

COMMON COUNCIL

April 5, 2011

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, Lodl, Abeyta, Mann, and Schlicht were present.

Abeyta/Mann to adopt agenda. Carried.

The Council reviewed the unfinished business list.

Abeyta/Schlicht to approve bills: General Fund – \$676,485.30, Capital Fund - \$49,937.62, Cable TV - \$5,212.18, TID #2 - \$1,008.00, and Solid Waste Enterprise - \$12,520.72 for grand total of \$745,163.82. Roll call: All voted aye. Carried.

Lodl/Abeyta to approve the consent agenda:

- a. Approval of 3/15/11 Common Council minutes.
- b. Approval of the following minutes:
 - (1) Finance/Purchasing & Building Committee – 3/8/11
 - (2) Community Protection & Services Committee – 3/10/11
 - (3) Cable Communication System Advisory Council – 3/10/11
 - (4) City Plan Commission – 3/16/11
- c. Accept and place on file the following reports:
 - (1) Street Department Report – February 2011
 - (2) Community Service Officer Report – February 2011
- d. Consideration of: Beverage Operator licenses.
- e. Consideration of: Liquor license premise amendment for The Draft Haus to include east portion of parking lot for Saturday, April 9, 2011 from 10 am – 5 pm.
- f. Consideration of: Temporary Class B Beer & Class B Wine license for Third Avenue Playhouse.
- g. Consideration of: Temporary Class B Beer license for Hispanic Resource Center of Door & Kewaunee County.
- h. Consideration of: Class B Beer and Class C Wine license for William A. Lemke, dba: The Steele Bridge Café.
- i. Consideration of: Combination Class B Beer and Class B Liquor license for The Lodge at Leathem Smith.

Carried.

The Mayor appointed Dennis Statz to the Door County Tourism Zone Commission to fill the term expiring 1/01/12. Vandertie/Abeyta to confirm the appointment. Carried.

Wiegand/Schlicht to approve the following requests from the Door County Maritime Museum for its Schooner Days Celebration July 1-4, 2011 welcoming the Wisconsin flagship, Denis Sullivan, to our community:

1. To install a temporary tent (approximately 120'x40') in the City parking lot on the Madison Avenue side at the Museum's location (120 N. Madison Avenue). Ideally the tent will be located in the center bay of the lot and will not affect handicap parking spaces. To secure the tent it needs to be anchored into the asphalt. the tent contractor will repair the asphalt immediately after the tent removal.
2. To receive a noise ordinance waiver for Friday, July 1, 2011 until 11:30 p.m. The evening's entertainment will be dancing with a live music performance.

Door County Maritime Museum Development Director Trudy Herbst answered questions regarding liability/insurance coverage, repairing the asphalt, and event activities. Motion carried.

The Mayor announced that Thomas Benzshawel resigned as District 6 Alderperson. He discussed the process for filling the vacancy and encouraged interested persons from District 6 to come forward with a letter of intent and short bio as soon as possible before the next Council meeting. Information will be available on the City's web site, cable TV, and media.

The Mayor opened a public hearing re: Levy Special Assessment for curb and gutter installation on Spruce Street from Green Bay Road to Redwood Place at 7:16 p.m. The hearing was declared closed at 7:17 p.m.

Abeyta/Wiegand to approve resolution authorizing the Mayor and City Clerk to issue debt/make application in the amount of \$212,000 with the State of Wisconsin Board of Commissioners of Public lands, with an interest rate of 3.25% and payback period of 5 years, for the purpose of purchasing two squad cars, a trackless with a blower, an electric utilitruck, garage doors, and a one ton dump truck. Roll call: All voted aye. Carried.

Abeyta/Wiegand to approve resolution authorizing the Mayor and City Clerk to issue debt/make application in the amount of \$41,975 with the State of Wisconsin Board of Commissioners of Public lands, with an interest rate of 3.75% and a payback period of ten years, for the purpose of purchasing breath testers, rescue rope, a foam inductor, a commercial washer, Y valves, a defibrillator, a line paint machine, garage doors, and an electric utilitruck. Roll call: All voted aye. Carried.

RECOMMENDATION

We, the Finance/Purchasing & Building Committee, hereby recommend to write-off \$1,870.46 in 2009 delinquent personal property taxes as follows after the list has been published in the Door County Advocate:

