

MINUTES
CITY OF PORT WASHINGTON
COMMON COUNCIL MEETING
Tuesday, March 21, 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 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 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 ALDERMAN DRISCOLL TO APPROVE THE MINUTES OF THE PREVIOUS MEETING AS PRESENTED AND ORIGINAL OPERATOR LICENSES FOR KATHY BENNET AND ERIC HARTER AS PRESENTED. Motion carried unanimously.

4. MAYOR'S BUSINESS

Mayor Mlada welcomed Boy Scout Troop# 3855 to the meeting this evening.

The Mayor also announced the WTMJ4 will be doing a news piece on Port Washington and the development in the bluff area.

A report was given on money that will be received toward the development of a city tree nursery. Jon Crain is the City Arborist and will be managing this project.

A. Update On Breakwater Gateway Project- The Mayor reported on the recently held County Board meeting where they were taking up the possible funding assistance for the Breakwater Gateway Project. The Mayor and Aldermen Becker and Larson spoke on the failed motion to approve funding from the County. The hope is to re-introduce this request again to the County Board for reconsideration. The public is encouraged to reach out to the supervisors that voted no and request they reconsider supporting this project.

1. Approve Change Order For Breakwater Project (Installation of Gate)- Mayor Mlada reported on the request for change order to install an emergency access gate for an additional \$1,060. MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN EHRLICH TO APPROVE THE CHANGE ORDER FOR THE BREAKWATER PROJECT FOR THE INSTALLATION OF AN EMERGENCY ACCESS GATE FOR \$1,060 AS PRESENTED. Motion carried unanimously.

B. Update On NOAA National Marine Sanctuary Public Forum- The Mayor reported on the public forum that was held on March 16th, there were 85 in attendance and the response was impressive.

C. Update On Gallery 224 Exhibit Highlighting Sister City Of Sassnitz, Germany- The Mayor reported that this Friday, March 24th through April 29th there will be a photography reflection held at Gallery 224 on the trip to Sassnitz by City of Port Washington Mayor and staff. The Sassnitz officials will be coming to Port Washington for a visit this July.

5. OFFICERS'/STAFF REPORT

A. Next Council Meeting April 5th – Due to the Spring Election on Tuesday, April 4th, the Common Council meeting will be held on Wednesday, April 5th at 7:30 p.m. On Election Day the polls open for voting at 7:00 a.m. and close at 8:00 p.m. and Photo ID is required to vote.

B. Request To Amend Minutes Of February 7, 2017 Meeting (Alley Discontinuance)-
The City Attorney reported that the minutes of the February 7, 2017 Council meeting regarding Resolution No. 2016-27 (To Vacate and Discontinue a Portion of an Unpaved alley in the City and to Amend Official Map) are incomplete and should be amended. The minutes summarize the discussion at the February 7th meeting, but do not reflect the action taken on the Resolution. Thus, those minutes should be amended by adding: “MOTION MADE BY ALDERMAN. BIGGS, SECONDED BY ALDERMAN NEUMYER, TO APPROVE DISCONTINUANCE OF THOSE PORTIONS OF THE UNPAVED ALLEY DESCRIBED IN RESOLUTION NO. 2016-27. Motion carried unanimously.” MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN NEUMYER, TO AMEND THE FEBRUARY 7TH MINUTES ACCORDINGLY. Motion carried unanimously.

C. Response To Letter To The Editor Regarding North Slip Parking Environmental Matters- - The City Attorney responded to a Letter to the Editor in last week's Ozaukee Press. The letter states that the City violated DNR rules regarding the reporting of environmental conditions of the North Slip parking lot site. The City Attorney advised that he and the City's environmental attorney reviewed DNR guidance applicable to the reporting of hazardous substance spills as they relate to this site, and that no notices of violation or non-compliance have been issued to the City to date for this site. The letter to the editor also states that in a September 9, 2015 letter replying to the letter writer, the City Attorney “indicated that it was the city's intent to transfer all environmental responsibility and liability to the site's developer.” The City Attorney responded that his September 9, 2015 letter did not so state, and noted that in fact the words “intent,” “transfer,” “all,” “responsibility” and “liability” do not appear anywhere in his letter to the letter writer. The letter to the editor also asks “Is the developer being made aware of soil contamination and environmental management concerns?” In response, Bruce McLlany, attorney for the site developer, appeared and stated that the City promptly provided the developer with the environmental assessments of the site, has kept the developer fully informed during negotiations, and that he has never had any concerns about transparency with the City.

