

**MINUTES
CITY OF PORT WASHINGTON
CITY COUNCIL MEETING
August 18, 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 Mike Ehrlich, Paul Neumyer, Jim Vollmar, Burt Babcock, Tom Hudson, David Larson and Dan Becker. Also present: City Administrator Mark Grams, City Engineer Rob Vanden Noven, City Planner Randy Tetzlaff, and City Attorney Eberhardt. The Pledge of Allegiance to the Flag was recited.

CONSENT AGENDA

- A. Approve Minutes of the Previous Meeting – August 4, 2009
- B. Operator's License Applications – Shirley J. Dekker, Audrey L. Emerson, Meghan D. Gresen, Joseph A. Sobieski, Dilawar Khan, Irum Rasheed
- C. Original Combination "Class A" Liquor License – USA Liquor, Inc. (Dilawar Khan) 925A S. Spring Street/August 25, 2009 to June 30, 2010

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

MAYOR'S BUSINESS

- A. Update On COPS Grant And Future Grant Application Procedures – Mayor Huebner said that after our last meeting he contacted the League of Municipalities legal office about what happened and they were concerned about it. In order to get this thing to move forward, the Mayor met with the Chief and Chairman of the Police & Fire Commission and they came to an understanding of how to proceed and come up with some procedures to put in place. Mayor Huebner than invited the Chief and Captain to come up for a chance to explain and talk about this.

Chief Thomas said, as you know, at the August 4th Council Meeting you were advised that the COPS Grant that we submitted on April 14th was not approved. He said only 7 in the State of Wisconsin were awarded the grant. He said on June 16th a presentation was made by members of the Police Department as to what their needs were as it relates to the grant. After that he spoke to Mayor Huebner who had a chance to review the grant and he discovered that his name had been electronically placed on the grant. Since then Chief Thomas apologized to the Mayor for that occurring. As the Chief, he said he accepts the responsibility for this and has since contacted each of the Aldermen and apologized and assured them that this will never happen again. Chief Thomas said they have been working with the City Attorney and he has helped develop a policy that he believes, if the Mayor approves it, will further prevent something like this from occurring. He distributed the proposed policy to the Council and said that once the Mayor has a chance to review it and advises us that it meets the concerns that he expressed, he would then implement it and submit it to the Police and Fire Commission in September for formal adoption. Captain Keller then spoke and said he wanted an opportunity to appear before the Council and offer an explanation as well as an apology as to what occurred. He has met with the Mayor and apologized to him. He explained that in an effort to submit the COPS Hiring Grant with the short time-frame, he failed to review the grant assurance details as closely

as he should have and typed the Mayor's name as was required into the electronic grant application as a signatory without first consulting him. He said he wanted the Council to know that he completed and submitted the grant application in good faith with no intent to assert the Mayor's authority or misrepresent the Council. He said his task at the time was the timely completion and successful submission of the grant. He apologized and said in the future before entering the Mayor's name on any document, he would seek approval and authorization to do so. Alderman Babcock said he appreciates the Chief and Captain coming forward and explaining what happened. Alderman Larson thanked them for coming in and appearing before the Council. He said he likes what he saw in the General Order and that in his mind, the issue has been handled. Mayor Huebner said we would be putting a citywide policy in place, especially as we move into the electronic era.

OFFICERS'/STAFF REPORT

- A. Formation Of Complete Count Committee For 2010 Census – City Administrator Grams reminded the Council that after passing the resolution regarding the Complete Count Committee at the last Council Meeting, we have to form the committee for the 2010 Census. He will be meeting with the Mayor and talking about the parameters of the committee.
- B. City Administrator Grams reported that we would need to have a Special Council Meeting to approve a Cabaret License for Sir James Pub who wants to hold an event on August 29th.
- C. City Newsletter – City Administrator Grams said that the next newsletter is the first newsletter that we won't be formally mailing out. The newsletter will be put on the City's web site, as well as copies would be available at various city departments and in business establishments throughout the City. He said he has talked to other administrators and it seems that most of them are doing this. The cost savings to the City would be around \$4,000 to \$5,000.
- D. Update On Projects:
 1. Street Reconstruction Projects – The repair of the railroad tracks on Grand Avenue by the Union Pacific Railroad is scheduled for Monday, August 24th. The detour route will be over to Oakland Ave., to Park Street and back to Grand Avenue. The project should be completed by Thursday and open to traffic on Friday. City Engineer Vanden Noven reported that on the St. Mary's Hill project, curb would be paved on Thursday and Friday of this week. Next week concrete work behind the curb, sidewalks and driveway aprons would be done. Unfortunately the deadline of August 31st for completion of the project cannot be done. He notified the school and church. He hopes to get it done by Friday of the first week in September.
 2. Construction of Public Restrooms – Veteran's Park – completed the backfilling today and tomorrow the concrete block will begin going up. Upper Lake Park – Quite a bit of progress. The roof is on and the floor is being poured in the bathrooms today. The windows are in and the contractor has assured that they would finish by September 4th.
 3. City Attorney Eberhardt reported that the registered agent of the owners of the former bank building was served with a notice of defects that make that building a public nuisance. Under the statutory procedure, they have 30 days, which will expire on September 11th to make the repairs that are specified in the notice of defects. If they fail to do so within the 30-day

period, then the building inspector will apply to the Circuit Court for a court order determining that the building is a public nuisance. The City Attorney will keep the Council apprised of the situation.

