

**MINUTES
CITY OF PORT WASHINGTON
CITY COUNCIL MEETING
June 3, 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. Absent & excused was City Planner Randy Tetzlaff. Also present: City Administrator Mark Grams, City Attorney Eric Eberhardt and City Engineer Rob Vanden Noven. The Pledge of Allegiance to the flag was recited.

CONSENT AGENDA

- A. Approve Minutes of the Previous Meeting – May 20, 2008
- B. Approve Original Operator's License Applications – Pamela M. Leppla and Jacob A. Tietz
- C. Approve Renewal Of Operator's License Applications (List attached)
- D. Approve Temporary Class "B" Retailer's License (Picnic) – Kiwanis Club of Greater Port Washington/July 19, 2008/Fish Day Grounds; Ozaukee Lodge #17 F & AM of WI/July 19, 2008/ Fish Day Grounds (Marina); St. Peter of Alcantara Congregation/July 19, 2008/Port Washington Marina; Port Washington Lion's Club/July 19, 2008/Washington & Pier Streets
- E. Approve Temporary Bartender Licenses – Kiwanis Club of Greater Port Washington-Ralph H. Hess, John H. Sigwart, Dennis Williamson, Karen G. Oleski, Jim L. Olson; St. Mary's/St. Peter's Parish Festival-Steven J. Deutsch; Ozaukee Lodge #17 F & AM-Jerry P. Rasmussen, Jason M. Canfield, David E. Tainter, Lowell A. Tainter; St. Peter's Men's Society-Russell R. Schreiner, Brian J. Zielke, Randy R. Weyker, Randall A. Lanser, William H. Adams, Beth Ann Lauters, Lois K. Lanser; Port Washington Lion's Club-Carl W. Wegner, III, Ralph A. Schmit, Steven K. Hansen, Melvin L. Birkholz, Gerald F. Bley, Jeffrey S. Boss, Louis C. Zogg, Raymond George, Lawrence R. Caro, Michael J. Husting, Brian E. Boettcher
- F. Approve Renewal Combination "Class B" Licenses – Randall J. Buser/Grand Avenue Saloon/550 W. Grand Avenue; Lakeview Conference Center, LLC (Chandrakany M. Patel) Country Inn & Suites/350 E. Seven Hills Road; Gopher One, Inc. (Donna R. Ferraino) 605 W. Grand Avenue; H2O, LLC (Bruce Corgiat) Chuck's Engine Room/201 W. Grand Avenue; NewPort Shores, Inc. (John W. Weinrich) 407 E. Jackson Street; Mama Mia's-Port, Inc. (Jude A. Barbieri) 1000 S. Spring Street; Pasquale C. Montalto/Sundance/551 N. Wisconsin Street
- G. Approve Renewal Combination "Class A" Licenses – Port Tobacco, LLC (Jennifer L. Groh) 215 N. Franklin Street; T. P. Stores, Inc. (Robert Norskog) Tri-Par Qwik Stop/1430 W. Grand Avenue
- H. Approve Renewal Of Cabaret License Applications – Lakeview Conference Center, LLC (Chandrakany M. Patel) Country Inn & Suites/350 E. Seven Hills Road; Gopher One, Inc. (Donna R. Ferraino) 605 W. Grand Avenue; NewPort Shores, Inc. (John W. Weinrich) 407 E. Jackson Street; Pasquale C. Montalto/Sundance/551 N. Wisconsin Street
- I. Approve Renewal Class "B" Fermented Malt Licenses – Dockside Deli, Inc. (Mary Ann Voigt) 218 E. Main Street and Port Washington Yacht Club (Nancy Schubert) 430 N. Lake Street

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

MAYOR'S BUSINESS – Appointment To Commission On Aging – Tabled.

OFFICERS'/STAFF REPORT

A. Update On Projects

1. Highway 32 Project – Good turnout for Street Festival. Planners of festival did a good job. Pleased to report that the last of the sidewalk blocks were installed this week. Franklin Street is 100% complete except for any punch list items. Phase 2 is proceeding up N. Wisconsin Street and is scheduled to be completed by August 15th.
2. Harborwalk – We had a successful ribbon cutting ceremony at 7:00 p.m. at the southwest corner of Rotary Park. Alderman Haacke suggested that we put some sort of map together to show the area the Harborwalk encompasses.
3. Beutel Road Project – We were able to work with homeowners cooperatively and all volunteered to pay for costs of connecting to the storm sewer.

