

MINUTES
CITY OF PORT WASHINGTON
COMMON COUNCIL MEETING
Tuesday, September 20, 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 Council President Dan Becker, who will also be voting this evening, 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 Meeting
- B. Approve Original Operator License Applications
- C. Approve Temporary Class "B"/ "Class B" Retailers License And Temporary Operator License Applications
- D. Approve Event Cabaret License Applications

MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN DRISCOLL TO APPROVE THE MINUTES AS PRESENTED; ORIGINAL OPERATOR LICENSES FOR TYLER MUELLER, ERIC WERKING, CONNIE MUELLER AND LOUIS GUZMAN AS PRESENTED; TEMPORARY CLASS "B"/ "CLASS B" RETAILERS LICENSE AND TEMPORARY OPERATOR LICENSES FOR PORT WASHINGTON CHAMBER OF COMMERCE FOR A BEER GARDEN ON OCTOBER 15, 2016 AT UPPER LAKE PARK, TEMPORARY OPERATORS ARE LISA CRIVELLO AND PETER JOYCE; MARY ANN KLOTZ FOR VFW 7588 BEER GARDEN ON SEPTEMBER 26, 2016 AND PORT WASHINGTON MAIN STREET BEER GARDEN ON OCTOBER 1 2016 AS PRESENTED; EVENT CABARET LICENSE FOR THE CHAMBER OF COMMERCE FOR THE BEER GARDEN ON OCTOBER 15, 2016 AT UPPER LAKE PARK AS PRESENTED. Motion carried unanimously.

4. MAYOR'S BUSINESS

A. Update On City Merchandise- Mayor Mlada reported on the status of the Denis Sullivan ticket sales for the upcoming sail, which are really picking up. Regarding clothing and cap merchandising, sales will be starting soon to the public.

B. City Business Update: Proclamation Honoring Franklin Energy- The Mayor congratulated Franklin Energy as the large business of the year. A proclamation was read in their honor.

C. Sister Cities Presentation And Approval Of Invitation For Visit To Port Washington In July Of 2017- Mayor Mlada accompanied by Ross Kroeger, Randy Tetzlaff and Jon Crain who made up the delegation from the City of Port Washington on this Sister City trip.

5. OFFICERS'/STAFF REPORT

A. Update On Street Improvement Projects- Rob Vanden Noven reported that Summit Drive and Tower Drive are complete. Street areas near the schools are being completed with landscaping coming this week.

B. Appointment Of Election Inspectors For 2016-2017 Term And Update On Election Changes- The City Clerk reported on the current changes to election law including early voting by absentee ballot in the City Clerk's office at City Hall, which will be held from October 10th – November 4th, Monday-Friday from 8:00 a.m. to 5:00 p.m. Voter registration will be held throughout this time as well. Photo ID is in effect and required to vote by Absentee or on Election Day. To prepare for the November 8th Presidential Election I am requesting appointment of additional Election Inspectors to cover the high-turn out we are expecting. MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN NEUMYER TO APPROVE APPOINTMENT OF UNAFFILIATED ELECTION INSPECTORS TO INCLUDE DON NIEDERFRANK, JOY DREIER, BOB DREIER, DOLORES TRAVIS, AGNES O'CONNELL, PATRICIA MORRISSEY, SARA WESTERBEKE, KAREN OLESKI, DIANE WENDORF, ROGER WENDORF AND MICHELLE HENKLE FOR THE 2016-2017 ELECTION CYCLE AS PRESENTED. 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.

1. John Sigwart, 230 W. Theis St. – read written comments on developments being considered in the city. Would like the city to take a development break and allow for more urban planning time by the city.

2. Dan Micha, 139 W. Grand Avenue- read written comments regarding Pirates Hollow and the need for replacement of the shower heads in the locker rooms. The Summertime Sounds music programs run monthly through the summer at the bandshell in Veterans Park is an enjoyable series and needs continued funding by the city. The Paramount Music Festival was a great success and tourists commenting on our lakefront area. The Beer Gardens are well attended and a good fund raiser for civic organizations. It would be helpful if next year's gardens could begin in June to allow more groups to participate.

