

**MINUTES
CITY OF PORT WASHINGTON
CITY COUNCIL MEETING
August 4, 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, Jim Vollmar, Burt Babcock, Tom Hudson, David Larson and Dan Becker. Also present: City Engineer Rob Vanden Noven, City Planner Randy Tetzlaff, and City Attorney Eberhardt. Absent and excused was City Administrator Mark Grams. The Pledge of Allegiance to the Flag was recited.

CONSENT AGENDA

- A. Approve Minutes of the Previous Meeting – July 7, 2009
- B. Operator's License Applications – Terrence M. Booth, Gina M. Metz, Cheryl D. Snook, Melissa A. Watry, Aaron M.J. Bakewell, Sara V. Bink, Jack J. Trice, Jean M. Stromme, Michael P. Solonika, Linda C. Cooper, Karl R. Wendtlandt, Wallace M. Krier, II
- C. Original Combination "Class A" Liquor License – Mad Max, Inc. (Steve Magestro) 1100 S. Spring Street, August 5, 2009 to June 30, 2010
- D. Cabaret License – Port Main Street, Inc. (Sara Grover) Maritime Heritage Festival/August 13-16, 2009
- E. Temporary Class "B" Retailer's License Applications (Picnic) – St. Peter of Alcantara Congregation/August 14-16, 2009/Port Washington Marina/Maritime Heritage Festival; Port Washington Lions Club/August 14-16, 2009/Maritime Heritage Festival Grounds
- F. Temporary Class "B"/"Class B" Retailer's License Application (Picnic) – Port Washington Main Street, Inc. (Sara Grover) Smith Brothers Parking Lot and North Slip Parking Lot/Maritime Heritage Festival/August 13-16, 2009
- G. Approve Temporary Bartender's License Applications – Maritime Heritage Festival-Steven R. Grover, Kevin L. Kirst, Perry P. Lieuallen, John H. Sigwart, Nicholas A. Suddenforf; Port Washington Lions Club-Gerald F. Bley, Jeffrey S. Boss, Julia K. Smith, Melvin L. Birkholz, Jeffrey J. Bley, Shawn K. Hokanson, Brian E. Boettcher, David G. Mueller, Alvin C. Pfeiffer; St. Peter of Alcantara Congregation-Randy R. Weyker, Brian J. Zielke, Lois K. Lanser, Randall A. Lanser, William H. Adams, Beth Ann Lauters

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

MAYOR'S BUSINESS

- A. Filling 2nd Aldermanic District Position – MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN LARSON TO APPOINT PAUL NEUMYER AS 2ND DISTRICT ALDERMAN. The Deputy Clerk gave Mr. Neumyer the Oath of Office. **Motion carried unanimously.**
- B. Update On COPS Grant Application – Mayor Huebner handed out a copy of the COPS Grant to the Council noting that on the last page of the document on the signature line his name was typed. He said he did not sign the document and wanted to bring this matter to the attention of the Council. He said when he called the Department of Justice and asked at what point they needed a resolution so as not to be in jeopardy of losing the award, he was told that we have already signed and submitted the application and if we would get it, we would just have to accept it. Mayor Huebner was very displeased that this happened and said he was speaking of a procedural issue that should not have occurred. He said he

- attended a special meeting of the Police & Fire Commission and they apologized and said it wouldn't happen again. The Council asked if any disciplinary action should be taken? Alderman Hudson said we should put a solid policy in place for something like this in the future.
- C. Video Streaming – Mayor Huebner said he was approached by a company called Granicus whose office is out of Elgin, Illinois. They presented two different proposals that could be put in place for the City for people wanting to watch the Council Meetings who do not have Cable TV. This is an item that could go before our Technology Committee. Alderman Hudson said they also contacted him to talk about it and he feels it's a good start and would be a good thing to do. At this time, this item is informational only.
- D. The next Mid-Moraine Municipal Association Dinner Meeting is scheduled for Wednesday, August 26th hosted by the Village of Kewaskum.

OFFICERS'/STAFF REPORT

- A. Update On Projects:
1. Street Reconstruction Projects – St. Mary's street reconstruction project is on schedule and nearing the end of underground work. In the process of excavating for the new roadway, curb & gutter at the end of next week.
 2. Construction of Public Restrooms – Upper Lake Park-masonry work is completed, roof is under construction. Still have floors to pour and fixtures to install. Lower Lake Park – Dug and installed footings and foundation. Deadline for project is October 16th.
 3. Marina Floating Piers Project – Bid opening is Thursday morning at 10:00 a.m. It will then go to the Harbor Commission Meeting on Monday and then to the Council.

PUBLIC COMMENTS/APPEARANCES – None

COMMITTEES

A. Finance and License Committee

1. Resolution 2009-21 (Resolution To Levy Special Assessments Against Property At 1664 Shalestone Dr.) – Alderman Hudson reviewed the resolution. Attorney John DeStefanis was present to answer questions from the Council. **MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN EHRlich TO APPROVE RESOLUTION 2009-21 AND THE AGREEMENT FOR SPECIAL ASSESSMENT. Motion carried unanimously.** Attorney Eberhardt complimented John on this procedure of levying special assessments.

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) **1st Reading** – City Engineer Vanden Noven reviewed the proposed ordinance.
2. Ordinance 2009-8 (No Parking On Portions Of N. Park St. Between Moore Rd. And Grand Ave.) **1st Reading** – City Engineer Vanden Noven reviewed the proposed ordinance.
3. Ordinance 2009-9 (No Parking On Portions Of N. Wisconsin St. In Concurrence With The Highway 32 Street Reconstruction Plan) **1st Reading** – City Engineer Vanden Noven said this is more of a

housekeeping item. He pointed out that we need to update our ordinance to coincide with the new parking arrangements on N. Wisconsin St.

