

**MINUTES  
CITY OF PORT WASHINGTON  
CITY COUNCIL MEETING  
September 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 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 – August 19, 2008
- B. Approve Original Operator's License Applications – Courtney A. Tucker, Lauren E. Randula and Kenneth W. Naujock

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

**MAYOR'S BUSINESS**

- A. Update On Maritime Heritage Festival – Sara Grover, BID District Director, gave the Council an update on how the festival went and gave highlights of the event. She thanked the many volunteers who worked a total of 1100 hours at the festival. She said on Friday there were approximately 700 to 1,000 people present to see the tall ships come into Port. On Friday the festival opened at 10:00 a.m. and we were taken back by the number of people, but were pleasantly surprised. An estimated 31,000 people attended the event. She reported on the sale of passports and said they sold out on every sail-away. They will be bringing in different ships next year, some tall ships, tugs and an antique boat show. They have a couple of corporate sponsors that have asked us to make presentations to them for next year. While food wasn't served in Rotary Park, people went to restaurants in Port Washington so it did serve its purpose of helping businesses in the downtown. She said she is very grateful for all the help and is looking forward to working with everyone in the future.

Alderman Vollmar thanked Sara for working overboard on the festival. Alderman Hudson said Sara did a fantastic job and heard nothing but good things, which is positive for our City and our businesses.

- B. Appointments To Design Review Board & Harbor Commission – MOTION BY ALDERMAN VOLLMAR, SECONDED BY ALDERMAN HAACKE TO APPROVE THE APPOINTMENTS OF ANDY WEBER AND JORGEN HANSEN TO SERVE AS TECHNICAL ADVISORS TO THE DESIGN REVIEW BOARD AND PETE JUSHKA TO THE HARBOR COMMISSION. **Motion carried unanimously.**
- C. Special City Council Meeting – City Administrator Grams reported that there will be a Special City Council Meeting on September 23<sup>rd</sup> in which a public hearing will be held and approval of a Conditional Use Grant for the proposed Ozaukee Sports Complex.

## **OFFICERS'/STAFF REPORT**

### **A. Public Hearing On Possible New Refuse Collection System**

City Administrator Grams briefly recapped the proposed new refuse collection system. A representative from Veolia was present to answer questions. Mayor Huebner declared open the public hearing.

Jack Daehling, 542 Briarwood Lane – Had questions that he wanted to have addressed. What happens when it snows and carts get plowed in? The rep said the arm on the truck picks it out of the snow and puts it back where it was. He said the City usually has streets plowed by 7:00 a.m. so that shouldn't be a problem. How is excess material handled if we have a larger amount? The 96-gallon container is usually big enough. Everything has to be in the container to be collected. There is an extra charge for larger materials and can be done by calling for a special pick-up.

Rebecca Stenson, 123 E. James Dr. – Had concerns about where to store carts?

Veolia is the only waste hauler for the bag system. Waste Management refused to bid on the bag system. Jim Searles, 712 W. Grand Ave. – Has an extremely steep front yard. Rather put carts in back alley. Asked if Veolia used Cushman scooters like Milwaukee had. Veolia doesn't use scooters anymore because they are no longer available. He lives on an alley so how would Veolia know if he wanted to continue with the bag system or carts. City Administrator Grams said we would contact everybody who lives on an alley and give them their choice of continuing with bags or go with the cart system. John Bauer, 1528 Parkview Lane – You're going to have a City that looks like crap. Our garage is not big enough. Where are we going to store our carts? It sounds like you are all for the cart system. You guys are not thinking this whole thing out. How much are we going to save for the City?

Alderman Ross – I'm going to clarify some things to get your input. There are only two companies to pick up trash. We're only one of the only two communities that use bags. People that have used it love it. I'm looking at reality. We're having this forum to get you to understand all of the ramifications. Judy Menting, 772 N.

Milwaukee St. – I don't have a garage to store carts. The carts are too high for me to lift the bags into them and don't have anyone to help me. How do I get the cart out of the snow when I get home from work? Veolia said they do not make shorter carts.

Ken Feilen, 648 Evergreen Terrace – When we moved to Port Washington I was surprised when I saw plastic bags at the side of the road. Try it. You'll like it. My mom is 85 years old and she could easily wheel the cart. Carts are very sturdy. Jim Daniels, 716 W. Grand Ave. – I don't have a problem with carts, but in the 700 block of Grand Avenue there is no grass easement and because the carts are so wide they may block the sidewalk.

