

COMMON COUNCIL
May 21, 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.

Items 7k, 7m, 7n were moved to the regular agenda. Avenson/Nault to adopt agenda. Carried.

The following people spoke during public comment: Chris Kellems, 120 Alabama St; Scott Moore, 947 Pennsylvania St.

Bacon/Williams to approve the following bills - General Fund - \$193,034.91, Capital Fund - \$1,244.15, Cable TV - \$7,553.04, TID #4 - \$12,212.46, and Solid Waste Enterprise Fund - \$20,175.73 for a grand total of \$234,220.29. Roll call: All voted aye. Carried.

Hayes/Reeths to approve consent agenda:

- a. Approval of 5/7/19 regular Common Council minutes.
- b. Approval of the following minutes:
 - (1) Sturgeon Bay Utility Commission . 4/9/19
 - (2) Ad Hoc West Waterfront Planning Committee . 4/26/19
 - (3) Finance/Purchasing & Building Committee . 4/30/19
 - (4) Board of Public Works . 5/7/19
 - (5) Community Protection & Services Committee . 5/13/19
 - (6) Zoning Board of Appeals . 5/14/19
- c. Place the following reports on file:
 - (1) Inspection Department Report . April 2019
 - (2) Police Department Report . April 2019
- d. Consideration of: Approval of beverage operator licenses.
- e. Consideration of: Approval of Six Month Class B Beer license.
- f. Consideration of: Approval of Temporary Beer and Wine licenses.
- g. Consideration of: Approval of Street Closure Application for SPF Promotions.
- h. Consideration of: Approval of Sidewalk Café Permit for Door County Fire Company.
- i. Community Protection & Services Committee recommendation re: Approve maintaining the current meeting time, place, and day for Common Council meetings.
- j. Community Protection & Services Committee recommendation re: Approve the start of the process for amending the purchase or possession of tobacco products ordinance to include the purchase or possession of vaping/e-cigarette products.
- k. ~~Community Protection & Services Committee recommendation re: Create an ordinance for pedal carts, with the understanding that final routes are established and approved by the Police Department.~~ Moved to regular agenda.
- l. Community Protection & Services Committee recommendation re: Approve resolution in support of Door County Emergency Services and forward to the County Board.
- m. ~~Community Protection & Services Committee recommendation re: Approve the Policy for Preparation of Agendas and Meeting Packets.~~ Moved to regular agenda.
- n. ~~Community Protection & Services Committee recommendation re: Approve as amended the Public Comment Policy for Common Council meetings.~~ Moved to regular agenda.

Carried.

The following mayoral appointments were made:

BOARD OF PARKS & RECREATION

Hayes/Williams to approve:
Marilyn Kleist

CITY PLAN COMMISSION

Nault/Bacon to approve:
Deborah Kiedrowski

RECOMMENDATION

We, the Community Protection & Services Committee, hereby recommend to create an ordinance for pedal carts, with the understanding that final routes are established and approved by the Police & Fire Departments.

COMMUNITY PROTECTION & SERVICES COMMITTEE
By: Dan Williams, Chr.

Introduced by Williams. Williams/ Nault to approve. Discussion took place regarding routes, that this type of pedal cart is often referred to as a quadricycle, and that the draft ordinance will give the CPS Committee a chance to review this request further. Carried.

RECOMMENDATION

We, the Community Protection & Services Committee, hereby recommend to approve the policy for the preparation of agendas and meeting packets as is.

COMMUNITY PROTECTION & SERVICES COMMITTEE
By: Dan Williams, Chr.

Williams/Wiederanders to adopt. A short discussion took place regarding the policy. Hayes/Bacon to refer back to the Community Protection & Services Committee for further review. Carried.

RECOMMENDATION

We, the Community Protection & Services Committee, hereby recommend to approve as amended the public comment policy for Common Council meetings.

COMMUNITY PROTECTION & SERVICES COMMITTEE
By: Dan Williams, Chr.

Discussion took place regarding public comments on agenda and non-agenda items, whether the public comment should be limited to City residents. Avenson/Hayes to amend the proposed Procedures to strike %itizen of the City of Sturgeon Bay+and add %giving City residents priority.+Carried with Nault voting no.

Williams/Reeths to read in title only and adopt the second reading of the ordinance creating Chapter 35 of the Municipal Code . Code of Conduct. Carried.

Williams/Wiederanders to read in title only and adopt the second reading of the ordinance creating Chapter 36 of the Municipal Code . Code of Ethics. Carried.

The approval of a letter regarding City of Sturgeon Bay OHWM Determination at 92 E. Maple Street was presented by City Administrator VanLieshout. Mr. VanLieshout noted that it may be in the best interest of the City to go to the WDNR to determine rules so future developers can be pursued. Mayor Ward noted that he instructed this item to be on the agenda due to the OHWM being a state issue. Discussion took place regarding whether the WDNR acted as a mediator, how the WDNR determined the OHWM, whether the WDNR was clear about the rules, environmental factors vs. financial factors, the amount of development that has already taken place along the waterfront. Hayes/Avenson to instruct legal counsel to review the letter. Motion failed with Bacon, Williams, Nault and Reeths voting no. Avenson/Hayes to

refer the letter to Community Protection & Services Committee for further review. Motion failed with Bacon, Williams, Nault and Reeths voting no. Bacon/Reeths to forward the letter to the Governor, Secretary Cole, and legislators. Carried with Hayes, Avenson, and Wiederanders voting no.

Ald. Avenson and Ald. Hayes presented their item of requesting an OHWM on all City and WRA owned property in TIDs 2 and 4. Discussion took place regarding whether this was avoiding or inviting litigation and the clarification of the actual City and WRA owned properties in TIDs 2 and 4. Avenson/Hayes to request an OHWM determination on parking lot owned by WRA on west waterfront on the east side of Madison Avenue. The Mayor made a ruling that the motion was out of order because the City doesn't own the parcel. The Mayor directed the City staff and City Attorney review the request.

City Administrator VanLieshout provided an update on the status of the implementation of the Development Agreement between the City of Sturgeon Bay and the Sturgeon Bay Historical Society Foundation, Inc.

The following items were requested for future agendas: (Avenson) CC - Discuss contracts and agreements of WRA; (Hayes) Local Arts Board . Identify sites within City on public land for outdoor art installations; (Bacon) CC . Follow up on letter to Governor Evers.

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

The City Administrator gave his report.

The Mayor made his comments.

After Mayor Ward announced the statutory basis, Bacon/Williams to convene in closed session in accordance with the following exemption: Conferring with legal counsel for governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Wis. Stat. 19.85(1)(g) Consideration of: Response to public records request regarding litigation. Carried with Hayes and Avenson voting no. The Council went into closed session at 9:05 p.m. The Council adjourned in closed session at 9:27 p.m.

Respectfully submitted,

Stephanie L. Reinhardt
City Clerk/HR Director