

MINUTES
CITY OF PORT WASHINGTON
CITY COUNCIL MEETING
Tuesday, July 21, 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, Bill Driscoll, Doug Biggs, Kevin Rudser, Dave Larson and Dan Becker. Absent and excused was Alderman Paul Neumyer. Also present: City Engineer Rob Vanden Noven, City Planner Randy Tetzlaff, City Attorney Eric Eberhardt and City Administrator Mark Grams. Absent and excused was 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 Event Cabaret License Applications

MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN LARSON TO APPROVE THE MINUTES OF THE PREVIOUS MEETING AS PRESENTED; ORIGINAL OPERATOR LICENSES FOR JENNIFER JOHNSON, JAMES ADAMS, TANNER MERSEREAU, DANYELLE CHEYNE, JULIE GULLICKSON, CASSANDRA LEE AND TRACY WAGNER; TEMPORARY CLASS "B"/ "CLASS B" RETAILERS LICENSES FOR VFW POST 7588 FOR BEER GARDEN IN UPPER LAKE PARK FOR THE FOLLOWING DATES: AUGUST 8, AUGUST 15, AUGUST 22, SEPTEMBER 26 AND OCTOBER 3, 2015, VFW POST 7588 FOR LAND REGATTA AT COAL DOCK PARK ON AUGUST 15, 2015, PORT WASHINGTON-SAUKVILLE ROTARY FOR BEER GARDEN IN UPPER LAKE PARK ON SEPTEMBER 12, 2015, ST. JOHN'S LUTHERAN CHURCH FOR BACH FEST AT ROTARY PARK ON AUGUST 2, 2015, PORT WASHINGTON HISTORICAL SOCIETY FOR NIGHT AT THE LIGHT ON JULY 31, 2015; TEMPORARY OPERATOR LICENSES FOR VFW POST 7588 FOR BEER GARDEN ON AUGUST 8TH FOR DENNIS ANSAY, CHRIS KING AND BARBARA BATES-NELSON, VFW POST 7588 FOR BEER GARDEN ON AUGUST 15TH FOR DENNIS ANSAY, DIANA VERHEYEN, CHARLES ELLMAUER AND PATRICIA LEMKUIL, VFW POST 7588 FOR BEER GARDEN ON AUGUST 22ND FOR DENNIS ANSAY, VFW POST 7588 FOR BEER GARDEN ON SEPTEMBER 26TH FOR MARC STORMA, DAVID MERRIFIELD, SAMANTHA KERBEL AND NICOLE NELSON, VFW POST 7588 FOR BEER GARDEN ON OCTOBER 3RD FOR DENNIS ANSAY AND KEVIN RUDSER, VFW POST 7588 FOR LAND REGATTA ON AUGUST 15TH FOR DAVID MERRIFIELD, MARC STORMA, SAMANTHA KERBEL, NICOLE NELSON AND DENNIS ANSAY, PORT WASHINGTON-SAUKVILLE ROTARY FOR BEER GARDEN ON SEPTEMBER 12TH FOR TOM MEAUX, ST. JOHN'S LUTHERAN CHURCH FOR BACH FEST FOR THOMAS MORANO II, PORT WASHINGTON HISTORICAL SOCIETY FOR LIGHT STATION RECEPTION FOR WAYNE CHRUSCIEL; EVENT CABARET LICENSES FOR VFW POST 7588 FOR BEER GARDEN EVENT IN UPPER LAKE PARK ON THE FOLLOWING DATES: AUGUST 8, AUGUST 15, AUGUST 22ND AND SEPTEMBER 23, 2015 AND VFW POST 7588 FOR LAND REGATTA EVENT AT COAL DOCK PARK ON AUGUST 15, 2015 AS PRESENTED. Motion carried unanimously.

4. MAYOR'S BUSINESS

A. Proclamation And Commendation For Alex Dieringer- The Mayor read the proclamation and presented the City Key to Alex Dieringer.

B. Update On Honor Flight Tour Of Honor- Mayor Mlada read the itinerary for the event to be held on Saturday, July 25th.

C. Business Spotlight-

D. Update On Denis Sullivan- The Mayor gave an update on the June and July sails that were purchased. John Reichert showed a video of his sail on the Denis Sullivan.

E. Approval Of September Engagement With Denis Sullivan- Mayor Mlada described the asset of having the Denis Sullivan here in Port Washington. A total of \$15,103 was earned on the sails and \$436 on the deck tours given. He thanked the businesses that participated and sponsored the Denis Sullivan. Offering future sails in September is being suggested. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN BECKER TO APPROVE THE ENGAGEMENT OF SAIL DATES FOR SEPTEMBER 4TH – 9TH, 2015 AS PRESENTED. Motion carried unanimously.