D. Project Update On CTH LL Reconstruction From N. Wisconsin Street, South To Bridge Over Sauk Creek- Rob Vanden Noven reported on the upcoming project being done by the Ozaukee County Highway Department to reconstruct the portion of County Road LL in front of the area of Sentry Foods this April through June.

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. David Kasun, 513 W. Michigan Street- Read a statement , he was the author of the Letter to the Editor in the Ozaukee Press that the City Attorney spoke about. He expressed concerns about the lack of open meetings, public information available and environmental issues. The City should stay within the law with environmental issues. He further read a portion of the letter from the City Attorney.
2. Amy Wilborn, 233 E. Pier Street- Wants transparency with the public.
3. Pat Wilborn 233 E. Pier Street- Expressed concern about the activity at the

Marina area last night with bright lighting as the Street Department filled a ditch area where the exposed tiebacks are located in the N. Slip Parking Lot. He would like transparency of the project.

7. COMMITTEES

A. FINANCE AND LICENSE COMMITTEE

1. Approve Original Class B Combination Alcohol License (Wicked Grille, LLC at 219 N. Franklin Street)- Alderman Larson reported on the application. The owners of Wicked Grille are relocating their restaurant from Sheboygan to Port Washington. This application is for a Class B Combination Alcohol License to begin in April of this year. The application is complete and Finance and License Committee is recommending approval. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN BIGGS TO APPROVE AN ORIGINAL CLASS B COMBINATION ALCOHOL LICENSE FOR WICKED GRILLE, LLC D/B/A WICKED GRILLE, ROBERT HOLMES-AGENT AS PRESENTED. Motion carried unanimously.

2. Approve Event Permit Applications- Alderman Larson reported on the four event permit applications that were approved for recommendation by Finance and License Committee. The City Attorney asked the City Clerk if the required certificate of liability insurance documents were submitted for the specific event, which they have been received. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN EHLRICH TO APPROVE EVENT PERMIT APPLICATIONS FOR PORT WASHINGTON MAIN STREET FOR LADIES NIGHT OUT ON MARCH 30, 2017 AND HIPPIITY HOPPITY EVENT ON APRIL 8, 2017 AS PRESENTED AND PORT WASHINGTON HIGH SCHOOL MUSIC BOOSTER, INC FOR PWHS BAND ON THE RUN/WALK 5K ON APRIL 22, 2017 AND JAGUAR PARENT GROUP FOR JAGUAR JAM COLOR RUN/WALK ON MAY 13, 2017 AS PRESENTED. Motion carried unanimously.

B. PERSONNEL COMMITTEE

1. Approve Hiring For Marketing And Communications Coordinator Position- Alderman Becker reported on the three candidates that were interviewed for this position. It was the recommendation of the interview team and Personnel Committee to hire Nicole Styles for the Marketing and Communications Coordinator position. MOTION MADE BY ALDERMAN BECKER, SECONDED BY ALDERMAN RUDSER TO HIRE NICOLE STYLES AS MARKETING AND COMMUNICATIONS COORDINATOR AT \$15.00 PER HOUR FOR 39 WEEKS AT 20 HOURS PER WEEK AS PRESENTED. Motion carried unanimously.

8. BOARDS/COMMISSIONS

A. COMMUNITY DEVELOPMENT AUTHORITY

1. Update Regarding Status Of Code Compliance/Required Repairs At Former Simplicity Property- The Mayor reported on the ongoing repairs by the property owners of this property to bring the existing buildings into code compliancy or removal of portions or buildings that were necessary. It is important for former manufacturing or commercial properties in the City such as this, to be up to code. These types of properties are important for the tax base of the City and to make them attractive for future tenants for development and growth of future jobs. The Aldermen commented on the current property and need for safety of buildings that are not up to code. There are other properties in the City that have been vacant and in some form of disrepair. Randy Tetzlaff would like to continue to have positive communication with these types of property owners from an economic development standpoint.

B. BOARD OF PUBLIC WORKS

1. Review Final Costs For 2016 Street, Alley, Water And Sanitary Sewer Improvements- Rob Vanden Noven reported on the 2016 projects and borrowing that was done for them. The overall estimate was \$4,420,000 and the actual final cost was \$4,310,000.

