

**MINUTES  
CITY OF PORT WASHINGTON  
CITY COUNCIL MEETING  
July 1, 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 and Dave Larson. Absent & excused was Alderman Chris Ross. Also present: City Administrator Mark Grams, City Attorney Eric Eberhardt, 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 – June 17, 2008
- B. Approve Original Operator's License Applications – Peter A. Oglevie, Billie Jo Esselmann, Julie A. Mahl, Sarah A. Risch, Megan L. Schaefer, Craig R. Teels and Theresa M. Zawlocki
- C. Approve Temporary Class "B" Retailer's Licenses (Picnic) – St. Peter of Alcantara Congregation/August 15-17, 2008/Maritime Heritage Festival/Port Washington Marina; Port Washington-Saukville Rotary Club/NE Corner of Lake & E. Jackson Streets/July 19, 2008 (Fish Day)
- D. Approve Temporary Bartender Licenses – St. Peter's Men's Society-William H. Adams, Lois K. Lanser, Randall A. Lanser, Brian J. Zielke, Randy R. Weyker, Beth Ann Lauters, Robert E. Dreier and Russell R. Schreiner; Port Washington Lions Club-Melvin L. Birkholz, Gerald F. Bley, Jeffrey J. Bley, David G. Mueller and Claude J. Zimmerman; Port Washington-Saukville Rotary Club-Robert D. Helm
- E. Renewal of Operator's License Applications-Mary D. J. Baumann, Carol Conrad, Bill E. Driscoll, Jenny S. Housman/Hannert, Andrea W. Lanza, Travis C. Mantsch, Christina M. Pena-Rome, Jennifer Schmitz, Michael P. Solonika, Christina Thompson, Steven P. Volkmann, Ashley Wendt, Christine A. Zimdars and Patrick L. Zuelsdorf

MOTION BY ALDERMAN HUDSON SECONDED BY ALDERMAN LARSON TO APPROVE THE CONSENT AGENDA AS AMENDED. **Motion carried unanimously.** Alderman Haacke had concerns with renewing the Operator's License for Andrea Lanza who runs Foxy's. He noticed that a window needed repair and the alley and area around the building has a lot of litter that needs to be taken care of. MOTION BY ALDERMAN VOLLMAR, SECONDED BY ALDERMAN HUDSON TO AMEND THE MOTION THAT THE OPERATOR'S LICENSE FOR ANDREA W. LANZA, FOXY'S, BE GRANTED CONDITIONALLY THAT THE WINDOW BE REPAIRED AND THE ALLEY AND AREA AROUND THE BUILDING CLEANED UP BEFORE A LICENSE IS ISSUED. **Motion carried unanimously.**

**MAYOR'S BUSINESS**

- A. Update On Main Street Announcement – Mayor Huebner reported that he received a press release that Governor Doyle signed off and approved Port Washington for the Main Street Program. Later this month we'll be having a meeting to work on getting an ad in the paper to hire a director and appoint a Main Street Board.

**OFFICERS'/STAFF REPORT**

- A. Report On June 13<sup>th</sup> Flooding Incident – City Administrator Grams reviewed the reports prepared by Police Chief Richard Thomas of the PWPD and Fire Chief Mark Mitchell of the Fire Department in regards to how the flooding incident was

handled by their departments in the City on June 13<sup>th</sup>. City Administrator Grams said it is clear to him that each department acted appropriately in regards to what happened that evening when Canyon Creek exceeded its banks and flooded into Veterans Memorial Park and the lower level garage of the Lighthouse Condominiums. Alderman Vollmar disagrees in how we responded in this emergency situation and thinks we, the City, as well as the owners of the Lighthouse Condominiums didn't know enough about the building to react properly. He doesn't think the Fire Department or Police Department knew what equipment we had in the City to respond to the cars that were damaged by water and how to remove the water from the basement. He said when you're talking about going to Saukville, we are talking about a shared piece of equipment at the DPW that left the City one hour after the flood to another community and by reason of their statement neither department knew this equipment was available. He said he believes we all learned a lesson in that everyone has to notify people in the event of a disaster. Alderman Larson asked Alderman Vollmar is there a difference between the hi-rise building and the single-family homeowner in terms of response. In other words, if my basement gets flooded and the City doesn't pump it out do I have a right to be upset about that? Is that a different situation? Alderman Vollmar replied, no, I don't think it's a different situation, but I think Saukville was pumping individual basements and were providing sandbags around individual homes. I think that our community, if it has buildings in the floodplain, will do what we can for our residents. Mayor Huebner commented that the condo building is not in the floodplain. Alderman Vollmar said he knows that but if we don't know what to do or what equipment is available. Alderman Neumyer said there is a countywide inventory for emergency government and they have most of the equipment within the county. However, the problem is that for instance in Mequon in the flood of 1996 when he was on duty, every bit of equipment that we had was exhausted in no time and we couldn't get help because everyone was dealing with the same amount of rain. Chances are the equipment is taken up quickly. Whether ours was taken out of the City, I don't know, but the problem I have with the condo situation is that if people don't update their business listing, you can't get a hold of anybody. Alderman Larson said with the situation as it was, the important thing is to protect and serve the people and nobody was hurt and it's unfortunate that so much damage was done, but the bottom line is the Police and Fire Departments acted as they should have. Mayor Huebner added that some of the statements made during the last meeting were not correct as stated in the reports and the path can go down the wrong track very fast when we start acting on second hand information. Alderman Haacke said the concern he has is why wasn't emergency government called? Did we look at all the resources available? City Engineer Vanden Noven said that the condo people should take a good look at the driveway approach that he feels should be reconfigured up at least two feet in order to prevent this again. City Attorney Eberhardt said that he called the head meteorologist at the National Weather Service in Sullivan and he provided him with all records for the month of June with bulletins that were issued for hazardous weather and it showed that June was the wettest month on record. His advice was that residents of the condos, as well other residents of Port Washington, could invest \$75.00 for a weather radio, which presents warnings and outlooks during upcoming storms on an hourly basis, as well as installing a water alarm in the basement of the condo building. City Attorney Eberhardt said in hindsight, he doesn't think there was much that the Police or Fire Department could have done to rectify the situation for the property owners. In my view, it was an unprecedented, extremely

