

**MINUTES  
CITY OF PORT WASHINGTON  
CITY COUNCIL MEETING  
June 16, 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 Administrator Mark Grams, City Planner Randy Tetzlaff, Assistant City Attorney Gerald Antoine and Park & Recreation Director Charlie Imig. Absent & excused were City Engineer Rob Vanden Noven, and City Attorney Eberhardt. The Pledge of Allegiance to the Flag was recited.

**CONSENT AGENDA**

- A. Approve Minutes of the Previous Meeting – June 2, 2009
- B. Operator's License Applications – Maria R. Poull and Wendy S. Robertson
- C. Renewal Operator's License Applications (List Attached to original minutes)
- D. Renewal Combination "Class B" Retailer's License (Tavern) – Schooner Pub, Inc. (Mark R. Poull) 114 N. Frankli8n St., Mama Mia's-Port, Inc. (Jude A. Barbieri) 1000 S. Spring St., Lanza, LLC (Andrea W. Lanza) 219 N. Franklin St., Van Ells-Schanen American Legion Post, #82 (Ray Wendt) 435 N. Lake St., Port Washington Hotel, LLC (Cathy A. Wilger) 135 E. Grand Ave., Willie's Lakefront Lanes, Inc. (Gayle Wilber) 119 E. Main St., H2O, LLC (Bruce J. Corgiat) 201 W. Grand Ave., Harbor Hills, LLC (Robert C. Nisleit)
- E. Renewal Combination "Class A" License – Benaczak, Inc., DBA Bernie's Fine Meats (Sandra A. Bennett) 119 N. Franklin St., Beck's Enterprises, Inc. (Thomas J. Beck)
- F. Renewal Class "A" Fermented Malt – We Got Gas, LLC (Richard Fulop) 528 W. Grand Ave.
- G. Renewal Class "B" Fermented Malt/"Class C" Wine – John's Tavern & Pizzaria (John J. Crowley) 221 N. Franklin St., Kenneth D. Jacoby/Hungry Lion/218A N. Franklin St.
- H. Original Combination "Class B" Retailer's License (Tavern) – The Pasta Shoppe, Inc. (Formerly Pasta Shoppe, LLC (James Kiesow) 323 N. Franklin St.
- I. Cabaret Licenses – Schooner Pub, Inc. (Mark R. Poull) 114 N. Franklin St., Lanza, LLC (Andrea W. Lanza) 219 N. Franklin St., Willie's Lakefront Lanes, Inc. (Gayle Wilber) 119 E. Main St., Port Washington Hotel, LLC (Cathy A. Wilger) 135 E. Grand Ave., Harbor Hills, Inc. (Robert C. Nisleit) 101 Freeman Dr.
- J. Temporary Class "B" Retailer's License Applications (Picnic) – Port Washington-Saukville Jaycees/P.W. Marina Parking Lot/July 18, 2009 (Fish Day), St. Peter of Alcantara Congregation/P.W. Marina/July 18, 2009 (Fish Day), Port Washington-Saukville Rotary Club/NE Corner of Lake & E. Jackson Streets/July 18, 2009 (Fish Day)
- K. Approve Temporary Bartender's License Applications – Port Washington/Saukville Jaycees – Jeffrey C. Bouwma, Lisa M. Pawling, Debra J. Pawling, Kristin A. Johnson, Michael C. Gasper, St. Peter's Men's Society - Brian J. Zielke, Russell R. Schreiner, Randy R. Weyker, Lois K. Lanser, Beth Ann Lauters, William H. Adams, Port Washington-Saukville Rotary Club – Robert D. Helm

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

## **MAYOR'S BUSINESS**

- A. Committee Appointments – MOTION BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN BECKER TO APPROVE THE APPOINTMENT OF KATE FARNHAM AS THE STUDENT REPRESENTATIVE TO THE PARK AND RECREATION BOARD. **Motion carried unanimously.**
- B. Discussion With Port Washington Youth Baseball On Development Of Baseball Fields On City Owned Land – Mayor Huebner indicated that this is FYI. Port Youth Baseball is growing and asking if they could work with us to find land for development of baseball fields. We met with them about the possibility of using the Schanen Farm, but at this point it is preliminary. We're working through staff to find out what Park & Rec needs, the DPW, and also look to see if we want to sell any land. We'll keep you updated.

