

**MINUTES
CITY OF PORT WASHINGTON
CITY COUNCIL MEETING
December 2, 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 Al Haacke, Paul Neumyer, Jim Vollmar, Burt Babcock, Tom Hudson, Dave Larson and Chris Ross. Also present: City Attorney Eric Eberhardt, City Administrator Mark Grams, 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 Meetings – November 18, 2008
- B. Approve Original Operator's License Applications – Kathryn J. Dockery and Suzette M. Poull

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

MAYOR'S BUSINESS

OFFICERS'/STAFF REPORT

- A. Submission Of Nomination Papers – City Administrator Grams reported that December 1st was the first day to circulate nomination papers. The deadline is Tuesday, January 6, 2009 by 5:00 p.m. If incumbents decide not to run, they must submit a non-candidacy form by December 26th.
- B. Update On Projects:
 - 1. Highway 32 – The only outstanding item in Phase 4 is street lighting north of Beutel Road.
- C. Leaf Collection – City Administrator Grams reported that last Wednesday was the last day for leaf collection. However, we were going to continue to do leaf collection, but unfortunately with all the snow on Sunday, we will not be collecting any more leaves this year unless we get warmer weather. The yard will be open until this coming Saturday for bagged leaves. Alderman Haacke asked if there was a problem with having enough equipment and people to do the job of leaf collection because in his area, there were a lot of leaves that were not collected?
- D. Port Harbor Investments, LLC Building (Former M & I Bank Building) – City Administrator Grams updated the Council on the status of Port Harbor Investments, LLC Building. He said a letter was sent out early in November asking them to do the proper work on the building. Our building inspector did inspect the building and had concerns about the back windows that faced the lake. They were just boarded up and did not have windows in them. He sent a second letter a week and a half ago and told them this was not good enough, that they had to replace the boards with real windows. We have yet to hear a response on the second letter. In regards to getting some plans to the City for the property, we received a letter from Port Harbor Investments saying that they are working on that. The 30 days expire at the end of this week and we have not heard one word from them. How we are going to proceed at this point in time is that if they don't respond, I will instruct the City Attorney to go ahead and start action in regards to getting the building properly secured and weatherized for the winter. If we don't receive something from them within a few days with some type of plans, this will come back to us at the next meeting so that we can decide how we're going to proceed.

PUBLIC COMMENTS/APPEARANCES – None

COMMITTEES

A. Finance and License Committee

1. Ordinance 2008-17 (Amend Wastewater Utility Sewer Rates) **1st Reading**
2. Approve 2009 Shared Ride Taxi Rates – MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN LARSON TO APPROVE THE PROPOSED RATE INCREASE OF \$.25 ACROSS THE BOARD FOR THE 2009 SHARED RIDE TAXI RATES. **Motion carried unanimously.**
3. Approve WCA Group Health Trust Participation Agreement – MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN HAACKE TO APPROVE THE WCA GROUP HEALTH TRUST PARTICIPATION AGREEMENT FOR EMPLOYEE HEALTH AND DENTAL INSURANCE PROGRAMS. **Motion carried unanimously.**
4. Approve Coal Dock Design Agreement With Hitchcock Design Group – City Engineer Rob Vanden Noven said the Master Planning Agreement by Hitchcock Design Group of the proposed improvements to the former Coal Docks is the first phase of this project at a cost of \$77,500 plus reimbursables. He said he wanted the Council to get to know the Hitchcock Design Group so he asked them to make a condensed version of the presentation that they did for the Coal Dock Advisory Committee. Richard Hitchcock, President of the Hitchcock Design Group, gave a power point presentation of their plan on their qualifications as well as their approach. He said there are three phases to the project – Phase I, Preliminary Design and Engineering, Phase II, Final Design and Engineering and Phase III, the Construction Phase Services. Alderman Hudson said the Hitchcock Design Group was selected by the Coal Dock Advisory Committee, their proposal fits in with budgeting for the project and the committee recommends approval of the agreement contingent upon review by the City Attorney and I so move to approve. Seconded by Alderman Babcock. A discussion followed. Alderman Vollmar said he read the agreement and had a few questions of the Hitchcock Group. What is the zoning for this project? He said their group designed a fee-based project and asked if we can charge fees to get on the property? Questioned the 10% penalty if we don't have an agreement with the DNR already. The contract calls for the State of Illinois laws to apply. Alderman Vollmar said his preference would be to approve a contract that was already tweaked by the City Attorney and the Hitchcock Group in discussions. Also, if we get through the Master Plan, the contract states that they own the plans even though they are hired by us and we paid for the plans. Richard Hitchcock answered questions of Alderman Vollmar. Regarding ownership of the documents, there are copyright laws that we worked with architects on a national basis and that's where this language comes from. Ownership is retained by the design firm. Mr. Hitchcock said they would be happy to work with our attorney as long as it takes to work out mutually agreeable language. MOTION BY ALDERMAN VOLLMAR, TO TABLE THIS ITEM FOR TWO WEEKS SO THAT THE CITY ATTORNEY CAN WORK OUT THE ITEMS MENTIONED AND A FINAL CONTRACT CAN BE SUBMITTED TO US FOR APPROVAL AT OUR NEXT MEETING. THE MOTION WAS SECONDED BY ALDERMAN HAACKE. **Motion carried.** 4 ayes, 3 nays (Larson, Hudson,