F. Approval Of Membership Fee For Sister Cities International- Mayor Mlada reported on the Sister City of Sassnitz, Germany, which we have been in contact with. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN BIGGS TO APPROVE THE MEMBERSHIP FEE FOR SISTER CITIES INTERNATIONAL AS PRESENTED. Motion carried unanimously.

G. Approve Fund For Lake Michigan Grant Agreement- The Mayor and City Administrator Mark Grams described the grant agreement. MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN EHRLICH TO APPROVE THE GRANT AGREEMENT AS PRESENTED. Motion carried unanimously.

5. OFFICERS'/STAFF REPORT

1. Update On North Beach Access Project- Rob Vanden Noven showed pictures of the completed project. The ribbon cutting ceremony was held today.

2. Update On Pedestrian Alley Improvement- Rob Vanden Noven showed before and after pictures and reported on the completed project.

AGENDA TAKEN OUT OF ORDER

10. NEW BUSINESS

1. Ordinance 2015-7 (Establishing A Sex Offender Loitering Ordinance) 1st Reading

The City Attorney reviewed current law and a recent court case in Milwaukee County. He also reviewed the proposed ordinance with Council to prevent loitering. Chief Hingiss was present and spoke in favor of this proposed ordinance.

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.

*John Sigwart, 230 Theis St. expressed his concerns about developing the North Slip parking lot. The development should be moved north or add a third story to the shopping center.

*Dave Woodard, 415 N. Lake St. is concerned Council has not addressed the citizen petition and concerns on the North Slip parking lot.

*Holly Wilke, 415 N. Lake St. commented that there should be total transparency with the selling of the parking lot. Accepted proposals should benefit the taxpayers.

7. BOARDS/COMMISSIONS
A. PLAN COMMISSION

1. Public Hearing To Consider An Amended Conditional Use Grant For Wing It Restaurant, 620 W. Grand Avenue- Mayor Mlada opened the public hearing for comments. There being none a MOTION WAS MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN EHRLICH TO CLOSE THE PUBLIC HEARING. Motion carried unanimously.

2. Approve Amended Conditional Use Grant For Wing It, 620 W. Grand Avenue- Randy Tetzlaff reported the Council approved a conditional use grant in May to permit outdoor dining for Wing It. The owners now wish to have an additional outdoor area on the eastside of the building adjacent to the railroad ROW. MOTION MADE BY ALDERMAN DRISCOLL, SECONDED BY ALDERMAN EHRLICH TO APPROVE THE AMENDED CONDITONAL USE GRANT FOR WING IT AT 620 W. GRAND AVENUE AS PRESENTED AND SUBJECT TO THE CITY ATTORNEY'S REVIEW OF THE AMENDED CUG AND LAND COVENANT AGREEMENTS. Motion carried unanimously.

3. Update On Creation Of TIF District No. 3- The City Administrator gave a report on the TIF project plan and financial analysis that shows the TIF will pay for itself within 20 years is not sooner.

B. BOARD OF PUBLIC WORKS

1. Resolution 2015-11 (Establishing Street, Highway, Parkway And Related Widths And Amending The Official Map)- Rob Vanden Noven reported on the proposed resolution. MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN BECKER TO APPROVE RESOLUTIOIN 2015-11 AS PRESENTED. Motion carried unanimously.

2. Consider Agreement With Ruekert & Mielke For GIS Services- Rob Vanden Noven discussed the importance of the GIS web based system. Tim Anderson from Ruekert & Mielke was present and gave a presentation on the GIS and ASSET Management system. The fee for the services is \$20,900, they DNR Urban Forestry Grant will contribute \$4,500, and the Water and Sewer utilities have each budgeted \$20,000 for GIS contractual services in 2015 and will pay the remainder. MOTION MADE BY ALDERMAN DRISCOLL, SECONDED BY ALDERMAN BECKER TO APPROVE THE HIRING OF RUEKERT & MIELKE TO PROVIDE GIS SERVICES FOR \$20,000 AS PRESENTED AND CONTINGENT UPON THE AGREEMENT BEING REVIEWED BY THE CITY ATTORNEY. Motion carried unanimously.

8. COMMITTEES

A. FINANCE AND LICENSE COMMITTEE

1. Resolution 2015-9 (Statement Of Intention For Harbor Improvements)- The City Administrator reported on both Resolution 2015-9 and 2015-10. The grants are for harbor assistance. The DOT requires these resolutions as part of the application process. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN EHRLICH TO APPROVE RESOLUTION 2015-9 AS PRESENTED. Motion carried unanimously.

2. Resolution 2015-10 (Approve Harbor Assistance Program Grant Application)- MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN EHRLICH TO APPROVE RESOLUTION 2015-10 AS PRESENTED. Motion carried unanimously.

3. Resolution 2015-12 (Approve BIG Program Grant Application)- The City Administrator reported this resolution is for the transfer of \$73,500 of the Coal Dock project grant to the breakwater project. MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN DRISCOLL TO APPROVE RESOLUTION 2015-12 AS PRESENTED. Motion carried unanimously.

