

MINUTES
CITY OF PORT WASHINGTON
CITY COUNCIL MEETING
Tuesday, May 4, 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 the Council Chambers. Council members present: Aldermen Mike Ehrlich, Paul Neumyer, Burt Babcock, Dave Larson, Tom Hudson, Dan Becker and Jim Vollmar Also present: City Engineer Robert Vanden Noven, City Planner Randy Tetzlaff, City Administrator Mark Grams, City Attorney Eric Eberhardt, and Catherine Kiener, Senior Citizen Center Director.

2. PLEDGE ALLEGIANCE TO THE FLAG

The Pledge of Allegiance To The Flag was recited.

3. CONSENT AGENDA

- A. Approve Minutes Of Previous Meeting
- B. Approve Original Operator's License Applications
- C. 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

- A. Proclamation Honoring Poppy Drive Of The VFW Auxiliary Post #5373- Mayor Huebner read the Proclamation.
- B. Proclamation Observing May 15th As Peace Officers Memorial Day- Mayor Huebner read the Proclamation.
- C. Consider Committee Appointments- Mayor Huebner requested the appointment of Marty Becker to Police and Fire Commission, Nels Anderson to Economic Development Committee and Dan Herlache to Harbor Commission.
MOTION MADE BY ALDERMAN BABCOCK, SECONDED BY ALDERMAN
BECKER TO APPROVE THE COMMITTEE APPOINTMENTS AS PRESENTED.
Motion carried unanimously.

5. OFFICERS'/STAFF REPORT

A. Update On Projects

1. Sunset Road- City Engineer Robert Vanden Noven reported the storm sewer and gravel on roadway would be completed this week. The curb and gutter will be completed next week and the paving the following week. Looking at a June 1st completion of this project.

B. Energy Efficiency Grant (Municipal Buildings Lighting Improvement)- Mark Grams reported that the Department of Commerce contract has not arrived. Energy Performance Specialists will be working with the City on this project.

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.- None

7. COMMITTEES

A. Finance and License Committee

1. Resolution 2010-11 (Resolution To Authorize The Issuance And Sale Of \$4.015 Million Note Anticipation Notes)- Alderman Hudson reported on the borrowing for road projects. The City's rate with Moody's has gone up two rating to a AA-3 rating for borrowing. This allows the city to borrow at a rate of 1.75%. Phase 1 borrowing will lock in the rates and allow flexibility to use funds as needed throughout the projects.

MOTION MADE BY ALDERMAN HUDSON, SECONDED BY ALDERMAN EHRLICH TO APPROVE (RESOLUTION 2010-11 (RESOLUTION TO AUTHORIZE THE ISSUANCE AND SALE OF \$4.015 MILLION NOTE ANITICIPATION NOTES). Motion carried unanimously.

2. Resolution 2010-12 (Resolution To Authorize The Issuance And Sale Of \$2.895 Million Marina Refunding Bonds- Alderman Hudson reported on the permanent funding of the marina work. Funds were obtained in November 2009. MOTION MADE BY ALDERMAN HUDSON, SECONDED BY ALDERMAN BECKER TO APPROVE (RESOLUTION TO AUTHORIZE ISSUANCE AND SALE OF \$2.895 MILLION MARINA REFUNDING BONDS). Motion carried unanimously.

3. Approve Reduction Of Letter Of Credit For Harmony Homes (Misty Ridge Subdivision)- Alderman Hudson reported that Harmony Homes has completed a portion of the Misty Ridge subdivision project and is requesting a reduction to their Letter of Credit to free up funds. Robert Vanden Noven reviewed the remaining work to be done which totals \$467,292 and includes paving, sidewalks, street trees, detention ponds, various repair work from an earlier phase, park land fees and \$40,000 contingency. MOTION MADE BY ALDERMAN HUDSON, SECONDED BY ALDERMAN BABCOCK TO REDUCE HARMONY HOMES LETTER OF CREDIT TO \$467,292. Discussion was held; Alderman Vollmar inquired when the letter of credit expires and whether the completion of the project can coincide with the final

reduction to the letter of credit. Mark Grams commented the letter of credit expires between the end of 2010 and early 2011. An extension to the time line for project completion is likely and the letter of credit has previously been reviewed on a year- to- year basis. Mayor Huebner called for a vote on the current motion. Aye-6, Nay-1-Vollmar, Motion carried.