Babcock). Mayor Huebner pointed out that we have an aggressive schedule and with the holidays, that will put us well over 30 days behind schedule. City Attorney Eberhardt said he could have it reviewed by tomorrow and Hitchcock Group could also review it to see if we can come to an agreement. Alderman Hudson asked if we could call a Special Meeting? City Administrator Grams said we could have a meeting as early as this Thursday. Alderman Ross commented that this is about the third time we've gotten a contract that we're supposed to vote on with the contingency that if the City Attorney doesn't find anything, it's okay. We should have a final contract in front of us when we vote on it. He said he didn't think it was appropriate for a big project like this. City Administrator Grams will get an agenda out for a Special City Council Meeting for Thursday, December 4th to approve the Coal Dock Design Agreement with the Hitchcock Design Group.

BOARDS/COMMISSIONS

A. Plan Commission

1. Public Hearing Regarding The New City Comprehensive Plan – City Planner Tetzlaff gave an overview of the Comprehensive Plan: 2035. Mayor Huebner declared open the public hearing. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN NEUMYER TO CLOSE THE PUBLIC HEARING. **Motion carried unanimously.**
2. Ordinance 2008-18 (Amend Official City Maps Changing The Name Of Cardinal Drive To Harris Drive) 1st Reading

UNFINISHED BUSINESS

NEW BUSINESS

- A. Resolution 2008-23 (Recognition Of Past Committee/Board Members) – MOTION BY ALDERMAN HAACKE, SECONDED BY ALDERMAN NEUMYER TO APPROVE RESOLUTION 2008-23. **Motion carried unanimously.**
- B. Resolution 2008-24 (Supporting Agreements Between The City And The State Government Accountability Board Regarding Use Of Statewide Voter Registration System) – MOTION BY ALDERMAN LARSON, SECONDED BY ALDERMAN HUDSON TO APPROVE RESOLUTION 2008-24. **Motion carried unanimously.**

FORTHCOMING EVENTS – Alderman Vollmar said Christmas On The Corner would be held this Saturday, December 6th featuring a Christmas Parade.

PUBLIC COMMENTS/APPERANCES – None

MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN BABCOCK TO GO INTO CLOSED SESSION According To Wisconsin State Statute 19.85 (1) (g) to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted by the Council with respect to litigation in which it is or likely to become involved. ROLL CALL: Haacke-aye, Neumyer-aye, Vollmar-aye, Babcock-aye, Hudson-aye, Larson-aye, and Ross-aye. **Motion carried unanimously.** Open session adjourned at 8:45 p.m.

Reconvene Into Open Session

ADJOURNMENT – MOTION BY ALDERMAN ROSS, SECONDED BY ALDERMAN LARSON TO ADJOURN THE MEETING OF THE CITY COUNCIL AT 9:28 P.M. **Motion carried unanimously.**