

**MINUTES
CITY OF PORT WASHINGTON
CITY COUNCIL MEETING
September 1, 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. Mayor Huebner reported that the mikes were recalibrated so he encouraged everyone to speak into the mikes so the people watching can hear you. The Pledge of Allegiance to the Flag was recited.

CONSENT AGENDA

- A. Approve Minutes of the Previous Meetings – August 18 and 27, 2009
- B. Operator's License Applications – Hans M. Ehrlich, Joseph G. Ramirez, Robert A. Valadez, Jr., Karyn R. Schwenner, Adrienne C. Henderson, Paula A. Larsen
- C. Temporary Class "B" Retailer's License Application (Picnic) – VFW Post #7588/October 3, 2009/Ozaukee County Justice Center Parking Lot (Ozaukee County Bike Trail Bridge Opening)

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

MAYOR'S BUSINESS

- A. Update On Port Harbor Investments, LLC Building, 122 N. Franklin St. – City Attorney Eberhardt reported that a letter was sent out to the registered agent of the owner of the former bank building concerning repairs that have to be made to the building at 122 N. Franklin St. If no repair work is done by September 11th, as early as the following week we can file an action in court, serve the LLC with the pleadings and initiate the court process, asking the court to declare the property a public nuisance.
- B. Date for "Trick Or Treat" – The date for "Trick Or Treat" this year will be October 31st, from 4 – 7 p.m.
- C. Update On Placement Of Simplicity Foundation Monument – The Plan Commission has tabled this action and staff and City Officials will work with Mr. Kirst as far as finding a place for the monument where everyone will feel comfortable.

OFFICERS'/STAFF REPORT

- A. Update On Projects:
 - 1. Public Restrooms In Upper Lake Park And Veterans Park – Upper Lake Park – Scheduled to be completed by Friday with a final walk through. The first year birthday of Possibility Playground is September 20th. Volunteers of Possibility Playground will put in the walkway and landscape restoration around the building. Veterans Park – Foundation is in and the walls are up. Should start on the roof soon.
 - 2. Road Construction Projects – The deadline for road construction on St. Mary's Hill was yesterday. We had pavement for everyone to drive on for the first day of school and we did get sidewalk in from Wisconsin Street to the school and they will continue working on sidewalk around the block. We hope to be finished by this week or the end of next week. Restoration will follow.

PUBLIC COMMENTS/APPEARANCES – John Sigwart, 230 W. Theis Street – Said he was here to talk about the Senior Center Strategic Plan Site Selection Committee. He said the committee was meeting for about 9 months and is a very active group. They started with 28 sites outside of downtown and reduced it to 3. The three sites will be presented to the public on September 12th at 10:00 a.m. to noon at the Senior Center and then on September 15th before the City Council Meeting from 4:00 – 6:00 p.m. The sites are, not in any order: 1) The Schanen Farm on Highway 33 across from the Bielinski Development, 2) Westport Meadows Park, south of Dunwiddie Elementary School and 3) the 6 ½ acres of vacant land next to the old St. Alphonsus Hospital, now the Harbor Village/Harbor Club. He said they've taken the approach to let the City Council struggle with the TIF District downtown. After that's established and formally adopted, then we'll go and look at the properties downtown and take our selected sites from outside the downtown and compare them to our selected sites downtown and do a good cost analysis with help of our local architects and engineers. Each site has its merits. We're trying to see what particular site the citizens would like if it were not located downtown.