- B. Rain Garden Presentation, June 14th at DPW Garage – Ozaukee Bank ran a program to encourage usage of rain barrels in the City, which saves on water usage and improves storm water run off and is also beneficial for the City because it helps us meet certain requirements of the DNR. City Engineer Rob Vanden Noven did the drawing for the rain barrel and the winner was Steve Broyles of 751 N. Milwaukee Street. Ozaukee Bank will also be a part of sponsoring a seminar on rain gardens on June 14th at the DPW Garage at 10:00 a.m. and the public is welcome.

PUBLIC COMMENTS/APPEARANCES-None

COMMITTEES

A. Finance and License Committee

1. Consider Right-Of-Way License Applications (Beanie's, Pasta Shoppe, Schooner Pub, Wilson House, Windrose Wine & Martini Bar)-Alderman Hudson said that the right-of-way licenses are set up with certain conditions that include submitting a plan for their business location that allows for some sort of fencing or barrier that limits the patrons with their food and beverages for a certain area; allows at least 4 feet of pedestrian access outside of seating area; the license has the date they are valid for; the licensee is responsible for controlling access to the licensed area and is responsible for returning the property to its original condition when the license is terminated; and each business must provide proof of insurance. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN HAACKE TO APPROVE ALL FIVE RIGHT-OF-WAY LICENSE AGREEMENTS AS PRESENTED. A discussion followed. Alderman Vollmar is opposed to any type of barrier or fencing that would limit the amount of walking space. He said if it becomes a problem, then we can deal with it. Mayor Huebner said we need barriers because you would be serving alcoholic beverages. City Administrator Grams said that we researched the need for fencing with other cities and almost all of them require some type of fencing. You need some designated area to carry alcohol for control. City Attorney Eberhardt indicated that fencing in Wisconsin is required for alcoholic beverages. Any premise upon which alcoholic beverages are served, sold and consumed

makes it the responsibility of the licensee to monitor and limit the consumption of alcoholic beverages. City Attorney Eberhardt also offered some suggestions on how to improve this document and went through his recommended changes in each section as well as including additional sections. Chief Thomas spoke to the Council and indicated that the best practices around the State would clearly show that most communities that allow for outside dining and have alcoholic beverages will have an enclosed area designated for that. He said the reason is that it visually gives people a clear understanding as to the area that they can stay. He said you should seriously consider restricting the hours for open intoxicants to regulate and maintain order. Sara Grover addressed the Council and indicated that it is the understanding of the business owners that outside dining would not be allowed past 10:00 p.m. and that keeping the area free of debris would not be an issue. Alderman Vollmar said he feels the hours of operation during the week should be until 10:00 p.m., but to extend the hours to 11:00 p.m. for Friday and Saturday. Mayor Huebner said we should stay with 10:00 p.m. to start out and this could be changed later. **ALDERMAN HUDSON AND ALDERMAN HAACKE AMENDED THEIR MOTION TO ALLOW THE CITY ATTORNEY TO RE-WORK THE RIGHT-OF-WAY LICENSE AGREEMENT AS DESCRIBED FOR THE POINTS BROUGHT BY HIM TO BETTER CLARIFY THE AGREEMENT. Motion carried unanimously.**

2. Request To Extend Taxi Hours On Friday And Saturday – City Administrator Grams indicated that a request was made to the City to extend the City's taxi hours on Friday and Saturday evening to service patrons of bars and restaurants. He said with the City's budget deficits, the City should give consideration to the extension of the taxi hours only if an agreement is reached with the businesses to financially support operating the taxi service on Friday and Saturday evening. Melissa Suddendorf, BID Board-Addressed the Council to say that this would be a nice resource to the community and there are businesses that would be willing to contribute, as well as service organizations and banks. She said she would like to give it a try for a year and see if there would be interest in it. In the future, this could add revenue to tourism and value to our community. **MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN LARSON TO EXPLORE WITH BUSINESSES THE OPTIONS FOR THIS REQUEST. Motion carried unanimously.**
3. Develop Ordinance To Regulate Horse And Carriage Rides – **MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN HAACKE TO PROCEED WITH THE ORDINANCE. Motion carried unanimously.**
4. Update On PSC Water Rate Case – Alderman Hudson said that this item is informational. The update shows that the PSC has recommended some changes to the rate structure that was submitted by our consultant, John Mayer. The rate structure being recommended by the PSC staff still generates the same amount of revenue that was proposed by John Mayer. The major change is that users of the water utility that are more high volume users would pay slightly less than what was recommended by John Mayer and smaller volume users would be paying slightly more.

