

**MINUTES**  
**CITY OF PORT WASHINGTON**  
**COMMON COUNCIL MEETING**  
**Tuesday, September 6, 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. Also present was 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 Meeting
  - B. Approve Original Operator License Applications
  - C. Approve Temporary Class "B"/ "Class B" Retailers License And Temporary Operator License Applications

MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN BIGGS TO APPROVE THE MINUTES OF THE PREVIOUS MEETING AS PRESENTED, ORIGINAL OPERATOR LICENSES FOR MARIE VAN TREECK, MARCENE JACOBS, BRADEN SHAFER, TYLER SCHULTIS, ALEX LOPEZ AND ASHLEY CROWELL AND TEMPORARY CLASS "B"/ "CLASS B" RETAILERS LICENSES FOR PORT WASHINGTON MAIN STREET FOR BEER GARDEN ON OCTOBER 1, 2016 IN UPPER LAKE PARK, TEMPORARY OPERATOR LICENSES FOR AMY GANNON AND DAVE DIDIER AND ST. JOHN XXIII CONGREGATION FOR INAUGURAL CELEBRATION ON SEPTEMBER 11, 2016 AT 1802 N. WISCONSIN STREET, TEMPORARY OPERATOR LICENSE FOR BOB DRIER AS PRESENTED. Motion carried unanimously.

**4. MAYOR'S BUSINESS**

Police Chief Hingiss introduced our new police officer, Taylor Russell, who joined the force on July 5<sup>th</sup>. Officer Russell served on in the Police Reserves since 2014.

The Mayor commented on the festival season in the city over this past summer. The newest festival held this past weekend was the Paramount Music Festival. A number of positive comments were received from attendees, which the Mayor shared.

Mayor Mlada read a letter received regarding the breakwater light application. The city lighthouse has been approved at the level of the Department of Interior. It now goes onto the next level for approval.

A. Preservation Plan Development Proposed For N. Breakwater Light- The Mayor reported on the need to begin planning for the future preservation of the lighthouse on a long term basis. Present to report to council was Jennifer Lehrke, Legacy Architecture and Tim Heggland who is a preservation consultant to properties for historic register.

B. Update On Denis Sullivan- Mayor Mlada along with Maureen Boylan gave an update on the Denis Sullivan program. The September and October sail date tickets are available now. Maureen Boylan reported on the marketing programs going on at this time. Other efforts being worked on, we are reaching out to the civic organizations such as boy scouts and girls scouts. Another group we are offering discounts to our corporate partnerships and our police and fire department. The educational sails are being promoted at

this time with Port Washington-Saukville School District and other area districts also. We are offering the Haunted Sullivan, which is like a haunted house experience.

## 5. OFFICERS'/STAFF REPORT

A. Update On Street Improvement Projects- Rob Vanden Noven reported that all street have been paved as of last week Friday. Crosswalks and landscaping will be completed next week. Visu-Sewer will be in the city this week and be working in the Larabee Street area.

B. Phase II Environmental Analysis For Car/Trailer Parking Lot- The City Administrator reported that the drilling work will begin this Thursday and the parking areas closed as the work progresses.

C. Date For Trick Or Treat- The neighboring communities will be holding Trick-or-Treat on October 28<sup>th</sup>. MOTION MADE BY ALDERMAN RUDSER, SECONDED BY ALDERMAN BIGGS TO HOLD TRICK-OR-TREAT ON MONDAY, OCTOBER 31<sup>ST</sup> FROM 4:00 to 8:00 P.M. VOTE TAKEN AYE: 3 (RUDSER, BIGGS, LARSON) , NAY: 4 (EHRlich, NEUMYER, DRISCOLL, BECKER) MOTION FAILS.

MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN EHRlich TO HOLD TRICK OR TREAT ON SATURDAY, OCTOBER 28<sup>TH</sup> FROM 4:00 TO 8:00 P.M. VOTE TAKEN AYE: 4 (EHRlich, NEUMYER, DRISCOLL, BECKER), NAY: 3 (RUDSER, BIGGS, LARSON). 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.*

\*Mary Farrell, 415 N. Lake Street-encouraged the Council to accept the planning grant for the Senior Center.

\*Ann Schmidt, 3328 County Road W-encouraged Council to consider the Blues Factory project, the Paramount Music Festival was a success and shows that there is interest in music and this type of venue.

