

**MINUTES
CITY OF PORT WASHINGTON
CITY COUNCIL MEETING
September 15, 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 Dan Becker. Also present: City Administrator Mark Grams, City Engineer Rob Vanden Noven, City Planner Randy Tetzlaff, and City Attorney Eberhardt. Absent & excused was Alderman Ehrlich. The Pledge of Allegiance to the Flag was recited.

CONSENT AGENDA

- A. Approve Minutes of the Previous Meeting – September 1, 2009
- B. Operator's License Applications – Jason C. Rabus, Lindsay M. Gahan and Joshua J. Marksman
- C. Temporary Class "B" Retailer's License Application (Picnic) – St. Mary's Congregation/October 18, 2009/446 N. Johnson Street/St. Mary's Annual Smorgasbord Dinner; St. Mary's Congregation/November 14, 2009/446 N. Johnson Street/St. Mary's Trivia Night
- D. Approve Temporary Bartender's License Applications – VFW Post #7588/Ozaukee County Bike Trail Bridge Opening-Dennis Ansay; St. Mary's Annual Smorgasbord Dinner and St. Mary's Trivia Night-Gerald T. Lee

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

MAYOR'S BUSINESS

OFFICERS'/STAFF REPORT

- A. Public Hearing On Special Assessments For Public Improvements Abutting Johnson And Powers Streets – City Engineer Rob Vanden Noven gave a brief introduction. Mayor Huebner declared open the public hearing. Kim Glenn, Business Administrator representing St. Mary's Congregation – She requested that the City consider a reduction or elimination for sidewalk special assessments around St. Mary's. She indicated that the church is facing budget deficits and they are a non-profit organization and not a business. City Administrator Grams indicated that the Council would approve a final resolution in October where a final determination would be made regarding the special assessments. He said the City may be able to offer them some relief because it is a replacement sidewalk. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN LARSON TO CLOSE THE PUBLIC HEARING. **Motion carried unanimously.**
- B. Public Hearing On Special Assessments For Public Improvements Abutting The 500 Block Of N. Spring Street – City Engineer Rob Vanden Noven gave a brief review. Mayor Huebner declared open the public hearing. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN BECKER TO CLOSE THE PUBLIC HEARING. **Motion carried unanimously.**
- C. Public Hearing On Special Assessments For Public Improvements Abutting N. Franklin And N. Wisconsin Streets (Highway 32) – City Engineer Vanden Noven gave an introduction of the project. Mayor Huebner declared open the public hearing. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN BECKER TO CLOSE THE PUBLIC HEARING. **Motion carried unanimously.**

D. Update On Projects:

1. Road Construction Projects – City Engineer Rob Vanden Noven reported on the road construction project in the area of St. Mary's and the Light Station including Woodruff and Dodge – he indicated that all asphalt and concrete work has been completed. Then he reviewed the construction update that all residents in the area received.
2. Upper Lake Park And Veteran's Park Restrooms – Upper Lake Park-well utilized. The contractor is now working on an extensive punch list. Veteran's Park-Block work was completed a week or two ago; brickwork is nearly complete and roof framing is going up. Scheduled to be open October 16th.

