

COMMON COUNCIL
February 7, 2012

A meeting of the Common Council was called to order at 7:00 p.m. by Mayor Birmingham. The Pledge of Allegiance was recited. Roll call: Ald. Wiegand, Vandertie, Lodi, Stutting, Fett and Schlicht were present. Abeyta was excused.

Schlicht/Fett to adopt the agenda. Carried.

Wiegand/Schlicht to approve bills: General Fund – \$3,054,481.84, Capital Fund - \$1,422.83, Cable TV - \$4,423.20, TID #2 - \$372.00 and Solid Waste Enterprise - \$2,936.42 for grand total of \$3,063,636.29. Roll call: All voted aye. Carried.

Fett/Stutting to approve the consent agenda:

- a. Approval of 1/17/12 regular and 1/10/12 special Common Council minutes.
- b. Approval of the following minutes:
 - (1) Bicycle & Pedestrian Advisory Board – 1/5/12
 - (2) Board of Public Works – 1/10/12
 - (3) Personnel Committee – 1/11/12
 - (4) Personnel Committee Closed Session – 1/11/12
 - (5) Community Protection & Services Committee – 1/12/12
 - (6) Parking & Traffic Committee – 1/16/12
 - (7) City Plan Commission – 1/18/12
 - (8) Finance/Purchasing & Building Committee – 1/31/12
- c. Place on file the following reports:
 - (1) Fire Department Report – December 2011
 - (2) Inspection Department Report – December 2011
 - (3) Inspection Department Report – January 2012
- d. Consideration of: Beverage Operator licenses.
- e. Consideration of: Temporary Class B Beer and Temporary Class B Wine licenses.
- f. Consideration of: Temporary Class B Beer.
- g. Consideration of: Approval of Street Closure Application for SBVC for 3/17/12, 7/26/12, 8/11/12, 9/22/12, 11/17/12.
- h. Parking & Traffic Committee recommendation re: Changing five alleys to two way, when Louisiana and Kentucky Street become two way, with all alley signage to be removed.
- i. Finance/Purchasing & Building Committee recommendation re: Contract with Mark Thiede for sound and lighting for the 2012 Harmony by the Bay concert series in the amount of \$3,500.
- j. Finance/Purchasing & Building Committee recommendation re: Accept proposal from Dragonfly Agency, LLC to manage the 2012 Harmony by the Bay concert series in the amount of \$20,700.

Carried.

The Mayor made the following appointment:

CITY PLAN COMMISSION

Steven Parent, to fill unexpired term ending May 1, 2012

Schlicht/Stutting to confirm appointment. Carried.

A request for exception to the noise ordinance from Kitty O'Reilly's Irish Pub was presented. Stutting/Lodi to approve. Carried.

A request from Wal-Mart to reduce their letter of credit was presented by City Attorney Nesbitt. Wiegand/Schlicht to approve the reduction in the letter a credit to the amount of \$604,531.07. Carried.

City Engineer Depies presented the plans for the 4th Avenue Reconstruction Project. Discussion took place regarding concrete vs. asphalt, longer work days to get the project done faster, that the projects is expected to last about five months, and sidewalk concrete color. Stutting/Fett to approve the plans for 4th Avenue Reconstruction Project. Carried.

Wiegand/Lodl to read in title only the second reading and adopt ordinance annexing property to the City of Sturgeon Bay known as Naden Property on Alabama and apply temporary zoning. Roll call: All voted aye. Carried.

Stutting/Fett to read in title only the first of ordinance re: Ward Boundaries, Alderperson Districts, and Ward Polling Places – Section 1.02 of the Municipal Code.

RECOMMENDATION

We, the City Plan Commission, hereby recommend to deny the proposed amendment to Section 20.35(3) of the zoning code, which would reduce the extent of public hearing notices sent to adjacent property owners for variance requests from a setback requirement.

CITY PLAN COMMISSION

By: Dan Wiegand, Chr.

Introduced by Wiegand. Schlicht/Lodl to adopt. Discussion took place regarding the extent that adjacent property owners should be notified and the ZBA's proposal and Rules of Procedure. Roll call: Wiegand, Vandertie, Stutting, Fett, and Schlicht voted no. Lodl voted aye. Motion failed.

RECOMMENDATION

We, the City Plan Commission, hereby recommend to approve the Preliminary Planned Unit Development for the Door County Maritime Museum, located at 120 N. Madison Avenue, as presented.

CITY PLAN COMMISSION

By: Dan Wiegand, Chr.

Introduced by Wiegand. Wiegand/Schlicht to adopt. Discussion took place regarding the height and location of the structure, the outside observation deck, Lodl/Schlicht to amend the motion to have the height at 80' and the location be moved to the front entrance area. Roll call: Wiegand, Vandertie, Stutting, Fett, and Schlicht voted no. Lodl voted aye. Motion failed. Further discussion ensued about the number of visitors the Museum was hoping to increase by this attraction, the difference between the Cana Island Lighthouse and the Museum, and height. Roll call on the original motion: Wiegand, Vandertie, Stutting, Fett, and Schlicht voted aye. Lodl voted no. Carried.

RECOMMENDATION

We, the Finance/Purchasing & Building Committee, hereby recommend to accept the bid from Witt Peninsula Ford for two 2011 Ford Crown Victoria's for patrol vehicles in the amount of \$43,949.00.

FINANCE/PURCHASING & BUILDING COMMITTEE

By: James Abeyta, Chr.

Introduced by Wiegand. Schlicht/Fett to adopt. Carried with Wiegand abstaining.

RECOMMENDATION

We, the Finance/Purchasing & Building Committee, hereby recommend to approve the mechanical pick-up process for City Sanitation and to purchase one 96 gallon "Toter" container for garbage and one 96 gallon "Toter" container for single stream recycling for each City residence to be funded through the Solid Waste Fund.

FINANCE/PURCHASING & BUILDING COMMITTEE

By: James Abeyta, Chr.

Introduced by Wiegand. Wiegand/Schlicht to approve. City Administrator McNeil gave a short presentation on the cost savings, the current garbage program vs. the recommended garbage/recycling program, the size of the "Toters", and the other communities that have gone to this type of pick-up. Carried.

No one spoke during public comment.

The Mayor made his comments.

After the Mayor announced the statutory basis, Fett/Schlicht to convene in closed session in accordance with the following exemption: Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Wis. Stats. 19.85(1)(g) Consideration of: Legal advice and litigation resolution. Roll call: All voted aye. Carried.

The meeting reconvened in open session at 8:45 p.m.

Fett/Vandertie to approve the settlement regarding Champion Packaging, et al in the total amount of \$10,500. Carried.

Stutting/Vandertie to adjourn. Carried. The meeting adjourned at 8:49 p.m.

Respectfully submitted,

Stephanie L. Reinhardt
City Clerk