7. COMMITTEES

A. FINANCE AND LICENSE COMMITTEE

1. Approve Funding For Preservation Planning And National Register Of Historic Places (North Breakwater Light)- Mayor Mlada reported that the approval process will take place at the next meeting. He was recently contacted by GSA regarding our application for the lighthouse. They are approving the continuing of the application in the conveyance process. Funding sources are needed going forward to start the repairs needed to the lighthouse. John Reichert, owner of the Chocolate Chisel appeared to present a fund raising project that would include specialized ornaments that would be developed to be collected, the funds going to lighthouse repair. Port Washington State Bank would donate \$5,000 to have the ornaments designed and created.

2. Approve Funding For Washington D.C. Lobbying Trip (Breakwater Project)- Alderman Larson reported that this was discussed at Finance & License Committee. The agenda for the trip is unknown at this time. It is being suggested that the trip agenda be completed by the Mayor over the next few days and Council allow the Committee to meet in special session on Thursday, September 22nd at 4:00 p.m. to make a final decision on funding. Mayor Mlada reported on the need for the trip, which will assist in meeting with those individuals who are able to support funding for the city in the future

budget. MOTION MADE BY ALDERMAN DRISCOLL, SECONDED BY ALDERMAN EHRLICH TO APPROVE GIVING FINANCE AND LICENSE COMMITTEE FINAL APPROVAL OF THIS TRIP FUNDING. 6 AYE, 1 NAY (NEUMYER) Motion carried.

8. BOARDS/COMMISSIONS
A. PLAN COMMISSION

1. Consider License Agreements And Easements For The Harbour Lights

Development- City Attorney Eberhardt reported on the license agreement an easements for Harbor Lights. Attorney McIlInay was present to report. The property subject to the easement is owned by the Port Exploreum and not by the City. There will be separate license agreements to grant permission to use a portion of right-of-way on E. Main Street. A second license would be for a dumpster corral area. MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN BECKER TO APPROVE THE UTILITY EASEMENT AGREEMENT WITH MODIFICATIONS AS PRESENTED. Motion carried unanimously. MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN EHRLICH TO APPROVE THE CONCEPT OF THE LICENSE AGREEMENTS FOR ENTRY ON MAIN STREET AND USE OF A DUMPSTER CORRAL SUBJECT TO CITY ATTORNEY FINALIZING TERMS OF LICENSE WITH OWNERS ATTORNEY. Motion carried unanimously.

2. Public Hearing To Gather Public Input On Proposed Amendment To the City Comprehensive Plan 2035-

Mayor Mlada opened the public hearing for public comment. There was no public comment. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN LARSON TO CLOSE THE PUBLIC HEARING. Motion carried unanimously.

3. Ordinance 2016-8 (Adopt Amendment To The Comprehensive Plan Of The City Of Port Washington) 2nd Reading-

Randy Tetzlaff reported on the plan change. The Plan Commission and Community Development Authority are on record as supporting mixed use development. There was discussion held between the Aldermen on whether this is the time to make a change to allow for mixed use development for this specific property located on the south side of the city or to wait until the RFP process comes. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN BIGGS TO APPROVE ORDINANCE 2016-8 TO ADOPT AMENDMENT TO THE COMPREHENSIVE PLAN OF THE CITY OF PORT WASHINGTON AS PRESENTED. The City Attorney commented about the use of zoning as a flexibility device as perceived by the courts. Changes in the plan can be done now and changed later if needed, AYE: 5, NAY: 2 (LARSON AND NEUMYER) Motion carried unanimously.

4. Approve Condominium Plat And Associated Approvals For Harbour Lights Project-

Attorney Bruce McIlInay was present to report on the condominium plat. The garage and parking stalls will be owned as a common element by the condominium owners and managed by the condominium association. The decks are limited common elements, and their maintenance is the responsibility of the association. Portions of the roof of the new building are limited common elements so the views can be maintained and not obstructed. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN EHRLICH TO APPROVE THE CONDOMINIUM PLAT AND ASSOCIATED APPROVALS FOR THE HARBOUR LIGHTS PROJECT AS PRESENTED. Motion carried unanimously.

