

**MINUTES**  
**CITY OF PORT WASHINGTON**  
**COMMON COUNCIL MEETING**  
**Tuesday, March 7, 2017, 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. Council members present: Aldermen Paul Neumyer, Bill Driscoll, Doug Biggs, Kevin Rudser, Dave Larson and Dan Becker. Absent and excused 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 Meeting
- B. Approve Original Operator License Applications

MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMANN DRISCOLL TO APPROVE THE MINUTES OF THE PREVIOUS MEETINGS AS PRESENTED AND ORIGINAL OPERATOR LICENSES FOR JON HUBING, MICHAEL EBBEN AND KEVIN RUNKEL AS PRESENTED. Motion carried unanimously.

4. **MAYOR'S BUSINESS**

A. Update On National Marine Sanctuary Public Comment Meeting- Mayor Mlada gave a report on the public comment meeting coming on March 16<sup>th</sup>. Further comments were made on the processes of the application we've submitted.

B. Update On 2017 Great Lakes Water Safety Conference- The Mayor reported on the conference which runs April 20<sup>th</sup> -21<sup>st</sup> and who is one of the keynote speakers.

C. Update On INFOS Port Washington- Mayor Mlada reported that there was a meeting with the different organizations involved regarding deployment of the south beach technology.

5. **OFFICERS'/STAFF REPORT**

**A. Update On Breakwater Project-** The City Administrator gave a report on the status of the project. When digging they found that they had to dig about 9 feet in some areas to pull out the armor stone to be able to install the pilings. The project was able to start early due to the good weather.

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.-*

- Kim Haskell, 767 W. Grand Avenue- read a prepared statement regarding proposed developments within the city. Also regarding concerns about how the council meetings are being conducted, specifically the closed sessions and use of proper open meetings law.
- Kay Kasun, 513 W. Michigan Street- Asked that Council pay attention when the residents are speaking during public comments.
- Mike Strauss, 238 E. Norport Drive- Wants the council meetings open the entire time so residents can be informed.
- Barb Martzahl, 505 N. Montgomery Street- Has attended meetings and feels shut out when council meets in closed session.
- Pat Wilborn, 233 E. Pier Street- Requests that council has a traffic study or plan done in

the marina area, specifically Washington Street as it enters Franklin Street. Concerned about vehicle and pedestrian accidents.

- City Attorney Eric Eberhardt responded to the comments and statements made during the public comments by Kim Haskell. The closed sessions are properly noticed as required by State law per 19.85(1)(e). There are eleven exemptions to open meetings law and the city has used a number of these exemptions over the years. Those exemptions include personnel matters, pending litigations, licensing issues and deliberation, negotiation strategies regarding public property, which may include bargaining strategies, prices, and conducting other public business. The City Attorney further commented on the number of past and pending development projects being considered by this council, which may include potential sale and/or purchase of public property and the necessity of those discussions being held in closed session as permitted by State law.

## 7. COMMITTEES

### A. FINANCE AND LICENSE COMMITTEE

**1. Deny The Claim Of Mr. Justin Myers-** The City Administrator reported on the letter from the City's insurance carrier, recommending the City deny the claim of Justin Myers based on their investigation, the City is not responsible. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN BIGGS TO DENY THE CLAIM OF MR. JUSTIN MYERS AS PRESENTED. Motion carried unanimously.

**2. Deny The Claim Of Ms. Denyl Hewes-** The City Administrator reported on the letter from the City's insurance carrier, recommending the City deny the claim of Denyl Hewes, based on their investigation, the City is not responsible. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN BIGGS TO DENY THE CLAIM OF MS. DENYL HEWES AS PRESENTED. Motion carried unanimously.

## 8. BOARDS/COMMISSIONS

### A. PARK AND RECREATION BOARD

**1. Approve New Job Descriptions And Title For Park Maintenance And Recreation Maintenance Positions-** The City Administrator gave a report on the new titles being added of supervisor to two positions. Charlie Imig Park and Recreation Director was present to report on the development of duties for the positions and titles of supervisor. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN DRISCOLL TO APPROVE THE DESCRIPTIONS AND TITLES FOR PARK MAINTENANCE POSITION AND RECREATION MAINTENANCE POSITION AS PRESENTED. Motion carried unanimously.

