

**MINUTES**  
**CITY OF PORT WASHINGTON**  
**CITY COUNCIL MEETING**  
**Tuesday, September 1, 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, Bill Driscoll, Doug Biggs, Kevin Rudser, Dave Larson and Dan Becker. 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 Class "B"/"Class B" Retailers License Applications
- C. Approve Temporary Operator License Applications

MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN LARSON TO APPROVE THE MINUTES AS PRESENTED; A CLASS "B"/ "CLASS B" RETAILERS LICENSE FOR PORT WASHINGTON/SAUKVILLE ROTARY CLUB FOR BEER FOR BOOKS EVENT TO BE HELD ON NOVEMBER 7, 2015 AT A.N. ANSAY, 101 E. GRAND AVENUE, PORT WASHINGTON AS PRESENTED AND A TEMPORARY OPERATOR LICENSE FOR PORT WASHINGTON/SAUKVILLE ROTARY CLUB FOR BEER FOR BOOKS EVENT FOR RUTH LANSING AS PRESENTED. Motion carried unanimously.

**4. MAYOR'S BUSINESS**

A. Update On Denis Sullivan- Mayor Mlada reported on the sails that have occurred. There are another set of sailing opportunities coming up September over Labor Day weekend. Due to the Denis Sullivan coming to Port Washington we now qualify to submit a grant application for \$425,000, for the repair of the breakwater as commercial port.

B. Port Washington Is 6<sup>th</sup> Best Place To Live In Wisconsin For Millennials- The Mayor reported that the City of Port Washington has been given this honor and is a place that the young families are interested in living.

C. Update On Wisconsin Historical Society And Coastal Management Shipwrecks

Presentation- The Mayor introduced an upcoming event being held at the Port Washington Historical Society Port Exploreum on September 3<sup>rd</sup> from 7:00 – 8:00 p.m. The presenter will be Tammy Thompson with the Wisconsin Historical Society Maritime Preservations and Archeology program.

The Mayor reported on the N. Breakwater Lighthouse. The inspection date of the lighthouse will be conducted in September. After that the City has 90 days to submit an application for ownership of the asset. The other interested party that has expressed interest in acquiring the lighthouse is the Geek Group. They have been approached by the Mayor to discuss an ownership partnership of the lighthouse. They are not interested in an ownership partnership at this time and will apply for ownership themselves. Next Wednesday at 8:30 a.m. at City Hall will be the next meeting held on the lighthouse project and the public is welcome to attend and get involved.

**5. OFFICERS'/STAFF REPORT**

**A. Update On TIF No. 2-** Mayor Mlada stated that this item will be discussed later in the agenda.

**B. Update On Main Street Design Committee For Marina District Parking-** Randy Tetzlaff reported on the parking study that was done in 1985. It was determined at that time that the City did not have a parking shortage. Mike Ehrlich, Amanda Williams and Rory Palubiski were present to report on the downtown parking study that was done and show a concept plan of future designs of parking and green space in the marina area.

