

MINUTES
CITY OF PORT WASHINGTON
CITY COUNCIL MEETING
Tuesday, December 18, 2012, 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 Tom Mlada in Council Chambers. Council members present: Aldermen Dave Larson, Joe Dean, Doug Biggs, Jim Vollmar, Paul Neumyer and Mike Ehrlich. Absent and Excused: Dan Becker. Also present: City Engineer Rob Vanden Noven, City Planner Randy Tetzlaff, City Attorney Eric Eberhardt and City Administrator Mark Grams.

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

MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN LARSON TO APPROVE THE MINUTES AS PRESENTED AND ORIGINAL OPERATOR LICENSES FOR AMANDA CABRICES AND CINDY KINZEL. Motion carried unanimously.

4. MAYOR'S BUSINESS

A. City Appreciation Dinner, January 19th- Mayor Mlada will be hosting a dinner for committee members that serve during the year. It will be held at Country Inn and Suites and invitations will be coming out after Christmas.

B. Committee Updates- None.

C. Charter Boat Association Presentation- This item is postponed due to the weather. They may be able to appear in February.

Mayor Mlada thanked staff for coming to the dinner. Special thanks to Judy and Susan for putting the dinner together. A thank you to also goes to Lisa Crivello and Kathy Tank along with city businesses for putting together the gift bags.

The Mayor also announced that he will be able to spend more time at City Hall during the day to assist staff beginning in February.

A letter from Sara Grover was mentioned regarding the accomplishments of the city during the past years. Mayor Mlada is looking forward to an exciting 2013 in the City.

5. OFFICERS'/STAFF REPORT

A. Update On Projects

1. Coal Dock Project- Rob Vanden Noven reported the work scheduled for this fall has been completed. The bridge is in place over the intake channel, but will not be open until June when the project is fully completed. The concrete bench on the south side of the promenade has been completed. In the spring work will begin again and a June completion date is still on track.

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.

*Christian Zaja, 746 N. Montgomery Street-Commented on the proposed Deville's Lounge at 419 N. Franklin Street.

*Ben Lanza, 1266 Oak Court-Commented on the negative reporting in the papers of his son and his former bar business, Foxy's.

*Rick Meyer, 402 N. Heritage Road- Commented that no old business issues should be used when making a decision about a new business.

7. COMMITTEES

A. Finance and License Committee

1. Consider Original Class B Combination Alcohol License Application

For Deville LLC- City Attorney Eberhardt, acting as Hearing Officer,

informed the Council and public of the procedures for the hearing being held. All individuals that provide testimony will be sworn in and testify under oath. Attorney Eberhardt gave a summary of the letter sent to Mr. Koput by City Administrator Grams informing him of the issues and procedures. Also reports that were submitted to the City by the Police Chief on past response calls to 219 N. Franklin Street and Building Inspector's report on building code violations that had to be addressed and corrected. Testifying were Troy Koput, Christian Zaja, Katherine Vnuk and Police Chief Hingiss. Discussion was held by the Aldermen, following discussion a MOTION MADE BY ALDERMAN DEAN, SECONDED BY ALDERMAN BIGGS THAT THE COMMON COUNCIL DENY DEVILLE LLC ALCOHOL LICENSE APPLICATION AT 219 N. FRANKLIN STREET ON THE GROUNDS OF INCOMPATIBILITY WITH DOWNTOWN AREA REDEVELOPMENT PLANS, THE PROXIMITY TO EXISTING REDEVELOPED OR TO BE DEVELOPED PROPERTIES, PAST CONDUCT OF BAR PATRONS AT THIS PARTICULAR LOCATION, AND UNCORRECTED CODE VIOLATIONS AND CONDITIONS. AYE: 5, NAY: 1 (VOLLMAR) Motion carried.

2. Consider Original Annual Cabaret License Application For Deville

LLC- Attorney Eberhardt asked Troy Koput whether he wanted to proceed

with his Cabaret License application or withdraw the application. Mr. Koput withdrew his Cabaret License application.

8. COMMISSIONS AND BOARDS- None.

9. UNFINISHED BUSINESS

A. Consider Proposal For Further Soil And Groundwater Sampling On Former

M & I Bank Drive In Site- City Administrator Grams reported on the Phase I analysis. A business in the past had underground fuel tanks which are still in place. A Phase II study would provide soil samples to see if there is contamination and removal is required. The Phase II study would cost the City between \$3,100 and \$4,100. Alderman Vollmar commented that the City should proceed with the study and then use those findings when discussing the final agreement with the seller. Attorney Eberhardt advised Council to proceed with Phase II.

MOTION MADE BY ALDERMAN VOLLMAR, SECONDED BY ALDERMAN NEUMYER TO COMPLETE PHASE 2 AND ASK FOR AN EXTENSION OF THE AGREEMENT WITH THE SELLER. AYE: 5, ABSTAINED: 1 (EHRlich). Motion carried.

10. NEW BUSINESS

A. Adopt Policy To Ensure City Complies With Davis Baron Act And EEOC And Affirmative Action Requirements- City Administrator Grams reported on the policy that is required under Federal guidelines. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN EHRlich TO APPROVE THE POLICY AS PRESENTED. Motion carried unanimously.

11. FORTHCOMING EVENTS- None.

12. PUBLIC COMMENTS/APPEARANCES- The Council commends Craig Czarnecki for his recent promotion to Police Lieutenant.

*Paula Ryan, 746 N. Montgomery Street-Inquired whether Mr. Koput can apply for an appeal of the denial of his liquor license. Attorney Eberhardt responded yes, in Circuit Court and Mr. Koput has been advised of that and will also be receiving a letter from the City with that information in it. Ms. Ryan also gave her support for the idea of a lounge at that location.

*Ben Lanza, 1266 Oak Court- Expressed his disappointment in the decision of the Council to deny the liquor license. He further commented on the former Foxy's bar business.

*Christian Zaja, 746 N. Montgomery Street- Inquired whether the license application fee's can be refunded by the City. Further that part of a business plan that wasn't discussed included video cameras that would be installed inside and outside the building.

*Trey Mittnach, 227 N. 37th Street, Milwaukee- Informed the Council as a former employee of Foxy's and a friend of Troy Koput he would encourage the City to put policies in place to assist new business owners to be more prepared when coming before the Council.

13. ADJOURNMENT- MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN ERHLICH TO ADJOURN THE MEETING AT 9:46 P.M. Motion carried unanimously.