PUBLIC COMMENTS/APPEARANCES – None

COMMITTEES

A. Finance and License Committee

1. Resolution 2009-30 (Authorizing The Issuance And Sale Of \$2,935,000 General Obligation Promissory Notes) (Marina Floating Pier Project) – Alderman Hudson reviewed the key points in the resolution authorizing the issuance and sale of \$2,935,000 of General Obligation Promissory Notes for the Marina Floating Pier Project. Carol Wirth, President of the Wisconsin Public Finance Professionals, LLC, answered questions from the Aldermen. She pointed out that the final pricing results produced an interest rate of 2.30%, which will be locked in upon approval of the resolution. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN LARSON TO APPROVE RESOLUTION 2009-30. **Motion carried unanimously.**
2. Resolution 2009-29 (Request For Inclusion Under the Wisconsin Public Employers Group Health Insurance Program) – Alderman Hudson said that in order for the City to get a proposal from the State for a health insurance program for its employees, the Council must approve the resolution. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN BABCOCK TO APPROVE RESOLUTION 2009-29. **Motion carried unanimously.**
3. Approve Intergovernmental Cooperation Contract Between The City And Ozaukee County (North Beach Stairs Project) – Alderman Hudson said the proposed contract was put together by the City Attorney to have the County assist the City in constructing stairs to the North Beach. He said this basically spells out the project description, costs, obligation of the two parties, the schedule and other miscellaneous items. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN LARSON TO APPROVE THE INTERGOVERNMENTAL COOPERATION CONTRACT BETWEEN THE CITY AND OZAUKEE COUNTY FOR THE NORTH BEACH STAIRS PROJECT. Alderman Babcock said he would like to commend the County for working with us on this project. It's good to have cooperation between government. Alderman Becker concurs with his comments. He said he thinks this project will be fantastic. **Motion carried unanimously.**
4. Update On 2009 General Fund Budget And Monies Available In 2008 Borrowing – City Administrator Grams reviewed his memo to the Council regarding where we are at with monies available in the 2008 borrowing. He said his main concern is in the Snow & Ice Account, so he would like to have a bigger cushion available in borrowed funds to protect us in case we run into a severe winter. He will keep the Finance and City Council updated on the budget at their monthly meetings.

BOARDS/COMMISSIONS

A. Board of Public Works

1. Approve Replacement Of Lift Station 1 And 3 Electric Space Heaters – MOTION BY ALDERMAN BECKER, SECONDED BY ALDERMAN LARSON TO APPROVE J & H HEATING TO REPLACE THE ELECTRIC SPACE HEATERS WITH SEALED COMBUSTION NATURAL GAS HEATING UNITS FOR LIFT STATIONS #1 AND #3 AT A COST OF \$3,964.00. **Motion carried. 5 ayes and 1 abstain (Alderman Babcock)**
2. Approve Submitting Grant Application For Sauk/Mineral Springs Creek Project – City Engineer Rob Vanden Noven reviewed the grant for restoration of Mineral Springs Creek through the Sustain our Great Lakes Stewardship Grants Program. He said this grant is a great opportunity and the items in the project description are part of the approved Master Plan for the Coal Dock Project. The naturalization would improve the plant, animal and fish habitat, allow recreational access to the creek, and improve water quality and appearance of the area. Relocation of the existing aerial utilities would also be included. He said applications for the grant are due by October 1, 2009. MOTION BY ALDERMAN NEUMYER, SECONDED BY ALDERMAN VOLLMAR TO APPROVE MOVING FORWARD WITH APPLYING FOR THE \$240,000 GRANT WITH A \$240,000 MATCH FOR THE SAUK/MINERAL SPRINGS CREEK PROJECT. **Motion carried unanimously.**
3. Approve Hiring Crack Filling Service For Street Maintenance – City Engineer Rob Vanden Noven reviewed the recommendation of the Board of Public Works to hire a contractor to perform crack filling on eligible asphalt streets in the City. City Administrator Grams indicated that the Finance and License Committee reviewed the project and recommended tabling it until we know where we're at with our budget this year and then also for the borrowing. He said we should wait and see where our finances are before we go ahead and make a commitment to do this work. Alderman Becker asked if roads would last longer and not crumble as quickly? City Engineer Vanden Noven said this is the best opportunity to increase the life of our roads when they are new by sealing the first cracks. If you wait, you lose the structural integrity of your roads and then you're doing major repairs. He said we simply don't have the manpower to do it and don't have all the equipment that the crack filling service has. Alderman Vollmar said this is a big priority because if water gets under these roads and it thaws and then freezes over the winter, that's the end of the road. MOTION BY ALDERMAN LARSON, SECONDED BY ALDERMAN BECKER TO TABLE THIS ITEM UNTIL THE NEXT COUNCIL MEETING ON OCTOBER 6TH. **Motion carried unanimously.**