**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.*

1. Ann Schmidt, 3328 Cty Rd. W, Port Washington- Supported the building of the Blues Factory in the suggested location and honor the history of the Wisconsin Chair Factory. Other blues and music establishments in other States have done very well with this type of venue.
2. June Eastvold, 638 N. Powers St.- Asked who her Alderman was, Alderman Driscoll indicated he was. She holds him accountable as her representative. She addressed the audience and asked why they waited until the 11 hour to show up. She is opposed to the Blues Factory project. Would like pedestrian areas throughout downtown and connectivity for the citizens.
3. Pat Wilborn, 233 E. Pier St.- Reported that the Citizens for a Clearview Of Port Harbor today submitted petitions to the City Clerk with over 900 signatures on it requesting that the sale of the north slip parking lot be put to a referendum vote of the people. Put the Blues Factory into the Jadair space.
4. Jerry Berkowitz, 422 W. Grand Avenue- A resident in the community for about 5 years. He asked the Council to not vote on this and wait until a referendum is held to find out what the residents want in the community. They will remember this vote in the future.
5. Howard Hinterthuer, 672 N. Montgomery St.- Has a background in public service and spoke about the development of downtown, and the empty buildings are not owned by the city. Year round businesses attract people and will broaden our tax base and locating the Blues Factory on the north slip site is a good idea and help to revitalize the downtown.
6. Marylou Wagner, 910 Hales Trail- Wants the shoreline protected, likes the views and does not want city/public owned land sold to private businesses. Money is being spent on development, but not enough money for Coal Dock Park railing or the Senior Center. Too much parking is a myth. Let citizens vote.
7. Don Voigt, 434 N. Wisconsin Street- Is one of the owners of Port Harbor Center. The views at the harbor are important; the Community Development Authority never came to them as business owners to discuss improvements on their building or to sell their building for development.
8. Ann Forman, 722 S. Spring Street- The people that are in this room are against the Blues Factory being built, it's ugly. Blue space is better than greens space. What's the kick-back, who's getting the money for this? You cannot tell us we cannot clap during public comments. The Blues Factory being built and it's an ugly plan.
9. Mary Boyle, 418 Hillcrest Court- I've lived in this community for most of my life. This community in recent years has had much progress and the downtown is more walkable. I dislike big box stores and sprawl. Our community has vacant business spaces; we have gaps in the downtown area. The Blues Factory will be a good connection space that brings the downtown together with a large area for people to congregate. Showed diagram of north slip and marina area, commented the north slip is not a view of the lake.
10. Joe Dean, 261 Nautica Drive- Comment on Roberts Rules and congratulated the Mayor on keeping the meeting decorum. Thanked the council and Mayor for their time and effort in doing their job on practically a volunteer basis. It's a task balancing the growth of the community, guaranteeing services, supporting infrastructure all while keeping taxes down. The process has gone through the CDA and Plan Commission as required. You need to balance growth to pay for government services, he urged the Council to vote yes on Blues Factory project.
11. Lois Lanser, 863 Chisholm Lane- The Council should not vote yes on the sale of the north slip property. The people don't want the Blues Factory at this site; there are empty buildings that could be used. Tear down the Port Harbor Center and build the Blues Factory there. You need to listen to the people.
12. Mark Wildhagen, 3458 County Road LL- Not a city resident, but a city business owner. Council should vote against this and slow down. The public was told this was on a slow track and it is not. Council does a good job in general, but should look at selling city parks to pay for government services. He is concerned about parking around the Blues Factory building when there are large events going on during busy times. What if the building site empty down the road, will the taxpayers end up owing the debt?
13. Joann Stade, 510 S. Summit Drive- Recommends following Roberts Rules of Order and table the ugly building decision on the Blues Factory until you can hear the people.
14. Robert Denzin, 1532 Merry Court- Concerned about another building being put up when we have many vacant buildings in the city that are not filled, on the north and south side of town. Will this building even be filled? Opposes the location being proposed for the Blues Factory, but not the Blues Factory project itself.
15. Robert Mueller, 915 Holden Street- Spoke to and collected signatures on an unofficial petition of the marina guests who rent slips each year. They are not in favor of this project. Parking is a concern in the

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marina area. He is not in favor of another restaurant in that north slip area where other restaurants have failed consistently. There are plenty of vacant buildings to use, don't build a new one.

16. Peter Oglevie, 225 E. Jackson Street- He met with the Mayor to discuss downtown parking issues.

Neighborhood parking permits are needed. Concerned about the Blues Factory and the property across the street where Victors used to be, Ansay has purchased the property and it ends up high rise condos, we will have a parking problem that the parking study won't have addressed.

17. Rae Mitchell, 302 E. Pier Street- Asked City Council to ask the tough questions of the developers of the Blues Factory project.

18. Dan Micha, 1039 W. Grand Avenue- When Duluth Trading went into the old Smith Bros. building people thought it was a crazy idea and won't ever work and it did. If don Voigt would be willing to exchange the vacant part of his building, level it and build the Blues Factory there. It is a good project idea and that would be a good place for it. I don't think people are opposed to a well built building, I think it is the place where it should be built. The people should approach Don Voigt and buy his building.

