

**MINUTES**  
**CITY OF PORT WASHINGTON**  
**CITY COUNCIL MEETING**  
**Tuesday, September 15, 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 Paul Neumyer, Bill Driscoll, Doug Biggs, Kevin Rudser, Dave Larson and Dan Becker. Absent and excuses was Alderman Mike Ehrlich. 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 DRISCOLL TO APPROVE THE MINUTES OF THE PREVIOUS MEETING MINUTES AS PRESENTED; ORIGINAL OPERATOR LICENSES FOR RACHEL HAACK AND BRITTANIE CHMIEL AS PRESENTED; THE CLASS "B" / "CLASS B" RETAILERS LICENSE FOR ST. PETER'S OF ALCANTARA CHURCH FOR A TRI-PARISH FESTIVAL TO BE HELD ON OCTOBER 24, 2015 AT 1800 N. WISCONSIN STREET AND CHRIST THE KING CHURCH FOR A FISH BOIL TO BE HELD ON SEPTEMBER 20, 2015 AT 420 W. WHITEFISH ROAD AS PRESENTED AND A TEMPORARY OPERATOR LICENSE FOR CHRIST THE KING CHURCH FOR A FISH BOIL FOR NEIL TRAXEL AS PRESENTED. Motion carried unanimously.

**4. MAYOR'S BUSINESS**

- A. Proclamation For Eagle Scout- Mayor Mlada congratulated and read a Proclamation for Eagle Scout Benjamin Blanchett.
- B. Proclamation For City Business Of The Year, Port Washington State Bank- A Proclamation was read by Mayor Mlada and congratulations to Port Washington State Bank for being named by the Ozaukee Economic Development as 2015 Large Business of the Year. The ceremony will be held on September 24, 2015.
- C. Business Recognition Program Presentation- The Economic Development Committee has chosen three businesses to be recognized. The Small Business Award goes to Harry's Restaurant, Dale Mahal-owner, Medium Business Award goes to Sanfilippo Sentry, Joe Sanfilippo-owner and Large Business Award goes to Construction Forms, representatives Terry Skebba and Bob Hamilton.
- D. Update On Lighthouse- The Mayor reported on the second team meeting that was held. Today the team members went out to the lighthouse to tour the interior. October 14<sup>th</sup> will be the next large group meeting. The National Park Service will arrive sometime in the month of September to do the inspection. Once the inspection is completed, the City has 90 days to complete and submit the application. The Geek Group was met with regarding the application process and we discussed working together with them on this acquisition, but they are not interested in partnering. Mayor Mlada commented on the press release that was sent out today regarding the announcement of the INFOS providing real time rip-current technology, which is now operational in the City of Port Washington.
- E. Update On Denis Sullivan- The final Denis Sullivan visit was during the Labor Day weekend. Six sails that weekend and full on every sail.
- F. Update On Breakwater Funding- No specific updates at this time. The City Administrator reported that the walkway sections are being considered in the application process at this time.
- G. Consideration Of Funding For Mayor's Trip To Sassnitz, Germany For Formalization Of International Partnership- The Mayor would like to table this item. The resolution that was approved at the last Council meeting has been sent to the Mayor of Sassnitz, Germany.

**5. OFFICERS'/STAFF REPORT**

**A. City Attorney Report On Petitions For Referendum-** City Attorney Eberhardt reported on the notice and certification of the filed Petition regarding the North Slip Parking Lot.

**B. Update On TIF No. 2-** The City Administrator reported that the value that has been set at 2.7 million, which will be an increase between \$48,000 - \$49,000 of the TIF No. 2 increment fund.

**C. Starting 2016 City Budget Preparations-** The City Administrator reported that the Shared Revenue for this year is \$2,000 higher and in 2016 \$13,000 to \$14,000 less next year. At this time the projection is the budget increases will be 1.3%.

**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. Amy Wilborn, 233 E. Pier Street- In response to the report given by the City Attorney on the filed petitions, she reported to Council that she has 100 more names on petitions at home, which should help meet the necessary 822 signatures. The 716 that legally signed the petitions is their way of being heard. She inquired whether she would get a copy of the notice and certification on the petitions and inquired about other issues with the petition.

Attorney Eberhardt responded that neither the City Clerk nor the City Attorney can give legal advice in this matter. The City Clerk has recommended on more than one occasion that you contact the Government Accountability Board for assistance. Pat Wilborn came into the City Clerk's office today at 4:30 p.m. to pick up the notice and certification on the petitions.