## **OFFICERS'/STAFF REPORT**

- A. Update On Projects:
  1. N. Spring Street – City Engineer Vanden Noven reported that the engineer and contractor are working on a solution concerning the manhole covers, which are unsatisfactorily low.
  2. Upper Lake Park – Walls are constructed and roof is being built as interior work is being finished. Buteyn-Peterson is installing a sanitary lateral the week of June 15. Veteran's Park – Water Main relocation to be completed by Buteyn-Peterson the week of June 15. There were a couple of snags when the contractor hit an electrical line, as well as a foundation. Building construction will begin after Fish Day.
  3. Landscaping On N. Wisconsin Street – Grass seed is finally germinating, but there is a striking contrast between the health of lawns that have been watered and those that have not.
- B. Hearing On W. Grand Avenue Railroad Crossing – City Administrator reported that there would be a Public Hearing held on July 15 at 10:00 a.m. in the Lower Level Conference Room before Commissioner of Railroads concerning the complaint of the City of Port Washington for the repair of the at-grade public crossing of the Union Pacific Railroad Co. on W. Grand Avenue.
- C. Update On Port Harbor Investment Building, 122 N. Franklin St. – City Administrator Grams reported that the building inspector could not get into the building to do an administrative inspection of the former M & I Building. Mr. Modder asked for an extension and we said no. We called him and got no response so the next step is to go to court to grant the building inspector access to the building to do the inspection.

**PUBLIC COMMENTS/APPEARANCES** – Rick Nelson, Police & Fire Commission Member – Gave a quick overview of the need for an extra officer. He apologized on behalf of the commission and Police Department about the oversight of having this item on the agenda previously and not showing up, but said they didn't know about it. He said they are committed to making downtown safe and secure but they're short an officer. He indicated that right now we do have a drug problem in Ozaukee County and there is no community immune to this problem. We should have an officer assigned to the drug unit. The businesses feel they should have a safe environment. He said thanks for listening and hopefully if we answer all your questions satisfactorily, you'll be able to support and accept a grant if we are fortunate to be awarded one.

## COMMITTEES

### A. Finance and License Committee

1. Resolution 2009-15 (Amendment To Municipal Court Bond Schedule) – MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN EHRLICH TO APPROVE RESOLUTION 2009-15 AS PRESENTED. **Motion carried unanimously.**
2. Resolution 2009-16 (Preliminary Resolution To Levy Special Assessments Against Benefiting Properties From Improvements To Sauk Road And Harris Drive) – MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN BABCOCK TO APPROVE RESOLUTION 2009-16. Alderman Vollmar said some of these resolutions are from two years ago. Is there a better solution to recovering money from these developers before we have to assess the properties by special assessment so that we don't have this for our solution in the future? City Administrator Grams said we did get Letter of Credits from the developer, but unfortunately the Letter of Credits lapsed before we were able to get them renewed, so we're still working with the developers to get more Letter of Credits. However, to play it on the safe side from the City's standpoint, we now want to levy these special assessments to ensure that in the end we will get that cost of doing these improvements from the developers. We're going to have to do a better job of making sure we follow through in getting the Letter of Credits updated and not expiring at a certain date. Vote on motion. **Motion carried unanimously.**
3. Resolution 2009-17 (Preliminary Resolution For 2002 Construction Of Lift Station No. 2) – MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN VOLLMAR TO APPROVE RESOLUTION 2009-17. **Motion carried unanimously.**
4. Resolution 2009-18 (Preliminary Resolution For 2003 Sewer And Water Main Extension On State Highway 32 From Justice Center To Sauk Road) – MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN VOLLMAR TO APPROVE RESOLUTION 2009-18. **Motion carried unanimously.**
5. Financing Emergency Repairs To Waterpark – Charlie Imig, Park & Recreation Director reported that upon preparing the waterpark for opening, a compromised pipe was discovered. As a safety issue he called Badger Swimpools, the company that originally built the pool over 12 years ago, to come in a repair it. While repairing the problem area and checking for other failure points, they did discover several faults. It was recommended by Badger to completely repair the system so as to avoid any future problems. City Administrator Grams said the estimated cost of repairs is between \$18,500-\$22,500. Alderman Vollmar asked if they knew why this happened? Charlie said that Badger is trying to pinpoint why but one of the theories is the age of the pool. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN LARSON TO APPROVE FINANCING EMERGENCY REPAIRS TO THE WATERPARK BY BADGER SWIMPOOLS. **Motion carried unanimously.**

