

**MINUTES
CITY OF PORT WASHINGTON
CITY COUNCIL MEETING
October 7, 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. Alderman Vollmar arrived at 7:32 p.m. 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 Meetings – September 16 and 23, 2008
- B. Approve Original Operator's License Applications – James P. Fortunato, Jennifer A. Haase and Blake G. Norris
- C. Approve Original Class "B" Fermented Malt Beverage And "Class C" Wine License Application – Flag Pizza, Inc. (James P. Fortunato) 218 E. Washington Street/October 1, 2008 to June 30, 2009
- D. Approve Temporary Class "B" Retailer's License (Picnic) Application – St. Mary's Congregation/446 N. Johnson Street/October 26, 2008 (St. Mary's Annual Smorgasbord Dinner)

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

MAYOR'S BUSINESS

- A. Update On Main Street Program – Mayor Huebner reported that officers have been appointed for the Main Street Board. They are Melissa Suddendorf-President, Ruth Lansing-Vice President, Mayor Huebner-Secretary and Rob Helm-Treasurer. We are working to set up an office next door in the Java Dock Building with BID to combine offices. Visioning update – the results came back and we will be going over them at a meeting on October 20th at the First Congregational Church at 6:30 p.m. Emails will be sent out to notify everyone when the date is finalized.
- B. Discuss Options To Address Condition Of Building At 118-122 N. Franklin St. (Former M & I Building) – Mayor Huebner said the reason this is on the agenda is because it's coming to a point that we as a City need to discuss some of our options of what to do with this building. There are two possible interested parties in this building but they are not making any progress with the current owners. One wants to restore the building. The Mayor welcomed discussion from the Council on our options. Alderman Hudson said that since we have a Historic District, are there any monies available from the State to help us? The City Planner said no, nothing that he is aware of. If the City has no money to do this sort of thing and there are no grants available to us, in order to fix up the building within a certain period of time. We have on the agenda an ordinance that deals with this. The proposed ordinance gives the Building Inspector more enforcement powers. City Attorney Eberhardt indicated that there are more legal options than just the ordinance. Under State Statutes for razing buildings there are two distinct and separate approaches. First, if the Building Inspector determined that the building in question is old, dilapidated or out of repair and consequently dangerous, unsafe and unfit for human habitation and unable to repair, then he can issue an order that the owner raze the building within the time period stated. In addition, under the same statute, the Building Inspector has the authority to apply to the Circuit Court for an order finding that the building is a

public nuisance. What qualifies as a “public nuisance”? A public nuisance is a building that as a result of vandalism or any other reason has deteriorated or is dilapidated or blighted to the extent that windows, doors or other openings, plumbing or heating fixtures are damaged, destroyed or removed so that the building offends the aesthetic character of the immediate neighborhood and produces blight or deterioration. The public nuisance approach focuses on the aesthetics based the outward/inward condition of the structure itself. Also, the authority of this body to condemn the property if it were determined that purchase of the property for a fair and reasonable compensation would serve a public purchase better use other than it’s current use. After a hearing, if the property meets the definition of public nuisance, the court can order the property owner to either repair the proposed building within a reasonable period of time, or the court can order that the property be raised. Alderman Vollmar said then our choices are to raise the building or fix it? City Administrator Grams reminded the Council that a few months ago we passed an ordinance in regards to dealing with buildings in our Historic District. So, before we contemplate that, we will also have to go through that whole process of examining the building, which will take several steps. Alderman Neumyer asked if we had any correspondence with whoever the owners are now? City Planner Tetzlaff said we had two parties that have shown interest. He contacted Port Harbor Investments and based on the economic situation and everything else, he told them that maybe it’s best to try and sell it and they said they would entertain a possible offer. The two parties got together and he hasn’t heard what transpired. Mayor Huebner said his personal opinion is that it serves no purpose to tear it down and have an empty spot for another 10-15 years. If we have a party who is interested in restoring it and making it a viable option for downtown, it would be better. City Attorney Eberhardt said if the proposed ordinance is approved, there are rules on the books that would allow the Building Inspector to go ahead and take some enforcement action. He said in talking with the Kenosha City Attorney who has a lot of experience with razing buildings, the average life span of that sort of court action from the beginning of the process to the structure being demolished is about 100 days. If contested in court, add about 45 days. Alderman Vollmar said the first approach should be a potential buyer and the second, enforcement of our ordinance by the Building Inspector. Alderman Haacke said we should do two things. Follow through and start putting legal pressure on the present owner of the building. At the same time, use our ordinance and then work aggressively and take a look to see if there are ways that we can work between the potential buyer and seller. Alderman Hudson asked if there are fines being assessed against them? The sooner we can start assessing fines, the better. Alderman Neumyer asked if they have saved building materials that they took off? City Planner Tetzlaff said the contractor was trying to preserve the terracotta, but it crumbled and the building had a porcelain false front and what’s under that was the original. The State Historical Society has 30 days from the time we notify them to document the historical points of it. After 30 days, the razing would proceed. Alderman Hudson said his thought was not toward razing, but toward restoring and actually getting these guys some incentive to sell the building and get it into the hands of somebody who will actually do something with it and not let it decay. Alderman Babcock said aren’t we saying that the Building Inspector should research this thing and if there’s anything to be charged against the building owner, he should proceed and do that?