## 7. COMMITTEES

### A. FINANCE AND LICENSE COMMITTEE

1. **Acceptance Of CDBG Planning Grant For Senior Center-** Alderman Larson reported on the discussion that was held in Finance & License Committee. The grant money and matching funds would be placed into the 2017 city budget. This grant would also assist with future grants. This acceptance will be necessary to go forward with this plan. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN BIGGS TO APPROVE ACCEPTANCE OF THE CDBG PLANNING GRANT FOR THE SENIOR CENTER AS PRESENTED. Motion carried unanimously.

2. **Consider Amendment To Misty Ridge Developers Agreement And Release Of Escrow Funds-** Rob Vanden Noven reported on the amendment. Two streets on the subdivision plan fall short of the requirements, 23 feet on Windrush Drive and 30 feet on Misty Ridge Lane. Also sidewalks are not installed along Outlot 2. The developer would like to close the agreement and have his escrow funds released. He has agreed to an amendment to pay the City the amount of money necessary to complete the installation of the remaining street and sidewalk. The developer will pay the lump sum of \$19,010 to cover the calculated costs to complete the streets and sidewalk.

MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN EHRLICH TO AMEND THE DEVELOPERS AGREEMENT FOR MISTY RIDGE TO INCLUDE A LUMP SUM PAYMENT TO THE CITY FOR \$19,010 AS PRESENTED. Motion carried unanimously. Bryson Associates, LLP has completed all work in Misty Ridge required by the Developers Agreement with Addendums for tree planting and miscellaneous sidewalk and street work. MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN BIGGS TO RELEASE THE ESCROW FUNDS FOR MISTY RIDGE AS PRESENTED. Motion carried unanimously.

**2. Consider Sale Of Surplus Land On Larabee Street And Grand Avenue-**

Alderman Larson reported the Plan Commission and Common Council declared water utility land between W. Grand Avenue and W. Larabee Street as surplus land with the recommendation to sell. The land has been divided into 2 lots, approximately 610' X 200' (.28 acre) each. Proceeds of the land sale will go to the water utility. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN BIGGS TO APPROVE THE SALE OF SURPLUS LAND ON LARABEE STREET AND GRAND AVENUE AS PRESENTED. Motion carried unanimously.

**4. Approve Letter Of Intent To Contribute Funds For Section A-C Of Breakwater Project-**

The City Administrator reported on the Letter of Intent that needs to be sent to the Army Corps to start the process, before an agreement can be discussed. MOTION MADE BY ALDERMAN DRISCOLL, SECONDED BY ALDERMAN EHRLICH TO APPROVE THE LETTER OF INTENT TO CONTRIBUTE FUNDS FOR SECTION A-C OF BREAKWATER PROJECT AS PRESENTED. Motion carried unanimously.

**5. Consider Agreement For Water And Sewer Service On STH 32 Development-**

The City Administrator reported this agreement has been requested by Dr. Hansen for the property he owns and wants to build a new dental office on. He is requesting the city extend sewer and water to his property. This property is currently in the Town of Port Washington and cannot be annexed by the city at this time as it would create an island. A letter would be drafted between the municipalities that would allow this sewer and water extension and also allow future annexation into the City. Attorney Eberhardt informed Council that Attorney Hoeft at his law firm has done work for Dr. Hansen and he is disclosing that fact to the Council at this time. There should be no conflict in this situation and he is requesting the city waive.

**6. Consider Bids For Proposed Pedestrian Alley Between Port Washington State Bank And Sharbuno Jewelers-**

Rob Vanden Noven reported that the alley between Port Washington State Bank and Sharbuno's has half of its pavement removed since the 2014 conversion of overhead utilities to underground. The alley requires restoration, and Main Street has recommended that it be converted to a pedestrian alley similar to the alleys next to the Boerner Building. A single bid was received by Breckenridge Landscape, who has done work in the past in the city. The bid is for \$16,817.25 and the pavers will be purchased from Uni-lok. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN DRISCOLL TO APPROVE THE BID FROM BRECKENRIDGE LANDSCAPE FOR \$16,817.25 FOR THE PEDISTRIAN ALLEY AS PRESENTED. Motion carried unanimously.

**8. BOARDS/COMMISSIONS**

**A. PLAN COMMISSION**

**1. Consider License Agreements For Harbour Lights Development-** The City Administrator asked to table this item. The license agreement was not ready for this meeting.

