

**MINUTES**  
**CITY OF PORT WASHINGTON**  
**COMMON COUNCIL MEETING**  
**Tuesday, May 2, 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 Michael Ehrlich, Paul Neumyer, Michael Gasper, Doug Biggs, Jonathan Pleitner, Dave Larson and John Sigwart. Also present: City Engineer Rob Vanden Noven, 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 Temporary Class “B”/ “Class B” Retailers License Applications and Temporary Operator License Applications**

MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN EHRLICH TO APPROVE THE MINUTES OF THE PREVIOUS MEETING AND TEMPORARY CLASS “B” / “CLASS B” RETAILERS LICENSE APPLICATIONS AND TEMPORARY OPERATOR LICENSES FOR PORT WASHINGTON MAIN STREET FOR COMMUNITY STREET FESTIVAL ON MAY 28, 2017 ON GRAND AVE., FRANKLIN ST. AND PIER ST.; TEMPORARY LICENSE FOR WAYNE CHRUSCIEL AND UNITED WAY OF NORTHERN OZAUKEE FOR A BEER GARDEN ON SEPTEMBER 9, 2017 AT UPPER LAKE PARK; TEMPORARY OPERATOR LICENSE FOR BARBARA BATES-NELSON AS PRESENTED. Discussion was held; Alderman Sigwart inquired whether the one-day premises change for the establishments participating in the Community Street Festival was a new request or has been done previously. Administrator Grams responded that this has been done over a number of years for this event. Alderman Gasper requested a correction be made to the April 18<sup>th</sup> Council minutes, item 11. 1. Mayor Mlada asked the other Aldermen if this correction is acceptable, to which they responded yes. VOTE TAKEN ON PENDING MOTION, INCLUDING ALDERMAN GASPER’S REQUEST FOR THE CORRECTION TO THE MINUTES. Motion carried unanimously.

4. **MAYOR’S BUSINESS**

**A. Proclamation For Creative Economy Week-** Mayor Mlada read the proclamation in appreciation of creative economy development and community cultural engagement. The week of May 13<sup>th</sup> -20<sup>th</sup> is Creative Economy Week.

**B. Proclamation For VFW Buddy Poppies-** The Mayor read the proclamation regarding the Buddy Poppies donation drive is being held by the Ladies Auxiliary to the Veterans of Foreign Wars, Post #5373 on May 19<sup>th</sup> and 20<sup>th</sup>.

**C. Update On Denis Sullivan-** The June engagement is coming. Tickets are able to be purchased at the Port Exploreum. Deck tours are \$3 and \$4. Two more engagements may be coming.

**D. Update On Breakwater-** The Mayor distributed to the Council prior to the meeting an update on the Breakwater Project. The residents were also offered a copy of the same Facts and Other Important Points Of Consideration report. Remaining repair work needed on the Breakwater are to Sections A-C, more armor stone along the inner harbor and armor stone along the South Breakwater on the lake side. The Army Corps estimated cost is \$3.3 million dollars. Of that amount, only \$250,000 is needed for the armor stone to protect the South Breakwater. Most of the \$3.3 million is for repairing Sections A-C (\$2.55 million). The remaining amount of \$500,000 is for the armor stone along the inner part of the Breakwater. There are bi-weekly conference calls with the Army Corps of Engineers. The history of the breakwater project was reviewed along with the future needed work to be done and funding needed. Craig Harley from Foth was present to update the Council and public on the progress to date.

**E. Update On City Merchandise-** The Mayor promoted the City merchandise that can be purchased. There is a link to this can be found on the City website.

**5. OFFICERS'/STAFF REPORT**

**A. 2017 Street Project Updates**

**1. WisDOT Reconstruction Of Park and Ride At STH 32/CTH LL, July 10 – Aug. 7-** Rob Vanden Noven reported that the Park & Ride will be reconstructed July 10<sup>th</sup> – August 7<sup>th</sup>. The Main Street project is coming along, the end of this week barricades will be lifted. Harrison Street and Dodge Street water mains are going in. The alleys are being paved in the next two weeks.

**B. City Attorney Report On Review Of April 18, 2017 Election Of Common Council**

**President-** City Attorney Eberhardt reported that prior to this meeting he distributed a legal memo to the Council electronically. The memo related to his review of a citizen's public comment made at the April 18, 2017 Common Council meeting, asserting that the procedure used to nominate a Council president was invalid under Robert's Rules of Order. The City Attorney studied the video record of the Council meeting, researched Robert's Rules, and consulted with a registered parliamentarian on this matter. The City Attorney read his analysis of the matter into the record, concluding that except for a technical irregularity in the Mayor not calling for any further nominations after Alderman Biggs and Alderman Ehrlich had been nominated, the process substantially complied with Robert's Rules, no timely point of order was raised by a member of the body, no individual member's rights were harmed, the will of the body was determined, the election results are valid, and Alderman Biggs is the lawfully elected Council President. Alderman Gasper asked what Robert's Rules designates as the proper nominating process. The City Attorney explained that Robert's Rules allows for several nominating methods and does not prefer one over another, and nominations from the floor has been the Council's customary method. Alderman Sigwart stated that at the April 18<sup>th</sup> meeting he wanted to explain the reason for his nomination of Alderman Ehrlich as Council president. The City Attorney said Robert's Rules does not allow for explanations by members when nominating or voting for candidates. Alderman Gasper asked if a roll call vote could have been requested that evening and whether that can be done in the future. The City Attorney responded affirmatively, and noted that that voting process could be used in the future.