OFFICERS'/STAFF REPORT

- A. Mid-Moraine Municipal Association Dinner Meeting – City Administrator Grams reported that the next Mid-Moraine Association Dinner Meeting would be held on Wednesday, October 22nd, hosted by the Village of Germantown. The guest speaker is Andrew Gumm of WE Energies.
- B. Update On Projects:
 - 1. Highway 32 – City Engineer Vanden Noven reported that the contractor finished paving the main line in Phase 3 and started paving Phase 4. Unfortunately they are not going to meet their October 16th deadline for Phase 3, but did get an extension from the DOT. However, Walters Street should be open by October 16th to get the detour off the Milwaukee St.

PUBLIC COMMENTS/APPEARANCES – None

COMMITTEES

A. Finance and License Committee

- 1. Consider Amendments To Tower Lease Agreements With AT & T – MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN ROSS TO APPROVE THE AMENDMENTS TO THE TOWER LEASE AGREEMENTS FOR LAND AT 412 N. WISCONSIN STREET AND THE WATER TOWER ON TOWER DRIVE. **Motion carried unanimously.**

Mayor Huebner asked that we move to **NEW BUSINESS**, A. Approve Closing of Streets for 2008 Christmas Parade. MOTION BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN VOLLMAR TO APPROVE CLOSING THE STREETS ON SATURDAY, DECEMBER 6TH FROM 1:00 P.M. TO 8:00 P.M. FOR THE CHRISTMAS PARADE. **Motion carried unanimously.**

BOARDS/COMMISSIONS

A. Plan Commission

- 1. Ordinance 2008-16 (Relating To Buildings And Structures Maintenance Standards) **1st Reading** – City Planner Tetzlaff reviewed the proposed ordinance. The Council discussed the ordinance and asked questions of the City Planner and City Attorney.

UNFINISHED BUSINESS

NEW BUSINESS

- A. Approve Closing Of Streets For 2008 Christmas Parade – See under Committees.
- B. Approve Hiring New Election Workers – MOTION BY ALDERMAN HAACKE, SECONDED BY ALDERMAN BABCOCK TO APPROVE HIRING KAREN POKLASNY AS AN ELECTION INSPECTOR. **Motion carried unanimously.**

FORTHCOMING EVENTS

PUBLIC COMMENTS/APPERANCES – None

ADJOURNMENT – MOTION BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN NEUMYER TO ADJOURN THE MEETING OF THE COMMON COUNCIL AT 8:18 P.M. **Motion carried unanimously.**