a privilege. A privilege may be granted if the applicant assumes primary liability for damages to person or property by reason of the granting of the privilege, is obligated to remove an obstruction or excavation upon 10 days’ notice by the state or the municipality and waives the right to contest in any manner the validity of this section or the amount of compensation charged. The grantor of the privilege may require the applicant to file a bond that does not exceed \$10,000; that runs to the town, village, or city and to 3rd parties that may be injured; and that secures the performance of the conditions specified in this subsection. If there is no established lot line and the application is accompanied by a blue print, the town or village board or the common council of the city may impose any conditions on the privilege that it considers advisable.

(3) Compensation for a privilege shall be paid into the general fund and shall be fixed by the governing body of a city, village or town or by the designee of the governing body.

(4) The holder of a privilege is not entitled to damages for removal of an obstruction or excavation, and if the holder does not remove the obstruction or excavation upon due notice, it shall be removed at the holder’s expense.

(5) Third parties whose rights are interfered with by the granting of a privilege have a right of action against the holder of the privilege only.

(6) Subsections (1) to (5) do not apply to telecommunications carriers, as defined in s. 196.01 (8m), telecommunications utilities, as defined in s. 196.01 (10), alternative telecommunications utilities, as defined in s. 196.01 (1d), public service corporations, or cooperatives organized under ch. 185 to render or furnish gas, light, heat, or power, or to cooperatives organized under ch. 185 or 193 to render or furnish telecommunications service, but the carriers, utilities, corporations and associations shall secure a permit from the proper official for temporary obstructions or excavations in a highway and are liable for all injuries to person or property caused by the obstructions or excavations.

(7) This section does not apply to an obstruction or excavation that is in place for less than 90 days, and for which a permit has been granted by the proper official. This section does not apply if a permit has been issued under s. 86.07 (2) with respect to a manure hose, or written consent has been given under s. 86.16 (1) with respect to a pipe or pipeline, transmitting liquid manure within or across the right-of-way of a highway.

(8) This section applies to an obstruction or excavation by a city, village or town in any street, alley, or public place belonging to any other municipality.

(9) Any person who violates this section may be fined not less than \$25 nor more than \$500 or imprisoned for not less than 10 days nor more than 6 months or both.

(10) A privilege may be granted only as provided in this section.

History: 1985 a. 297; 1991 a. 316; 1993 a. 184, 246; 1997 a. 27; 1999 a. 150 ss. 111, 114; Stats. 1999 s. 66.0425; 2005 a. 441; 2015 a. 231.

When the plaintiff fell due to a depression in a street enclosed as a temporary sidewalk, the city, not the indemnitor contractor, was primarily liable since the contractor did no excavation in the street and its enclosing of the street did not cause the defect. Webster v. Klug & Smith, 81 Wis. 2d 334, 260 N.W.2d 686 (1978).

66.0427 Open excavations in populous counties. In a town, city or village in a county with a population of 750,000 or more no excavation for building purposes, whether or not completed, may be left open for more than 6 months without proceeding with the erection of a building on the excavation. If an excavation remains open for more than 6 months, the building inspector or other designated officer of the town, village or city shall order that the erection of a building on the excavation begin forthwith or that the excavation be filled to grade. The order shall be served upon the owner of the land or the owner’s agent and upon the holder of any encumbrance of record as provided in s. 66.0413 (1) (d). If the owner of the land fails to comply with the order within 15 days after service of the order upon the owner, the building inspector or other designated officer shall fill the excavation to grade and the cost shall be charged against the real estate as provided in s. 66.0413 (1) (f). Section 66.0413 (1) (h) applies to orders issued under this section. This section does not impair the authority of a city or village to enact ordinances in this field.

History: 1999 a. 150 s. 145; 2017 a. 207 s. 5.

66.0429 Street barriers; neighborhood watch signs.

(1) The governing body of a city, village or town may set aside streets or roads that are not a part of any federal, state or county trunk highway system for the safety of children in coasting or other play activities, and may obstruct or barricade the streets or roads to safeguard the children from accidents. The governing body of the city, village or town may erect and maintain on the streets or roads barriers or barricades, lights, or warning signs and is not liable for any damage caused by the erection or maintenance.

(2) A city or village which has a neighborhood watch program authorized by the law enforcement agency of the city or village and in which the residents of the city or village participate may, in a manner approved by the city council or village board, place within the right-of-way of a street or highway within its limits a neighborhood watch sign of a uniform design approved by the department of transportation. No sign under this subsection may be placed within the right-of-way of a highway designated as part of the national system of interstate and defense highways.

