

**MINUTES
CITY OF PORT WASHINGTON
CITY COUNCIL MEETING
April 8, 2009**

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 Paul Neumyer, Jim Vollmar, Burt Babcock, Tom Hudson, David Larson and Chris Ross. Absent and excused was Alderman Al Haacke. Also present: City Administrator Mark Grams, City Planner Randy Tetzlaff, City Engineer Rob Vanden Noven and City Attorney Eberhardt and Park & Recreation Director Charlie Imig, Jr. The Pledge of Allegiance to the Flag was recited.

CONSENT AGENDA

- A. Approve Minutes of the Previous Meeting – March 17, 2009
- B. Approve Original Operator's License Applications – Dean E. Bowling and Ghanshyam G. Patel
- C. Approve Original Combination "Class B" Retail (Tavern) License Application – Wendy S. Schowalter/Wendy's Place/601 N. Wisconsin St. (Formerly King On The Hill)
- D. Approve Cabaret License Application – Sir James Pub, Inc. (Herbert James) April 19, 2009/316 N. Franklin Street
- E. Approve Temporary "Class B" Retailer's License (Picnic) Applications – Great Lakes Sport Fishermen Club-Ozaukee Chapter/July 3 to July 5, 2009/Kiwanis Pavilion (Fish Derby) and VFW Post #7588/July 18, 2009/Bluff-Upper Lake Park – Lions Pavilion (Fish Day)
- F. Approve Temporary Bartender's License Applications – Great Lakes Sport Fishermen Club-Ozaukee Chapter – Shanene N. Otts, John C. Peters, Robert J. Hammen, Willard Rusch, Paul J. Pogrants, Allen J. Larson, Phil L. Moreau, Duane E. Nadolski; VFW Post #7588 – Dennis J. Ansay, Wesley R. Blumenberg, Charles J. Ellmauer, Daniel S. Pals

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

MAYOR'S BUSINESS

OFFICERS'/STAFF REPORT

- A. Resolution 2009-6 (Certify Spring General Election Results) – MOTION BY ALDERMAN VOLLMAR, SECONDED BY ALDERMAN NEUMYER TO APPROVE RESOLUTION 2009-6. **Motion carried unanimously.** Voter turnout was 23.6%.
- B. Resolution 2009-7 (Resolution Opposing Proposed Changes To Prevailing Wage Law) – MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN ROSS TO APPROVE RESOLUTION 2009-7. **Motion carried unanimously.**
- C. City Council Organizational Meeting – City Administrator Grams reminded the Council that the next City Council Meeting on April 21st is the swearing in of the newly elected officials.
- D. Update On Projects:
 1. N. Spring Street – City Engineer Vanden Noven said the project started Monday. Contractors are installing water main and storm sewer. Project is scheduled to pave at the end of May. Residents were all notified and a detour was set up.