19. Jim and Ruth Lorge- Letter read by Mayor Mlada- We don't need another chair factory building in that area. There was no money available for a park railing, we lost taxi service, the Senior Center is no longer downtown, money needs to go to other things.

20. Ken Symes, 166 E. Prospect St.-Letter read by Mayor Mlada- I respect those that don't like the project, but I don't agree. The people support it, he wants council to continue with the Blues Factory project.

21. Don Lemley 109 N. Garfield-Letter read by Mayor Mlada- He supports downtown and rents a boat slip in the marina. He disagrees that there is a problem with parking. There are parks all along the lake front and we need economic growth and to include a new property tax on the tax rolls.

Mayor Mlada reviewed the Downtown Redevelopment Plan, for the marina area specifically. There are a number of properties that were once restaurants in that area that are being suggested as living areas now. It was determined that we need people living in downtown, year round, to sustain our tax base and support the downtown businesses. Taxes are what pay for services, infrastructure, and department staff to support it. The School District by referendum for school renovations will raise taxes without doubt. The city has to be able to support itself and if not by taxes we have to find other means to fund it by growth in other areas.

*\*AGENDA TAKEN OUT OF ORDER, ITEM #10 TAKEN HERE.*

**7. BOARDS/COMMISSIONS-** None.

**8. COMMITTEES**

**A. TRAFFIC SAFETY COMMITTEE**

**1. Ordinance 2015-9 (Establish No Parking On A Portion Of W. Pierre**

**Lane West Of Wisconsin Street) 1<sup>st</sup> Reading-** The City Administrator reported on the previously approved ordinance for this area. We have been informed by the resident that the area specified was incorrect. This ordinance will amend the previous ordinance and correct the issue. This will allow the resident the ability to back out of their driveway without parked cars blocking that area.

**B. ENVIRONMENTAL PLANNING COMMITTEE**

**1. Resolution 2015-18 (Formalization Of Sister City Relationship)-** Mayor Mlada reported on previous contact with the Mayor of Sassnitz, Germany in the attempt to establish a Sister City relationship. This community is in the north eastern part of Germany and a port/harbor city such as ours. They have agreed to participate with our community in this program. **MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN EHRLICH TO APPROVE RESOLUTION 2015-18 FORMALIZATION OF SISTER CITY RELATIONSHIP WITH SASSNITZ, GERMANY AS PRESENTED. Motion carried unanimously.**

**2. Update On Rain Barrel Art Event-** The Mayor reported on the Rain Barrel Art Event, bidding is still open on the 12 rain barrels that were made for auction. He wants to thank Kleen Test for providing the 50 cleaned and primed barrels for use in this event.

**C. ECONOMIC DEVELOPMENT COMMITTEE**

**1. City Business Update On Advanced Auto Parts-** Mayor Mlada mentioned that Saturday was the Grand Opening for this new business. They gave a \$1,000 donation to Portal as part of the event.

**2. City Business Update On D.D. Williamson Anniversary-** The Mayor congratulated D.D. Williamson on their company anniversary. The company is based out of State, but the their business location in our Industrial Park employs 150 individuals. Portal also received a donation of \$1,500 from D.D. Williamson as part of their anniversary event.

**9. UNFINISHED BUSINESS-** None.

**10. NEW BUSINESS**

**1. Review And Approve Concept Plan For The Blues Factory Development**

**In The Municipal Parking Lot At The North End Of The North Slip-** Present to review the concept plan for the Blues Factory and funding was Bruce McInay, Chris Long and Allan Washatto. Alderman Becker commented that the council is at the first step of this process and are only considering the approval of the concept plan at this point. The Aldermen commented on the concept plan, the process and steps that will need to be taken. Some residents have contacted the Aldermen to express their concerns about the project and also express their support for the project. The Aldermen also inquired about portions of the plan and some of the questions that will need to be answered going forward. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN BIGGS TO APPROVE THE CONCEPT PLAN FOR THE BLUES FACTORY DEVELOPMENT IN THE MUNICIPAL PARKING LOT AT THE NORTH END OF THE NORTH SLIP AS PRESENTED. Further comments were made by the Aldermen addressing the concerns that were brought up by residents. Motion carried unanimously.

