

**MINUTES
CITY OF PORT WASHINGTON
CITY COUNCIL MEETING
Tuesday, June 2, 2015, 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 Mike Ehrlich, Paul Neumyer, 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 Meetings
 - B. Approve Original Operator License Applications
 - C. Approve Temporary Class "B"/ "Class B" Retailers License Applications
 - D. Approve Temporary Operator License Applications
 - E. Approve Original Alcohol License Applications For July 1, 2015-June 30, 2016
 - F. Approve Renewal Of Alcohol License Applications For July 1, 2015-June 30, 2016
 - G. Approve Annual Cabaret License Applications For July 1, 2015-June 30, 2016

MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN BIGGS TO APPROVE THE MINUTES OF THE PREVIOUS MEETING AS PRESENTED; ORIGINAL OPERATOR LICENSES FOR TANYA AYALA, LISA CASPER, ANDREW EDQUIST, BILLIE JO ESSELMANN, WHITNEY JOHNSON, GARY GRAHAM, LEROY TONN, SHIRLEY DEKKER, JACQUELYN WALTERS, MARIE VAN TREECK, RICHARD MERRITT, LISA BAHRKE, MUZDALFAH ESSANI, MATTHEW SAMA AND KATHLEEN WALTERS; TEMPORARY CLASS "B" / "CLASS B" RETAILERS LICENSE FOR GREATER PORT WASHINGTON KIWANIS CLUB FOR JULY 4, 2015 CELEBRATION AT LOWER LAKE PARK; TEMPORARY OPERATOR LICENSE FOR GREATER PORT WASHINGTON KIWANIS CLUB FOR GARY BOEHLE; ORIGINAL ALCOHOL LICENSES FOR TINA'S PIER 6 LLC D/B/A PIER 6, TINA USELDING –AGENT, TINA'S PATIO BAR & GRILL D/B/A PATIO BAR & GRILL, TINA USELDING-AGENT, GRAND AVENUE SALOON, LLC, D/B/A GRAND AVENUE SALOON, RANDALL BUSER-AGENT; RENEWAL OF ALCOHOL LICENSES AND ANNUAL CABARET LICENSES FOR THE FOLLOWING ESTABLISHMENTS AS LISTED. Motion carried unanimously.

Baltica Tea Room	Urszula Cholewinska	Baltica Tea Room & Gift Shop, LLC	223 N. Franklin St.	Class "C" Wine License
Beanies Mexican Restaurant	Marcia Endicott	Beanie's, Inc.	102 E. Grand Ave.	Combination "Class B" License
Beck's Grand Ave. Mart	Jennifer Beck	Beck's Enterprises, Inc.	223 W. Grand Ave.	Combination "Class A" License
Bernie's Fine Meats	Sandra A. Bennett	Benaczak, Inc.,	119 N. Franklin St.	Combination "Class A" License
Critics Corner	Chandrakany M. Patel	Lakeview Conference Center, LLC	350 E. Seven Hills Rd.	Combination "Class B" License
Dockside Deli	Mary Ann Voigt	Dockside Deli, Inc.	218 E. Main St.	Class "B" Fermented Malt

Gopher One	Donna R. Ferraino	Gopher One, Inc.	605 W. Grand Ave.	Combination "Class B" License
Harbor Hills Recreation Center	Robert C. Nisleit	Harbor Hills, Inc.	101 Freeman Dr.	Combination "Class B" License
Holiday Inn	Cathy A. Wilger	Port Washington Hotel, LLC	135 E. Grand Ave.	Combination "Class B" License
John's Pizzeria	Karen Stoffel	John's Tavern & Pizzeria, LLC	221 N. Franklin St.	Class "B" Fermented Malt
Legion Bar	Ray Wendt	Van Ells-Schanen American Legion Post #82	435 N. Lake St.	Combination "Class B" License
Mad Max 1460	Steve Magestro	Mad Max 1460, Inc.	1605 N. Wisconsin St.	Combination "Class A" License
Mad Max C-Store #1400	Steve Magestro	Mad Max, Inc.	1100 S. Spring St.	Combination "Class A" License
Newport Shores	John W. Weinrich	Newport Shores, Inc.	407 E. Jackson St.	Combination "Class B" License
Pizza Hut	Rebecca Jankowski	PH Hospitality Group, LLC	1021 N. Wisconsin St.	Class "B" Fermented Malt
Port Hotel	Joseph A. Zankl	JAZ Enterprises, Inc.	101 E. Main St.	Combination "Class B" License
Port Washington Yacht Club	Bill Driscoll		430 N. Lake St.	Class "B" Fermented Malt
Sanfilippo Sentry	Joseph J. Sanfilippo	Sanfilippo Bros., Inc.	101 W. Seven Hills Road	Combination "Class A" License
Schooner Pub	Mark R. Poull	Schooner Pub, Inc.	114 N. Franklin St.	Combination "Class B" License
Shopko Express #503	Christopher Todd Wade	Shopko Stores Operatoring Co., LLC	1011 N. Wisconsin St.	Combination "Class A" License
Sir James Pub	Jason Rabus	Sir James Pub, Inc.	316 N. Franklin St.	Combination "Class B" License
Smith Bros. Coffee House	Christopher Wade	Duluth Holdings, Inc	100 N. Franklin St.	Class "B" Fermented Malt & Class C Wine
Tello's Grille and Café	Angel Tello	Tello's Grille and Café, LLC	200 W. Grand Ave.	Combination "Class B" License
The Pasta Shoppe	James R. Kiesow	Pasta Shoppe, Inc.	323 N. Franklin St.	Combination "Class B" License

