

**MINUTES**  
**CITY OF PORT WASHINGTON**  
**CITY COUNCIL MEETING**  
**Tuesday, July 20, 2010, 7:30 P.M., City Hall**

1. **ROLL CALL-** A duly convened meeting of the Common Council was called to order at 7:30 p.m. by Mayor Scott Huebner in Council Chambers. Council members present: Aldermen Mike Ehrlich, Paul Neumyer, Jim Vollmar, Burt Babcock, Tom Hudson, Dave Larson, and Dan Becker. Also present: City Planner Randy Tetzlaff, City Administrator Mark Grams and City Attorney Eric Eberhardt.
2. **PLEDGE ALLEGIANCE TO THE FLAG-** The Pledge of Allegiance was recited.
3. **CONSENT AGENDA**
  - A. Approve Minutes Of Previous Meeting
  - B. Approve Original Operator License Applications
  - C. Approve Cabaret Licenses
  - D. Approve Temporary Class "B" / "Class B" Retailer's License Applications

MOTION MADE BY ALDERMAN HUDSON, SECONDED BY ALDERMAN EHRLICH TO APPROVE THE CONSENT AGENDA AS PRESENTED. Motion carried unanimously.
4. **MAYOR'S BUSINESS-** None.
5. **OFFICERS'/STAFF REPORT**
  - A. Update On Projects
    1. S. Wisconsin / Chestnut / Division Streets Project- Mark Grams reported the installation of water main continues and may be ahead of schedule.
    2. S. Wisconsin Street (We Energies Project)- Mark Grams reported that this project is on schedule. Curb and gutter is complete on one side of the road. Completion should be on schedule for Labor Day.
6. **PUBLIC COMMENTS/APPEARANCES**

***Your comments are welcome. Please limit your discussion to 3 minutes. If you need more time, please contact the City Administrator and request that your topic be placed on the City Council Agenda.***

\*Ann Davis - 920 Crestview Drive – Supports the Park and Recreation Department recommendation for dogs to be allowed off leash in the north beach area between 6:00 and 8:00 a.m. daily. She feels this is a good compromise.

\*Joan Keller – 1144 Noridge Trail – Attended the Park and Recreation Board meeting where discussion was held on dogs off leash in the north beach area and is against allowing it. A child was bitten recently and it is not safe.

\*Dr. Charlotte Little, DVM – 1961 Keith Lane, Grafton – Supports the off leash area for dogs to get exercise. There are specific breeds that need a lot of exercise for their physical and emotional health. It also gives physically limited seniors who cannot walk their dogs vigorously an opportunity to give their pets the level of exercise they need. Not in favor of a dog park due to the diseases that can occur there.

\*Brooke Barringer – 746 N. Montgomery Street – Supports the off leash option. Regarding the prohibiting animals at festivals, she currently has 78 signatures to support allowing the festival committees to make the decision on whether to allow animals at their events. She also supports leashed animals at Farmers Market.

\*Norm Greisenheimer – 1010 Noridge Trail – Appreciates what the animal lovers want made available. Against the off leash option, concern over whether there will be enough police officers available to monitor the beach area for violations.

\*Zyle Newell – 118 E. Monroe Street – Commented that individuals will just take their dogs north past mile rock out of the City jurisdiction. Feels that there are too many police officers patrolling the City.

\*Chris Guttzman- 308 S. High Street – A lifetime resident of the City, and not a dog owner. Feels that dogs should be leashed on the streets, and the dogs on the beach should not be leashed. Does agree with the hours being set for dogs off leash at the north beach area. Festivals should be able to make the rules about dogs and the Farmers Market should be allowed to have dogs.

\*Jan Crystal – 122 E. Monroe Street – A dog owner and supporter of the guidelines and area for dogs to be able to exercise.

\*Barbara Bates-Nelson – 1432 Noridge Trail – A dog owner. Feels dogs need a place to exercise by running and swimming. Supportive of a designated area and time for dogs to exercise off leash. The City needs rules on having dogs leashed at festivals.