(3) (a) The governing body of a city may monitor or limit access to streets that are not part of any federal, state or county trunk highway system or connecting highway, as described in s. 84.02 (11), for the purposes of security or public safety. The governing body of a city may authorize gates or security stations, or both, to be erected and maintained to monitor traffic or limit access on these streets. The restriction of access to streets that is

An ordinance to Create Chapter 10.35
Of the City of Sturgeon Bay
Code of Ordinance.

Upon the recommendation of the Community Protection and Services Committee, the Common Council of the City of Sturgeon Bay, Door County, Wisconsin, do ordain as follows:

SECTION 1.: Chapter 10.35 of the Sturgeon Bay Code of Ordinances is hereby created to read as follows:

10.35 – Possession of Tobacco and Vapor Products By Minors.

(1) Statement of Purpose.

- (a) The purpose of this ordinance is to protect the public health, safety and welfare of the property and persons in the city by prohibiting persons under eighteen (18) years of age from possessing tobacco products and vapor products, and prohibiting the sale of tobacco products and vapor products to persons under eighteen (18) years of age.
- (b) Persons under age eighteen (18) years of age are prohibited by law from purchasing or possessing cigarettes and other tobacco products, and retailers are prohibited from selling them to minors. There are new tobacco-less products, however, commonly referred to as “electronic smoking devices,” “electronic cigarettes,” “e-cigarettes,” “e-cigars,” “e-cigarillos,” “e-pipes,” “e-hookahs,” or “electronic nicotine delivery systems,” which allow the user to simulate cigarette smoking. These products may be currently purchased by minors, are marketed without age restrictions or health warnings, and come in flavors that appeal to young people.
- (c) Electronic smoking devices are a relatively new nicotine delivery system. While devices vary in their appearance and specific method of operation, they have a few basic elements in common. A solution of water, dissolved nicotine, and other ingredients (usually flavoring) are heated with a heating element (usually battery-powered). This vaporizes the nicotine solution, which passes into a mouthpiece and is inhaled in a manner similar to cigarette smoking. Often, glycerol or propylene glycol is added to the solution to give the appearance of smoke when the solution is vaporized. The concentration of nicotine contained in the solution can be customized by the retailer to the buyer’s specifications. Many manufacturers also make nicotine-free solutions.
- (d) The production and distribution of electronic smoking devices is not currently regulated by federal or state authorities, and the U.S. Food and Drug Administration (FDA) has not completed testing of these products. Initial studies by the FDA have

determined that electronic smoking devices can increase nicotine addiction among young people and contain chemical ingredients known to be harmful, which may expose users and the public to potential health risks.

- (e) The use of electronic smoking devices has increased significantly in recent years.
- (f) Existing studies on electronic smoking devices' vapor emissions and cartridge contents have found a number of dangerous substances including:
 - (i) Chemicals known to cause cancer such as formaldehyde, acetaldehyde, lead, nickel and chromium;
 - (ii) PM, acrolein, tin, toluene, and aluminum, which are associated with a range of negative health effects such as skin, eye, and respiratory irritation, neurological effects, damage to reproductive systems, and even premature death from heart attacks and stroke.
- (g) Some cartridges used by electronic smoking devices can be refilled with a liquid nicotine solution, creating the potential for exposure to dangerous concentrations of nicotine.
- (h) Clinical studies about the safety and efficacy of these products have not been submitted to the FDA for the over four hundred (400) brands of electronic smoking devices that are on the market and for this reason, consumers have no way of knowing whether electronic smoking devices are safe, what types of potentially harmful chemicals the products contain, and what dose of nicotine the products deliver.
- (i) Electronic smoking devices often mimic conventional tobacco products in shape, size, and color, with the user exhaling a smoke-like vapor similar in appearance to the exhaled smoke from cigarettes and other conventional tobacco products.
- (j) The use of electronic smoking devices in smoke-free locations threatens to undermine compliance with smoking regulations and reverse the progress that has been made in establishing smoke-free environments in public places and places of employment.
- (k) It is the intent of the Common Council, in enacting the ordinance codified in this section, to provide for the public health, safety and welfare of its citizens by facilitating uniform and consistent enforcement of smoke-free air laws; by reducing the potential for re-normalizing smoking in public places and places of employment; by reducing the potential for children to associate the use of electronic

smoking devices with a normative or healthy lifestyle; and by prohibiting the sale or distribution of electronic smoking devices to minors.