**2. Review And Approve Sale Of Municipal Parking Lot At North End Of North Slip Contingent Upon Negotiation By City Attorney And City Staff, And Common Council Acceptance, Of Terms And Conditions Of**

**Developer's Agreement With Blues Factory Developer-** MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN BECKER TO APPROVE THE SALE OF THE MUNICIPAL PARKING LOT AT THE NORTH END OF THE NORTH SLIP. Motion carried unanimously.  
MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN BECKER TO DIRECT THE CITY ATTORNEY AND STAFF TO BEGIN NEGOTIATION OF TERMS AND CONDITIONS OF DEVELOPER'S AGREEMENT WITH THE BLUES FACTORY DEVELOPER, SUBJECT TO COMMON COUNCIL'S FINAL APPROVAL OF TERMS AND CONDITIONS. Motion carried unanimously.

**3. Review And Approve Hiring Of Survey Firm To Prepare A Certified**

**Survey Map Dividing Land And Creating A Separate Parcel Of Land For**

**The North Slip Municipal Parking Lot-** The City Administrator reported that the north slip parking lot is attached to other parking lot area and there needs to be a CSM completed to separate into two separate lots and right of way. MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN BIGGS TO HIRE A SURVEY FIRM TO PREPARE A CERTIFIED SURVEY MAP DIVIDING LAND AND CREATING A SEPARATE PARCEL OF LAND FOR THE NORTH SLIP MUNICIPAL PARKING LOT. Motion carried unanimously.

*\*AGENDA TAKEN OUT OF ORDER, ITEM #7, THROUGH THE ITEMS NOT YET HEARD, BEGINS HERE.*

**11. FORTHCOMING EVENTS-** The Mayor and Aldermen reported on various forthcoming events.

**12. PUBLIC COMMENTS/APPEARANCES-**

1. John Sigwart, 230 W. Theis Street- Commented about each Alderman's responses regarding the north slip parking lot. Would like the council to consider the appraised value of the north slip parking lot when negotiation the sale of the lot. To work with another set of building owners on the use of their property for the project. The addition of a larger banquet facility is needed in Port.
2. Dan Micha, W. Grand Avenue- Inquired whether the city has tried to use eminent domain for an existing unused property.
3. Roger, 1510 Scott Road- Did not know much information about the north slip property until attending the meeting tonight. Eminent domain should have been considered a long time ago on unused vacant property. It should be considered now. Did not like the Alderman's responses to citizen comments.
4. Jerry Berkowitz, 422 W. Grand Avenue- Was unhappy with the Alderman's responses to the citizens. He was not well informed ahead of time about tonight's meeting.

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5. Amy Wilborn, 233 E. Pier Street- Commented that 900 people signed a petition that was to have a vote about the sale of the north slip parking lot property. It was handed in today and has been ignored.
6. Joe DeLucia, 902 N. Webster Street- Inquired about the tax revenue being made from the developments at Harbor Lights and the Blues Factory projects.

13. **MOTION TO CONVENE IN CLOSED SESSION pursuant to § 19.85(1)(e), Stats., for purposes of deliberating or negotiating the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, to-wit: discuss the status of, and approaches to, financing and securing the redevelopment of properties located at 122 and 128 N. Franklin Street, and within TID #2, under the existing and newly proposed terms and conditions of the Developer's Agreement dated January 7, 2014 between the City and Renew Port Holdings I, LLC, as amended-**

The Mayor read the purpose of the closed session. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN EHRLICH TO GO INTO CLOSED SESSION AT 12:24 A.M. FOR THE REASONS STATED ABOVE ON THE AGENDA. ROLL CALL VOTE TAKEN. AYE: EHRLICH, NEUMYER, DRISCOLL, BIGGS, RUDSER, LARSON AND BECKER. Motion carried unanimously.

14. **RECONVENE INTO OPEN SESSION TO TAKE ACTION RELATING TO CLOSED SESSION DISCUSSIONS, IF ANY-** The meeting reconvened into open session at 1:26 a.m., no action taken.

15. **ADJOURNMENT-** MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN RUDSER TO ADJOURN THE MEETING AT 1:27 A.M. Motion carried unanimously.