**2. Ordinance 2016-8 (Adopt Amendment To The Comprehensive Plan Of The City Of Port Washington) 1<sup>st</sup> Reading-** Randy Tetzlaff reported on the amendment to the comprehensive plan to allow for other development options on property that Ansay is interested in. Plan Commission will take action on this at their meeting on September 15<sup>th</sup>. There will be a public hearing held prior to the next Council meeting. There was discussion held on whether there should be an amendment made for a specific developer. Further discussion was held on the amendment, which would allow any developer more flexibility with the property possibilities, but Council would have consideration on approval for any project going forward.

#### **B. COMMUNITY DEVELOPMENT AUTHORITY**

**1. Revolving Loan Fund, Draeger Holdings, LLC-** Randy Tetzlaff reported on this business, which would be Inventors Brew Pub; owners are Adam and Erin Draeger. The property is located on W. Grand Avenue at the old Car Quest lot. The business concept includes a seven barrel brewery, tap room and restaurant which would serve pizza and poutine. This revolving loan fund (RLF Loan) would be contingent upon seven criteria to be met. Attorney Eberhardt inquired whether the remediation had been completed on the property from previous owners. Randy Tetzlaff said that has been checked on and it has. **MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN BIGGS TO APPROVE THE \$100,000 REVOLVING LOAN FUND FOR DRAEGER HOLDINGS, LLC INCLUDING THE SEVEN CRITERIA AS PRESENTED. Motion carried unanimously.**

#### **9. UNFINISHED BUSINESS**

**A. Review And Take Possible Action on Proposed Development Plan For City Car/Trailer Lot On Lake Street-** The City Administrator reported on the financial information on the TIF that has been provided by Christy Cramer. One scenario came out on the plus side financially. There is more information still needed before a decision can be made. Steve Smith from Stephen, Perry Smith was present to present a development plan for the car/trailer lot and other block to the north. It has a combination of townhouses and one/two bedroom apartments.

#### **10. NEW BUSINESS**

**1. Resolution 2016-21 (Preliminary Resolution For Special Assessments On W. Theis Street And Sauk Road)-** Rob Vanden Noven reported that Theis Street had new sidewalks put in we special assess for sidewalks to the front. The process requires a resolution and a public hearing held prior, which the residents would be notified of it. The other resolution is on the corner of Harris Drive, Sauk Road and CTH 32. There is sidewalk required on both sides of the road. The developers were required to put the walks in, but failed to do so. Attorney Eberhardt suggested that language be added to page one and on attached property address page. **MOTION MADE BY ALDERMAN NEUMYER, SECONDED BY ALDERMAN EHRLICH TO APPROVE RESOLUTION 2016-21 PRELIMINARY RESOLUTION FOR SPECIAL ASSESSMENTS ON W. THEIS STREET AND SAUK ROAD WITH THE SUGGESTED CHANGES MADE BY THE CITY ATTORNEY. Motion carried unainimously.**

**2. Approve Amendment To Mid-Moraine Municipal Court Agreement-** The City Administrator reported on the change to this agreement is to add new language on page 2(f) to correct that previously no term of office for the officers of the organization was included. The new language puts the term of office at two years for the various officers. **MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN NEUMYER TO APPROVE**

THE AMENDMENT TO MID-MORAINÉ MUNICIPAL COURT AGREEMENT AS PRESENTED. Motion carried unanimously.

**11. FORTHCOMING EVENTS-** The Mayor and Aldermen noted various events in the community coming up.

**12. PUBLIC COMMENTS/APPEARANCES-** 1. Ann Schmidt- was very impressed with Steve Smith's presentation.

**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 the City owned property on East Washington Street (the North Slip parking lot within TIF District #2) and the approximately 44 acre parcel of vacant city land abutting South Wisconsin Street and CTH C- Mayor Mlada read the motion to go into closed session. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN EHRLICH TO GO INTO CLOSED SESSION AT 10:17 P.M. FOR THE REASONS STATE 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 or deliberations, if any- The Council reconvened into open session at 12:52 a.m. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN DRISCOLL TO AUTHORIZE AND DIRECT THE CITY ADMINISTRATOR AND CITY ATTORNEY TO NEGOTIATE WITH TBF'S REPRESENTATIVES TO EXTEND THE TIME DEADLINES SET FORTH IN THE VACANT LAND OFFER TO PURCHASE DATED MAY 11, 2016, AND TO AGREE TO SUCH REASONABLE EXTENSIONS OF TIME AS THEY DEEM APPROPRIATE TO FACILITATE THE SALE AND DEVELOPMENT OF THE NORTH SLIP PARKING LOT TO TBF. Motion carried unanimously.

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