

**MINUTES
CITY OF PORT WASHINGTON
CITY COUNCIL MEETING
August 19, 2008**

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

CONSENT AGENDA

- A. Approve Minutes of the Previous Meeting – August 5, 2008
- B. Approve Original Operator's License Applications – Nichole P. Shilts and Jennifer N. Gosewehr
- C. Approve Temporary Class "B" And "Class B" Temporary Retailer's License (Picnic) – Ozaukee Lodge #17 F & AM of WI/Lions Pavilion Area/Upper Bluff Park/September 5, 2008 (Fish Boil for Possibility Playground)
- D. Approve Temporary Class "B" Retailer's License (Picnic) – Christ The King Lutheran Church/Kiwanis Pavilion-Marina/August 30, 2008 Possibility Playground Fundraiser)
- E. Approve Temporary Bartender Licenses – Ozaukee Lodge #17 F& AM of WI- Lowell A. Tainter, David E. Tainter, Calvin L. Ford, Sid Arthur and Craig G. Heatwole; Christ The King Church-Kevin H. Rudser

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

MAYOR'S BUSINESS

- A. Update On Main Street Program – Mayor Huebner reported that on Monday the Main Street Group held a Visioning Workshop at the First Congregational Church attended by 58-60 people. A professional facilitator went through exercises on what we visualize Port Washington to be in the future. Within a week to 10 days the Main Street Group will get back to us as to what they think our vision should be. Then we'll get a group back together to see if there is any tweaking that needs to happen and then move forward from there.
- B. Report On Police Department Exercise – Mayor Huebner reported that last Tuesday our Police Department, along with the State Emergency Management and some Federal Emergency Management people did a shooting exercise in a situation that involved a disgruntled student who came into school and took a hostage. They worked with our Police Department, Fire Department, Ozaukee County Rapid Responders, and SWAT Team. They acted as if it were a real emergency and set up a command post at the PWRD and brought in people from the City and School District. The State and Federal people evaluated our system as a whole and one of the things they came up with was lack of communication, which is normal in a first exercise of this kind, and where some of our departments set up needed to be improved. Overall, they thought it was a good first exercise. It's comforting to know that our police and emergency services are thinking about things like this. Hopefully they will never have to use it.

OFFICERS'/STAFF REPORT

- A. City Administrator Grams reported that the next Mid-Moraine Municipal Association Dinner Meeting would be hosted by the City of West Bend on Wednesday, August 27th, with a Budget Preparation Round Table Discussion by City Administrators from Port Washington, West Bend and Brown Deer.
- B. Update On Projects:
1. Highway 32 Project – Finishing Phase 2 with a completion date of August 30th. Underground work being done on Phase 3 and already targeting Phase 4 to begin in mid-September. The good thing about Phase 4 is that it doesn't involve a detour.
 2. Beutel Road Project – Completed.
 3. Sauk Creek Restoration Near Waterpark – Going well. About half of the rip-rap is installed with the remainder being done this week. We had no trouble traversing the creek up to the waterpark. Next week bank restoration – putting in soil, turf-reinforcing mats to stabilize the bank, and native plants along the bank to prevent future erosion. This should be done by the end of next week. City Engineer Vanden Noven said the good news is that he toured the area with a FEMA representative who indicated he would recommend that the City receive full reimbursement for the work.

PUBLIC COMMENTS/APPEARANCES – None

COMMITTEES

A. Finance and License Committee

1. Update On 2008 Budget Deficit – Alderman Hudson reviewed the memo to the Mayor and City Council from our City Administrator with recommendations to reduce the deficit, one being having our Department Heads reduce their operating budget by 1%. He met with Department Heads and has been able to reduce expenditures by \$147,000. Another recommendation would be to delay some capital borrowing projects to the next City borrowing in 2010. **MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN BABCOCK TO GO AHEAD AND IMPLEMENT CUTS IN THE BUDGET AS RECOMMENDED. Motion carried unanimously.**
2. 2009 Budget Goals – Alderman Hudson and City Administrator Mark Grams reviewed with the Council the 2009 budget goals. They indicated this would not be an easy budget because of increases in garbage collection, wage and fringe benefits, and fuel and utility costs. The one big plus is that we'll have additional money from WE Energies of \$1.2 million dollars, which will especially help us in the levy limit. Unfortunately in doing our financial planning, our debt service will be increasing substantially next year by almost \$600,000; so half of the revenue from WE Energies will be eaten up in our debt service cost. The toughest, most difficult challenge in doing our budget is remaining eligible for the Expenditure Restraint Program next year.
3. Resolution 2008-15 (Preliminary Resolution Declaring Intent To Levy Special Assessments Under Municipal Police Power Pursuant To §66.0703, Stats. For 2008 Street Improvements For E. Beutel Rd., Meadow Ct., N. Lakeview Ave., N. Wilson Ave. – MOTION BY

ALDERMAN HUDSON, SECONDED BY ALDERMAN LARSON TO APPROVE RESOLUTION 2008-15. **Motion carried unanimously.**

4. Shared Ride Taxi Program – MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN NEUMYER TO PUT OUT A (RFP) REQUEST FOR PROPOSALS FROM THE OPERATORS OF THE TAXI SERVICE TO FIND OUT WHAT THE COST WOULD BE AND SEE IF WE WANT TO GO AHEAD AND CONTINUE IT OR LET THE COUNTY PICK UP THE TAXI OPERATION AND THEN DECIDE WHAT THE BETTER OPTION IS FOR OUR BUDGET AND OUR TAXPAYERS. **Motion carried unanimously.** Alderman Babcock said we should make it clear that both services are operated by the Johnson Bus Co. so there would be no difference in the operation of the service.