## BOARDS/COMMISSIONS

### A. Board of Public Works

1. Ordinance 2009-6 (Regulating The Discharge Of Fat, Oil, Grease, Sand And Other Substances Into Public Sewers) **2<sup>nd</sup> Reading** – MOTION BY

ALDERMAN VOLLMAR, SECONDED BY ALDERMAN BABCOCK TO APPROVE ORDINANCE 2009-6. **Motion carried unanimously.**

2. Approve Bid For Sunset Road Sewer And Water Extension – City Administrator Grams gave an overview of the project. Alderman Vollmar said this is a very long sewer and water extension and Kleen Test would have to pay a large portion of it. He wouldn't want to assess Kleen Test with this economy and Greystone seems to be struggling also and may not be able to pay for their share. He said he doesn't believe a church whose operation is possibly on the weekend and one or two days during the week would justify an extension that costs just under \$140,000. We should ask the church if they want service at this time and if they do, have them pay \$137,725, and when someone else hooks up, such as Greystone and Kleen Test, then they can pay them back. Alderman Vollmar does not agree with the method of assessment. City Planner Tetzlaff said we had looked at urbanizing Sunset Road for the last couple of years, but because of budgetary reasons we postponed it. We had the discussion when we annexed part of the land for the Frier Farm. At that time we talked about actually putting a fully improved road in with curb, gutter and sidewalk, but they decided only to sell to the assisted living home and the church. About four years ago Kleen Test bought 45 acres for putting a large expansion on that land, but again because of the economy they pulled back. The whole plan was to have a fully improved street all the way past where this project is. The church's plans have already been approved. Alderman Hudson feels it's unfair to hand this completely on the church, but they should pay their fair share. Alderman Larson agrees with Alderman Vollmar. He doesn't think it's right to assess Kleen Test unless the church is willing to step up and pay for it. He thinks we should put it on hold and not move forward at this time. Alderman Vollmar is not opposed to it if it is a fair assessment. He doesn't think the front foot assessment alone is a fair method. There's alternative methods to make the assessment fair for the long extension that goes into service for the one that only has a short front foot. City Administrator Grams said we're only voting on accepting the bid. We can bring the special assessment resolution to you at another meeting. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN BABCOCK TO ACCEPT THE BID FROM HEARTLAND CONSTRUCTION FOR \$137,725. **Motion carried unanimously.**

#### **B. Police And Fire Commission**

1. Resolution Authorizing Application For A CHRP Grant – At this time Mayor Huebner moved to Item 8.C. 2.

#### **C. Plan Commission**

2. Ordinance 2009-5 (Rezone Property At 725 S. Spring St. From RS-4 To RM-1) **2<sup>nd</sup> Reading** – MOTION BY ALDERMAN VOLLMAR, SECONDED BY ALDERMAN BECKER TO APPROVE ORDINANCE 2009-5. **Motion carried unanimously.**

#### **B. Police And Fire Commission**

1. Resolution Authorizing Application For A CHRP Grant – Chief Thomas recognized Rick Nelson, Chairperson of the Police & Fire Commission, Secretary Gina Taucher, Member Bruce Becker, members of the department-Senior Officer Tom Kajtna, Lieutenant Michael Davel, Captain

Mike Keller, and Craig Czarnecki, senior officer and representative to Ozaukee County Emergency Response Team and representative for the Drug Task Force. He said the presenters of the power point will be Captain Keller, Officer Czarnecki and myself. Chief Thomas apologized for not attending the April 21<sup>st</sup> Council Meeting where this item was on the agenda. He said they were not aware of that. He pointed out 1) This is a competitive grant for funds, 2) We were authorized by the Police & Fire Commission on April 13<sup>th</sup> to submit a grant proposal, 3) This grant has no matching fund requirements for three years. It covers everything at 100% including salaries and benefits, 4) Be aware that after 36 months at 100% funding, if we accept the funds, we have a commitment to fund the position on the 4<sup>th</sup> budget cycle. While getting set up for the power point presentation the Mayor moved on to other agenda items.