PUBLIC COMMENTS/APPEARANCES – Tom Borchardt, 516 N. Wisconsin St. & 108 E. Woodruff street – If the plan is going to be parking on one side of the street for Catalpa, the east side has five spots and the west side has eight spots. Regarding driveway approachments, is there going to be allowances for curb cuts? Will there be special concessions for this? Narrowing the streets will be a problem for traffic. Dawn Borchardt – Read a letter from Mike and Bethel Metz, 136 E. Van Buren, who were out of town regarding their concerns on the proposed plans for parking and traffic issues. Phillip Gabrich, 504 N. Wisconsin St. – If an 18-wheeler has a hard time making turns on Van Buren St., then how can a fire truck get through. Is against narrowing the street and would like to keep parking the way it is. Sue Bruner, 516 N. Powers St. – This area is not just a quiet peninsula of the City of Port Washington. The fact that you have a school, church, a major tourist attraction, parents picking up kids and dropping them off, school buses, semi trucks making deliveries, garbage trucks and emergency vehicles. The estimated count of 500 vehicles per week on the church hill is ludicrous. If this were residential only, the plan would be nice. It is not a practical plan. Kyle Knop, 507 Catalpa St. – My wife and I didn't sign the petition because we didn't feel the entire plan was wrong. There are issues with speed and traffic with the school. It's difficult to get out of our driveway with cars parked on both sides of the street. Our feeling is that by reducing parking on Catalpa St., it would be extremely helpful and safe for people backing out onto the street. Dan Micha, owner of 116-122 E. Woodruff – Traffic is too fast. A suggestion on Sunday, have the church people go to the parking lot across from the old jail; have a pick up bus drive people to church to cut down on congestion and allow parking. It would be free to park at that lot because it's not used on Sunday. I'm all in favor of making sidewalks attainable for walking. Each resident should be able to voice their concerns to address issues of speed and congestion. I am for the project but it needs some more TLC. Want people to be heard about modifications and change. Dan Hahn, 115 E. Woodruff – I'm all for the project. As far as narrowing the streets, it's a good plan to control traffic. Mrs. Esselmann, 118 E. Van Buren St. – Representing my Mom and Dad, Donald and Charlotte. Illegal parking happens all the time. As far as moving semi's through, my car was sideswiped several times. I can't get in my driveway when there is a function going on. In observing parking habits, on Sunday, people visiting the assisted living home cannot find parking. Phillip Gabrich, the holes being dug for planting trees should be marked better. Right now, there is a lawsuit waiting to happen. Mrs. Steinert, 133 Woodruff – Our street is too narrow as it is and with the proposed reduction of street parking, we cannot narrow the street any more. There are 17 families and parking on one side of the street would limit parking even more.

Mayor Huebner asked that we move to Item 9. UNFINISHED BUSINESS, B. Review Proposed Street Design of Catalpa, Van Buren, Johnson, Powers, Woodruff and Dodge.

Mayor Huebner indicated that Rob Vanden Noven would now do a presentation on the proposed street design for streets on St. Mary's Hill to address concerns of the citizens. Alderman Ross said wouldn't it make more sense to table this item and send it back to the Board of Public Works since there are so many objections to the plan? Mayor Huebner said Rob has been taking some of the comments and made some changes over the last week, so we could see what's happening and get some feedback. City Attorney Eberhardt indicated that a move to table would not be appropriate or workable under the rules of order that govern this body. This matter was voted on and approved in terms of the street design. If this body wants to revisit and undo its prior action, it would have to be by a motion to rescind and the matter would go back to committee.

MOTION BY ALDERMAN VOLLMAR TO MOVE TO RESCIND THE PRIOR MOTION TO APPROVE THE PLAN. SECONDED BY ALDERMAN ROSS.

Alderman Larson feels we need to hear what Rob has to say. Alderman Babcock would like to see the changes that have been made and it would make sense to review these at this point in time. City Engineer Vanden Noven reviewed the design of the concept plan regarding widening the travel lane for semi's and buses. For speeding vehicles, a proven technique for slowing down traffic is reducing the width of the street. Regarding the traffic count issue, he doesn't remember where the 500 count vehicles came from. He referred to his letter of March 24th to residents and reviewed the points in the letter. He said changes would allow parking on both sides of Woodruff. Van Buren between Catalpa and Johnson St. would remain at its current width with parking on both sides. Johnson St. would be the same with parking on both sides, retained at its current width. Johnson Street in front of the Light Station, same width as it is now and working the corner so tour buses can negotiate through. Powers St. would have parking on one side of the street, the same as it is now. Catalpa St. proposed unchanged. The configuration of the parking lot by St. Mary's Church would lose three spaces. If we wanted to improve the driving lane on Van Buren St., we could widen the roadway, but we would be shrinking the parking lot. On Woodruff St. one alternative to have parking on both sides of the street, would be to widen it to 26 feet instead of 24 feet with restricted parking in winter. He said he would still recommend parking on one side with a 24-foot street.

