

**MINUTES
CITY OF PORT WASHINGTON
CITY COUNCIL MEETING
October 21, 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 Engineer Rob Vanden Noven. City Planner Randy Tetzlaff was absent and excused. The Pledge of Allegiance to the flag was recited.

CONSENT AGENDA

- A. Approve Minutes of the Previous Meetings – October 7, 2008
- B. Approve Original Operator's License Applications – Adrienne C. Sommers and Andrew V. Vitale

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

MAYOR'S BUSINESS

- A. Mayor Huebner read a proclamation honoring Kiwanis Peanut Day
- B. Mayor Huebner read a Wisconsin Harbor Towns Association Proclamation Promoting Eco-Tourism, Responsible Boating, Clean Marinas And Protection Of Our Great Lakes
- C. Update Of Proposals For Coal Dock Design – City Engineer Rob Vanden Noven received proposals for the Coal Dock Design and is going over them. Select members from the Streetscape Committee, as well as members of our previous Coal Dock Committee, will work on going over the proposals. Then the group will make a recommendation to the Council.

OFFICERS'/STAFF REPORT

- A. Because of the General Election, the next City Council Meeting will be held on Wednesday, November 5th.
- B. Update On Projects:
 - 1. Highway 32 – The good news is that Highway 32 opened up to W. Walters Street. October 31st is the deadline for completing Phase 3. The bad news is that the project does not include the reconstruction of County Trunk LL and the Highway 32 intersection. That work will severely limit traffic movement in that intersection for approximately 7 – 14 days. We are working with Ozaukee County and the Town of Port Washington on an LL detour. The east/west traffic on LL will be restricted.
 - 2. County Highway LL Water Main Installation is underway and we are notifying people in the town.
 - 3. The City Appreciation Dinner will be held on Sunday, December 21st.

PUBLIC COMMENTS/APPEARANCES – Don Voigt – A proposal is being raised about storing boats in the Marina. Improvements to facilities in cities are very different to see in an over night picture. As a resident of Port Washington who lives on Billy Goat Hill, I overlook the Marina. Over the years, more and more people come to our town and their comments are that we have a beautiful lakefront area. The storage of boats might seem like a small thing to you, but it's just the tip of the iceberg in terms of what can change the momentum. The BID District borders that area, which will be part of the Main Street Project. It's important to the aesthetics of our community and therefore I'm asking you to preserve what we have.

COMMITTEES

A. Finance and License Committee

1. Resolution 2008-18 (Final Resolution Authorizing Public Improvements And Levying Special Assessments Against Benefited Property Owners Living On E. Beutel Rd., Meadow Ct., N. Lakeview Ave., and N. Wilson Ave.) – MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN BABCOCK TO APPROVE RESOLUTION 2008-18. **Motion carried unanimously.**
2. Update On 2008 City Budget Deficit – City Administrator Grams reviewed his memo regarding the 2008 City Budget Deficit.
3. City's Cash Flow Until State Shared Revenue Payments – Alderman Hudson reviewed the memo from City Treasurer Mary Bley regarding her financial report for September 2008, which details the City's cash flow problems that occur in October and November of each year. This item is for your information only.

BOARDS/COMMISSIONS

A. Board of Public Works

1. Approve Architectural Firm For Design Services For Proposed Restrooms In Upper Lake Park And Veterans Park – Alderman Vollmar suggested that we see if Possibility Playground is interested in getting their own design and negotiating their own contract and seeing if they can beat whatever we do to if it were done privately at probably half the cost. City Engineer Vanden Noven said he talked with Possibility Playground and if the City would participate in the cost, we would be subject to Chapter 62, Public Bidding Laws. Alderman Larson asked if we are able to do what Alderman Vollmar suggested about having Possibility Playground look into this? City Engineer Vanden Noven said, no, we have to follow the State bidding law on State approved plans. Alderman Babcock said \$100,000 is not going to get you a stand-alone building. Alderman Hudson said everyone using the park could use the restrooms. Alderman Vollmar said he agreed that we need these restrooms, but he is attacking the cost of design fees and how we can simplify the process by attempting to get these restrooms built where the contractor does the design and builds it with a warranty. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN HAACKE TO APPROVE GROTH DESIGN GROUP FOR DESIGN SERVICES PROPOSALS FOR RESTROOMS AT VETERANS AND UPPER LAKE PARK AT A COST OF \$19,300. **Motion carried unanimously.**
2. Approve Sludge Hauling Contract For Wastewater Utility – MOTION BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN HAACKE TO APPROVE DIAMON F CORPORATION FOR 2009 THROUGH 2011. **Motion carried unanimously.**