### **C. Board of Public Works**

1. Ordinance 2009-4 (Rezone Property On The Eastside Of Highway 32 Near The Intersection Of Sauk Road From AG To B-3) **2<sup>nd</sup> Reading – MOTION BY ALDERMAN BECKER, SECONDED BY ALDERMAN HUDSON TO APPROVE ORDINANCE 2009-4. Motion carried.**

## **UNFINISHED BUSINESS**

### **NEW BUSINESS**

A. Approve Amendment To Memorandum Of Understanding With Ozaukee County For Beach Testing – MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN EHRLICH TO APPROVE THE MEMORANDUM OF UNDERSTANDING WITH OZAUKEE COUNTY FOR BEACH TESTING. **Motion carried unanimously.**

B. Consider Utility Easement For WE Energies – City Administrator Grams said this easement was revised to show no above poles or wires. MOTION BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN BECKER TO APPROVE THE REVISED UTILITY EASEMENT FOR WE ENERGIES.

C. Filling 2<sup>nd</sup> Aldermanic District Vacancy – City Administrator Grams said that 2<sup>nd</sup> District Alderman Paul Neumyer retired from the Mequon Police Department effective June 12<sup>th</sup>. In order to continue to be eligible for his retirement pay he has to sever all ties to the Wisconsin Retirement System for 31 days. He said the Wisconsin Retirement System gave him several different options, but the final decision from them indicated that Paul would have to resign from his aldermanic position for at least 31 days to be eligible for his current retirement pay. There is a waiver for elected officials that he could have signed and would not have to resign for 31 days, but unfortunately the waiver does not take into account the retirement age for police officers and fire department employees. Paul requested that the Council consider reappointing him to the 2<sup>nd</sup> Aldermanic Position. Now it's up to the Council to decide how to fill the position. Mayor Huebner said it was his opinion that Paul has done a great job and he would like to see him back, although we could always put it out to see if anyone wants to apply. Alderman Hudson said he was duly elected by his district and this is just for a technicality for his retirement. He said he has no problem reappointing him for the position, although it might be fair to open it up. Alderman Babcock said it was kind of a bureaucratic thing that Paul was forced to retire and would have no problem reappointing him as he was elected to that position. MOTION BY ALDERMAN LARSON, SECONDED BY ALDERMAN BECKER TO TABLE. 4 ayes and 2 nays (Babcock, Ehrlich)

### **C. Police And Fire Commission**

1. Resolution Authorizing Application For A CHRP Grant – The power point was set up and Captain Keller, Chief Thomas, and Officer Czarnecki participated in the presentation. Following the presentation the Council commented on it and asked questions. Alderman Becker said it was a good presentation. The only thing that he's struggling with is the cost with future budgets and the commitment in the 4<sup>th</sup> year and beyond. If we accept this, we're taking a partially funded mandate. Chief Thomas said it is his responsibility to look for ways to reduce costs for funding it in the 4<sup>th</sup> year. City Administrator Grams asked what the deadline was and the Chief said September 30<sup>th</sup>. Alderman Becker said when it is basically laid out, it all comes down to dollars and cents as to how we can pay for it in the 4<sup>th</sup> year. City Administrator Grams said to keep our tax rate where we are now, we have to cut \$140,000 in the budget for next year. This all has to be kept in perspective when we look at the future. Mayor Huebner said our assessed value may also go down, which would put us more in the whole. Alderman Vollmar thanked all for coming and he expects that the economy will turn around in the next 3 years. He said he called other communities and one of them was Rhinelander because it's more of a tourist center like ours. He said they currently have 17 officers. He asked the Chief what is the ratio of sworn officers to civilians and what are the other officers doing if we have 19, if only 3 are on a shift? Chief Thomas said there are a variety of different things that create those vacancies – people on vacation, in training and on their regular days off. Alderman Vollmar said he was worried about the safety of officers that are called to domestic abuse situations. He asked if officers are in different parts of town, how do you handle that? Chief Thomas said he always have a back up with the Sheriff's Department or Saukville. Alderman Babcock said he was glad to hear the presentation. He asked if we still have an officer at the High School? Chief Thomas said, no, that was a funding decision, but our shift officers who are working in that area are responding to the schools and handling those things. Alderman Hudson asked for an estimate of the money we would save in overtime if another officer was added? We have to start looking into this in our budget. City Administrator Grams said we have to look at adding a full-time officer at around \$100,000 or overtime, which would probably cost you less. Chief Thomas said that's not a good way to effectively police your community.