- (l) Therefore, the City of Sturgeon Bay Common Council determines that prohibiting the sale, giving, or furnishing of electronic smoking devices to minors and prohibiting the purchase, possession, or use of electronic smoking devices by minors is in the City's best interest and will promote public health, safety, and welfare.
- (2) *Definitions.* For purposes of construction and application of this section, the following definitions shall apply:
- (a) *Minor* means an individual who is less than eighteen (18) years of age.
 - (b) *Person who sells tobacco products at retail* means a person whose ordinary course of business consists, in whole or in part, of the retail sale of tobacco products subject to the state sales tax.
 - (c) *Person who sells vapor products at retail* means a person whose ordinary course of business consists, in whole or in part, of the retail sale of vapor products.
 - (d) *Possession of a tobacco product* shall mean either actual physical control of the tobacco product without necessarily owning that product, or the right to control the tobacco product even though it is in a different room or place than where the person is physically located.
 - (e) *Public place* means a public street, sidewalk, or park or any area open to the general public in a publically owned or operated building or premises, or in a public place of business or school.
 - (f) *Tobacco product* means a product that contains tobacco and is intended for human consumption, including but not limited to, cigarettes, non-cigarette smoking tobacco, or smokeless tobacco, (as those terms are defined in Section 2 of the Tobacco Products Tax Act), and cigars. Tobacco product does not include a vapor product or a product regulated as a drug or device by the United States Food and Drug Administration.
 - (g) *Use of a tobacco product or vapor product* means to smoke, chew, suck, inhale, or otherwise consume a tobacco product or vapor product.
 - (h) *Vapor product* means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device shall include any component part of such a product whether or not sold separately. Electronic

delivery device shall not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose.

(3) *Prohibited Conduct.*

- (a) Consistent with Wis. Stat. § 254.92, a minor shall not do any of the following:
 - (i) Purchase or attempt to purchase a tobacco product or vapor product.
 - (ii) Possess or attempt to possess a tobacco product or vapor product.
 - (iii) Use a tobacco product or vapor product in a public place.
 - (iv) Present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product or vapor product.
- (b) No individual, regardless of age, who is enrolled in secondary school may possess or attempt to possess a tobacco product or vapor product while on school property.
- (c) An individual who violates subsection (a) shall be subject to the penalties listed in the juvenile bond schedule.
- (d) An individual who violates subsection (b) shall be subject to the following penalties:
 - (i) For the first violation, the person is responsible for a civil infraction punishable by a civil fine of fifty dollars (\$50.00).
 - (ii) For a second and subsequent violation, the person is responsible for a civil infraction punishable by a civil fine of seventy-five dollars (\$75.00).
- (e) Subsection (a) does not apply to a minor participating in any of the following:
 - (i) An undercover operation in which the minor purchases or receives a tobacco product or vapor product under the direction of the minor's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.
 - (ii) An undercover operation in which the minor purchases or receives a tobacco product or vapor product under the direction of the state police or a local

police agency as part of an enforcement action, unless the initial or contemporaneous purchase or receipt of the tobacco product or vapor product by the minor was not under the direction of the state police or the local police agency and was not part of the undercover operation.

- (iii) Compliance checks in which the minor attempts to purchase tobacco products for the purpose of satisfying federal substance abuse block grant youth tobacco access requirements, if the compliance checks are conducted with the prior approval of the state police or a local police agency.
 - (f) Subsection (a) does not apply to the handling or transportation of a tobacco product or vapor product by a minor under the terms of that minor's employment.
 - (g) This section does not prohibit an individual from being charged with, convicted of or found responsible for, or sentenced for any other violation of law that arises out of the violation of subsection (a).
- (4) *Furnishing to Minors.* The following is consistent with Wis. Stat. § 134.66.
- (a) A person shall not sell, give or furnish any vapor product to a minor, including, but not limited to, through a vending machine. A person who violates this subsection of this section is subject to a fine of not more than one hundred dollars (\$100.00) for each violation.
 - (b) Subsection (a) of this section does not apply to the handling or transportation of a tobacco product or vapor product by a minor under the terms of the minor's employment.
 - (c) Before selling, offering for sale, giving, or furnishing a vapor product to an individual, a person shall verify that the individual is at least eighteen (18) years of age by doing one (1) of the following:
 - (i) Examining a government-issued photographic identification that establishes that the individual is at least eighteen (18) years of age.
 - (ii) For sales made by the internet or other remote sales method, performing an age verification through an independent, third-party age verification service that compares information available from a commercially available database, or aggregate of databases, that are regularly used by government agencies and businesses for the purpose of age and identity verification to the personal information entered by the individual during the ordering process that establishes that the individual is eighteen (18) years of age or older.

Section 2.

All ordinances or resolutions in conflict with this ordinance are hereby revoked.

Section 3.

This Ordinance shall take effect upon passage by majority vote of the membership of the Common Council and publishing as provided by law.

PASSED AND ADOPTED by the Common Council of the City of Sturgeon Bay, Wisconsin this ____ day of July, 2019.