4. Approve Original Alcohol License Application For 219 N. Franklin Street-

The City Administrator reported on the request for a new Class B Combination Alcohol License by David Tainter for Starters Restaurant. This location is at the former AlleyKatz bar. Along with the application, the required plan of operation and security plan have also been filed. The next agenda item is for an Annual Cabaret License, which is for this business at this location also. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN EHRLICH TO APPROVE AN ORIGINAL CLASS B COMBINATION ALCOHOL LICENSE FOR STARTERS RESTAURANT LLC, D/B/A STARTERS RESTAURANT, DAVID E. TAINTER-AGENT AS PRESENTED. Motion carried unanimously.

5. Approve Annual Cabaret License Application For 219 N. Franklin Street-

MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN BECKER TO APPROVE THE ANNUAL CABARET LICENSE FOR STARTERS RESTAURANT LLC D/B/A STARTERS RESTAURANT, DAVID E. TAINER-AGENT AS PRESENTED. Motion carried unanimously.

6. Approve Amendment To Premises For 620 W. Grand Avenue-

The City Administrator reported on the request from Wing It for an extension to their premises to allow alcohol to be carried and consumed in the new patio area. This approval is possible now that their conditional use permit was approved earlier in the agenda. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN BIGGS TO APPROVE THE AMENDMENT TO PREMISES FOR WING IT AT 620 W. GRAND AVENUE TO INCLUDE THE EAST PATIO AREA AS PRESENTED. Motion carried unanimously.

B. PERSONNEL COMMITTEE

1. Approve Hiring New DPW Employee-

Rob Vanden Noven reported the new hire will be replacing an individual who retired this past spring. There were 50 applications received and 6 individuals interviewed. MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN RUDSER TO HIRE ANDREW OLSEN AT \$22.41 PER HOUR AS PRESENTED. Motion carried unanimously.

2. Approve Employee Assistance Program-

The City Administrator reported on the assistance program that has been recommended by the Personnel Committee. Each Department will be responsible for their employee's cost for the program. There were two proposals received and Aurora Employee Assistance Program is being recommended. MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN RUDSER TO APPROVE THE AURORA EMPLOYEE ASSISTANCE PROGRAM PROPOSAL WITH AURORA HEALTH CARE AS PRESENTED. Motion carried unanimously.

9. UNFINISHED BUSINESS- None.

10. NEW BUSINESS

1. Ordinance 2015-7 (Establishing A Sex Offender Loitering Ordinance) 1st Reading-
THIS AGENDA ITEM WAS HEARD EARLIER IN THE MEETING

2. Approve Rescinding A Portion Of The 2014 Personal Property Taxes For PepsiCo

Sales, Inc- The City Administrator reported there was an error in the 2014 personal property assessment of \$8,500 and the actual amount reported was \$2,000. Due to the error the city will recind and send a new tax bill showing the amended 2014 assessment of \$2,000. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN EHRLICH TO APPROVE RECINDING THE 2014 PERSON PROPERTY TAXES FOR PEPSICO SALES, INC FOR \$2,000 AS PRESENTED. Motion carried unanimously.

11. **FORTHCOMING EVENTS-** Various events were mentioned.
12. **PUBLIC COMMENTS/APPEARANCES-** None.
13. **MOTION TO GO INTO CLOSED SESSION ACCORDING TO WISCONSIN STATE STATUTE 19.85 (1)(e) TO DELIBERATE FOR BARGAINING REASONS, THE POSSIBLE SALE OF PUBLIC PROPERTY, LOCATED TO THE EAST OF 122 AND 128 N. FRANKLIN STREET-** Mayor Mlada read the motion for closed session. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN EHRLICH TO GO INTO CLOSED SESSION FOR THE REASONS STATED ON THE AGENDA. ROLL CALL VOTE TAKEN; AYE: EHRLICH, DRISCOLL, BIGGS, RUDSER, LARSON AND BECKER. Motion carried unanimously.
14. **RECONVENE INTO OPEN SESSION-** Council reconvened into open session at 11:23 p.m.
15. **POSSIBLE ACTION REGARDING ANY ISSUE DISCUSSED IN CLOSED SESSION-** MOTION MADE BY ALDERMAN DRISCOLL, SECONDED BY ALDERMAN BECKER TO PURSUE COUNTER OFFER OF CITY OWNED LAND EAST OF 122 & 128 N. FRANKLIN STREET. Motion carried unanimously.
16. **ADJOURNMENT-** MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN DRISCOLL TO ADJOURN THE MEETING AT 11:25 P.M. AYE: 3 (EHRLICH, DRISCOLL, RUDSER) NAY: 3 (BECKER, BIGGS, LARSON) VOTE IS A TIE, MAYOR MLADA VOTED AYE TO ADJOURN THE MEETING. Motion carried.