**7. BOARDS/COMMISSIONS**

**A. PARK AND RECREATION BOARD**

**1. Resolution 2015-19 (Acceptance Of Coal Dock Park Memorial Pavilion)-** The Mayor reported on the completed Memorial Pavilion that is being gifted to the City now. There were many contractors that donated their time and expertise to construct the Pavilion and we thank them for their excellent service. Jim Bucek as the representative for the family has spent many, many hours getting this project completed. MOTION MADE BY ALDERMAN DRISCOLL, SECONDED BY ALDERMAN BIGGS TO APPROVE RESOLUTION 2015-19 ACCEPTANCE OF COAL DOCK PARK MEMORIAL PAVILION AS PRESENTED. Motion carried unanimously.

**B. BOARD OF PUBLIC WORKS**

**The Agenda Was Taken Out of Order, Item B. 6. was heard here.**

**1. Approve Contract Change Order #1 For 2014 Street Improvements-** Rob Vanden Noven reported on the various changes to the contract that was necessary over the course of the project. Due to both over and under runs the project was completed at an increase of \$196,000, which is just under a 13% increase. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN RUDSER TO APPROVE THE CONTRACT CHANGE ORDER #1 FOR THE 2014 STREET IMPROVEMENTS AS PRESENTED. Motion carried unanimously.

**2. Approve Stormwater Management Plan Proposal For Larabee Street-** Rob Vanden Noven reported on the stormwater management study to be done for Larabee Street, which is in response to the April 9, 2015 rain event where the stormwater system was overwhelmed and that area flooded. This study will give us a cost estimate on a solution for this issue. The Board of Public Works has recommend this plan be completed. MOTION MADE BY ALDERMAN RUDSER, SECONDED BY ALDERMAN NEUMYER TO APPROVE A STORMWATER MANAGEMENT PLAN PROPOSAL BE COMPLETED FOR LARABEE STREET BY STANTEC FOR \$14,950 AT PRESENTED. Motion carried unanimously.

**3. Approve Emergency Storm Sewer Repairs-** Rob Vanden Noven reported on the failing storm sewer systems, they are located on either side of Sucker Brook Creek, approximately 200 yards south of Hales Trail. One has already collapsed and the other one is severely undermined. The estimated cost of repair is \$40,000, which will be paid out of the 2014 borrowing for street repairs and labor will be provided by our DPW. MOTION MADE BY ALDERMAN BECKER, SECONDED

BY ALDERMAN LARSON TO APPROVE THE EMERGENCY STORM SEWER REPAIRS AT AN ESTIMATED COST OF \$40,000 AS PRESENTED. Motion carried unanimously.

**4. Approve 2015 Sidewalk Improvements-** Rob Vanden Noven reported on the need for sidewalks to be replaced in the neighborhood surrounding Michigan Street, plus the downtown. The City Administrator will check with the City Treasurer on what funds are available. The Board of Public Works recommends approval of TP Concrete Inc. to complete the projects for \$25,000. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN LARSON TO APPROVE THE HIRING OF TP CONCRETE INC FOR \$6.05/SF, A TOTAL COST NOT TO EXCEED \$25,000, TO COMPLETE SIDEWALK IMPROVEMENTS AS PRESENTED. Discussion was held and an AMENDED MOTION WAS MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN LARSON IN ALSO TO OBTAIN BIDS FOR SIDEWALK SHAVING AND MUDJACKING AS FUNDS ARE AVAILABLE. Motion carried unanimously.

**5. Approve Security Camera System For The WWTP-** Rob Vanden Noven reported on the demonstration done at the Board of Public Works. A camera system will provide security for the outside of the Wastewater Treatment Plant area. It is being recommended that the company to complete the work is JSM Security for \$8,292.10. MOTION MADE BY ALDERMAN RUDSER, SECONDED BY ALDERMAN BECKER TO APPROVE JSM SECURITY FOR \$8,292.10 FOR SECURITY CAMERA SYSTEM AT THE WASTEWATER TREATMENT PLANT AS PRESENTED. Motion carried unanimously.

**6. Consider Proposed Road Section Plan For Cedar Vineyard Development-** Rob Vanden Noven reported on the request from the project developer to consider a proposed road section plan in which there are no curb and gutter on the streets and the subdivision has a more rural appearance. There will be sidewalks on only one side of the street and ditches on the opposite side of the street.