- dangerous sudden incident and these facts need to be kept in mind when reviewing the actions of City employees on that day.
- B. Supreme Court Decision On WireData Lawsuit – City Administrator Grams reported that the Supreme Court overturned 5 of the 6 issues of the Appellate Court's decision in our favor. The key point to this is that the City did not violate the open records law and did provide the sufficient data to WireData; thus we are not liable for any damages.
  - C. Update On Projects:
    1. Highway 32 Project – We are in the middle of Phase 2 working on water and storm sewers between Jackson and Walters Streets. Completion date is August 15. August 1<sup>st</sup> starts Phase 3 so we will have an overlap.
    2. Beutel Road Project – Should be done by August 1<sup>st</sup>.

## **PUBLIC COMMENTS/APPEARANCES – None**

## **COMMITTEES**

### **A. Finance and License Committee**

1. Ordinance 2008-11 (Service Fees For Municipal Court) **1<sup>st</sup> Reading** – The institution of these service fees for the issuance of warrants on commitment orders would provide additional revenues through the Municipal Court System to the City.
2. Shared Ride Taxi Rates For Friday And Saturday Evenings – **MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN VOLLMAR TO APPROVE A \$10 FEE FOR THE WRIST BAND SYSTEM FOR ALL NIGHT RIDERS ON FRIDAY AND SATURDAY EVENINGS. Motion carried unanimously.**

## **BOARDS/COMMISSIONS**

### **A. Board of Public Works**

1. Consider Change Order #4 For Harborwalk Project – City Engineer Rob Vanden Noven reviewed the items in Change Order #4 to the Harborwalk Contract. **MOTION BY ALDERMAN VOLLMAR, SECONDED BY ALDERMAN NEUMYER TO APPROVE CHANGE ORDER #4 AS RECOMMENDED BY THE BOARD OF PUBLIC WORKS. 5 ayes; 1 abstain (Babcock) Motion carried.**

### **B. Park and Recreation Board**

1. Approve Expenditures From Open Spaces Fund – Park and Recreation Director Charlie Imig addressed the Council to report that he is requesting that monies be spent from the Open Spaces Fund for two projects – purchase new equipment for the skateboard park and replacing signs in five of our neighborhood parks. **MOTION BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN HAACKE TO APPROVE THE EXPENDITURES FROM THE OPEN SPACES FUND AS REQUESTED BY THE PARK AND RECREATION DIRECTOR. Motion carried unanimously.**

## **UNFINISHED BUSINESS**

1. Ordinance 2008-10 (Regulation Of Horse And Carriage Rides) **2<sup>nd</sup> Reading** – City Attorney Eberhardt highlighted the changes he made to the ordinance. Two additional changes that the Council requested were

in Section 9.23.020, add the word "hire" after carriage in the second line and delete "for which a separate permit has been issued" at the end of the paragraph. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN HAACKE TO APPROVE ORDINANCE 2008-10 AS CHANGED. **Motion carried unanimously.**

#### **NEW BUSINESS**

- A. Approve Closing Of Streets For Farmer's Market – MOTION BY ALDERMAN HAACKE, SECONDED BY ALDERMAN BABCOCK TO APPROVE THE CLOSING OF THE 100 BLOCK OF MAIN STREET (WEST OF FRANKLIN) FOR THE FARMER'S MARKET FROM JULY 5, 2008 THROUGH OCTOBER 25, 2008 AS REQUESTED BY THE BUSINESS IMPROVEMENT DISTRICT. **Motion carried unanimously.**
- B. Review And Acceptance Of Witzlib Annexation Petition – MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN VOLLMAR TO APPROVE AND ACCEPT THE WITZLIB ANNEXATION PETITION. **Motion carried unanimously.**

**FORTHCOMING EVENTS** – Alderman Hudson reported that the Garden Club is featuring a Garden Walk on Saturday, July 12 from 9:00 to 3:00, with funds going to community projects.

**PUBLIC COMMENTS/APPEARANCES** – Leroy Bley, Lighthouse Condominiums – He said that after two weeks they've done some investigating into the flood of June 13<sup>th</sup>. He is convinced that this was a sudden surge of water and that we probably could not have been saved. At the same time, he is totally discouraged by the communication of the Police Department and Fire Department. He said that he met with the Emergency Government people and was told they were never contacted. He feels the City has some infrastructure problems and the culvert is not adequate. Alderman Hudson commented that this flood was unprecedented and beyond the City's control.

**ADJOURNMENT** – MOTION BY ALDERMAN NEUMYER, SECONDED BY ALDERMAN VOLLMAR TO ADJOURN THE MEETING OF THE CITY COUNCIL AT 9:08 P.M. **Motion carried unanimously.**