

**MINUTES
CITY OF PORT WASHINGTON
CITY COUNCIL MEETING
July 17, 2007**

A duly convened meeting of the Common Council was called to order at 7:30 p.m. by Mayor Huebner in the Council Chambers. Council members present: Aldermen Al Haacke, Paul Neumyer, Jim Vollmar, Burt Babcock, Tom Hudson, and Chris Ross. Absent & excused was Alderman Pete Jushka. Also present: City Administrator Mark Grams, City Attorney Eric Eberhardt, City Planner Randy Tetzlaff and City Engineer Rob Vanden Noven. The Pledge of Allegiance to the flag was recited.

CONSENT AGENDA

- A. Approve Minutes of the Previous Meeting – June 26, 2007
- B. Consider Original Operator's License Applications-Laurie A. Jentges, Elizabeth A. Zuraw, Chris N. Kanios, Sr., Martin B. Radue, Desirae M. Kittson, Collin F. Schaefer, Kevin L. Haldeman and Jamie L. Youngthunder
- C. Consider Renewal of Operator's License Applications-Christina Frank, Bethanne McBurney, Richard D. Brooks, Sherry A. Scholz, Patrick L. Zuelsdorf, Joshua D. Proefrock, Paul L. Jerdee, Angela C. White, Kelly C. Ciriacks, Joseph A. Zankl
- D. Consider Temporary Class "B" Retailer's License (Picnic) Applications-Ozaukee County Trades & Labor/Veteran's Park/Band Shell/September 3, 2007/Labor Day Celebration, St. Mary's Congregation/446 N. Johnson St./Annual Smorgasboard Dinner/Lower Floor Cafeteria/October 21, 2007, Port Washington/Sauville Rotary Club/July 21, 2007 (Fish Day) NE Corner of Lake & E. Jackson Streets, Port Washington Festivals, Inc./August 4-5, 2007/Parking Lot Behind Smith Bros./Maritime Heritage Festival
- E. Consider Temporary Bartender's License Applications-Ozaukee County Trades & Labor-Danielle M. Peterson, Gerald T. Lee, Port Washington/Sauville Rotary Club-Robert D. Helm, Port Washington Festivals, Inc.-Kimberly J. McCulloch, Kimberly E. Chavez

MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN ROSS TO APPROVE THE CONSENT AGENDA. **Motion carried unanimously.**

MAYOR'S BUSINESS-None

OFFICERS'/STAFF REPORTS

- A. City Administrator Mark Grams reported that interviews started for the WWTP Superintendent position. Hopefully a recommendation will be made at the first or second meeting in August. Regarding the Park & Recreation Director position, a Park & Recreation Subcommittee will be meeting on Friday to review applications and narrow the list down to 5 individuals who will be interviewed. A recommendation would then be made at the 2nd Council Meeting in August or the 1st meeting in September.

PUBLIC COMMENTS/APPEARANCES-Dennis Cooper-Horsefeathers Restaurant- Asked the Council to reconsider the beer situation on Fish Day for three businesses in the Fish Day grounds. He received a letter from Mary Monday in regards to the ordinance on alcohol. As he understands it, no one would be able to consume alcohol in the area of the Fish Day grounds. City Administrator Grams explained that every year the Council approves a Fish Day Civic License. The entire area is included as far as where beer can be consumed. So that's why the festival is exempt from that ordinance. Mr. Cooper says there is no common sense to aggravate people coming into our town by telling them they can't take beer off his premises. Alderman Vollmar said that all the clubs and organizations that have beer tents pay fifty cents of every beer they sell to the Fish day Committee, which pays for all security services. However, Mr. Cooper said that

businesses have to pay for items, too, such as property taxes. City Administrator Grams said that legally the only place you can sell alcoholic beverages for your business is described in your license under description of premises. Kimberly McCulloch-Port Washington Festivals, Inc.-Asked for clarification as far as the location for Maritime Heritage Festival, whether it is set up in the parking lot behind Smith Bros., in Rotary Park or the street? City Administrator Grams said that this was previously approved by the Council in a request from Sara Grover and is taken care of.

COMMITTEES

A. Finance & License Committee

1. Ordinance 2007-13 (Amend Fees For Operator's License Applications)-**2nd Reading**-MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN VOLLMAR TO APPROVE ORDINANCE 2007-13. **Motion carried unanimously.**
2. Update On Creation Of TIF District No. 2-City Planner Randy Tetzlaff gave the Council some historical background of the new tax increment district plan (TID). He indicated that the City couldn't meet the schedule as he presented in his memo. However, he said it could be brought before the Council at the first meeting in December to review the project plan and give their final approval.