Bonnie Knaub, 1936 Parknoll Lane – I am a condo owner and I pay for garbage pick-up all the time and my garbage isn't picked up. What Mark said about it going on the tax rolls, I don't think I want to pay more money for garbage pick up for the whole City when I'm paying for it already and don't get my garbage picked up. Jack Gahan, 139 S. High St. – Want to ask Mark Grams about the \$43,000 in savings if we go with the cart. When you break that down to all taxable residents, what does it amount to savings per unit? If you're just looking at users, a little over \$12.00 per household. I usually have only 2 bags of garbage.

Last year the snow was plowed curb to curb onto the sidewalks. The only place for the cart would be right in the middle of the sidewalk. I would have to get up at 5:00 in the morning to get my garbage out. Mark suggested putting the cart in the driveway and the truck could pick it up there. Jim Searles, 712 W. Grand Ave. – I would like to see something down the road for another option that would satisfy the needs of the City, the needs of the citizens and also for our contractor who comes into the picture. Would like to see that as an action item in the future. Alderman

Ross – There are really only two players in the market right now. If you have a medical condition that you can't handle the carts, you can get a slip from your doctor. Veolia said if for some reason a cart doesn't work, we'll work with the City. Julian Rogers, 1121 Crestview Dr. – Has a friend who lives in Wauwatosa where the driver will come and get the cart and then leave it at the end of the driveway for an extra \$85 per year. Veolia said they currently do not do that. Linda Schultz, 345 S. Garfield Ave. – I live on an alley so I'll have the option of carts or bags, but maybe in five years when we don't have that option, what do we do? I don't have the strength and even with a small bin, it would be hard to pick up over the threshold to get it to the curb. Gene Streff, 907 N. Webster St. – Took a ride around town and most homes have double garages, but 50% of the homes were built before 1960 and most have single garages. Carts would be too big to store in garage, so they would have to stand outside. Can there be a central station in town that you could have equipment that we could take our bags and they could be put in a dumpster in the City's recycling area? Sandy Feilen, 648 Evergreen Tr. – You people are trying so hard not to like this. Give it a chance, it's lightweight and it works. Can I demonstrate it? Alderman Haacke – There are some real concerns. The cities you mentioned are different than Port Washington. We are unique City with a lot of hills. Can you phase this in over a year or so? Maybe there's a way we can do this. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN VOLLMAR TO CLOSE THE PUBLIC HEARING. **Motion carried unanimously.** Mayor Huebner said that Grafton and Saukville did not have a public hearing. You should be proud of your aldermen who actually had this public hearing. They should be commended for listening to everyone and hopefully they will take your thoughts to heart and make a wise decision.

B. Fall Primary Election – City Administrator Grams reminded the Council of the Fall Partisan Election on Tuesday, September 9<sup>th</sup>. There will not be a Public Works Meeting.

C. Update On Projects:

1. Highway 32 Project – Phase 2 opened last Friday. The landscaping was seeded. Phase 3 and 4 will have sod because of the time of year. Phase 3 underground work should be completed by the end of this week. The following week the grading will be done, paving, street lighting, sidewalk replacement and grass. On October 16 that section will be opening up to Beutel. This evening we had a Public Information Meeting for Phase 4. We talked about driveway interruptions with the businesses in that area. There will be two-way traffic for this phase. Phase 4, for the most part, will be detour free.
2. Sauk Creek Restoration Near Waterpark – City Engineer Vanden Noven passed out pictures of Sauk Creek before restoration and after. The DPW and Jim's Excavating were able to restore the bank. The good news is that FEMA accepted our application and we will be eligible for reimbursement with no cost to the City. The Mayor thanked Ross and Jim for cleaning up the creek afterwards. He complimented them for the excellent job. Ross really put his heart and soul into the project.

**PUBLIC COMMENTS/APPEARANCES** – Rick Nelson, representing the Police & Fire Commission – Publicly thank Sara Grover for the Heritage Maritime Festival. She did an outstanding job. He also would like to comment on the 2<sup>nd</sup> Reading of Ordinance 2008-14 (Adopting Wisconsin State Statute 941.235 Prohibiting The Carrying Of A Firearm Into A Public Building). The main thing he is concerned about is the incident that happened of bringing a firearm into a public building. A citation was issued, but the

District Attorney decided it didn't warrant further prosecution, so nothing was done. Had we had a City ordinance in place where we could charge him with a City offense, that person would understand that's something that we don't want in our city. If the County or State doesn't want to prosecute a case like this, at least we would have another option.