Alderman Vollmar said he has been up on St. Mary's Hill to do traffic counts and parking lot counts and to see how people park in the church lot. He said there are at least three homes on Woodruff that have no off street parking whatsoever. He thinks Rob's compromise will make some of the residents happy. He said this item has never been to the Traffic Safety Committee and there is no input from the police department. He would like to see those compromises go into effect and that's the reason for the motion to rescind. Alderman Hudson agrees with Alderman Babcock that the illegal parking of cars in the crosswalk should be ticketed. He also agrees with Rob on a number of points. Trees will make property values go up. In budget meetings, he sees that widening streets mean a higher construction cost, as well as snow removal and higher taxes. Sidewalks are necessary. Alderman Ross said the reason for the motion to rescind by him and Alderman Vollmar is that they are on both on the Traffic Safety Committee and Board the Board of Public Works and were unable to attend the open house meeting with Rob and St. Mary's Parish. To make a decision tonight at the Council level on this project even with the compromises that Rob has made would not be right because we don't have the Police Chief here to address concerns that the residents brought up and we don't have Father Tom or members of the Parish Council. He noticed that Father Tom signed the petition opposing narrowing the streets and reduction of street parking, so we don't know if he would go along with the changes to the parking lot. We're trying to make a decision on something that we have a lot of questions on, so I believe it should go back to the Board of Public Works. Alderman Neumyer asked if we could possibly talk to Chief Mitchell concerning the turns of emergency vehicles. City Administrator Grams said we talk about parking being a major issue, but four months of the year you can't park on the street. So those cars have to go somewhere. There has to be some solution for those people to park their cars. If it's all right in the wintertime, why can't they do it in the summer time also?

Alderman Babcock said we should direct the PYPD to ticket people that are illegally parked. He also asked Rob what the time frame was for this project. As far as completing the project this year, the school has requested that construction take place

between June 15 and September 1. In order to accomplish this, the design would have to be completed by next Thursday and obviously we couldn't do that if we take this back to committee. If the concept is approved, there can be another pre-construction meeting with the residents. Alderman Neumyer asked if we could invite Chief Thomas to speak to us at a future Council Meeting. City Attorney Eberhardt said that if the motion to rescind is not adopted (it would take 4 votes out of the 6 present), then one or more aldermen could make a motion to amend the prior action to possibly incorporate the modifications that Rob discussed and outlined here tonight. Procedurally, the motion to amend would be identical to the motion to rescind in terms of who could make it, whether it needs to be seconded and whether it's debatable and ultimately the vote in terms of numbers voting required to pass it. Alderman Babcock made a motion to call the question, seconded by Alderman Hudson. There were 6 ayes and 0 nays. **Motion carried unanimously.** Original motion to rescind was 3 ayes and 3 nays. **Motion defeated.**

MOTION BY ALDERMAN VOLLMAR TO AMEND OUR PRIOR ACTION TO CONFORM WITH THE MODIFICATIONS THAT WERE SUGGESTED BY CITY ENGINEER ROB VANDEN NOVEN, SECONDED BY ALDERMAN BABCOCK. Mayor Huebner said that people should send a letter to Rob with their concerns and he will address those letters. City Attorney Eberhardt said the open question on the width of Woodruff should be attached to the motion with recommended parking restrictions only during the winter. Alderman Ross said we are trying to make a decision on what's being done with the neighborhood and one of the major bodies for someone representing St. Mary's is not present. Alderman Larson said he voted the way he did because he wanted to keep the project going and not delay it. Vote taken – 5 ayes and 1 nay (Alderman Ross)