B. Harbor Commission

1. Approve Hiring Engineering Firm For Design Of Floating Piers In Marina – Alderman Hudson commended our staff for doing such a great job and really shaving off where they can with their expertise. Alderman Vollmar said engineering costs are excessive and thinks we could do competitive sealed bids and save 5% sales tax, as well as a construction mark-up if we buy the equipment ourselves and separately bid the construction. City Administrator Grams said that is something that we could take a look at

and work with the engineering firm. City Engineer Rob Vanden Noven said there is that possibility to achieve the cost-savings this way. Alderman Ross said he didn't think we're overpaying for what the engineer is going to design at the Marina for all things involved to make this a first-rate item against all the other cities that have Marinas that are in competition for those boats. Alderman Babcock said the key is you have to hire a competent professional that puts together plans and specs that clearly define what you're building and then you can attract a lot of bidders. Mayor Huebner said you have to be very careful to what you're purchasing when you buy things direct. Alderman Vollmar said the low price is sometimes low quality. **MOTION BY ALDERMAN ROSS, SECONDED BY ALDERMAN VOLLMAR TO HIRE W.F. BAIRD & ASSOCIATES, LTD FOR TIME AND MATERIALS NOT TO EXCEED \$130,842 FOR DESIGN OF A FLOATING PIER SYSTEM IN THE MARINA SUBJECT TO THE CITY ATTORNEY'S REVIEW. Motion carried unanimously.**

2. Approve Winter Storage Of Boats In Portions Of Marina Parking Lot – City Administrator Grams reviewed the Harbor Commission's request to store boats in a small area of the Marina parking lot this year. The area being proposed for the storage of boats is the small parking area east of the Kiwanis Shelter and just north of the public restrooms at the north end of the Marina area. Alderman Vollmar said in his opinion it wouldn't be attractive and would be a detriment at New Port Shores. Alderman Babcock said he likes boats sitting out there. If the Harbormaster were recommending it, it would make sense. Alderman Haacke said it is a very foolhardy decision and recognized the concerns 8 years ago. People come to see the lakefront in winter and summer. It thinks it could be a major vandalism problem and would not support it. Alderman Hudson said he didn't see a problem. He isn't a boat person, but when he was on the Michigan side where boats are stored, he found it quite interesting. It's a harbor community and as long as business owners don't have a problem, he doesn't have a problem. Alderman Larson is on the Harbor Commission and feels the downtown would not be affected by boat storage. As far as New Port Shores is concerned, I would think that you'd want to see boats. I don't want to look at an empty harbor. The big reason he approves of it is that it's being requested by the tenants of the Marina and we would be serving the customers. Alderman Vollmar said he didn't think this is permitted in the zoning district. Alderman Neumyer asked if we could revoke it if it creates a controversy. Alderman Larson said yes. City Attorney Eberhardt said the Lease of Boat Storage Space is an annual "once-per-year" season lease. If you don't like it, you don't have to renew it. Alderman Ross is not pleased with the location. For the amount of money, I think you're looking for trouble. Mayor Huebner agreed. **ALDERMAN VOLLMAR MOVED TO DENY THE STORAGE OF BOATS IN THE AREA SUGGESTED BY THE MARINA STAFF. SECOND BY ALDERMAN HAACKE. 3 ayes (Haacke, Vollmar, Ross) and 4 nays (Larson, Neumyer, Hudson, Babcock). Motion fails.**

