

**MINUTES
CITY OF PORT WASHINGTON
CITY COUNCIL MEETING
January 19, 2010**

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, and Dan Becker. Absent and excused was Alderman Larson, City Planner Tetzlaff and City Engineer Vanden Noven. Also present: City Administrator Mark Grams and City Attorney Eberhardt. The Pledge of Allegiance to the Flag was recited.

CONSENT AGENDA

- A. Approve Minutes of the Previous Meeting – January 5, 2010
- B. Operator's License Applications – Mauricio Aguilera-Calderon, Ashley J. Daley, Dennis A. Heiss and Luwana D. Nicholson
- C. Approve Temporary Class "B" Retailer's License Application – St. Mary's Congregation/430 N. Johnson Street/January 29, 2010 (Fish Fry)
- D. Approve Temporary Bartender's License Application – Gerald T. Lee/St. Mary's & Port Catholic (Fish Fries) 430 N. Johnson Street/January 29, February 12, March 12 & 26, 2010

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

MAYOR'S BUSINES

OFFICERS'/STAFF REPORT

- A. City Administrator Grams reported that the next Mid-Moraine Municipal Association Dinner Meeting is scheduled for Wednesday, January 27th at the American Legion Post #470, hosted by the Village of Saukville. The guest speaker will be Mr. James Alexander, Executive Director of the Wisconsin Judicial Commission.
- B. Update On Projects
 - 1. Marina Floating Pier Project – City Administrator Grams reported that the project is ahead of schedule. All piers are in, including the fuel pier. Plumbing is just about done and contractors are working on the electrical. Things have been very positive. Alderman Neumyer asked about the clean up of debris in the parking lot. City Administrator Grams indicated that some people have been coming and taking pieces of wood. The contractor is not committed to have it cleaned up until the Marina is ready to open.

PUBLIC COMMENTS/APPEARANCES – None

COMMITTEES

A. Finance and License Committee

- 1. Resolution 2010-1 (Grant Application From The Great Lakes Restoration Initiative) – Alderman Hudson said that as part of our Coal Dock Master Plan, we are looking at restoring the creek beds of Mineral Springs and Sauk Creek between here and the coal dock. We applied for a grant last September, but did not get it. There are additional grants available and that is why we are applying for the Great Lakes Restoration Initiative. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN NEUMYER TO APPROVE RESOLUTION 2010-1. **Motion carried unanimously.**

2. Resolution 2010-2 (Grant Application From The Great Lakes Basin Fish Habitat Partnership) – Alderman Hudson said that this resolution is identical to the previous one but this one is the tributary to the lake where there are some fish habitats. MOTION BY ALDERMAN HUDSON, SECONDED BY ALDERMAN BABCOCK TO APPROVE RESOLUTION 2010-2. **Motion carried unanimously.**

BOARDS/COMMISSIONS

UNFINISHED BUSINESS

NEW BUSINESS

1. Ordinance 2010-1 (Establishing A Fee For Service Of Warrants Or Commitment Orders) **1st Reading** – City Administrator Grams said that this comes from the recommendation of the Administrative Committee of the Mid-Moraine Municipal Court. City Attorney Eberhardt explained our existing ordinance to better understand the Attorney General's opinion. He indicated that our current ordinance provides that anytime the Municipal Court issues a warrant for a person to be brought before the court to explain why they haven't complied, our existing ordinance says the court should go ahead at that time when the warrant is issued and assess or charge a \$50 fee - \$25.00 of which would be payable and received by the City and \$25.00 of which would be retained by the Municipal Court. Again, the existing ordinance directed the court to charge that \$50.00 fee when a warrant was issued. The Attorney General's interpretation of the Wisconsin Statutes is that municipalities are not authorized to charge a separate fee each time a warrant or commitment order is issued. However, he said they can charge one single fee of between \$15 - \$28 in the beginning of the case regardless of how many warrants or commitment orders may be issued later in the case.

The second portion of the Attorney General's opinion went on to say that the legislature did authorize municipalities and the Municipal Court to tax costs for each warrant and commitment order that is served. In case of actual service, the Attorney General agreed with our earlier interpretation that the municipalities may charge a higher warrant service fee for each warrant that's actually served. The basic fee allowed by statute is \$12.00 for each warrant, unless a higher amount is established by the governing body (in our case the City Council). With this information from the Attorney General, a couple of colleagues, myself, and legal counsel of the Municipal Court looked into the ordinance and found that it ought to be modified. The attached is a model ordinance that all Mid-Moraine Municipal Court members are asked to consider for adoption, setting a fee of \$35.00 each time a warrant or commitment order is actually served on a defendant. The \$35.00 fee was determined by an impromptu survey of fees charged by the Ozaukee County Sheriff's Department and the Cities of West Bend and Hartford. The City Attorney said he wanted to make the distinction of fees charged for issuing warrants and commitment orders and fees charged to serving them.

FORTHCOMING EVENTS – Alderman Vollmar reported that the funeral for former Alderman Pete Jushka is scheduled for this Thursday. He said Peter was a great addition to our Council, served the City for a long time and was still on the Harbor Commission until the time of his death. Alderman Vollmar said we should thank him for his service and give our sympathy to his family. Alderman Babcock said he served with Pete on the Council and he was great to work with and we should give our condolences to his family.

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 review employee performance evaluations and discuss wage compensation and to discuss union negotiations with AFSCME Local 108, Clerical Unit. ROLL CALL: Ehrlich-aye, Neumyer-aye, Vollmar-aye, Babcock-aye, Hudson-aye, and Becker-aye. **Motion carried unanimously.**

Reconvene Into Open Session – The Council reconvened into open session at 8:27 p.m.

Resolution 2010-3 (2010 Salary Resolution) – MOTION BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN HUDSON TO APPROVE RESOLUTION 2010-3. **Motion carried unanimously.**

Approve Union Agreement With AFSCME Local 108, Clerical Unit – MOTION BY ALDERMAN NEUMYER, SECONDED BY ALDERMAN EHRLICH TO APPROVE THE UNION AGREEMENT WITH AFSCME LOCAL 108, CLERICAL UNIT. **Motion carried unanimously.**

ADJOURNMENT – MOTION BY ALDERMAN BECKER, SECONDED BY ALDERMAN BABCOCK TO ADJOURN THE MEETING OF THE CITY COUNCIL AT 8:27 P.M. **Motion carried unanimously.**