COMMITTEES

A. Finance and License Committee

1. Approve Bids For Public Restrooms In Veteran's Park And Upper Lake Park And Utility Relocations – Alderman Hudson indicated that bids are way over budget. The Committee feels the higher priority is the public restrooms in Upper Lake Park and we should proceed with that at this time and would see what Possibility Playground can contribute to the project. That would mean postponing the restrooms in Veteran's Park until at least later in the year and ask the contractor to extend their normal 60-day deadline on that particular project. Also, we would proceed with preparations for the utilities in Veteran's Park. There is some utility work that could be done by the contractor working on N. Spring Street and while they are in town could do that job at a lower cost than we would normally be able to get from another contractor. That's a possibility that we would like to see looked into. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN BABCOCK TO APPROVE THE BIDS FOR PUBLIC RESTROOMS IN VETERAN'S PARK AND UPPER LAKE PARK AND UTILITY RELOCATIONS. Alderman Vollmar feels the bids for this project is way over the top. Mayor Huebner commented that he is a little disappointed in that for quite a few years we've been trying to get improvements for restrooms for the beach area, but he understands the priority. For years we continue to abuse people who like to use the beach, which is our natural asset. Vote taken was 4 ayes and 2 nays (Aldermen Ross and Vollmar). **Motion carried.**
2. Approve Concession Stand Memorandum Of Understanding With Port Washington Youth Baseball – MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN VOLLMAR TO APPROVE THE CONCESSION STAND MEMORANDUM OF UNDERSTANDING WITH PORT WASHINGTON YOUTH BASEBALL AS RECOMMENDED. **Motion carried unanimously.**

BOARDS/COMMISSIONS

A. Plan Commission

1. Approve Minor Revisions To The Park And Open Space Plan – MOTION BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN NEUMYER TO APPROVE REVISIONS TO THE PARK AND OPEN SPACE PLAN AS PRESENTED. Vote taken was 5 ayes and 1 nay (Alderman Vollmar). **Motion carried.**
2. Ordinance 2009-3 (Rezoning Of Property At 1653 N. Wisconsin Street From RM-4, Multi-Family District, To B-3, General Business District) **1st Reading**

UNFINISHED BUSINESS

- A. Update On Coal Dock Project (Final Design And Engineering Plans) – City Engineer Vanden Noven reviewed with Agreement for Professional Consulting Service for the North Coal Dock Improvements. He indicated that it is critical that a Master Grading Plan be approved by May 1st, in order to grade it accordingly, and is recommending that we approve part of the agreement, specifically E. 2 and 4, at this time in order to meet time constraints. MOTION BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN HUDSON TO APPROVE E. 2 & 4 OF THE AGREEMENT FOR THE NORTH COAL DOCK IMPROVEMENTS UPON REVIEW OF THE CITY ATTORNEY. **Motion carried unanimously.**
- B. Review Proposed Street Design of Catalpa, Van Buren, Johnson, Powers, Woodruff and Dodge – The Mayor moved this item up to the beginning of the meeting.

NEW BUSINESS

FORTHCOMING EVENTS – Alderman Vollmar reported that the Second Annual Sustainability Fair and Earth Day Celebration would be held on Saturday, April 25th at the former Squires Country Club. He also mentioned that we should work on the Eco-Resolution. Alderman Hudson thanked Aldermen Ross and Haacke for their service. Also he amplified what Alderman Vollmar said earlier regarding the cost of these facilities and is frustrated with the high bids. The architects and consultants can't give us a decent and realistic estimate on projects. In regards to the vandalism downtown, he would like to see at our next meeting an ordinance issuing punitive damages and destruction of City property including street trees and \$500 for each incident and occurrence. City Attorney Eberhardt said in regards to the recent vandalism of trees in our downtown area, the officer chose the damage to public or private property ordinance. In that regard our Municipal Judge set a stand bond amount of \$172 for that offense. If they plea not guilty and the matter comes before the court and there's a trial, the City could then, upon their conviction, ask that the court set the forfeiture higher than the uniform bond amount. If they plea guilty or no contest, they would pay for each tree plus the cost of restitution for each tree.

PUBLIC COMMENTS/APPEARANCES – Kyle Knop, 507 Catalpa St. – Does the City have any intent to start a rain barrel program? He was told that we did one last year. Regarding the rework of the streets, to get the message out, the city should send a written summary to everyone sort of delineating the proposed changes to the plan. Mardy McGarry, Possibility Playground – Thanked everyone for their efforts with the proposed restrooms. Their group is going to do some fundraising to help out with the project.

MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN LARSON TO GO INTO CLOSED SESSION according to Wisconsin State Statute 19.85 (1) (c) to discuss labor negotiations. ROLL CALL: Neumyer-aye, Vollmar-aye, Babcock-aye, Hudson-aye, Larson-aye and Ross-aye. **Motion carried unanimously.**