

MINUTES
CITY OF PORT WASHINGTON
COMMON COUNCIL MEETING
Tuesday, March 15, 2016, 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. Alderman Neumyer arrived at 9:02 p.m. 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 Licenses
- C. Approve Temporary Operator Licenses

MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN EHRLICH TO APPROVE THE MINUTES OF THE PREVIOUS MEETING, ORIGINAL OPERATOR LICENSES FOR TAMMY BALDWIN AND MARY PROCHAZKA AND TEMPORARY OPERATOR LICENSE FOR OZAUKEE GLSF FISHING DERBY ON JULY -3, 2016 FOR DALE BACKHAUS AS PRESENTED. Motion carried unanimously.

4. **MAYOR'S BUSINESS**

A. Approval Of Denis Sullivan Contract For June 3-5, 2016 Sail Engagement- Mayor Mlada reported on the first sail dates for the Denis Sullivan in Port Washington. City Eberhardt reported on the contact received. It has been reviewed and is approved. MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN DRISCOLL TO APPROVE THE DENIS SULLIVAN CONTRACT FOR THE JUNE 3-5, 2016 SAIL ENGAGEMENT AS PRESENTED. Motion carried unanimously.

B. City Business Partner Update- Mayor Mlada congratulated Steve Schowalter Port Washington State Bank President for receiving

C. City Volunteer Appreciation Event- The Mayor announced the upcoming City Volunteer Appreciation event, which will be held at the Port Exploreum on April 30th. The invitations will be sent out in the next few weeks to the volunteers.

5. **OFFICERS'/STAFF REPORT**

A. Next Common Council Meeting, April 6th-The City Administrator reported that the next Council meeting will be held on Wednesday, April 6th at 7:30 p.m. due to the Spring Election.

B. Spring Election And Presidential Preference Vote- The City Clerk reported on the Photo ID requirement to vote at your polling location or by absentee in person early voting or by mail. Early voting in person by absentee and in person voter registration is available from March 21 – April 1 at City Hall in the Clerk's Office from 8:00 a.m.- 5:00 p.m. with the exception of Good Friday, hours are 9:00 a.m. to 3:00 p.m.

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.-

*Aaron Paulin, 2384 Willow Pond Way- introduced himself as a candidate for School Board and shared his platform.

*Tom Wellnitz, 806 N. Wisconsin St.- made comments to Council about various subjects regarding social issues.

7. BOARDS/COMMISSIONS

A. BOARD OF PUBLIC WORKS

1. Approve Bids For 2016 Street, Water Main Sanitary Sewer And Alley

Improvements- Rob Vanden Noven reported that the bid opening was this past

Thursday, low bidder was Heartland Construction. We have worked with them many times and do excellent work. The low bid was for \$4,091,736.35. Street Water work was bid at \$2,129,801.90 and the Sewer was bid at \$672,405.45. Board of Public Works recommends contracting with Heartland Construction. MOTION MADE BY ALDERMAN EHRlich, SECONDED BY ALDERMAN RUDSER TO APPROVE CONTRACTING WITH HEARTLAND CONSTRUCTION FOR A TOTAL OF \$4,091,736.35 FOR THE 2016 STREET, WATER MAIN SANITARY SEWER AND ALLEY IMPROVEMENTS AS PRESENTED. Motion carried unanimously.

2. Approve Agreement With Gremmer & Associates For Construction Staking- Rob

Vanden Noven reported that Gremmer designed this project. The construction staking is our responsibility so we have to hire a surveyor to do this work. Gremmer & Associates can do this work for time and materials not to exceed \$58,982. The expenses will be budgeted, Street - \$40,000 and Water- \$18,982. This comes out to less than 2% of the project. Board of Public Works recommends approval. MOTION MADE BY ALDERMAN EHRlich, SECONDED BY ALDERMAN RUDSER TO APPROVE THE AGREEMENT WITH GREMMER & ASSOCIATES FOR CONTRUCTION STAKING, TIME AND MATERIALS NOT TO EXCEED \$58,982 AS PRESENTED. Motion carried unanimously.

3. Approve Ruekert & Mielke Proposal For Construction Inspection- Rob Vanden

Noven reported that the inspector chosen to be lead inspector on the 2016 Street Improvement Project. His rate is \$79.00 per hour. Secondary inspectors, when multiple crews are working, will be at \$64.00 per hour. Estimated total time of construction is 25 weeks, 50 hours per week, and two inspectors for 20 weeks. The total for the Primary Inspector for 25 weeks at 50 hours per week will be \$98,750. The Secondary Inspector for 15 weeks at 50 hours per week will be \$48,000. Estimated total cost for the inspection services is \$146,750 plus mileage so estimate \$150,000. The Board of Public Works recommends hiring Ruekert & Mielke for the construction inspection. MOTION MADE BY ALDERMAN EHRlich, SECONDED BY ALDERMAN RUDSER TO APPROVE HIRING RUEKERT & MIELKE FOR CONSTRUCTION INSPECTION SERVICES, PRIMARY INSPECTOR \$98,750, SECONDARY INSPECTOR \$48,000 PLUS MILEAGE FOR AN ESTIMATED TOTAL OF \$150,000 AS PRESENTED. Motion carried unanimously.