9. UNFINISHED BUSINESS

**A. Update And/Or Approval Of Amendment To Offer To Purchase
Extending Dates For Sale Of North Slip Parking Lot To The Blues**

Factory- The City Attorney reported on the meeting that was held with the Blues Factory representatives. This includes an updated schedule for the developer's agreement and other benchmark deadlines to complete the sale in the winter of 2017. Attorney Bruce McIlInay was present and reported on the schedule and a commitment and proposal of financing. City Attorney Eberhardt reported on the discussions held including the authority that has been given to the City Administrator and City Attorney to proceed with these approvals. The Aldermen commented on the editorial in the Ozaukee Press regarding this project, the writing of it does not clearly represent the facts and process of TIF funding. MOTION MADE BY ALDERMAN DRISCOLL, SECONDED BY ALDERMAN BIGGS TO APPROVE THE AMENDMENT TO OFFER TO PURCHASE EXTENDING DATES FOR SALE OF NORTH SLIP PARKING LOT TO THE BLUES FACTORY. Motion carried unanimously.

10. NEW BUSINESS

1. Approve Street Closing For Port Washington High School Homecoming

Parade, October 14, 2016- MOTION MADE BY ALDERMAN LARSON TO APPROVE THE STREET CLOSING FOR PORT WASHINGTON HIGH SCHOOL HOMECOMING PARADE ON OCTOBER 1, 2016 AS PRESENTED. Motion carried unanimously.

2. Approve Street Closing For Pumpkins In The Park Run,

October 6, 2016- MOTION MADE BY ALDERMAN RUDSER, SECONDED BY ALDERMAN EHRLICH TO APPROVE THE STREET CLOSING FOR PUMPKINS IN THE PARK RUN ON OCTOBER 6, 2016 AS PRESENTED. Motion carried unanimously.

3. Approve Intergovernmental Agreement Between The City And Ozaukee

County For Use Of The City Propane Fueling Equipment- The City Administrator reported that the County patrol vehicles are going to be set up for propane use. The City Attorney and Ozaukee County Corp Council drafted this intergovernmental agreement. Attorney Eberhardt reported that there was a change requested to add language to the agreement by the County Corp Council. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN EHRLICH TO APPROVE THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF PORT WASHINGTON AND OZAUKEE COUNTY FOR THE USE OF THE CITY'S PROPANE FUELING EQUIPMENT SUBJECT TO THE ADDITIONAL LANGUAGE AS PRESENTED BY THE CITY ATTORNEY. AYE: 6, ABSTAIN: 1 (NEUMYER). Motion carried.

4. Request To Discontinue Alley (Milwaukee Street, North Of Jackson Street)-

The City Administrator reported on the request by the property owner of the home on the corner of Milwaukee Street and Jackson Street. There is a alleyway that is undeveloped, but shown on the map that their garage is sitting in the way of. The Council has to approve this request so it can go to the Plan Commission for consideration. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN LARSON TO REFER THE DISCONTINUANCE OF THE ALLEY AT MILWAUKEE STREET AND JACKSON STREET TO THE PLAN COMMISSION FOR CONSIDERATION AS PRESENTED. Motion carried unanimously.

5. Consider Resolution 2016-22 Authorizing 2017 DNR Forestry Grant

Application- Rob Vanden Noven reported on the need for this resolution to apply for the forestry grant to allow the city to create its own tree nursery. City Arborist Jon Crain was present to report on the need for the overall growth, maintenance and management of the street trees. This nursery area would be set up near the water tower in the Industrial Park. The grant application is due by October 1st. MOTION MADE BY ALDERMAN EHRlich, SECONDED BY ALDERMAN NEUMYER TO APPROVE RESOLUTION 2016-22 AUTHORIZING 2017 DNR FORESTRY GRANT APPLICATION AS PRESNETED. Motion carried unanimously.

11. FORTHCOMING EVENTS- The Mayor and Aldermen reported on various events coming up.

12. PUBLIC COMMENTS/APPEARANCES- Dan Micha commented on the explanation given on the TIF and the business who purchase their own equipment and the taxes they must pay on that.

13. ADJOURNMENT- MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN BECKER TO ADJOURN THE MEETING AT 10:47 P.M. Motion carried unanimously.

Persons with disabilities requiring special accommodations for attendance at the meeting should contact the City Clerk at least one (1) business day prior to the meeting.

Please note: It is possible that one or more members, and possibly a quorum of members, of other governmental bodies of the municipality may be in attendance at the above meeting to gather information. No action will be taken by any other governmental body at this meeting except by the governing body noticed above. State ex rel. Badke v. Village Board, 173 Wis. 2d 553 (1993).