\*Dennis Newell – 2126 Delaware Ave, Grafton – As a former Port resident he supports an area for dogs to run. He no longer attends the music in the park because they do not allow dogs at the events.

## 7. COMMITTEES

### A. FINANCE AND LICENSE COMMITTEE

1. Consider Agreement For Architectural Services For New Senior Center Facility At 403 W. Foster Street- Alderman Hudson reported on the agreement between the City and Haag Muller. The amount of the proposal is \$9,550 as presented at the last council meeting. Attorney Eberhardt has spoken with the firm and they made the amendments to the agreement as requested.

MOTION MADE BY ALDERMAN HUDSON, SECONDED BY ALDERMAN BABCOCK TO APPROVE THE AGREEMENT BETWEEN THE CITY AND HAAG MULLER FOR \$9,550. Vote taken, 6 Ayes, 0 Nays and 1 Abstention – Alderman Ehrlich. Motion carried.

2. Consider Agreement From EPS To Upgrade Lighting At Municipal Facilities- Alderman Hudson reported on the contract from EPS for \$101,000 which is slightly higher than reported last month. The amount changed because the fire station is now also included in the contract. After subtracting the State grant the City's estimated cost is \$22,000 to \$23,000 and that amount will be paid for from the 2008 borrowing. Attorney Eberhardt has reviewed the contract.

MOTION MADE BY ALDERMAN HUDSON, SECONDED BY ALDERMAN BECKER TO APPROVE THE CONTRACT FROM EPS TO UPGRADE LIGHTING AT MUNICIPAL FACILITIES FOR \$101,000. Motion carried unanimously.

3. Consider Sale Of City Land To State DOT (Highway 33 Project)- Mark Grams reported the State DOT needs to acquire from the City about .38 acres of land along the east side of Jackson Road. The land is needed for a drainage easement to handle stormwater from the Highway 33 project. The State originally offered to pay \$11,400, but will now pay \$10,000. The City can request a second appraisal be done however.

MOTION MADE BY ALDERMAN HUDSON, SECONDED BY ALDERMAN EHRLICH TO APPROVE A PROPER APPRAISAL BE COMPLETED. Motion carried unanimously.

4. Ordinance 2010-14 (Amending Qualifications For Granting Alcohol Beverage Licenses And Permits) 2<sup>nd</sup> Reading- Alderman Hudson reported that this ordinance has been drafted to bring language in our Municipal Code into compliance with State Statute for alcohol licensing.

MOTION MADE BY ALDERMAN HUDSON, SECONDED BY ALDERMAN BECKER TO APPROVE ORDINANCE 2010-14 (AMENDING QUALIFICATIONS FOR GRANTING ALCOHOL BEVERAGE LICENSES AND PERMITS). Motion carried unanimously.

## **8. BOARDS/COMMISSION**

### **A. PARK AND RECREATION BOARD**

1. Recommend Drafting Of An Ordinance To Allow Dogs Unleashed On The Southerly 1000 Feet Of North Beach, 6 A.M. To 8 A.M. Daily- Mark Grams reported on this recommendation from Park and Recreation allowing dogs on North Beach between the hours of 6:00 and 8:00 a.m. daily off leash. There is concern with this recommendation due to problems with dogs polluting the beach area. Other communities with beaches do not allow dogs at all for health reasons. Alderman Hudson commented that there are signs around town that have incorrect information on them regarding ordinances and what the council is actually voting on. Citizens have cell phones and can report people not following the rules to the police department.

MOTION MADE BY ALDERMAN HUDSON, SECONDED BY ALDERMAN LARSON TO DRAFT AN ORDINANCE AS RECOMMENDED BY THE PARK AND RECREATION BOARD.