PUBLIC COMMENTS/APPEARANCES – None

COMMITTEES

A. Finance and License Committee

1. Resolution 2009-24 (Write-Off Of Uncollectible Accounts) – MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN BABCOCK TO APPROVE RESOLUTION 2009-24. **Motion carried unanimously.**
2. Resolution 2009-25 (Preliminary Resolution To Levy Special Assessments For 2008 Sewer And Water Improvements For The Highway 32 Project) – MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN BECKER TO APPROVE RESOLUTION 2009-25. **Motion carried unanimously.**
3. Resolution 2009-26 (Preliminary Resolution To Levy Special Assessments For The 2008 County Highway LL Water Main Extension Project) – MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN EHRLICH TO APPROVE RESOLUTION 2009-26. **Motion carried unanimously.**
4. Resolution 2009-27 (Preliminary Resolution To Levy Special Assessments For The Extension Of Sidewalk At 500 N. Spring Street) – MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN BABCOCK TO APPROVE RESOLUTION 2009-27. **Motion carried unanimously.**
5. Resolution 2009-28 (Preliminary Resolution To Levy Special Assessments For 2009 Sidewalk Improvements On Johnson And Powers Streets) – City Engineer Rob Vanden Noven gave an overview of what sidewalks will be placed, where none previously existed, and what ones will be replaced on Powers and Johnson Streets. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN NEUMYER TO APPROVE RESOLUTION 2009-28. **Motion carried unanimously.**
6. Ordinance 2009-10 (Amend Plumbing Permit Fees For Water Meters) **1st Reading** – Alderman Hudson said we need to readjust prices for plumbing permit fees due to the increase in the price of materials for new meters to recover our costs.

B. Traffic Safety Committee

1. Ordinance 2009-7 (No Parking On The Eastside Of N. Holden Street Between Van Buren St. And Landolt St. During School Hours) **2nd Reading** – MOTION BY ALDERMAN NEUMYER, SECONDED BY ALDERMAN BECKER TO APPROVE ORDINANCE 2009-7. **Motion carried unanimously.**
2. Ordinance 2009-8 (No Parking On Portions Of N. Park St. Between Moore Rd. And Grand Ave.) **2nd Reading** – MOTION BY ALDERMAN BECKER, SECONDED BY ALDERMAN EHRLICH TO APPROVE ORDINANCE 2009-8. **Motion carried unanimously.**
3. Ordinance 2009-9 (No Parking On Portions Of N. Wisconsin St. In Concurrence With The Highway 32 Street Reconstruction Plan) **2nd Reading** – MOTION BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN BECKER TO APPROVE ORDINANCE 2009-9. **Motion carried unanimously.**

BOARDS/COMMISSIONS

A. Harbor Commission

1. Approve Bid For Construction Of Floating Piers In Marina – City Administrator Grams reviewed bids for the 2010 Dockage Replacement in the Port Washington Marina and the recommendation of the Harbor Commission. Larry Ryan of Baird & Associates and Harbormaster Dennis Cherny were present to answer questions of the Aldermen. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN LARSON TO APPROVE THE BID OF MC MULLEN & PITZ AS RECOMMENDED BY THE HARBOR COMMISSION. **Motion carried unanimously.**