MOTION BY ALDERMAN LARSON TO APPROVE STORAGE OF BOATS IN THE MARINA, SECONDED BY ALDERMAN BABCOCK. Alderman Vollmar said there has been no formal notice to anybody that we are going to do this anywhere. This came on our agenda. I don't know that the community itself or anybody adjacent to the Marina had

notice of this except the notice that I gave them and what the Harbormaster gave John at New Port Shores. If John opposes this, I would say that we should have a super majority to pass this. City Attorney Eberhardt said the posting of the Common Council Agenda at City Hall is adequate notice to the public. If the Council wants to lay the matter over and let that individual weigh in, then there's no reason that couldn't occur. He said he is not familiar with what notice you are suggesting to me as a procedural motion, which would require a super majority vote. A simple majority would be sufficient. Alderman Vollmar asked if a neighboring property owner could ask for enforcement of the zoning code. City Attorney Eberhardt said, yes. The City is free to allow for the storage of boats without running afoul of its own zoning ordinance. ALDERMAN BABCOCK CALLED THE QUESTION. ALDERMAN HAACKE MOVED TO TABLE THIS ITEM. Mayor Huebner said we already have a motion on the floor. City Attorney Eberhardt said a motion to call the question is a paramount motion and results in all subordinate motions being held in advance. There has to be action taken on the motion to call the question. Vote on the motion. 4 ayes (Larson, Neumyer, Hudson, Babcock) and 3 nays (Haacke, Vollmar, Ross) Motion **carried.**

C. Plan Commission

1. Public Hearing To Amend Conditional Use Grant For The WE Energies Power Plant To Revise The Allowed Times For Noise Testing – City Administrator Grams reviewed the request from WE Energies to amend the Conditional Use Grant. Mayor Huebner then declared open the public hearing. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN LARSON TO CLOSE THE PUBLIC HEARING. **Motion carried unanimously.**
2. Amend Conditional Use Grant For WE Energies Power Plant To Allow Revised Time Periods For Noise Testing – Jerry Meisner of WE Energies reviewed the request to amend the Conditional Use Grant. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN HAACKE TO APPROVE THE AMENDMENT TO THE CONDITIONAL USE GRANT FOR WE ENERGIES POWER PLANT TO ALLOW REVISED TIME PERIODS FOR NOISE TESTING. **Motion carried unanimously.**
3. Approve Condominium Plat Located At 921-923 Algoma Drive (Lake Ridge Subdivision) – City Administrator Grams reviewed the memo from City Planner Randy Tetzlaff. Alderman Vollmar talked about the surface water drainage. He said all people who drain water into this retention pond should be responsible for it and be obligated to pay their share of the cost. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN NEUMYER TO APPROVE THE CONDOMINIUM PLAT LOCATED AT 921-923 ALGOMA DRIVE (LAKE RIDGE SUBDIVISION). Vote taken. 4 ayes (Hudson, Neumyer, Larson, Ross); 2 nays (Vollmar, Haacke); 1 abstain (Babcock). **Motion carried unanimously.**

UNFINISHED BUSINESS

- A. Ordinance 2008-16 (Relating To Buildings And Structures Maintenance Standards) **2nd Reading** – MOTION BY ALDERMAN ROSS, SECONDED BY ALDERMAN BABCOCK TO APPROVE ORDINANCE 2008-16. **Motion carried unanimously.**

NEW BUSINESS

FORTHCOMING EVENTS

Mayor Huebner gave a report on Main Street. He said they had their second Visioning Session and it went pretty well. We are in the process of putting together four committees: 1) Design, 2) Economic Restructuring, 3) Organization and 4) Promotion. The Main Street Team will be hold training session on November 5th and 6th. We will get confirmation tomorrow. We are in the process of hiring a Director. We received 20 resumes. Interviews are being set up for next Monday.

PUBLIC COMMENTS/APPERANCES – None

ADJOURNMENT – MOTION BY ALDERMAN NEUMYER, SECONDED BY ALDERMAN BABCOCK TO ADJOURN THE MEETING OF THE COMMON COUNCIL AT 9:00 P.M. **Motion carried unanimously.**