B. Traffic Safety Committee

1. Ordinance 2008-4 (Amend Parking Restrictions On E. Washington And E. Pier Streets, East Of Franklin Street) **2nd Reading** – MOTION BY ALDERMAN ROSS, SECONDED BY ALDERMAN VOLLMAR TO APPROVE ORDINANCE 2008-4. **Motion carried unanimously.**
2. Ordinance 2008-8 (Install Stop Sign On Kaiser Drive At Hales Trail) **2nd Reading** – MOTION BY ALDERMAN HAACKE, SECONDED BY ALDERMAN NEUMYER TO APPROVE ORDINANCE 2008-8. **Motion carried unanimously.**

BOARDS/COMMISSIONS

A. Plan Commission

1. Public Hearing To Approve A Conditional Use Grant For Beanie's To Serve Food And Beverages In An Outdoor Dining Area. Mayor Huebner declared open the public hearing. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN VOLLMAR TO CLOSE THE PUBLIC HEARING. **Motion carried unanimously.**
2. Approve Amending Conditional Use Grant For Beanie's Restaurant To Serve Food And Beverages In An Outdoor Dining Area – MOTION BY ALDERMAN VOLLMAR, SECONDED BY ALDERMAN HAACKE TO APPROVE AMENDING THE CONDITIONAL USE GRANT FOR BEANIE'S RESTAURANT TO SERVE FOOD AND BEVERAGES IN AN OUTDOOR DINING AREA SUBJECT TO REVIEW BY THE CITY ATTORNEY AND CONSULTATION BY THE CITY PLANNER. **Motion carried unanimously.**
3. Ordinance 2008-9 (Amending 15.06.050 Of The Municipal Code Regarding Permits For Razing Buildings) **2nd Reading** – City Administrator Grams said that he sent a copy of the proposed ordinance to the Port Washington Historical Society and their suggestion was to have a one year waiting period before issuing a razing permit. A discussion was held. MOTION BY ALDERMAN VOLLMAR, SECONDED BY ALDERMAN HUDSON TO TABLE THIS ORDINANCE UNTIL THE NEXT MEETING. **Motion carried unanimously.**
4. Ordinance 2008-7 (Amending Sections 20.30.010 Through 20.30.050 Of The Zoning Code Regulating Historic Buildings) **1st Reading** It was suggested that these two ordinances be worked in together.

UNFINISHED BUSINESS

NEW BUSINESS

- A. Hiring Temporary/Seasonal Employee For Street Department – MOTION BY ALDERMAN ROSS, SECONDED BY ALDERMAN BABCOCK TO HIRE MATTHEW DAHM FOR THE STREET DEPARTMENT SUMMER HELP. **Motion carried unanimously.**

FORTHCOMING EVENTS – Alderman Hudson said the Street Festival should be a good kick off to summer every year. A reminder that this weekend is Pirate's Fest.

PUBLIC COMMENTS/APPEARANCES – None

MOTION WAS MADE BY ALDERMAN HUDSON, SECONDED BY ALDERMAN NEUMYER TO GO INTO CLOSED SESSION According to Wisconsin State Statute 19.85 (1) (c) to discuss employee compensation involving a Police Department Employee. ROLL CALL: Haacke-aye; Neumyer-aye; Vollmar-aye; Babcock-aye; Hudson-aye; Larson-aye; and Ross-aye. **Motion carried unanimously.**

Reconvene Into Open Session – The Council reconvened into open session at 9:26 p.m.

ADJOURNMENT – MOTION WAS MADE BY ALDERMAN VOLLMAR, SECONDED BY ALDERMAN ROSS TO ADJOURN AT 9:27 P.M. **Motion was carried unanimously.**