B. Board of Public Works

1. Approve Proposal For Design And Construction Services For Roof Replacement At Water Filtration Plant – MOTION BY ALDERMAN BECKER, SECONDED BY ALDERMAN EHRlich THAT THE CONTRACT FOR PROFESSIONAL SERVICES FOR THE DESIGN AND CONSTRUCTION OF A ROOF REPLACEMENT AT THE WATER FILTRATION PLANT BE AWARDED TO MR. ERIC DRUMHOLZ. **Motion carried unanimously.**
2. Approve Replacement Of lighting At Wastewater Treatment Plant – MOTION BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN HUDSON TO APPROVE PIEPER ELECTRIC FOR REPLACEMENT OF T-12 LIGHTING WITH MORE EFFICIENT T-8 LIGHTING AT THE WASTEWATER TREATMENT PLANT. **Motion carried unanimously.**
3. Approve Sidewalk And Safety Railing On Johnson And Powers Streets – City Engineer Rob Vanden Noven reviewed the project of installing sidewalk on the west side of Johnson Street, as well as a pedestrian railing on the existing retaining wall. In addition, the construction of the Light Station viewing area and deferral of the decision of the sidewalk on Powers St. until 2010. MOTION BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN LARSON TO APPROVE THE BOARD OF PUBLIC WORKS RECOMMENDATION OF SIDEWALK AND RAILING ON JOHNSON ST., THE CONSTRUCTION OF THE LIGHT STATION VIEWING AREA, AND DEFERRAL OF THE DECISION OF SIDEWALK ON POWERS ST. UNTIL NEXT YEAR. **Motion carried unanimously.**
4. Approve Construction Of Upper Lake Park Stairs To North Beach – Tabled. City Attorney Eberhardt had concerns with the project as to whether it could be done consistent with the competitive bid laws. He said it was supportable legally, but he was still concerned and would like more time to formulate a legal opinion so the Council can act accordingly.
5. Simplicity Foundation Monument At The East End Of E. Main Street – City Engineer Vanden Noven reviewed the re-location of the Simplicity monument to City property. Kevin Kirst representing the foundation said that Briggs & Stratton agreed to pay to relocate the monument, but Kevin fears that if a location isn't found soon, the company may pull the funds and the foundation would have to pay for it. He said the desired location is at the end of the E. Main St. cul-de-sac between the Chair Factory Sign and the Niagara Exhibit. He said if the foundation were located downtown, the foundation would make an annual donation to the Port Washington Main Street program. Mayor Huebner gave a brief synopsis of the history of the proposed location saying that Simplicity was once housed in the former Chair Factory along the north slip and putting it along the walkway would tie into the history noting that the Niagara exhibit, Chair Factory sign and other artifacts are located in the same area.

Alderman Vollmar objected to the size of the monument and also feels it has the appearance of a tombstone and would not be appropriate on the lakefront. He said he is not in favor of this. He thought it would fit in more at the library against the brick wall. City Attorney Eberhardt said that in reading the statutes you have to clarify your interpretation of whether this matter of a placement of a structure or memorial has to be referred to the Plan Commission first and then to the Council. It is a matter that should be considered. Alderman Ehrlich said that Simplicity is an intricate part of the City and played a prominent role in the community's history so the City should find a home for the marker. Alderman Hudson said it is his personal feeling that if this is largely a foundation that helps a small group of private people, such as Simplicity employees, he has a real problem of putting it on City land. If this foundation does more than deal with private citizens who are part of a small group, some of his concerns are lessened. He said he would like more information on this in what the foundation really does and have the Plan Commission look at it. The City Attorney said with all respect to the Library Board, according to Wisconsin Statutes, the Council shall have the management and control of all City property including the premises that the library is on. It is the control of this body where it ultimately rests. Alderman Vollmar said that it is clear in our ordinance that control of the land at the Library is in the hands of the Library Board. It is the only one that, by ordinance, provides for that specific power. Regarding the comment by Alderman Hudson, Alderman Ehrlich said that this foundation is no different from, for example, the Lion's Club who also gives scholarships and the first people in line are descendents of people who belong to the Lion's Club. The same thing is done with Kiwanis and Rotary. Kevin Kirst noted some of the contributions that were made by the foundation – the YMCA, the Portal, Junior Achievement, Habitat for Humanity, Ozaukee Council and COPE Services. It's not just directed to Simplicity descendents. Alderman Hudson said in knowing this, he would have less objection to placing the monument on City property, but feels the Plan Commission should look at it first. **MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN LARSON TO REFER THIS ITEM TO THE PLAN COMMISSION. Motion carried unanimously.** City Attorney Eberhardt said the Plan Commission should consider and report to the Council before final action is taken.

UNFINISHED BUSINESS

NEW BUSINESS

FORTHCOMING EVENTS – City Administrator Grams reminded the Council of the Mid-Moraine Association Dinner Meeting on August 26th and if anyone is interested in attending to let us know. Mayor Huebner said Maritime Heritage Festival went very well despite the fact that Sara Grover got sick, so with her good planning, the festival ran great without her.

PUBLIC COMMENTS/APPEARANCES – None

MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN BECKER TO GO INTO CLOSED SESSION According To Wisconsin State Statute 19.85 (1) (c) to discuss Police Department Labor Negotiations. ROLL CALL: Ehrlich-aye, Neumyer-aye, Vollmar-aye, Babcock-aye, Hudson-aye, Larson-aye, and Becker-aye. **Motion carried unanimously.** Open meeting adjourned at 9:50 p.m.