Twisted Willow	Dan Wiken	Twisted Willow Enterprises, LLC	308 N. Franklin St.	Combination "Class B" License
Vines to Cellar	James M. Wirsching-Neuser	Vines to Cellar, Inc.	114 E. Main St.	" Class B" Retail Winery License
Willie's Lakefront Lanes	Gayle Wilber	Willie's Lakefront Lanes, Inc.	119 E. Main St.	Combination "Class B" License

Beanies Mexican Restaurant	Marcia Endicott	Beanie's, Inc.	102 E. Grand Ave.	Cabaret License
Critics Corner	Chandrakany M. Patel	Lakeview Conference Center, LLC	350 E. Seven Hills Rd.	Cabaret License
Gopher One	Donna R. Ferraino	Gopher One, Inc.	605 W. Grand Ave.	Cabaret License
Harbor Hills Recreation Center	Robert C. Nisleit	Harbor Hills, Inc.	101 Freeman Dr.	Cabaret License
Holiday Inn	Cathy A. Wilger	Port Washington Hotel, LLC	135 E. Grand Ave.	Cabaret License
Newport Shores	John W. Weinrich	Newport Shores, Inc.	407 E. Jackson St.	Cabaret License
(Original) Patio Bar & Grill	Kristina Uselding	Tina's Patio Bar & Grill, LLC	601 N. Wisconsin St.	Cabaret License
Port Hotel	Joseph A. Zankl	JAZ Enterprises, Inc.	101 E. Main St.	Cabaret License
Schooner Pub	Mark R. Poull	Schooner Pub, Inc.	114 N. Franklin St.	Cabaret License
Sir James Pub	Jason Rabus	Sir James Pub, Inc.	316 N. Franklin St.	Cabaret License
Twisted Willow	Dan Wiken	Twisted Willow Enterprises, LLC	308 N. Franklin St.	Cabaret License
Willie's Lakefront Lanes	Gayle Wilber	Willie's Lakefront Lanes, Inc.	119 E. Main St.	Cabaret License
Blue Heron Artisans	Bette Langford	Blue Heron Aritsans	102 E. Pier St.	Cabaret License

4. MAYOR'S BUSINESS

A. Proclamation For Eagle Scouts- Mayor Mlada congratulated the Eagle Scouts from Troop 875, including Lucas Bischoff, Eric Drewitz, Tyler Grisar, Josh Schaefer and Ben Wichmann. Proclamations for the scouts were read.

B. Resolution Of Commendation For Lt. Thomas Barbuch- Police Chief Hingiss was present to introduce Lt. Thomas Barbuch, a 28 year member of the Police Department, Day Supervisor and Supervisor of the evidence room. Mayor Mlada read the proclamation commending Lt. Barbuch for his heroic effort in saving an individual who was in life threatening distress.

C. Approval Of WEDA ED Partnership- Mayor Mlada reported on the partnership for this program and the benefit to Alderman Biggs and the Mayor becoming members. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN NEUMYER TO APPROVE THE MEMBERSHIP TO WEDA ED PARTNERSHIP FOR ALDERMAN BIGGS AND MAYOR MLADA AS PRESENTED. Motion carried unanimously.

D. Update On Washington D.C. Conference- Mayor Mlada reported on the upcoming conference he will attend next week. Meetings are scheduled with legislators and potentially with Army Corp of Engineers.

E. Update Regarding Denis Sullivan- The Mayor reported that the final MOA has been received from Discovery World and reviewed by the City Attorney. Marketing efforts have begun including a press release, which was sent out today. The sailing date opportunities are for June 25th – 29th, July 4th & 5th and August 21st – 23rd. Ticket sales will be starting soon.

F. Update On Packer And NFL Alumni Fishing Tournament On June 12th- Sharon Waranka from Nicky Boy Charters was present to report on the upcoming tournament and fund raiser. It will include a number of Packer alumni's in attendance.

G. Update Regarding Memorial Pavilion Opening Celebration- The Mayor announced that the dedication of the Memorial Pavilion in Coal Dock Park for Tyler Buczek will be held on June 25th.

H. Update Regarding ACEs Family Five-Miler- Mayor Mlada announced that the run is a family event and will be held on Saturday, June 27th at 9:00 a.m., registration will be held at 8:00 a.m. in Upper Lake Park.

5. OFFICERS'/STAFF REPORT

1. Update On North Beach Access Project- Rob Vanden Noven reported that the concrete work at the Wastewater Treatment Plant is complete, the walkway is open and the decorative fence should be completed in June.

2. Update On WWTP Vegetation Roof Project- Rob Vanden Noven reported that the soil is coming for the vegetative roof. The top soil and plantings should be completed by the end of the next week, weather permitting.