BOARDS/COMMISSIONS

A. Board of Public Works

1. Approve Bid To Construct Water Main On County Highway LL – MOTION BY ALDERMAN ROSS, SECONDED BY ALDERMAN VOLLMAR TO APPROVE VINTON CONSTRUCTION TO CONSTRUCT WATER MAIN ON CTH LL BETWEEN THE THOMAS AND WEST SIDE WATER TOWERS. **Motion carried unanimously.**
2. Approve Bid To Reconstruct Fisherman's Park Bridge – MOTION BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN VOLLMAR TO APPROVE GREAT LAKES MARINE CONSTRUCTION, INC. FOR FISHERMAN'S PARK BRIDGE IMPROVEMENTS. **Motion carried unanimously.**

B. Traffic Safety Committee

1. Ordinance 2008-13 (Approve Handicapped Parking Stall At 122 S. Webster Street) **2nd Reading** – MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN ROSS TO APPROVE ORDINANCE 2008-13. **Motion carried unanimously.**

C. Police & Fire Commission

1. Ordinance 2008-14 (Adopting Wisconsin State Statute 941.235 Prohibiting The Carrying Of A Firearm Into A Public Building) **1st Reading** – Alderman Vollmar said he doesn't think we need this ordinance. Anyone bringing in a firearm should be referred to the District Attorney for a crime, not an ordinance violation. City Attorney Eberhardt said the proposed ordinance was the result of an incident that occurred at the Library, which was a case of bad judgment and not something that a person had the intent to threaten or injure anyone and the Chief felt that because of this there ought to be a penalty on the books to discourage others from doing so. And for the sake of completion of the record, this individual having been advised by the PWPD that they were going to refer the matter, immediately surrendered the firearm and it's been disposed of. City Attorney Eberhardt said he thinks the individual did that to show that he never intended to alarm anyone or create any public emergency. Alderman Neumyer said he was adverse to that. He prefers to stick with the State Statutes with the penalty being a misdemeanor or felony in situations like this rather than a violation of a City ordinance. Alderman Vollmar said the District Attorney's Office should be the ones to handle

this at their discretion. Alderman Larson asked what does the ordinance do? Alderman Vollmar said it makes it a fine instead of being punishable as a more serious crime. The City Attorney further explained what the police would do is site the person for a local law violation as opposed to a State criminal law violation. Speaking for the Chief, he said that if for any reason the District Attorney didn't charge this criminally, he still felt the individual should suffer some sanction and unless we have this on the books, we couldn't do anything.

D. Community Development Authority

1. RLF Loan Application (Water View Properties, LLC) – City Planner Randy Tetzlaff asked John Meland to review the RLF Application for \$40,000 from the City of Port Washington for relocating The Portico and The Pirate's Fest to 201 N. Franklin Street. Mr. Meland indicated that the Community Development Authority reviewed his memo and agreed with the conditions. Also, the CDA would like to have a Letter of Credit or equivalent priority collateral such as a secured loan from a business savings account in the amount of \$20,000. This is intended to retain jobs in the community for a business in the downtown area and help rejuvenate the property at 201 N. Franklin Street. Alderman Vollmar had concerns with having proper safeguards in place to be sure payments are made to the State Bank and also questioned the land contract vendor. Mayor Huebner said RLF loans are given to help stimulate business in Port Washington. We've taken a chance on everyone who requested them. These loans are here for someone who normally could not have done it with traditional financing. The amount of this loan is not as large a sum as others and one of the terms of the agreement is a \$20,000 line of credit. Alderman Hudson said summer sales are important and time is running out. These funds are here to take care of these kinds of issues for businesses. **MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN NEUMYER TO APPROVE THE RLF LOAN APPLICATION FOR WATER VIEW PROPERTIES, LLC CONTINGENT UPON VERIFICATION THAT WE HAVE THE PROPER SAFEGUARDS IN PLACE WITH THE BANK AND THE PERSONAL GUARANTEES REQUIRED, PLUS A \$20,000 LETTER OF CREDIT FROM GERTJAN VAN DEN BROEK. Motion carried unanimously.**

UNFINISHED BUSINESS

NEW BUSINESS

FORTHCOMING EVENTS – City Administrator Grams reminded the Council that there would be a public hearing at the next Council Meeting on September 2nd to consider a new refuse collection system. Mayor Huebner thanked the Business Improvement District, Tourism Council, especially Sara Grover and her family who worked long hours and Melissa Suddendorf who also put in long hours to make our Maritime Heritage Festival a very successful event for the City.

PUBLIC COMMENTS/APPERANCES – None

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ADJOURNMENT – MOTION BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN NEUMYER TO ADJOURN THE MEETING OF THE CITY COUNCIL AT 8:40 P.M.

Motion carried unanimously.