

MINUTES
CITY OF PORT WASHINGTON
CITY COUNCIL MEETING
Tuesday, September 16, 2014, 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 Paul Neumyer, Mike Ehrlich, Doug Biggs, Kevin Rudser, Dave Larson and Dan Becker. Absent and excused: Alderman Bill Driscoll. Also present: City Engineer Rob Vanden Noven, City Planner Randy Tetzlaff, City Attorney Eric Eberhardt, City Administrator Mark Grams and City Clerk Susan Westerbeke.

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 LARSON, SECONDED BY ALDERMAN BIGGS TO APPROVE THE MINUTES AS PRESENTED AND ORIGINAL OPERATOR LICENSES FOR ANDREA MCDONALD, GARRET PETERSON AND CODY THRESHER AS PRESENTED.

Motion carried unanimously.

4. **MAYOR'S BUSINESS**

A. Update On World's Toughest 5k- Alderman Rudser reported on the upcoming run to be held on Saturday, September 20th. The run begins at 10:00 a.m. and includes six stairways in Port Washington as part of the race route.

B. Approval of Economic Development Funds For City Export Tech Participants- Alderman Biggs reported on the WEDC ExportTech program and how it helps grow business, employment, community growth and export potential. Mayor Mlada reported that approximately four city businesses are interested in participating. MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN BECKER TO APPROVE \$1,000 PER BUSINESS FOR ANY QUALIFIED CITY BUSINESS PARTNER INTERESTED IN PARTICIPATING UP TO 8 BUSINESSES AT A TOTAL COST OF \$8,000 AS PRESENTED. Motion carried unanimously.

C. Update On NOAA National Marine Sanctuary- Mayor Mlada and Tourism Director Kathy Tank presented information on the NOAA National Marine Sanctuary program and application process.

D. Resolution 2014-16 (Resolution In Support Of City Participation In Legacy Community Program)- Tabled until the October meeting.

5. **OFFICERS'/STAFF REPORT**

A. Update On 2014 Street Improvement Projects- Rob Vanden Noven reported that currently the gas company is moving services on Milwaukee Street so excavation can occur. Van Buren Street will be getting curb and gutter in the next week. Underground work on prospect will begin next week. Members of Council were on a road tour just prior to the meeting.

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. TRAFFIC SAFETY COMMITTEE

1. Ordinance 2014-15 (Parking Restrictions In Park And Ride Lot On Seven Hills Road) 2nd Reading- The City Administrator reported on the Ozaukee County's restrictions to the park and ride lot and request for the City to also have those restrictions in the municipal code to allow the city police department to enforce the lot. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN BIGGS TO APPROVE ORDINANCE 2014-15 PARKING RESTRICTIONS IN PARK AND RIDE LOT ON SEVEN HILLS ROAD AS PRESENTED. Motion carried unanimously.

2. Ordinance 2014-16 (Permitting Angle Parking On The Northside Of E. Main Street, East Of Franklin Street) 2nd Reading- The City Administrator reported that this ordinance is to update the municipal code to show the angle parking on this street, which is already in place. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN RUDSER TO APPROVE ORDINANCE 2014-16 PERMITTING ANGLE PARKING ON THE NORTHSIDE OF E. MAIN STREET, EAST OF FRANKLIN STREET AS PRESENTED. Motion carried unanimously.

8. BOARDS/COMMISSIONS

A. PLAN COMMISSION

1. Public Hearing For Ordinance 2014-17 (Amending Maximum Building Height Limitation In The B-4 Central Business District)- Mayor Mlada opened the public hearing for public comments. There being none, a MOTION WAS MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN LARSON TO CLOSE THE PUBLIC HEARING. Motion carried unanimously.

2. Ordinance 2014-17 (Amending Maximum Building Height Limitation In The B-4 Central Business District) 2nd Reading- Randy Tetzlaff reported on the previously repealed restrictions. Currently the building height requirement is 61 feet. This ordinance will remove the 61 foot provision from the code. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN EHRLICH TO APPROVE ORDINANCE 2014-17 AMENDING MAXIMUM BUILDING HEIGHT LIMITATION IN THE B-4 CENTRAL BUSINESS DISTRICT AS PRESENTED. Motion carried unanimously.

3. Public Hearing Regarding The Rezoning Of Property At 235 W. Grand Avenue From I-1, General Industrial District To B-4 Central Business District- Mayor Mlada opened the public hearing for public comments. City resident Dave Schmutzler was present and spoke to the Council about his concerns regarding the rezoning of the property and how it may limit the potential expansion of the business there. There being no further public comments a MOTION WAS MADE BY ALDERMAN LARSON,

SECONDED BY ALDERMAN BECKER TO CLOSE THE PUBLIC HEARING. Motion carried unanimously.

4. Ordinance 2014-18 (Rezoning Of Property At 235 W. Grand Avenue From I-1 To B-4 Central Business District) 2nd Reading-

The City Administrator and City Planner have met with Dave Schmutzler to discuss his concerns on the rezoning. This ordinance should be tabled so another meeting can be scheduled with him. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN DRISCOLL TO TABLE CONSIDERATION OF THIS ORDINANCE UNTIL A FUTURE MEETING. Motion carried unanimously.

B. POLICE AND FIRE COMMISSION

1. Consider Resolution 2014-17 (Approving Adjustments In Ambulance/EMS Billing Rate And Supply Fees)-

The City Administrator and City Attorney reviewed the resolution and recommend its approval. The final paragraph in the resolution is optional and needs to be included or struck from the final document. Alderman Rudser requested that the ambulance rates get reviewed annually at budget time. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN LARSON TO APPROVE RESOLUTION 2014-17 WITHOUT THE FINAL PARAGRAPH. Motion carried unanimously.