8. COMMITTEES

A. FINANCE AND LICENSE COMMITTEE

1. Approve Financing For 2016 Capital Improvement Projects- The City Administrator

introduced Carol Wirth from Wisconsin Public Finance Professionals, LLC to report on the financing options for the 2016 Capital Improvement Projects. The borrowing are for street reconstruction and sidewalks for \$4,100,000; new loader for \$203,000; phase 1 breakwater project for \$200,000 for a total of \$4.5 million. The financing and the effect it will have on the City's debt service schedule was reviewed. In addition to the general obligation, the City will also need to borrow money for the water and sewer utilities for the Cedar Vineyard project along with other TIF financed projects for Cedar Vineyard. The Finance and License Committee has reviewed and approves of the financing options being presented. MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN DRISCOLL TO DIRECT WISCONSIN PUBLIC FINANCE PROFESSIONALS, LLC TO PROCEED WITH THE FINANCING PREPARATIONS FOR THE 2016 CAPITAL IMPROVEMENT PROJECTS AS PRESENTED. Motion carried unanimously.

2. Approve Financial Advisory Agreement With Wisconsin Public Finance Professionals, LLC (Revenue Bonds)- The City Administrator reported on the

agreement that is necessary to do the revenue bonds. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN BIGGS TO APPROVE THE FINANCIAL AGREEMENT BETWEEN THE

CITY AND WISCONSIN PUBLIC FINANCE PROFESSIONALS, LLC FOR THE REVENUE BONDS AS PRESENTED. Motion carried unanimously.

3. 2015 Senior Center Survey Budget Overrun- Alderman Larson reported on the feasibility plan contract that the City entered into with MSA not to exceed \$13,000. The submitted a final bill in excess of the approved amount. They were informed that they'd exceeded their contract. Any overruns should have been brought to the committee ahead of time not at final billing. Catherine Kiener was present to report on the issues with the overages and what areas they went over the \$13,000 in. The Commission on Aging approved paying the remaining overage balance of \$1,421.55 to MSA. The Finance and License Committee reviewed this issue, the contract was very clear on the amount not to exceed \$13,000 and has not authorized any further payment to MSA beyond the \$13,000. The City Attorney commented that the contact states that any amendments must be done in writing. When the City entered into this contract with MSA it was pointed out that the labor rates quoted were through March of 2015, but the work was not completed until after that deadline. The contract document clearly states an estimated fee, but not to exceed \$13,000 and the City is not obligated to pay more than that contracted amount. The \$13,000 has already been paid to MSA. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN EHRLICH TO DENY THE OVERUN CHARGES AND PAY MSA THE CONTRACTUAL AMOUNT NOT TO EXCEED \$13,000. Motion carried unanimously.

4. Approve TIF Audit Agreement With Baker Tilly- Alderman Larson reported on this audit that occurs and is required by Wisconsin State Statutes under TIF law. This agreement with Baker Tilly is for the TIF 2 District and is estimated between \$700 and \$950. This cost has been budgeted in the TIF 2 budget. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN BIGGS TO APPROVE THE TIF AUDIT AGREEMENT WITH BAKER TILLY AT A COST BETWEEN \$700 TO \$950 AS PRESENTED. Motion carried unanimously.

5. Approve Consultant Services With Foth For The Breakwater Project- The City Administrator reported that there are three different items involved. The Breakwater project analysis to be completed for \$2,565; the addition to ongoing support services at an additional \$10,000 for a total not to exceed \$20,000 and the preparation and submission of a WDNR Urban Nonpoint Source & Storm Water grant application for \$3,500. MOTION MADE BY ALDERMAN DRISCOLL, SECONDED BY ALDERMAN BIGGS TO APPROVE THE CONSULTANT SERVICES WITH FOTH FOR THE BREAKWATER PROJECT FOR \$2,565, \$10,000 AND \$3,500 AS PRESENTED. Motion carried unanimously.