3. Update On Cedar Vineyard Project- The City Administrator reported that works continues on the TIF District and cost estimates on utility placement. There are a few wetland issues that are being reviewed and the TIF District should be complete by August. Tom Swarhout was present and gave an update on the progress of the project plans. There will be an update given to Ozaukee County at their board meeting tomorrow. They are getting contacted in advance by interested buyers for future lots.

A. Continued Letter Of Support- Mayor Mlada read the letter of support from the City of Port Washington for the Cedar Vineyard development project.

4. Approve Distribution Of RFP For North Slip Municipal Lot- Randy Tetzlaff reported on the RFP schedule. The first meeting on the RFP will be held on June 29th, proposals are due by August 7th, CDA will review and make their recommendation on August 17th and the Council should have it for review by September. MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN BECKER TO APPROVE THE RFP AS PRESENTED. Motion carried unanimously.

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.

*Alderman Larson commented on a report from Chief Hingiss, which reminds the alcohol serving establishments to be watchful of patrons and the amount they are being served. We want to keep all citizens safe in our community.

7. COMMITTEES

A. FINANCE AND LICENSE COMMITTEE

1. Approve Submission Of COPS Grant Application- Alderman Larson reported on the COPS grant application which would be due on June 19th for support funding of a new officer to be hired. Chief Hingiss reported that this grant would cover 75% or up to \$125,000 for three years, which would cover 50% of a new officer's annual salary for three years. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN BIGGS TO APPROVE THE SUBMISSION OF COPS GRANT APPLICATION AS PRESENTED. Motion carried unanimously.

2. Hearing On Appeal From Nonrenewal Of Operator's License,

Timothy Raab, Applicant/Appellant- Mayor Mlada appointed City Atty. Eberhardt to act as hearing officer. City Atty. Eberhardt reviewed the background of this appeal, the hearing procedures, the bases of Police Chief Kevin Hingiss's recommendation against license renewal, Appellant's objections to that recommendation and to the prior nonrenewal decision, and advised the Council that this is a new hearing of the matter. Chief Hingiss, Appellant Timothy Raab, and Donna Ferraino, Mr. Raab's employer and proprietor of Gopher One tavern, appeared, were sworn on oath, and testified. A letter dated May 27, 2015 from A. Helmke, Probation Agent for Wis. Dept. of Corrections, was marked Exhibit A, offered by Mr. Raab, and received into evidence without objection. City Atty. Eberhardt and the Council asked clarification questions of the witnesses. The witnesses had no questions of each other. Discussion was held by Council. MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN NEUMYER TO DENY TIMOTHY RAAB'S APPEAL FROM THE NONRENEWAL OF HIS OPERATOR'S LICENSE for the period from July 1, 2015 to June 30, 2016, based upon the evidence presented and its consideration of this matter, specifically: Mr. Raab's two convictions for Operating While Intoxicated, i.e., a 1st (civil) offense in 2005 and a 2nd (criminal) offense in 2013, and his three Theft convictions in 2014, the circumstances of which substantially relate to the circumstances of the licensed activity (i.e., the sale and service of alcohol and the handling money as a bartender), and which result in Mr. Raab not possessing the qualifications required under ch. 125, Wis. Stats. and ch. 9, Muni. Code to hold an Operator's License. AYE: 4 (ALDERMEN EHRLICH, NEUMYER, BECKER AND BIGGS), NO: 2 (ALDERMEN LARSON AND RUDSER). Motion carried. City Atty. Eberhardt informed Mr. Raab that he should notify the City Clerk if he wishes to receive a written transcript of the hearing, prepared by a court reporter, at Mr. Raab's expense.

8. BOARDS/COMMISSIONS- None.

9. UNFINISHED BUSINESS- None.

10. NEW BUSINESS

1. Deny The Claim Of Michael And Jody Brathovde- The City Administrator reported that the city insurance company, EMC, denied the claim for a rain event that caused water backup on the Brathovde's property on April 9, 2015. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN BIGGS TO DENY THE CLAIM OF MICHAEL AND JODY BRATHOVDE AS RECOMMENDED BY THE CITY INSURANCE COMPANY EMC AS PRESENTED. Motion carried unanimously.

2. Deny The Claim Of Steve And Melissa Wheelock- The City Administrator reported that the city insurance company, EMC, denied the claim for a rain event that caused water backup on the Wheelock's property on April 9, 2015. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN LARSON TO DENY THE CLAIM OF MICHAEL AND JODY BRATHOVDE AS RECOMMENDED BY THE CITY INSURANCE COMPANY EMC AS PRESENTED. Motion carried unanimously.

11. FORTHCOMING EVENTS- The Aldermen mentioned various graduations occurring in June in the city. Mayor Mlada reminded the public that the Denis Sullivan is sailing into to Port Washington this summer June, July and August. There will be information available on the City website very soon.

12. PUBLIC COMMENTS/APPEARANCES- None.

13. ADJOURNMENT- MOTION WAS MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN BECKER TO ADJOURN THE MEETING AT 9:44 P.M. Motion carried unanimously.