

COMMON COUNCIL

May 4, 2010

A regular meeting of the Common Council was called to order at 7:34 p.m. by Mayor Birmingham. The Pledge of Allegiance was recited. Roll call: Wiegand, Vandertie, Lodl, Mann, and Benzshawel present. Abeyta was excused.

Wiegand/Benzshawel to adopt agenda removing Items 7b2. and 7f. from the agenda and moving Item 7k. from the consent agenda to the regular agenda. Carried.

The Council reviewed the unfinished business list.

Wiegand/Mann to approve following bills: General Fund – \$76,849.12, Capital Fund - \$12,209.62, Cable TV - \$4,528.38, Tourism Fund - \$5,000.00, and TID #3 - \$65,031.96 for grand total of \$163,619.08. Roll call: All voted aye. Carried.

Benzshawel/Lodl to approve consent agenda:

- a. Approval of 4/20/10 regular Common Council minutes.
- b. Approval of the following minutes:
 - (1) Loan Review Committee – 3/11/10
 - (2) ~~Finance/Purchasing & Building Committee – 4/13/10~~ Removed from agenda.
 - (3) Parking & Traffic Committee – 4/19/10
 - (4) Fire & Police Commission – 4/19/10
 - (5) Finance/Purchasing & Building Committee – 4/20/10
 - (6) City Plan Commission – 4/21/10
 - (7) Loan Review Committee – 4/26/10
 - (8) Waterfront Design Review Board – 4/26/10
 - (9) Fire & Police Commission – 4/26/10
 - (10) Zoning Board of Appeals – 4/26/10
- c. Place following report on file:
 - (1) Fire Department Report – March 2010
- d. Consideration of: Beverage Operator licenses.
- e. Consideration of: Temporary Class B Beer licenses.
- f. ~~Finance/Purchasing & Building Committee recommendation re: Publish 2008 delinquent personal property tax bill accounts once in the Door County Advocate and write off the 2008 delinquent personal property tax accounts over \$2.00 for a total of \$2,124.13.~~ Removed from agenda.
- g. Finance/Purchasing & Building Committee recommendation re: Contract with Bonestroo for the spraying of aquatic vegetation in the Bay of Sturgeon Bay in the amount of \$17,160.60.
- h. Finance/Purchasing & Building Committee recommendation re: Write off 2003-2006 delinquent personal property tax accounts in the total amount of \$1,887.53.
- i. Parking & Traffic Committee recommendation re: Accept Octane Creative's proposal for Wayfinding Signage for a cost of \$6,150.
- j. Parking & Traffic Committee recommendation re: Approve the Street Closure Application for Saturday morning farm market.
- k. ~~Parking & Traffic Committee recommendation re: Have staff remove the 30 minute parking restriction from 2 a.m. to 6 a.m. signs in the downtown business districts.~~ Moved to regular agenda.
- l. City Plan Commission recommendation re: Amend Section 8.03 of Municipal Code to require that an access driveway that serves a parking area for 20 or more vehicles shall be located at least 10 feet from any adjoining lot containing a residential principal use or from any adjoining vacant lot within a residential zoning district; and further recommend not to establish a general driveway setback.
- m. City Plan Commission recommendation re: Approval of preliminary final plat of Sunset Hill #2.
- n. Sturgeon Bay Revolving Loan Fund Committee recommendation re: Loan of \$150,000 be approved for WireTech Fabricators Inc. to be used to purchase equipment, subject to conditions.
- o. Board of Public Works recommendation re: Capital Improvement Program additional work.
- p. Board of Public Works recommendation re: Safe Routes to School projects.

Carried.

RECOMMENDATION

We, the Parking & Traffic Committee, hereby recommend to Council to have staff remove the 30 minute parking restriction from 2 a.m. to 6 a.m. signs in the downtown business district.

PARKING & TRAFFIC COMMITTEE

By: Stephen C. Mann, Chr.

Introduced by Mann. Mann/Wiegand to adopt.

Discussion took place on why this was being brought to committee and Council. It was noted that former Police Chief Trelka brought this to Parking & Traffic to discourage people from driving under the influence. Further discussion took place regarding Market Square and the rules for parking in that lot, what would happen if a car was not moved in a timely manner from the downtown area, the effect on the businesses, and the effect during the winter parking ban. Lodi/Vandertie to send this item to the Ad Hoc Parking Committee for study and review and to bring their findings to the Parking & Traffic Committee. Motion failed.