### B. ECONOMIC DEVELOPMENT COMMITTEE

**1. Approve 2035 Economic Development Plan-** Mayor Mlada gave a presentation on the 2035 plan being proposed. The plan includes future manufacturing and commercial tax base development. The plan includes goals developing employment opportunities for residents in our community. MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN BECKER TO APPROVE THE 2035 ECONOMIC DEVELOPMENT PLAN AS PRESENTED. Motion carried unanimously.

### C. PERSONNEL COMMITTEE

**1. Approve Payout Of Sick Leave For Retiring Police Officer-** The City Administrator reported on the request for payout of sick leave for Police Officer Kajtna. The Personnel Committee approved this request. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN RUDSER TO APPROVE THE PAYOUT OF SICK LEAVE FOR OFFICER THOMAS KAJTNA AS PRESENTED. Motion carried unanimously.

#### **D. PLAN COMMISSION**

**1. Resolution 2017-5 (Amending The Boundaries By Adding Territory And Adopting The Amended Project Plan For Tax Incremental District No. 2 Of The City Of Port Washington, Wisconsin)-** Randy Tetzlaff reported on the previously public hearing held at the Plan Commission. Ansay has dropped the plan for the larger project and has now decided to proceed with a project on the Victor's parcel. Due to this change TIF #2 has to be amended. Christy Cramer was present to give a presentation on the current TIF #2 status and the amendments being proposed. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN DRISCOLL TO APPROVE RESOLUTION 2017-5 AMENDING THE BOUNDARIES BY ADDING TERRITORY AND ADOPTING THE AMENDED PROJECT PLAN FOR TAX INCREMENTAL DISTRICT NO. 2 OF THE CITY OF PORT WASHINGTON, WISCONSIN AS PRESENTED. Motion carried unanimously.

**2. Resolution 2017-6 (Amending Tax Incremental District No. 2 Of The City Of Port Washington, Wisconsin)-** MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN DRISCOLL TO APPROVE RESOLUTION 2017-6 AMENDING TAX INCREMENTAL DISTRICT NO. 2 OF THE CITY OF PORT WASHINGTON, WISCONSIN AS PRESENTED. Motion carried unanimously.

#### **E. BOARD OF PUBLIC WORKS**

**1. Approve 2017 Street Improvement Bids-** Rob Vanden Noven reported that all five items listed on the agenda under E. need to be tabled until the next meeting. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN LARSON TO TABLE AGENDA ITEMS E. 1. THROUGH E. 5. UNTIL A FUTURE MEETING. Motion carried unanimously.

- 2. Approve Addendum To Contract With Gremmer For Staking Services-**
- 3. Approve Agreement With Ruekert & Mielke For Inspection Services-**
- 4. Approve Final Change Orders For 2016 Street Improvements-**
- 5. Approve Addendum To Design Contract With Gremmer-**

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

**A. Discussion Of and Action On Potential Motion To Approve Redesign Of Harrison Street Improvement Project-** Rob Vanden Noven reported on the previous meetings and the discussions on the postponement of the sidewalks within this project on Harrison Street. After discussion with the residents on that street, it is being recommended to proceed with the project without the sidewalks at this time. MOTION MADE BY ALDERMAN DRISCOLL, SECONDED BY ALDERMAN NEUMYER TO APPROVE THE REDESIGN OF HARRISON STREET IMPROVEMENT PROJECT WITHOUT THE SIDEWALKS AT THIS TIME. Motion carried unanimously.

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

**A. Approve Access Agreement With Moraine Environmental, Inc. For Mineral Springs Drive-** Rob Vanden Noven was contacted by Moraine Environmental at 810 Maritime Drive regarding the need for this agreement, which the City Attorney has drafted. This access agreement is in the Mineral Springs Drive R.O.W. adjacent to the property, which is owned by Port Washington State Bank. Moraine Environmental was hired by the owner to do the work, which may include collection of soil and installation of groundwater wells. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN DRISCOLL TO APPROVE THE ACCESS AGREEMENT WITH MORaine ENVIRONMENTAL, INC. AS PRESENTED. Motion carried unanimously.