COMMITTEES

A. Finance and License Committee

1. Borrowing Plan Options For Marina Project – Alderman Hudson said the committee was looking at options to fund the Marina Project for floating piers put together by Carol Wirth, our financial consultant. He said the best option to recommend to the Council is the option of having only interest payments in 2010 and then spread the remaining principal payments over a 19-year period. These options would keep the debt service payment for the Marina low in 2010 and allow the Marina to keep the 2010 rates the same as 2009. **MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN LARSON TO APPROVE OPTIONS C-1 AND C-2 FOR THE PROJECT OF FLOATING PIERS IN THE MARINA.** Carol Wirth was present and reviewed the options for the marina project with the Council and answered their questions. **Motion carried unanimously.**
2. Update On 2009 City Budget – City Administrator Grams reviewed his memo to the Mayor and Council regarding solving the 2009 Budget Deficits. He indicated that the two most recent shortages would be in Refuse Collection and Building Inspection. He said constant monitoring of the budget is a must and Department Heads would be made aware of the situation. The Finance and License Committee will need to review this year's budget at every meeting for the remainder of the year.
3. Ordinance 2009-10 (Amend Plumbing Permit Fees For Water Meters) 2nd **Reading** – **MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN EHRlich TO APPROVE ORDINANCE 2009-10. Motion carried unanimously.**

B. Personnel Committee

1. Filling Assistant To Senior Center Director Position – City Administrator Grams indicated that the position of the Assistant to the Senior Center Director has been vacant for the last several months. He reviewed the request from the Commission on Aging to fill this position. The Senior Center will be employing an intern starting in September for the remainder of 2009, but the Commission on Aging fears that by not filling the position now, that in the future, budgets for the assistant position

would not be available. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN EHRLICH TO APPROVE FUNDING THE POSITION OF THE ASSISTANT TO THE SENIOR CENTER DIRECTOR THROUGH NOVEMBER AND DECEMBER AT A COST NOT-TO-EXCEED \$660. **Motion carried unanimously.**

2. Filling Building Inspector Position – City Administrator Grams reviewed filling the Building Inspector’s position as a result of the Building Inspector’s retirement on August 21st. He indicated that after talking with staff, a full-time building inspector position is not needed at this time based on the number of inspections. It is staff’s recommendation that the position be filled on a half-time basis with the number of hours not exceeding 20 hours per week. He said Mr. Gary Peterson who has been filling in over the last 1 to 2 years is interested in performing these part-time duties for the City and comes highly recommended from staff. MOTION BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN BECKER TO APPROVE HIRING MR. GARY PETERSON TO SERVE AS PART-TIME BUILDING INSPECTOR NOT TO EXCEED 20 HOURS PER WEEK AT A COST OF \$30.00/HOUR. **Motion carried unanimously.** Mayor Huebner said we need to amend our ordinance for the Design Review Board because the building inspector sits on this board and Mr. Peterson indicated that he does not want to be on this board.

BOARDS/COMMISSIONS

A. Plan Commission

1. Approve Condominium Plat For Woodridge I – City Planner Randy Tetzlaff gave an overview of plans for the condominium plat. He said it is located west of the new Harris Bank off Sauk Road and north of New Port Vista. The original owner, Brendan Sullivan sold the land and now a new LLC called Woodridge I is proposing to proceed with the development. Attorney Joe Goldberger, attorney for this project, was present to review the project and answer questions. He said the type of units for this plat would be single-family homes under the condominium form of ownership and all units would look different. Since this involves the construction of a single-family unit, each unit will be subject to the City’s 7-point design standards.

Alderman Vollmar asked if this was a platted subdivision because you don’t want to do a public road up to standards. Mr. Goldberger said he could not answer this question because he wasn’t here when it was originally approved. He said he came in after the fact and saved this one from going back to the bank. Alderman Vollmar also asked if it’s a private street that is not up to City standards, then the City won’t plow the streets and you would have to hire a private firm for garbage collection? Mr. Goldberger said yes that would be the case. Alderman Vollmar then said exterior maintenance would be up to the people who own their home on a lot that’s a condominium unit that is separately taxed. Mayor Huebner indicated that this was originally going to be multi-family units, but the Plan Commission felt that there was a need for single-family units. Alderman Vollmar said he just wanted to know why it is being done this way versus being done in a regular subdivision plat. He said the ordinances should be updated to fit this need in the future so we have a special zoning district that covers it. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN BECKER TO APPROVE THE