Benzshawel/Mann to amend the motion to include "and that the Ad Hoc Parking Committee reevaluate the effectiveness after one year." Carried. Vandertie/Lodi to amend the motion to include "until the winter parking restrictions are in effect which is December 1 – April 1." Carried with Wiegand voting no. Vote taken on the original motion as amended. Carried.

The next item was election of Alderperson for District 7. Robert Schlicht, Jr. and Bill Murrock addressed the Council. City Attorney Nesbitt gave the different options for the election of the vacant seat. Benzshawel/Vandertie to vote via paper ballot. Carried. It was noted that each paper must be signed by the Council member and the Clerk must retain the paper ballots. It was also noted that the ballots were public record. The Council members voted and the Clerk tallied the votes. City Clerk Reinhardt announced that Robert Schlicht was the winner. Discussion took place regarding whether or not an alderperson could sit on the Fire & Police Commission. City Attorney Nesbitt explained to the Council that the League of WI Municipalities has issued an opinion that it is not illegal to have an alderperson serve on the Fire & Police Commission, that the WI Attorney General has issued an informal opinion that disagrees with that conclusion. Both agree that it is not advisable to have an alderperson on the Fire & Police Commission, and that his opinion is that of the Attorney General. He did note that all three opinions agreed in that it was not advisable. Wiegand/Benzshawel that Robert Schlicht's term on the Common Council begin upon his resignation from the Fire & Police Commission. Further discussion ensued as to the length of time that District 7 may go unrepresented, what if any consequences existed for an alderperson who also served on the Fire & Police Commission, and the intent of the separation of Fire & Police Commission from the Common Council. Vandertie/Benzshawel to amend the motion to include "within 10 days of the election to District 7 aldermanic seat." Roll call on the amendment: Wiegand, Vandertie, and Benzshawel voted aye. Lodi and Mann voted no. Amendment carried. Vote taken on the original motion as amended. Roll call: Wiegand, Vandertie, Mann, Benzshawel voted aye. Lodi voted no. Carried.

Wiegand/Benzshawel to confirm the following appointments:

CITY PLAN COMMISSION

- Mayor's Term - Michael Gilson
- Chair - Ald. Wiegand
- Council Rep - Ald. Lodi
- Citizen member - Reappoint Laurel Brooks
- Citizen member - Jeff Norland

FIRE & POLICE COMMISSION – 5 year term

- Citizen member - Reappoint David Poulton

HISTORIC PRESERVATION COMMISSION – 3year term

- Council Rep - Stephen Mann
- Citizen member - Reappoint Dennis Statz
- Citizen member - Reappoint Nancy Emery

ZONING BOARD OF APPEALS – 3 year term

- Citizen member - Reappoint Andrew Starr
- Citizen member (Alt. 1) Reappoint Dennis Van Bramer
- Citizen member (Alt. 2) Reappoint Richard Jennings

BOARD OF ELECTRICAL EXAMINERS – 1 year term

- Council Rep - Ald. Benzshawel
- Master Electrician - Reappoint Philip Gordon (two year term)

BOARD OF REVIEW – 5 year term

Citizen member - Reappoint John Hauser

WEED COMMISSIONER

Staff Position - Reappoint Robert Bordeau

Dick Burress, Director of Emergency Services of Door County, addressed the Council and presented Fire Chief Herlache with a recognition plaque for support of the 1st responder program in the City of Sturgeon Bay.

Steve Noel, Wisconsin Department of Transportation, addressed the council with an update on the Michigan Street Bridge rehabilitation project. He reviewed the status of the project and informed the Council that the painting of the bridge will begin in mid May and continue through October. Painting would then restart again from March 15, 2011 through July 31, 2011. If the bridge passes its testing there is a possibility that the bridge could reopen for the Christmas season but then close again for the painters in March. Discussion took place regarding the amount of money needed to expedite the painting schedule in order to accommodate the 2011 summer season. No formal action was taken.

No one spoke during public comment.

The Mayor made his comments.

Benzshawel/Mann to adjourn. Carried. The meeting adjourned at 9:13 p.m.

Respectfully submitted,

Stephanie L. Reinhardt
City Clerk