Discussion was held by the Council. Alderman Babcock reported that citizens came to the Park and Recreation Board meeting to speak on this issue. They think this is a reasonable ordinance. Alderman Vollmar reported that he has received calls from beach front owners. They are concerned about the fines being high enough for violations.

Alderman Larson commented that the police don't look for ordinance violations, they respond to specific complaints about violations. If dogs are running after hours then citizens need to contact police and report the violation. Alderman Neumyer commented that the majority of dog

owners are not responsible, and enforcement of this ordinance would be difficult for the police department. He has also received calls from individuals that don't want dogs on the beach. Chief Richard Thomas addressed the council and does not recommend this ordinance. He is concerned over deregulating an existing ordinance that was written for the safety and protection of the public and currently controls this issue. Currently the officer's act on violators if they see it occur or if it is reported by citizens. Alderman Vollmar commented that the City could try the ordinance and if it does not work reverse it. Mayor Huebner commented that this ordinance creates a dog park for 2 hours per day. It creates health concerns due to bacteria in the sand from the dogs. Every community has a dog leash law and the calls he's received are 7 to 1 against allowing dogs off leash. The police department is correct in their concerns. Mark Grams commented that the sanitation issue is a huge problem, that's why other communities have ordinances against allowing dogs off leash. Vote taken, Aye- Aldermen Larson, Hudson and Babcock, Nay- Aldermen Vollmar, Neumyer, Becker and Ehrlich. Motion Failed.

## **B. PLAN COMMISSION**

1. Ordinance 2010-15 (Rezoning Of Land At 123 And 131 N. Park Street From I-1, General Industrial District To B-3, General Business District) 1<sup>st</sup> Reading- Randy Tetzlaff reported that in May the Plan Commission approved a building and site plan for a proposed new Four Seasons located at 123 N. Park Street. It was noted that the property is zoned I-1 General Industrial to accommodate the past occupant, Becker Oil. The Plan Commission wants to rezone this property and the adjoining property to the north to B-3 General Business regardless of whether the new Four Seasons actually opens; the future use should be commercial. The 2025 Comprehensive Plan indicates commercial is the highest and best use. Aldermen Hudson, Becker and Neumyer are supportive of this change. Alderman Vollmar inquired whether there were any objections from the public. Randy Tetzlaff reported that there will be a public hearing held next month and the public will have an opportunity to comment at that meeting.

## **9. UNFINISHED BUSINESS**

- A. Ordinance 2010-12 (Prohibiting Animals On Public Festival Grounds) 2<sup>nd</sup> Reading- Mark Grams reported that Attorney Eberhardt worked on the amended draft to allow festival organizers to make the decision on allowing animals on festival grounds. Attorney Eberhardt reported on the details of the ordinance. The City has authority to regulate animals. Exceptions for animals at parades and Farmers Market is included in the draft. Exceptions can be made for public events with a permit. Alderman Ehrlich asked if Chief Thomas would have enforcement issues and how would the police department be informed when permits for exceptions were applied for. Chief Thomas responded that the department would be notified when permits were taken.

MOTION MADE BY ALDERMAN HUDSON, SECONDED BY ALDERMAN EHRlich TO APPROVE ORDINANCE 2010-12 AND HAVE THE FINANCE AND LICENSE COMMITTEE REVIEW PERMIT REQUESTS AND MAKE RECOMMENDATIONS TO COMMON COUNCIL FOR FINAL APPROVAL. Vote taken, Nay- Alderman Vollmar. Motion carried.

- B.** Ordinance 2010-13 (Amend The Requirements For House Numbering) 2<sup>nd</sup> Reading- Mark Grams reported on the request to amend the current code to require house numbers to appear on houses and garages. This will assist emergency services with responses when the homes and garages are detached and garages are located in alleyways. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN EHRlich TO APPROVE ORDINANCE 2010-13 (AMEND THE REQUIREMENTS FOR HOUSE NUMBERING) Motion carried unanimously.