D. BOARD OF PUBLIC WORKS

1. Consider Change Order 1 For Parking Lot Improvement Project-

Rob Vanden Noven reported that the change order is for the parking lots behind Duluth Trading Company and the Associated Bank. The change order is to cover charges for clean-up from contractor work, sub base work and reconnect the water service for a total of \$2,426.20 to be split, Water paying \$1,692.50 and TIF paying \$733.70. MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN NEUMYER TO APPROVE CHANGE ORDER 1 FOR THE PARKING LOT IMPROVEMENT PROJECT AS PRESENTED FOR A TOTAL OF \$2,426.20. Motion carried unanimously.

2. Approve Agreement For Crackfilling Work In 2014-

Rob Vanden Noven reported the need for this process to be done on the streets, it preserves the streets and slows water damage. The Board of Public Works recommends the agreement with Asphalt Sealer Repair Company for \$35,000. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN LARSON TO APPROVE THE AGREEMENT, AN AMENDED MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN LARSON TO APPROVE THE AGREEMENT FOR \$35,000 CONTINGENT UPON THE FUNDS BEING AVAILABLE FOR THE CONTRACT. Motion carried unanimously.

9. UNFINISHED BUSINESS

A. Charter Ordinance 2014-1 (A Charter Ordinance Relating To The Offices Of The City Clerk And City Administrator Of The City Of Port Washington)

2nd Reading- The City Administrator reported on the correction being made to the municipal code regarding the separation of the City Administrator and City Clerk positions. MOTION MADE BY ALDERMAN NEUMYER, SECONDED BY ALDERMAN EHRLICH TO APPROVE CHARTER ORDINANCE 2014-1 AS PRESENTED. Motion carried unanimously.

B. Approve Having Owners Of Property At 306 N. Milwaukee Street Acquire Land From The City-

The City Administrator reported on the request for property being made. The Council discussed this at the last meeting and the City Assessor was contacted to obtain the property value, which is \$700. Present at the meeting and addressing the Council with their separate proposals was Bruce and Roxanne Feider and John Reichert. The City Attorney discussed with the Council who should maintain the existing wall that is behind the Fire Department. Also whether there should be a bidding process for the land acquisition. The Council held a discussion regarding this request and how to proceed. MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN BECKER TO INSTRUCT THE CITY ATTORNEY TO DEVELOP A BID PROCESS FOR ACQUISITION OF THIS PROPERTY. Motion carried unanimously.

C. Public Hearing On Resolution To Vacate A Portion Of Michigan Street In The City Of Port Washington-

Mayor Mlada opened the public hearing for public comments. Present and addressing the Council was Julie Simmons from We Energies. A letter was sent to the City from We Energies objecting to this vacation of property by the City as it is a needed point of access for We Energies to be able to maintain the lines in that area. Also present and addressing the Council was Ross Larson, 220 N. Garfield and the property owner, with a request to vacate this property to allow for his property to be divided to create a separate lot. Discussion was held by the Council and Ms. Simmons was asked to explain the specific access needs by the company. There being no further public comments, a MOTION WAS MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN BECKER TO CLOSE THE PUBLIC HEARING. Motion carried unanimously.

D. Resolution 2014-13 (Vacation And Discontinuance Of A Portion Of Michigan Street A Public Way)-

The City Administrator suggested that this item be tabled to allow the City Attorney to review it further. MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN DRISCOLL TO TABLE THIS ITEM TO ALLOW THE CITY ATTORNEY TIME TO REVIEW THIS ISSUE. Motion carried unanimously.

10. NEW BUSINESS

A. Approve Memorandum Of Understanding Between The City And Ozaukee County For Reimbursement Of Expenses For Fish Passage Project-

Rob Vanden Noven reported on the request from Ozaukee County in regards to obtaining a grant for this project. Andrew Struck Ozaukee County Planning and Parks Director was present to address Council regarding this request, which includes the modification of the box culvert under Division Street at Mineral Springs for improvement of fish passage. The City would receive the \$7,000 grant because it owns this property; the County is then requesting the City pass this grant through to them so they can complete the work. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN NEUMYER TO APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND OZAUKEE COUNTY FOR THE \$7,000 FISH AND WILDLIFE GRANT AS PRESENTED. Motion carried unanimously.

11. FORTHCOMING EVENTS- Mayor Mlada and the Council reported on upcoming events.

12. **PUBLIC COMMENTS/APPEARANCES-** None.

13. **MOTION TO GO INTO CLOSED SESSION ACCORDING TO WISCONSIN STATE STATUTE 19.85 (1)(g) TO CONFER WITH LEGAL COUNSEL WHO EITHER ORALLY OR IN WRITING WILL ADVISE THE CITY COUCIL ON STRATEGY TO BE ADOPTED WITH RESPECT TO CURRENT LITIGATION-** MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN BIGGS TO GO INTO CLOSED SESSION AT 10:04 P.M. FOR THE REASONS STATED ABOVE ON THE AGENDA. ROLL CALL VOTE TAKEN, AYE: EHRLICH, NEUMYER, DRISCOLL, BIGGS, RUDSER, LARSON, BECKER. Motion carried unanimously.

14. **RECONVENE INTO OPEN SESSION-** The Council reconvened into open session at 10:53 p.m.

15. **POSSIBLE ACTION ON ANY ITEM DISCUSSED IN CLOSED SESSION-** None.

16. **ADJOURNMENT-** MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN BIGGS TO ADJOURN THE MEETING AT 10:54 P.M. Motion carried unanimously.