**B. Approve Median Opening On Maritime Drive, Just East Of Railroad Tracks, For Gateway Forming Systems, Inc.-**

Rob Vanden Noven reported that Gateway Forming Systems, Inc. recently received approval to construct their facility on the north side of Maritime Drive adjacent to the railroad tracks. Their site proposal did not mention or include a request for a median opening, so that request is being made at this time. After conferring with Randy Tetzlaff, he indicated that the proposed opening will likely line up well with a future road heading south at that location. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN BIGGS TO APPROVE THE MEDIAN OPENING ON MARITIME DRIVE, JUST EAST OF THE RAILROAD TRACKS, FOR GATEWAY FORMING SYSTEMS, INC. AS PRESENTED. Motion carried unanimously.

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

**12. PUBLIC COMMENTS/APPEARANCES-**

- Mike Strauss, 238 E. Norport Drive- Thanked the City Attorney for his helpful explanation of the closed session exceptions. These things are very emotional and political. He also thanked council.
- Amy Wilborn, 223 E. Pier Street- Was pleased with the resident's statements on the closed sessions being held. The public perception of what is transpiring during meetings is important.
- Doug Biggs commented on an individual who he met in California on a business trip that comes to Port Washington every year to buy shoes at Allen-Edmonds. He was very complimentary about how Port has changed and developed over the past few years with the addition of Duluth Trading Company and other businesses in the downtown area.
- Jane Kircher, 504 N. Harrison Street- Thanked the Council, Rob Vanden Noven and Alderman Driscoll for all their help with the Harrison Street sidewalk issues.

**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 financial terms and conditions and devise bargaining strategies for the potential sale to and development by prospective buyers of the approximately 44-acre parcel of vacant City land abutting Lake Michigan and adjacent to S. Wisconsin Street and CTH C and 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 the 300 block of East Washington Street (the North Slip Car/Trailer Lot within TIF District #2)- Mayor Mlada read the closed session item on the agenda. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN LARSON TO GO INTO CLOSED SESSION AT 10:14 P.M. FOR THE REASONS STATED ABOVE ON THE AGENDA. 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 or deliberation, if any.- The Council reconvened into open session. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN BIGGS, THAT THE CITY ADMINISTRATOR AND CITY ATTORNEY BE AUTHORIZED AND DIRECTED TO PREPARE AND DELIVER A COUNTER-OFFER TO THE OFFER TO PURCHASE DATED MARCH 1, 2017 SUBMITTED BY PORT TOWNHOMES LLC FOR THE PURCHASE OF THE CITY PARKING LOT LOCATED IN THE 300 BLOCK OF E. WASHINGTON STREET, UPON THE TERMS AND CONDITIONS DISCUSSED IN CLOSED SESSION. Motion carried unanimously.

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MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN BIGGS, THAT THE CITY ADMINISTRATOR AND CITY STAFF BE AUTHORIZED AND DIRECTED TO ENTER INTO NEGOTIATIONS WITH BLACK CAP HALCYON (THE "PRAIRIE'S EDGE" DEVELOPMENT) FOR THE SALE OF THE CITY BLUFF LAND LOCATED ADJACENT TO LAKE MICHIGAN AND S. WISCONSIN STREET AND CTH C, UPON THE TERMS AND CONDITIONS DISCUSSED IN CLOSED SESSION.

A DISCUSSION FOLLOWED IN WHICH ALDERMEN NOTED THAT BLACK CAP HALCYON SUBMITTED THE MOST COMPLETE, FINANCIALLY DETAILED AND ADVANTAGEOUS PROPOSAL FOR THE PURCHASE AND DEVELOPMENT OF THE CITY BLUFF LAND, AND THAT THE TWO OTHER PROPOSALS CONTAINED FEWER DETAILS OR FINANCIAL TERMS AND CONDITIONS DEEMED LESS ADVANTAGEOUS TO THE CITY. Motion carried unanimously.

**15. ADJOURNMENT-**MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN BECKER TO ADJOURN THE MEETING AT 11:12 P.M. Motion carried unanimously.