Mayor Huebner asked if the vote by the Police & Fire Commission was unanimous to submit this grant? Chief Thomas said the vote was 4-1. Mayor Huebner said he understands the needs, but can't support something without knowing about the 4<sup>th</sup> year. Mayor Huebner said there was a lack of communication concerning this issue and expressed his frustration with this item in that we found out about it from Police & Fire Commission agendas. On April 21<sup>st</sup> it was on the agenda and nobody showed up. We should have had heads up on this. Mayor Huebner said a presentation went out to the community before we got to see it and people started calling me about the presentation and I knew nothing about it. Chief Thomas said we verbally discussed it with the Main Street Director and we talked about the grant and some of the elements. He said it was authorized by the Police & Fire Commission to approve our ability to submit the grant. The Mayor said this was not good communication and we are back to square one again. Alderman Ehrlich said the presentation made a good case showing statistics to add an officer, but he was very concerned about the budget. He would like to see more information on how we would be more efficient by adding an officer. City Administrator asked on what shift the officer would be added? Chief Thomas said our greatest need is somewhere between mid-morning to the end of 2<sup>nd</sup> shift. Chief Thomas also said if the Council had any questions or needed more

information, to let him know. MOTION BY ALDERMAN VOLLMAR, SECONDED BY ALDERMAN LARSON TO TABLE THIS ITEM UNTIL THE 2<sup>ND</sup> MEETING IN AUGUST. **Motion carried unanimously.**

#### **NEW BUSINESS**

- D. Resolution 2009-19 (Resolution To Request Army Corps Of Engineers To Make Necessary Repairs To Federal Break Wall) – MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN LARSON TO APPROVE RESOLUTION 2009-19. **Motion carried unanimously.** This resolution will be sent to the Army Corps of Engineers and to Senator Kohl's Office. Alderman Vollmar suggested some changes to the resolution so that it is more forceful, as well as being forceful in the cover letter.
- E. Approve Closing Streets For Farmer's Market – MOTION BY ALDERMAN VOLLMAR, SECONDED BY ALDERMAN EHRLICH TO APPROVE THE STREET CLOSINGS AS PER THE LETTER FROM SARA GROVER, EXECUTIVE DIRECTOR OF PORT WASHINGTON MAIN STREET. **Motion carried unanimously.**

**FORTHCOMING EVENTS** – Alderman Becker – A good argument for the public hearing on the railroad repair would be to have a video of cars going over the at-grade crossing. Alderman Vollmar reported that there would be a double-handed sailboat race this coming weekend. Also, Relay for Life is this weekend.

**PUBLIC COMMENTS/APPEARANCES** – Rick Nelson, Police & Fire Commission – would like to clear up the issue on the CHRP Grant. He said June 8<sup>th</sup> was the first time that the Police & Fire Commission saw the presentation. The meetings are open to the public and no one was there. City Administrator Grams said he put this item on the agenda not knowing that the Chief was out of town and then it was too late to remove it from the agenda. Mr. Nelson said the grant was due the following day so they were under a time deadline. He said the Police and Fire Commission needed more details when it was discussed at an earlier meeting and when the Chief provided this information, the commission supported him.

**ADJOURNMENT** – MOTION BY ALDERMAN BECKER, SECONDED BY ALDERMAN LARSON TO ADJOURN THE MEETING OF THE CITY COUNCIL AT 10.10 P.M. **Motion carried unanimously.**