## 10. NEW BUSINESS

- A.** Accept Annexation Petition From Owners Of Land At 2795-2797 County Highway C- Mark Grams reported that the proper forms have been received and can be sent on to the Plan Commission for approval. MOTION MADE BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN NEUMYER TO APPROVE THE ANNEXATION PETITION FROM LAND OWNERS AT 2795-2797 COUNTY HIGHWAY C. Motion approved unanimously.
- B.** Consider Design Agreement With Ayres For Water Main And Sanitary Sewer Modifications On STH 33- Mark Grams reported on the agreement with Ayres to provide the engineering plans for the necessary modifications to the City's existing water main and sanitary sewer to align with the STH 33 project. This agreement will not exceed \$11,600. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN LARSON TO APPROVE THE AGREEMENT WITH AYRES FOR ENGINEERING SERVICES. Motion carried unanimously.
- C.** Approve Hiring Of Maintenance Person For Senior Center- Mark Grams reported, 15 applications were received for this part-time 10 to 15 hour per week position. Two individuals were interviewed and it is being recommended that LuAnn Guetzke be hired. Catherine Kiener commented that with all the applicants it was a difficult decision, but Luann was most flexible and that will be needed with the Senior Center re-location coming. MOTION MADE BY ALDERMAN HUDSON, SECONDED BY ALDERMAN BECKER TO APPROVE THE HIRING OF LUANN GUETZKE PENDING A PHYSICAL AND BACKGROUND CHECK. Motion carried unanimously.
- D.** Amended Agenda Item- Approve Closing Streets And Parking Lots For Main Street Maxwell Street Day- MOTION MADE BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN BECKER TO APPROVE STEEET AND PARKING LOT CLOSING FOR MAIN STREET MAXWELL STREET DAY. Motion carried unanimously.

11. **FORTHCOMING EVENTS-** Maxwell Street Day and Lions Fest July 30, 31 and August 1 which includes a fishing derby.
12. **PUBLIC COMMENTS/APPEARANCES-** None.
13. **MOTION TO CONVENE IN CLOSED SESSION MOTION TO CONVENE IN CLOSED SESSION** pursuant to § 19.85 (1)(e), Wis. Stats., for purposes of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, to-wit: to deliberate or develop legal and negotiating strategies for the investing of public funds in the acquisition, lease, sublease, development, use and/or maintenance of the former We Energies' coal dock lands by the City in negotiations with WE Energies and agencies of the state of Wisconsin. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN LARSON TO GO INTO CLOSED SESSION FOR THE ABOVE REASONS STATED. Each Council Member Voted Aye.
14. **MOTION TO CONVENE IN CLOSED SESSION** pursuant to § 19.85 (1)(g), Wis. Stats., for purposes of conferring with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the Council with respect to litigation in which it is or is likely to become involved, i.e., City of Port Washington vs. Port Harbor Investments, LLC. MOTION MADE BY ALDERMAN HUDSON, SECONDED BY ALDERMAN EHRLICH TO GO INTO CLOSED SESSION FOR THE ABOVE REASON STATED. Each Council Member Voted Aye.
15. **RECONVENE INTO OPEN SESSION TO TAKE ACTION RELATING TO CLOSED SESSION DELIBERATIONS, IF ANY.-**  
MOTION MADE BY ALDERMAN HUDSON, SECONDED BY ALDERMAN VOLLMAR TO ENGAGE PAUL KENT TO REVIEW SUBLEASES AND LEASES FOR COAL DOCK AREA BETWEEN THE CITY AND WE ENGERGIES. Motion carried unanimously.  
  
MOTION MADE BY ALDERMAN HUDSON, SECONDED BY ALDERMAN BECKER TO PETITION THE COURT FOR HEARING IN CITY OF PORT WASHINGTON VS. PORT HARBOR INVELSTMENTS, LLC. Motion carried unanimously.
16. **ADJOURNMENT-** MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN NEUMYER TO ADJOURN THE MEETING AT 9:29 P.M. Motion carried unanimously.