2. Approve 2017 Street Improvement Bids- Rob Vanden Noven reported that there were seven bids received and low bidder was Dorner, Inc. Sub contactors are TP Concrete and Payne and Dolan. The City budgeted 1.7 million and the bid came in at 1.570 million. The Board of Public Works is recommending the hiring of the low bidder. MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN RUDSER TO APPROVE THE 2017 STREET IMPROVEMENT BID OF DORNER FOR \$2,545,529.66 AS PRESENTED. Motion carried unanimously.

3. Approve Addendum To Contract With Gremmer For Staking Services- Rob Vanden Noven reported that the proposal from Gremmer and Associates to provide construction staking for the 2017 Street Improvement Project. This contract is for time and material not to exceed \$48,157. The City Attorney has reviewed and approves of the contract as presented. MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN RUDSER TO APPROVE THE CONTRACT WITH GREMMER AND ASSOCIATES TO PROVIDE CONSTRUCTION STAKING 2017 STREET IMPROVEMENT AS A COST NOT TO EXCEED \$48,157 AS PRESENTED. Motion carried unanimously.

4. Approve Agreement With Ruckert & Mielke For Inspection Services- Rob Vanden Noven reported that Ruckert & Mielke will provide Robin Semanko as lead inspector on the 2017 Street Improvement Project. He is highly recommended and been satisfied in the past with the service. This agreement will be \$103,500 plus mileage to be split between water and sewer utilities and the street borrowing. MOTION MADE BY LARSON, SECONDED BY ALDERMAN EHRLICH TO APPROVE THE AGREEMENT WITH RUEKERT & MIELKE FOR \$103,500 FOR INSPECTION SERVICES AS PRESENTED. Motion carried unanimously.

5. Approve Final Change Orders For 2016 Street Improvements- Rob Vanden Noven reported on Change Order #1 for the 2016 Street Improvements. This is at a cost of \$24,000. MOTION MADE BY ALDERMAN RUDSER, SECONDED BY ALDERMAN BIGGS TO APPROVE THE FINAL CHANGE ORDER FOR THE 2016 STREET IMPROVEMENT PROJECTS FOR \$24,000 AS PRESENTED. Motion carried unanimously.

6. Approve Addendum To Design Contract With Gremmer- Rob Vanden Noven reported on the addendum to contract with Gremmer, which represent several streets that were added to the original agreement. They include Summit Drive from Tower to Lincoln Avenue; Norport Drive from Frances Street to Grant Street; Pierre Lane from Montgomery Street to Wisconsin Avenue and Main Street From Wisconsin Avenue to Franklin Street (water main only). The cost will be \$11,500 to be split between sewer (10%, water (40%), and street (50%). MOTION MADE BY ALDERMAN RUDSER, SECONDED BY ALDERMAN EHRLICH TO APPROVE THE ADDENDUM TO DESIGN CONTRACT WITH GREMMER & ASSOCIATES, INC. FOR \$11,500 AS PRESENTED. Motion carried unanimously.

9. UNFINISHED BUSINESS- None.

10. NEW BUSINESS

A. Consideration And Approval Of Commercial Offer to Purchase Car/Trailer Parking Lot, 300 Block Of E. Washington St. From Port Townhome, LLC, Buyer- The City Attorney reported on the current Offer To Purchase that was received this afternoon. The final details on the Offer is are being discussed, but the price of \$140,000 cash is an agreed price for the property at closing. The final document should be available by the next meeting for consideration. The buyer, Stephen Smith was present and informed Council that the building will be called Lakepoint and should be up for BID in April.

B. Approve Konicek Environmental To Prepare Remediation Plan For Car / Trailer Lot On 300 Block Of E. Washington- The City Attorney reported that Konicek is preparing a remediation plan for the property as a necessary step. The estimate cost will be between \$1,200 to \$1,500. The funding would come from TIF 2 or from the proceeds of the sale of the land. MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN BIGGS TO APPROVE KONICEK TO PREPARE AN ENVIRONMENTAL REMEDIATION PLAN FOR THE CAR/TRAILER LOT ON THE 300 BLOCK OF E. WASHINGTON STREET AS PRESENTED. Motion carried unanimously.

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

12. PUBLIC COMMENTS/APPEARANCES- None.

13. ADJOURNMENT- MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN BECKER TO ADJOURN THE MEETING AT 10:26 P.M. Motion carried unanimously.