## COMMITTEES

### A. Finance and License Committee

1. Resolution 2008-16 (Resolution Authorizing The Issuance And Sale Of \$730,000 Taxable General Obligation Promissory Notes) – MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN LARSON TO APPROVE RESOLUTION 2008-16. **Motion carried unanimously.**
2. Consider Agreement Between The City And Possibility Playground Of Ozaukee County, Inc. – Representatives of Possibility Playground were present and reviewed some changes to the agreement. One change is that LPL Financial Corp. is replacing the Greater Milwaukee Foundation who is holding and managing the money. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN HAACKE TO APPROVE THE AGREEMENT BETWEEN THE CITY AND POSSIBILITY PLAYGROUND OF OZAUKEE COUNTY, INC. A discussion followed. The City Attorney recommended that in the sentence on Page 2, under (f), the words be added "to help support" future Playground maintenance and improvements instead of "for". The City Attorney said that \$15,000 is the initial contribution for the endowment fund and also wanted to emphasize to the Aldermen that by adopting this agreement, if the endowment fund ceases or is insufficient, they are agreeing on behalf of the City to continue to maintain that. Alderman Vollmar commented on maintenance and said that the volunteer group for this project has gone the extra ten yards to get this accomplished and he doesn't see them as a group who would let this project deteriorate. Alderman Babcock agreed with Alderman Vollmar and feels we should enter into this agreement. The representatives of Possibility Playground said they would be forming a group "Friends of the Possibility Playground" upon completion of the build and they expect to continue supervising the playground. They explained that they changed from the Greater Milwaukee Foundation to LPL Financial Corp because they would have easier access to the principal that they were raising. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN HAACKE TO AMEND THE MOTION TO INCLUDE THE CHANGE TO LPL FINANCIAL CORP FROM THE GREATER MILWAUKEE FOUNDATION AND THE CHANGE TO 2. F. AS RECOMMENDED BY THE CITY ATTORNEY. Vote on original motion. **Motion carried unanimously.** Vote on amended motion. **Motion carried unanimously.** Alderman Ross said we should do a background check on LPL Financial Corp. City Administrator Grams will check on it.

## BOARDS/COMMISSIONS

### A. Plan Commission

1. Ordinance 2008-15 (Amend 20.29.000 Of The Zoning Code, Revision Of The Sign Regulations) **1<sup>st</sup> Reading**

**A. Police & Fire Commission**

1. Ordinance 2008-14 (Adopting Wisconsin State Statute 941.235 Prohibiting The Carrying Of A Firearm Into A Public Building) **2<sup>nd</sup> Reading** – The City Council discussed their concerns with the proposed ordinance. Aldermen Vollmar and Neumyer felt that it should be treated as a criminal offense and be dealt with at the District Attorney's office. Alderman Larson had a concern regarding possible over-charging with this ordinance, citing the incident at the library. FOLLOWING DISCUSSION, MOTION WAS MADE BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN HUDSON TO APPROVE ORDINANCE 2008-14. 2 ayes, 5 nays (Haacke, Neumyer, Vollmar, Larson, Ross) **Motion failed.**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

- A. Approve Closing Of Upper Lake Park Road, September 16<sup>th</sup> – 21<sup>st</sup> For Possibility Playground Construction – MOTION BY ALDERMAN HAACKE, SECONDED BY ALDERMAN NEUMYER TO MAKE EAST ROAD SOUTH BOUND ONLY. **Motion carried unanimously.**
- B. Approve Hiring Of New Election Workers – MOTION BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN HUDSON TO APPROVE THE LIST OF NEW ELECTION WORKERS. **Motion carried unanimously.**
- C. Resolution 2008-17 (Adopting The Ozaukee County All Hazards Mitigation Plan) – MOTION BY ALDERMAN VOLLMAR, SECONDED BY ALDERMAN ROSS TO APPROVE RESOLUTION 2008-17. **Motion carried unanimously.**

**FORTHCOMING EVENTS**

**PUBLIC COMMENTS/APPERANCES**

**MOTION TO GO INTO CLOSED SESSION** According To Wisconsin State Statute 19.85 (1) (e) to deliberate on the possible purchase of property and sale of public property for competitive or bargaining reasons. ROLL CALL: Haacke-aye, Neumyer, aye, Vollmar, aye, Babcock, aye, Hudson, aye, Larson, aye, and Ross, aye. **Motion carried unanimously.** The Council convened into closed session at 10:10 p.m.

**Reconvene Into Open Session** – The Council reconvened into open session at 10:29 p.m.

**ADJOURNMENT** – MOTION BY ALDERMAN HAACKE, SECONDED BY ALDERMAN LARSON TO ADJOURN THE MEETING OF THE CITY COUNCIL AT 10:30 P.M. **Motion carried unanimously.**