CONDOMINIUM PLAT FOR WOODRIDGE I. City Attorney Eberhardt had some concerns from a legal standpoint and asked the Council to approve this plat with the location of a cul-de-sac to be installed. He indicated that the plat truly and actually does not show the location and dimensions of all roadways so if the Council were to approve this tonight and the cul-de-sac was never constructed on this property or on an adjacent property to the east, there isn't much the City could do having already given its approval. His concern was of public safety. His recommendation is that this matter be tabled until the City Council can be presented something by the way of a written agreement that would specify the construction of a cul-de-sac on the neighboring property to the east because without that, I think we only have the say so of both property owners that it will actually come about. Attorney Goldberger said that this was presented to him last week subsequent to his appearance not as a requirement, but as a simple request. Based on that request he said he immediately got in contact with his client and the bank and we have fully complied with requirements to get our approval. He said he has no control over the adjoining property and to hold them hostage as to what the bank will or will not do treats them unfairly. He indicated that immediately upon getting the request he went forward with Water Stone Bank and they have engaged a landscaper Dan Larsen to prepare some drawings. He said they have no obligation to do anything, but as he said, his client is one that keeps them happy so they are moving forward on that basis. He said they have no control over the adjoining property and have no room without giving up development lots to add a cul-de-sac and that's an expense that wasn't contemplated. He said he has to object to the idea that they are responsible. He said he gave Randy a drawing with a request that he take that to the emergency personnel to make certain that what they're proposing to do works for them. He indicated that he fully expects cooperation from Water Stone.

Alderman Larson said we shouldn't hold him up for something he can't control. Alderman Becker said there are other areas in the City that have the same situation. Alderman Erlich said he appreciates how honest and straightforward Attorney Goldberger is, but said our obligation is to public safety. He recommends that for liability's sake that he look at the end of this road where there is a big drop off and would be a significant liability to the condo association. Attorney Goldberger indicated that if Water Stone pulls its offer to fund and they will let us do it, he didn't have a huge problem in suggesting that we may not be able to do the entire cul-de-sac, but they might be able to address the drop off. Vote taken on the motion. **6 ayes and 1 nay (Alderman Vollmar) Motion carried.**

2. Ordinance 2009-11 (Approve Annexation of WE Energies Property On S. Division Street) **1st Reading** – City Planner Tetzlaff gave an overview of the proposed annexation.

UNFINISHED BUSINESS

- A. Approve Construction Of Upper Lake Park Stairs To North Beach – City Attorney Eberhardt reviewed his memo regarding the construction of a staircase from Upper Lake Park to Lake Michigan and said that the City can dispense with competitive bid requirements of the Wisconsin Statutes. He recommended that any motion be contingent upon the preparation and execution of a written

contract between the City and Ozaukee County in the nature of an intergovernmental cooperation agreement that would set forth the particulars of who's doing what and for what cost. He will put a simple construction contract together. MOTION BY ALDERMAN VOLLMAR, SECONDED BY ALDERMAN NEUMYER TO APPROVE THE CONSTRUCTION OF UPPER LAKE PARK STAIRS TO THE NORTH BEACH WITH THE EXECUTION OF AN INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE CITY AND OZAUKEE COUNTY. **Motion carried unanimously.**

NEW BUSINESS

- A. Approve Run/Walk For Breast Cancer Prevention, November 14th – MOTION BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN BABCOCK TO APPROVE THE RUN/WALK FOR BREAST CANCER PREVENTION ON SATURDAY, NOVEMBER 14TH. **Motion carried unanimously.**
- B. Approve Closing Of Streets For Homecoming Parade – MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN BECKER TO APPROVE THE CLOSING OF STREETS ON FRIDAY, SEPTEMBER 25TH AT 4:00 P.M. FOR THE PORT WASHINGTON HIGH SCHOOL HOMECOMING PARADE IN DOWNTOWN PORT WASHINGTON. **Motion carried unanimously.**

FORTHCOMING EVENTS

PUBLIC COMMENTS/APPEARANCES – None

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: Ehrlich-aye, Neumyer-aye, Vollmar-aye, Babcock-aye, Hudson-aye, Larson-aye, and Becker-aye. **Motion carried unanimously.** Open Meeting adjourned at 8:50 p.m.