Write-off list

<u>Account #</u>	<u>Name</u>	<u>City Tax Portion of Del. Taxes</u>	<u>Ref. Out</u>
281-0044	Coldwell Banker (Self Reported 2009)	\$ 4.35	1/2011
281-0191	Bulk Petroleum Corp. Station #4279, Darshans Dhaliwal (Self Reported 2009) (Bankruptcy)	\$ 18.25	
281-0234	Door County Design & Woodworking, Gabe Egeland (Doomaged)	\$ 275.11	1/2010
281-0247	Pitney Bowes Inc (Self Reported 2009) (Late Payment / Interest Only)	\$ 3.46	
281-0435	New Century Service, Bob Parins (Doomaged) (Late Payment / Interest only)	\$ 1.27	
281-0455	Phil-Mart, Daniel Nesbitt (Doomaged 2009)	\$ 359.29	1/2010
281-0570	Copies Plus More, Inc, David Salo (Manufacturing Assessed)	\$ 118.33	
281-0748	Mallien Concrete, Dan Mallien (Self Reported 2009)	\$ 183.12	1/2010
281-0767	Peninsula Land Management Svc, Benjamin Konarzewski (Self Reported 2009)	\$ 25.16	1/2010
281-0793	Lauger Concrete, Dylan Lauger (Doomaged)	\$ 147.53	
281-0847	JM Construction, John Marquardt (Self Reported 2009) (Late Payment / Interest Only)	\$.22	
281-0880	Bulk Petroleum Corp. Station #4276, Charles Daane (Self Reported 2009) (Bankruptcy)	\$ 61.61	
281-0897	Gold & Silver Creations, Thayse Invest. Prop. (Bankruptcy)	\$ 461.70	1/2010
281-0901	Nightengale Properties LLC (Doomaged)	\$ 84.17	
281-0935	Pitney Bowes Global Financial Services LLC (Self Reported 2009) (Late Payment / Interest Only)	\$ 2.80	

281-0942	Chesterfield Financial Corp (Self Reported)	\$ 19.96	1/2010
281-0957	Barbicon Condo #4, Robert Kells (Doomaged)	\$ 63.35	
281-1011	Gina's Psychic Astrology & Mystical, Gina Adams (Doomaged)	\$ 20.82	1/2010
281-9853	Travis Snyder ET AL	\$ 19.96	
	Total	\$1,870.46	

Respectfully submitted,
 FINANCE/PURCHASING & BUILDING COMMITTEE
 By: /s/ James Abeyta, Chr.

Introduced by Abeyta. Abeyta/Wiegand to adopt. Carried.

RECOMMENDATION

We, the Community Protection and Services committee, hereby recommend to create Section 10.21 of the City of Sturgeon Bay Municipal Code to read as follows:

ORDINANCE NO. _____

ORDINANCE CREATING SECTION 10.21 OF THE MUNICIPAL CODE OF THE CITY OF STURGEON BAY, WISCONSIN, RELATIVE TO "SYNTHETIC CANNABINOID PROHIBITED"

WHEREAS, the Common Council of the City of Sturgeon Bay has determined that herbal preparations powered or sprayed with a chemical synthetic cannabinoid are available for sale within the City of Sturgeon Bay that claim to produce intoxicating effects similar to THC or marijuana; and

WHEREAS, while the substances are not yet categorized as illegal controlled substances under Wisconsin or federal law several other countries, states, and municipalities have already taken action to prohibit these substances due to increased overdoses and other negative health concerns; and

WHEREAS, while these synthetic cannabinoid substances are often marketed as benign and legal alternatives to marijuana, they are potentially dangerous to users as the substances can create potency from 3 up to 100 times greater than marijuana, produce severe adverse health conditions such as hallucinations, paranoia, seizures, and vomiting based on reported emergency room experiences in areas of the country where use is more prevalent, and further that long term health effects of use of these substances are not yet known; and

WHEREAS, it has been determined that the effects of these substances are a health, safety, and welfare concern to the citizens of the City of Sturgeon Bay;

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF STURGEON BAY, WISCONSIN DO ORDAIN AS FOLLOWS:

SECTION 1: Section 10.21 of the Municipal Code of the City of Sturgeon Bay entitled "Synthetic Cannabinoid Prohibited", is hereby created to read as follows:

10.21 Synthetic Cannabinoid Prohibited.

- (1) Possession, use, and sale are illegal. It shall be illegal for any person to use, possess, purchase, attempt to purchase, sell, publicly display for sale or attempt to sell, give, or barter any one or more of the following chemicals commonly found in or applied to substances that have common street or trade names of "Spice", "K2", "Genie", "Yucatan Fire", "fake", or "new" marijuana, or by any other name, label, or description:
 - (a) Salviadivinatorum or salvinorum A; all parts of the plant classified botanically as saliva divinatorum, whether growing or not, the seeds thereof; any extract from any such plant, its seeds or extracts;

- (b) (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3-(2methyloctan-2-yl)6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-o1 some trade or other name: HU-210;
 - (c) 1-Pentyl-3-(1-naphythoyl) indole-some trade or other name: JWH-018\spice;
 - (d) 1-Butyl-3-(1 naphythoyl) indole-some trade or other names: JWH-0173;
 - (e) 1-(3{trifluoromethylphenyl}) piperazine-some trade or other names: TFMPP;
 - (f) Or any similar structural analogs.
- (2) Medical or dental use allowed. Acts otherwise prohibited under s. 10.21 shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts, provided that such use is permitted under state and federal laws.

SECTION 2: This ordinance shall take effect on the day after its publication.

Introduced by Lodi. Lodi/Schlicht to adopt. Carried.

Lodi/Schlicht to read in title only for first reading ordinance creating Section 10.21 of the Municipal Code – Prohibiting Synthetic Cannabinoid (Marijuana). Carried.

No one spoke during public comment.

The Mayor gave his comments.

Mann/Schlicht to adjourn. Carried. The meeting adjourned at 7:27 p.m.

Respectfully submitted,

Mary Lou Allen
Assistant City Administrator