The developer, Tom Swartwout, was present to answer questions. Rob Vanden Noven expressed concerns about plowing and water pooling in the area where there is no curb and gutter. There also may be higher maintenance costs for ice control, shoulder maintenance, and turf repair. Lower long term maintenance costs of road without curb or storm sewer. The Board of Public Works recommends approval of the cross-section as submitted. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN RUDSER TO APPROVE THE PROPOSED ROAD SECTION PLAN FOR CEDAR VINEYARD DEVELOPMENT AS PRESENTED. Discussion was held and the City Attorney commented that he is researching whether the Council is the correct body to hear this request. AN AMENDED MOTION MADE BY ALDERMAN BECKER, AN AMENDED SECONDED BY ALDERMAN RUDSER TO APPROVE THE ROAD SECTION PLAN FOR CEDAR VINEYARD CONTINGENT UPON REVIEW BY THE CITY ATTORNEY OF THE CITY ORDINANCES RELATING TO THIS MATTER, INCLUDING WHICH GOVERNMENTAL BODY HAS JURISDICTION OF THIS REQUEST. Motion carried unanimously.

## **8. COMMITTEES**

### **A. TRAFFIC SAFETY COMMITTEE**

**1. Ordinance 2015-9 (Establish No Parking On A Portion Of W. Pierre Lane West Of Wisconsin Street) 2<sup>nd</sup> Reading-** The City Administrator reported on Ordinance 2015-9, which changes the parking as an amendment to the previous ordinance that was passed. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN BECKER TO APPROVE ORDINANCE 2015-9 ESTABLISH NO PARKING ON A PORTION OF W. PIERRE LANE WEST OF WISCONSIN STREET AS PRESENTED. Motion carried unanimously.

**9. UNFINISHED BUSINESS-**None.

## **10. NEW BUSINESS**

**1. Consider Having City Attorney Draft An Ordinance Allowing Pot Bellied Pigs As A Pet-** The City Administrator reported on another municipality who has an ordinance on Potbellied Pigs. They allow one pig per household and specify the type of pig so there are no other breeds being kept as pets. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN RUDSER TO DIRECT THE CITY ATTORNEY TO REVIEW AND PROVIDE INFORMATION FOR AN ORDINANCE ALLOWING NOT MORE THAN TWO PIGS, VIETNAMESE DECENT, NO

BREEDING ALLOWED AND MUST BE LEASHED WHEN OUT IN PUBLIC. AYE: 5, NAY: 1 (BIGGS) Motion carried.

**2. Closing Upper Lake Park Road For Pumpkin In The Park Run Sponsored By Lincoln Elementary School-** The City Administrator reported that this run will be held on September 24, 2015 in Upper Lake Park. MOTION MADE BY ALDERMAN NEUMYER, SECONDED BY ALDERMAN DRISCOLL TO APPROVE CLOSING UPPER LAKE PARK ROAD FOR PUMPKIN IN THE PARK RUN ON SEPTEMBER 24, 2015 AS PRESENTED. Motion carried unanimously.

**3. Approve Closing Streets For Port Washington High School Homecoming Parade-** MOTION MADE BY ALDERMAN DRISCOLL, SECONDED BY ALDERMAN NEUMYER TO APPROVE CLOSING THE STREETS FOR PORT WASHINGTON HIGH SCHOOL HOMECOMING PARADE ON OCTOBER 2, 2015 AS PRESENTED. Motion carried unanimously.

**11. FORTHCOMING EVENTS-** Various events were mentioned.

**12. PUBLIC COMMENTS/APPEARANCES-**

1. Becky Casarez -Thanked the Council for considering an ordinance to allow Potbellied Pigs.  
2. Dan Becker, 916 N. Grant Street- Commented about the great work the Street Department does with a smaller staff than they had years ago. Our streets are in better condition now.

**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 and**

**MOTION TO CONVENE IN CLOSED SESSION pursuant to § 19.85(1)(e), Stats., for purposes of deliberating or negotiating the purchase of public properties or conducting other specified public business, where competitive or bargaining reasons require a closed session, to-wit: to deliberate and develop negotiating strategies for, and discuss the terms and conditions of, acquiring, razing and/or improving commercial property located within TIF District #2 in downtown Port Washington-** Mayor Mlada read the two Motions To Convene Into Closed Session as stated on the agenda. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN LARSON TO GO INTO CLOSED SESSION AT 10:25 P.M. FOR THE REASONS STATED ON THE AGENDA ABOVE. ROLL CALL VOTE TAKEN: AYE: 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-** Council reconvened into open session at 12:35 a.m. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN BIGGS TO DIRECT THE CITY ADMINISTRATOR TO COMPLETE A STATE TRUST FUND LOAN APPLICATION WORKSHEET. Motion carried unanimously.

**15. ADJOURNMENT-** MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN RUDSER TO ADJOURN THE MEETING AT 12:36 A.M. Motion carried unanimously.