UNFINISHED BUSINESS

- A. Ordinance 2009-11 (Approve Annexation Of WE Energies Property On S. Division Street) **2nd Reading** – MOTION BY ALDERMAN VOLLMAR, SECONDED BY ALDERMAN HUDSON TO APPROVE ORDINANCE 2009-11. **Motion carried unanimously.**
- B. Litigation Against Port Harbor Investments, LLC Regarding Their Building At 122 N. Franklin Street – City Attorney updated the Council on the litigation against Port Harbor Investments, LLC. He said he heard from counsel from the LLC and there is not much new to report. He said they advised him that the company was hoping to get financing to do their full project, but they've come to realize that no magic will happen any time

soon in terms of having access to available financing due to the economy. They have started to work up the details to various liens on the property. When the liens are cleared, then the company will proceed to look at more conventional sources of financing to get money to repair the property. Counsel assured me that the company's priority was to address the exterior condition and then move on to do the interior work. They are taking some steps to make repairs that the City previously ordered. The company was proposing another meeting with the City interim building inspector, the principals and legal counsel to discuss what will be done and when. Regarding the pending litigation with the City, counsel for the LLC indicated that any money they spend for the purpose of litigation means that they have that much less available to make repairs. They understand the City's desire to proceed with court action at this time. The City Attorney said he prepared a draft of the documents necessary to start the proceedings. State Statutes require that a petition be filed, signed by the City's Building Inspector. Once signed, we will file them with the court and serve them with the representatives of the company. They will then have 20 days to respond. Following the serving of documents, the court will schedule a hearing, the purpose of which will be for the court to determine whether or not the building is a public nuisance. If the court finds it to be a public nuisance, the court shall issue any orders directing the owner to remedy the defects and make any required repairs within a reasonable period of time. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN LARSON TO PROCEED WITH LITIGATION AGAINST PORT HARBOR INVESTMENTS, LLC REGARDING THEIR BUILDING AT 122 N. FRANKLIN STREET. **Motion carried. 5 ayes and 1 abstain (Alderman Vollmar)**

NEW BUSINESS

- A. Approve Bid For Replacement Of The Roof At The Water Filtration Plant – Dave Ewig, Water/Street Superintendent, and Eric, consultant for Tremco, reviewed the project cost and bid analysis for the Water Filtration Plant Roof Replacement Project. Dave said we received seven bids and the bids were higher than the engineering's estimate. Eric reviewed the specific cost breakdown and roof system options with the Council showing why the bids came in higher. He feels that Option 1 is the best option. MOTION BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN HUDSON TO APPROVE THE BID OF SCHRANZ ROOFING, INC., MILWAUKEE, WISCONSIN, AT A COST OF \$275,730, OPTION #1, FOR ROOF REPLACEMENT AT THE WATER FILTRATION PLANT. Alderman Larson emphasized that Focus on Energy should be contacted as soon as possible regarding the roof replacement at the Water Filtration Plant. Alderman Vollmar said the motion should be made subject to the application to Focus on Energy. MOTION BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN HUDSON TO AMEND THE MOTION TO INCLUDE CONTACTING FOCUS ON ENERGY. **Motion carried unanimously.**
- B. Approve Amendments To The Police Department Union Contract - Tabled

FORTHCOMING EVENTS – City Administrator Grams said Possibility Playground is celebrating their 1st Anniversary on Sunday, September 20th from 1:00 – 4:00 p.m. Also, there will be a Main Street Resource Meeting for public officials this Wednesday, 8:00 a.m. at the Main Street Office and a Main Street Presentation to the public this Thursday at 5:00 p.m. in the lower level of the Holiday Inn Harborview. A grand opening celebration for the Ozaukee Interurban Bike Trail for the opening of the new interurban bridge will be held on Saturday, October 3rd. Alderman Larson pointed out that there is some misinformation going around in Ozaukee County regarding grants and rebate incentives for buying efficient equipment, appliances, etc., to replace inefficient equipment. The rumor is that if you participate in that program and get a rebate or incentive, a 1099 would be sent out and you have to pay taxes on that incentive money. He said that is absolutely not true.

PUBLIC COMMENTS/APPEARANCES – None

ADJOURNMENT – MOTION BY ALDERMAN BECKER, SECONDED BY ALDERMAN LARSON TO ADJOURN THE MEETING OF THE CITY COUNCIL AT 8:52 P.M. **Motion carried unanimously.**