BOARDS/COMMISSIONS

A. Board of Public Works

1. Resolution 2007-13 (Request To DOT To Have Earth Tech Serve As Construction Manager For The Highway 32 Project)-MOTION BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN HUDSON TO APPROVE RESOLUTION 2007-13 TO REQUEST TO THE DOT THAT EARTH TECH BE SELECTED FOR ALL MANAGEMENT SERVICES FOR THE 2008 STH 32 PROJECT. **Motion carried unanimously.**
2. Review Results Of N. Spring St. Public Information Meeting-City Engineer Rob Vanden Noven reviewed the results of a public information meeting that was held on June 19th to gather information from residents of N. Spring Street in the project area regarding the reconstruction of N. Spring St. between Grand Avenue and Mallinger Drive, which is scheduled for construction in 2009. The majority of people favored a narrower road for slowing traffic down and increasing the size of their front yards, to allow parking on both sides of the streets and no dedicated bike lane. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN VOLLMAR TO APPROVE A 38 ' WIDTH FOR THE STREET WITH NO DEDICATED BIKE PATH AND PARKING ALLOWED ON BOTH SIDES OF THE STREET. **Motion carried unanimously.**
3. Approve Bid For Reconstruction Of Pierre Lane-MOTION WAS MADE BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN NEUMYER TO APPROVE THE BID OF PAYNE AND DOLAN FOR \$79,843.20 FOR THE RESURFACING OF PIERRE LANE. **Motion carried unanimously.**
4. Approve Change Order For Sanitary Sewer Lining Project-MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN VOLLMAR TO APPROVE CHANGE ORDER NO. 1 FOR \$9,863.00 FOR THE SANITARY SEWER LINING PROJECT. **Motion carried unanimously.**
5. Approve Outside Dining In Right-Of-Way For Pasta Shoppe-MOTION BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN HUDSON TO APPROVE OUTSIDE DINING IN THE RIGHT-OF-WAY FOR THE PASTA SHOPPE. **Motion carried unanimously.**

B. Plan Commission

1. Ordinance 2007-14 (Rezone Property At 1248-1250 And 1306 W. Grand Avenue From RS-2 To RS-6) **2nd Reading-MOTION WAS MADE BY ALDERMAN HUDSON, SECONDED BY ALDERMAN ROSS TO APPROVE ORDINANCE 2007-14. Motion carried unanimously.**
2. Ordinance 2007-15 (Rezoning Of Land In New Port Vista Subdivision From AG To RM-2) **2nd Reading-City Planner Randy Tetzlaff gave an overview of the request of Fiduciary Real Estate for permanent zoning to accommodate their proposed condominium development on lands previously annexed to the City.**

UNFINISHED BUSINESS-None

NEW BUSINESS

- A. Acceptance Of Witzlib Annexation Petition-MOTION BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN VOLLMAR TO ACCEPT THE ANNEXATION PETITION OF CHRISTOPHER & LINDA WITZLIB. **Motion carried unanimously.**
- B. Approve Block Party-MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN ROSS TO APPROVE A BLOCK PARTY ON THE 900 BLOCK OF N. STANFORD STREET FOR AUGUST 25TH FROM 4:00 TO 11:00 P.M. **Motion carried unanimously.**
- C. Request From BID District To Close A Street For The Maritime Heritage Festival-MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN VOLLMAR TO APPROVE THE REQUEST FROM THE BID DISTRICT TO CLOSE A STREET FOR THE MARITIME HERITAGE FESTIVAL. **Motion carried unanimously.**

FORTHCOMING EVENTS-Alderman Hudson-Agrees with Mr. Cooper that when you are surrounded by an area where people can consume alcoholic beverages (beer) that he doesn't see why there should be a problem in allowing those businesses in that area to do the same. We should support our local businesses. Wished they had petitioned the Council to get on the agenda tonight do discuss it. Alderman Ross agrees with Alderman Hudson. From the standpoint of the amount of sales that Horsefeathers and New Port Shores would do, should not interfere with the other tents. They pay other fees during the year that the charitable organizations don't. We're being unfair with businesses located in the Fish Day grounds. Alderman Vollmar said he doesn't think it's a big deal that patrons could walk off the premise with a beer. Alderman Hudson said we should have a special Council Meeting to discuss this further. Mayor Huebner said he would like to hear from other business owners being affected. Alderman Neumyer said he doesn't see where this is a problem for the businesses. If they were given permission to take beer off their premises, it would be hard to enforce. City Attorney Eberhardt said the Council could hold a special meeting provided 24 hours advance notice is given to the media. City Administrator Grams scheduled a special meeting of the City Council for Thursday, July 19th at 5:30 p.m. Alderman Haacke reported that he received a call from Ed Adams who supports the concerns of Mr. Cooper and said that owners within the Fish Day grounds area pay fees for a license and thinks that we should hear from the Fish Day Committee and more from Mr. Cooper on that subject. City Administrator Grams said that we have to schedule another Special City Council Meeting to approve a Cabaret License for the Maritime Heritage Festival. The Council preferred to have that meeting on August 2nd later in the day. Alderman Vollmar reported that he received a call from a resident complaining about the noise in the downtown area when events are being held.

PUBLIC COMMENTS/APPEARANCES-Linda Nenn, 1859 Parknoll Lane-She is absolutely amazed when the City allowed the placing of a private marina in the west slip. If a boat heading from the private marina would hit the rocks when going into the north slip because of the discharge from the Power Plant, who are they going to sue – the limited partnership or the City? If you have the right to put in a pier but don't own the bottom lakebed, how can you lease that? She is disappointed that our own Marina pays the City for use of that land, but here is a private marina that the City is recouping nothing from them. As a citizen, she is disappointed.

MOTION WAS MADE BY ALDERMAN HUDSON, SECONDED BY ALDERMAN VOLLMAR TO GO INTO CLOSED SESSION According To Wisconsin State Statute 19.85 (1) (e) (g) to deliberate on the purchase of property where bargaining reasons require a closed session and to confer with legal counsel who is rendering oral advice concerning strategy to be adopted with respect to litigation the City is involved. ROLL CALL: Haacke, Neumyer, Vollmar, Hudson and Ross. Alderman Babcock asked to be excused. **Motion carried.**