4. Approve Amending Premises Description For Some Licensed Taverns and Restaurants For Community Festival, May 30th- Alderman Hudson reported that the festival rain date will be Sunday, June 20th. The purpose of this amendment to premises description is for the serving of alcohol outside normal premises. Wine and beer will be served to patrons and they will pour it into plastic cups to be carried outside. No hard liquor will be allowed outside the premises; the establishments include Beanies, Vines to Cellar and Harbor Temptations. MOTION MADE BY ALDERMAN HUDSON, SECONDED BY ALDERMAN LARSON TO APPROVE THE AMENDMENT TO THE PREMISES DESCRIPTION TO ALLOW BEER AND WINE BE CARRIED OUTSIDE OF ESTABLISHMENT FOR BEANIES, VINES TO CELLAR AND HARBOR TEMPTATIONS FOR MAY 30, 2010 WITH A RAIN DATE OF JUNE 20, 2010. Discussion was held and Attorney Eric Eberhardt suggested the incorporation of a requirement that the establishments provide an attendant at the door to ensure only beer and wine leave the building. This will assist in preventing violations to the alcohol serving laws. State law requires amended licenses for that day will have to be provided to the establishments and need to be posted on site. Alderman Vollmar and Larson expressed concerns over the added burden of cost to the establishments by requiring attendants be posted at the doors. The bar owners are responsible at all times to monitor the serving of alcohol beverages at their premises. ALDERMAN LARSON WITHDREW HIS SECOND TO THE CURRENT MOTION. ALDERMAN NEUMYER SECONDED THE CURRENT MOTION WITH THE ADDITION OF ESTABLISHMENT IS REQUIRED TO PROVIDE AN ATTENDANT AT THE DOOR. MAYOR HUEBNER CALLED FOR A VOTE, AYE- 2, NAY-5-BABCOCK, LARSON, VOLLMAR, EHRLICH AND BECKER. MOTION FAILED.

MOTION MADE BY ALDERMAN HUDSON, SECONDED BY ALDERMAN LARSON TO APPROVE THE AMENDMENT TO THE PREMISES DESCRIPTION TO ALLOW BEER AND WINE BE CARRIED OUTSIDE OF ESTABLISHMENT FOR BEANIES, VINES TO CELLAR AND HARBOR TEMPTATIONS FOR MAY 30, 2010 WITH A RAIN DATE OF JUNE 20, 2010 WITH AMPLIFICATION TO BAR OWNERS THAT INDIVIDUALS DO NOT LEAVE THE PREMISES WITH HARD LIQUOR. Motion carried unanimously.

B. TRAFFIC SAFETY COMMITTEE

1. Ordinance 2010-10 (No Parking On A Portion Of South Webster Street) 2nd Reading-Mark Grams reported this ordinance is being considered at the request of neighbors to the Franklin Energy building to address the vision issues with a driveway on S. Webster St.
MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN NEUMYER TO APPROVE ORDINANCE 2010-10 (NO PARKING ON A PORTION OF SOUTH WEBSTER STREET). Motion carried unanimously.

8. BOARDS/COMMISSION

A. PLAN COMMISSION

1. Ordinance 2010-11 (Rezoning Of Land At 600 N. Moore Road From I-2 Industrial Park To B-3 General Business District) 1st Reading- Randy Tetzlaff reported that Lakeshore Dance will be converting the old Four Seasons building into a dance studio. The current zoning of I-2 is inappropriate zoning and B-3 zoning is more flexible and appropriate for this site. The change in zoning fits the master plan. Alderman Vollmar inquired whether the Plan Commission with a conditional use could address this use issue. Mayor Huebner commented that the dance studio also has retail sales included and the proposed zoning addresses those needs. Alderman Ehrlich commented that this change in zoning would make the site more compliant with past and proposed uses.

9. UNFINISHED BUSINESS-None.

10. NEW BUSINESS (Amended Agenda Item)

- A.** Consider Lease Agreement The City And KAB Enterprises, LLC Regarding Property At 403 W. Foster St.- Mark Grams reported the terms of this lease agreement include a 3-year lease with option to purchase at the end of 3 years. After 3 years the lease can be renewed on a year-to-year basis. Included in the terms is an option to purchase after 3 years at \$550,000. After the 3 years the city has the option to remove the installed elevator or negotiate the sale of it to the building owners. Alderman Vollmar expressed concerns over the cost of leasing the facility. Comments were made that on a square footage basis the lease cost is reasonable. Mark Grams commented that the funds for the lease payments might come from a \$50,000 credit the city has received from the City's property insurance carrier. If the current senior center is sold those proceeds can fund the lease payments also. Franklin Energy has signed a 7-year lease at the former Smith Bros. site downtown.

MOTION MADE BY ALDERMAN HUDSON, SECONDED BY ALDERMAN NEUMYER TO APPROVE THE LEASE AGREEMENT BETWEEN THE CITY AND KAB ENTERPRISES, LLC, PROPERTY LOCATED AT 403 W. FOSTER ST. AYE-5, NAY-1-VOLLMAR, ABSTAINED-1-LARSON. Motion carried. Mayor Huebner thanked the Schueller's for their effort in the lease negotiations with the City.

11. **FORTHCOMING EVENTS-** Mark Grams reported that the Mid-Moraine dinner meeting will be held on May 26th in Thiensville. Aldermen that would like to attend need to register by May 18th. On a sad note, Kandy Bichler, employed as maintenance staff at the Senior Citizen Center, unexpectedly passed away May 2nd. A card is available tonight to sign. The visitation and funeral services will be held at the First Congregational Church on May 6th starting at 10:00 until 12:00 p.m.
12. **PUBLIC COMMENTS/APPEARANCES-** Lynn Cosentine, 1495 Garay Lane, Unit #4 addressed the council with concerns over the recent move of the Senior Citizen Center to the Foster St. location. A long-range plan is needed that includes more activities and facilities for the seniors to utilize.
13. **ADJOURNMENT-** MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN LARSON TO ADJOURN THE MEETING AT 8:23 P.M. Motion carried unanimously.