9. UNFINISHED BUSINESS

A. Update On Larabee Street Stormwater Improvements- Rob Vanden Noven reported that contact was made with the property owners along the recommended improvement area. There were responses received from 13 owners. The owners in the higher ground area agreed to provide the easements, but the lower ground area owners that are most effected by the flooding were not willing to provide the easements. When the public information meeting was held prior to the grants being sought, the property owners were interested in this project at that time. There will be no more grants applied for and no further action will be taken at this time. The City Attorney clarified that the property owners were only asked for written consent on there was no other obligation specified.

10. NEW BUSINESS

A. Approve Pre-Annexation Agreement Between City And Ansay Development

Corporation (For Land North Of Harris Drive)- The City Administrator reported that is for Ansay Development Corporation for a single family home residential development on the southwest side of the City, north of Harris Drive. The City Attorney has reviewed and made some slight changes to the agreement, which you have been given. Attorney Eberhardt will need to review the final changes. It will be a few months before the final annexation documents come before the Council.

MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN EHRLICH TO APPROVE THE PRE-ANNEXATION AGREEMENT BETWEEN THE CITY AND ANSAY DEVELOPMENT CORPORATION FOR LAND NORTH OF HARRIS DRIVE AND SUBJECT TO FINAL REVIEW OF CHANGES BY THE CITY ATTORNEY. Motion carried unanimously.

B. Consider Letter Of Credit Reduction For Fiduciary Real Estate- Rob Vanden Noven reported on phase 3 and 4 of New Port Vista, which will be called High Bluff Townhomes. Fiduciary Real Estate is asking for a reduction to their letter of credit, which was in place to cover the cost of water main and sanitary sewer improvements under Vista Way, a private Street that was created for the new phases and as an easement for the City's service area. The work has been satisfactorily completed and accepted by the City, therefor reducing the letter of credit to \$36,034.10 per their February 4, 2016 request is being recommended. MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN DRISCOLL TO APPROVE THE REDUCTION OF THE LETTER OF CREDIT FOR FIDUCIARY REAL ESTATE TO \$36,034.10 AT THEIR REQUEST AND AS PRESENTED. Motion carried unanimously.

C. Resolution 2016-7 (Three Year Harbor Development Statement Of Intention)- The City Administrator reported on the harbor assistance program requirement, that the city approves this resolution when involved with receiving aid on projects that are in the harbor. MOTION MADE BY ALDERMAN BIGGS. SECONDED BY ALDERMAN EHRLICH APPROVE RESOLUTION 2016-7 THREE YEAR HARBOR DEVELOPMENT STATEMENT OF INTENTION AS PRESENTED. Motion carried unanimously.

D. Resolution 2016-6 (Relating To Occupancy Of Right-Of-Way)- The City Attorney reported on the application that was received by an Illinois alternative telecommunications utility who would like to construct a 140 foot poll to include a microwave dish on top of it, between N. Milwaukee St. and W. Main St. next to the County Administration building. This resolution provides a comprehensive regulatory scheme and allows the city to regulate occupancy of public rights-of-way. MOTION MADE BY ALDERMAN DRISCOLL, SECONDED BY ALDERMAN EHRLICH TO APPROVE RESOLUTION 2016-6 RELATING TO OCCUPANCY OF RIGHT-OF-WAY AS PRESENTED BY THE CITY ATTORNEY. Motion carried unanimously.

*Alderman Neumyer arrived at 9:02 p.m.

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

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

13. **MOTION TO CONVENE** in closed session per § 19.85(1)(e), Stats. for purposes of deliberating or negotiating the purchasing of public property, investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, to-wit: discuss status of negotiations, and devise bargaining strategies for and terms and conditions of the potential sale and development of approximately 44-acre parcel of vacant City land abutting Lake Michigan and adjacent to S. Wisconsin Street and CTH C and the City owned properties on E. Washington Street (the North Slip Parking Lot) and the Marina car/trailer parking lot within TIF District #2.- Mayor Mlada read the motion to go into closed session. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN LARSON TO GO INTO CLOSED SESSION FOR THE REASONS STATED ON THE AGENDA. ROLL CALL VOTE TAKEN: AYE: EHRLICH, NEUMYER, DRISCOLL, BIGGS, RUDSER, LARSON AND BECKER. Motion carried unanimously.

And

MOTION TO CONVENE in closed session per § 19.85(1)(c), Stats. to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.- The Mayor read the motion to go into closed session. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN EHRLICH TO GO INTO CLOSED SESSION AT 9:15 P.M. FOR THE REASONS STATED 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

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discussions or deliberations, if any.-The Council reconvened into open session at 12:55 p.m.
MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN NEUMYER TO APPROVE THE
POLICE UNION CONTRACT AS PRESENTED. Motion carried unanimously.

15. ADJOURNMENT- MOTIOIN MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN
BECKER TO ADJOURN THE MEETING AT 12:57 A.M. Motion carried unanimously.