BOARDS/COMMISSIONS

UNFINISHED BUSINESS

NEW BUSINESS

- A. Approve Hiring To Fill Water Utility Plant Operator Position – Dave Ewig, Water/Street Superintendent, addressed the Council and reported that 19 applications were received for the position. Of these applicants, there were 2 that met the criteria in terms of the required DNR Surface Water Grade 1 license. It is his recommendation that the position be filled by Michael Kapp. MOTION BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN NEUMYER TO APPROVE THE HIRING OF MICHAEL KAPP FOR THE WATER UTILITY PLANT OPERATOR POSITION. **Motion carried unanimously.**
- B. Discuss Sections Of The Municipal Code Dealing With Driveway Widths – Alderman Larson asked that this item be placed on the agenda for discussion purposes. He said one of his constituents had concerns in our Municipal Code dealing with driveway widths. Alderman Larson said Mr. Caravella replaced his driveway with the exact footprint that was in place for 30 years, but now the code has changed. He had concerns with 1) the way it was brought to the City's attention and 2) to find out why this was such a problem. Why can't we look at projects one by one? Dennis Wiese, Building Inspector, was present to answer questions. He said the reason that this code was changed a few years ago regarding driveway width is to prevent residents from parking various number of vehicles in their driveway. He said unusual cases can be brought to the Plan Commission for further consideration. Alderman Vollmar said his driveway is 3 ½ cars wide, but the width at the roadway is only 10-15 feet and complies with the ordinance. The width of the driveway isn't the issue; the issue is the width at the roadway. Alderman Hudson said his thought is that it should be reasonable to let somebody replace the same footprint. This item should go to the Plan Commission to come up with some better guidelines. MOTION BY ALDERMAN VOLLMAR, SECONDED BY ALDERMAN HUDSON TO REFER THIS TO THE PLAN COMMISSION FOR CONSIDERATION OF MODIFICATIONS OF THIS ORDINANCE. A discussion continued. Alderman Neumyer cited a similar incident that happened when he replaced his driveway. Alderman Larson recommends that there be something at City Hall when people apply for a permit to redo their driveway telling them what they can and cannot do. Dennis Wiese said we request a drawing of what they want to do with their driveway. City Planner Tetzlaff said information is made available to the resident when they come in for a permit. However, in these instances the problem is with the contractor who ignores the law. MOTION BY ALDERMAN VOLLMAR TO CALL THE QUESTION, SECONDED BY ALDERMAN LARSON. Vote on original motion – **Motion carried unanimously.** Vote to call the question. 6 ayes and 1 nay (Alderman Becker). **Motion carried.**
- C. Acceptance Of WE Energies Annexation Petition – City Planner Tetzlaff gave an overview of the petition for annexation. MOTION BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN VOLLMAR TO ACCEPT THE ANNEXATION PETITION FROM WE ENERGIES. **Motion carried unanimously.**

- D. Approve Tolling Agreement With U.S. Army Corps Of Engineers – MOTION BY ALDERMAN VOLLMAR, SECONDED BY ALDERMAN BECKER TO AUTHORIZE THE MAYOR TO SIGN THE TOLLING AGREEMENT WITH THE U.S. ARMY CORPS OF ENGINEERS. **Motion carried unanimously.**
- E. Resolution 2009-22 (Resolution To Form A Complete Count Committee For The 2010 Census) – MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN EHRLICH TO APPROVE RESOLUTION 2009-22 AND WORK WITH CITY STAFF TO ASSIST THE U.S. CENSUS BUREAU IN CONDUCTING THE 2010 CENSUS. **Motion carried unanimously.**
- F. Resolution 2009-23 (Submission Of Wisconsin Waterways Commission Grant Application) – MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN BECKER TO APPROVE RESOLUTION 2009-23 AUTHORIZING ENGINEERING CONSULTANT LARRY RYAN OF BAIRD & ASSOCIATES TO APPLY FOR A GRANT TO THE WISCONSIN WATERWAYS COMMISSION FOR ASSISTANCE IN CONSTRUCTION OF THE FLOATING PIERS IN THE MARINA. **Motion carried unanimously.**

FORTHCOMING EVENTS – Alderman Vollmar reminded people that Maritime Heritage Festival is next weekend, and the Clipper Cup will also be coming in. The chair auction in on Saturday of the Maritime Heritage Festival. Alderman Becker said this Saturday is the Joint Parish Festival “At The Lakefront”. Mayor Huebner reported that Sara Grover is looking for volunteers for the Maritime Heritage Festival.

PUBLIC COMMENTS/APPEARANCES – Tom Caravella, 404 Westport Dr. – Regarding the driveway issue, he thanked his Alderman Dave Larson, Dan Becker and Tom Hudson. He said his contractor did the wrong thing. Relating to the pamphlet, he feels more work should be done in this area. It needs more explanation.

MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN BECKER TO GO INTO CLOSED SESSION According To Wisconsin State Statute 19.85 (1) (g) to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted by the Council with respect to litigation in which it is or is likely to become involved regarding the building at 122 N. Franklin Street. ROLL CALL: Ehrlich-aye, Neumyer-aye, Vollmar-aye, Babcock-aye, Hudson-aye, Larson-aye, and Becker-aye. **Motion carried unanimously.** Open meeting adjourned at 9:15 p.m.