**C. Update On Relocation Of Utilities At Car/Trailer Parking Lot-** The City Administrator reported on the relocation of the force main. The cost of moving the first main will be very costly due to the depth it would have to be placed. Now being considered is leaving the first main in place at the current parking lot site. Rob Vanden Noven reported in detail of the relocation of utilities.

**D. Discussion And Possible Action On Developers Agreement Between The City And Port Townhomes LLC-**

The City Administrator reported that the agreement was received late this afternoon and full review of it has not yet been completed. It is being suggested that this be taken up at the next Council meeting to allow the time necessary for review. Steve Smith, Port Townhomes LLC, who is the developer of the project, was present to report on the developer's agreement and requested an extension of the closing date due to this process. The City Attorney informed Mr. Smith that his extension request is not on the agenda and cannot be acted on at this time, but will be addressed at the next meeting.

**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.-*

Patrick Tearney, 334 S. Eva Street- Asked Council to research the process for nominating a Council President before the next Organizational meeting. I've never seen it done before like it was done at the last meeting.

Kenny Mitchell, 622 W. Pierre Lane- Does not feel that all the nominations were heard for Council President at the last meeting. The Mayor should hold the election over again.

Kimberly Haskell, 767 W. Grand Avenue- Others asked her to inquire about on the language change in the Design and Review Board Ordinance being proposed. There is concern about the addition of non-resident and non-citizen members, and that this might be getting done to allow a local developer to sit on the board.

Amy Wilborn, 233 E. Pier Street- Thanked the Mayor for his written information on the Breakwater Project. How do you expect to engage the public to get their participation on topic discussions? The Council needs

to allow more Council President Nominations. Regarding the Car/Trailer Parking Lot, the price it was sold for is too low and why doesn't the developer pay for the force main to be moved?

Alderman Biggs commented that he's reached out to the Mayor and all of the Aldermen inviting them to meet with him individually to discuss the City priorities going forward. He was able to meet with 5 of the Aldermen already; one wasn't available to meet for a few weeks and the other has not responded yet.

## 7. COMMITTEES

### A. FINANCE AND LICENSE COMMITTEE

#### 1. Approve Annual Cabaret License Application (Lepanto Banquet & Catering/Seven Hills Pub & Grill, 305 E. Seven Hills Road)-

Alderman Larson reported on this Annual Cabaret License being requested by the new manager of the conference center and bar at Country Inn and Suites. This will allow the establishment to have live music. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN PLEITNER TO APPROVE THE ANNUAL CABARET LICENSE FOR LEPANTO BANQUET & CATERING/SEVEN HILLS PUB & GRILL FOR THE PERIOD OF MAY 2, 2017 – JUNE 30, 2017 AS PRESENTED. Motion carried unanimously.

#### 2. Approve Event Permit Applications-

Alderman Larson reported on the two events coming that require the applications, Lighthouse Event for Fun Run Harbor View 8K on June 3, 2017 located at N. Lake Street from E. Jackson to Hales Trail and Port Washington Main Street for Community Street festival on May 28, 2017 on Grand Avenue, N. Franklin Street and Pier Street. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN SIGWART TO APPROVE THE EVENT PERMIT APPLICATIONS FOR LIGHTHOUSE EVENT FOR FUN RUN HARBOR VIEW 8K ON JUNE 3, 2017 LOCATED AT N. LAKE STREET FROM E. JACKSON TO HALES TRAIL AND PORT WASHINGTON MAIN STREET FOR COMMUNITY STREET FESTIVAL ON MAY 28, 2017 ON GRAND AVENUE, N. FRANKLIN STREET AND PIER STREET AS PRESENTED. Motion carried unanimously.

#### 3. Approve Amending One Day Premises Descriptions For Liquor Licenses (Community Street Festival On Grand Ave., Franklin St., Pier St.- May 28, 2017)-

Alderman Larson reported on the purpose for the one-day premises description change for the establishments that are currently licenses to serve alcohol (beer/wine) that are participating in the Community Street Festival. This one-day premises change allows patrons to carry out of the licensed establishment beer or wine in plastic cups. They must stay within the designated festival area as listed on their temporary one-day license, and it is allowed between 12:00 p.m. and 5:00 p.m. only. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN EHRLICH TO APPROVE THE ONE-DAY PREMISES EXENTION DESCRIPTION FOR ESTABLISHMENTS HOLDING LIQUOR LICENSES WITHIN WITH COMMUNITY FESTIVAL GROUNDS ON MAY 28, 2017, BETWEEN THE HOURS OF 12:00 P.M. TO 5:00 P.M., THOSE ESTABLISHMENTS INCLUDE HOLIDAY INN HARBORVIEW, JOHNS PIZZARIA, THE PASTA SHOPPE, SCHOONER PUB, SIR JAMES PUB, THE WICKED GRILLE, TWISTED WILLOW, YUMMY BONES BBQ, ZUZU PEDALS, PIER 6 AND BERNIES FINE MEATS AS PRESENTED. Motion carried unanimously.

#### 4. Approve Financial Advisory Agreement With Wisconsin Public Finance Professionals, LLC-

Alderman Larson reported that Carol Wirth is providing the financial services to the City regarding the refinancing of bonds the City plans on doing in the next two months. The fees for the services in the agreement are \$22,000 and will be part of the refinancing. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN EHRLICH TO APPROVE THE FINANCIAL ADVISORY AGREEMENT WITH WISCONSIN PUBLIC FINANCE PROFESSIONALS, LLC FOR \$22,000 AS PRESENTED. Motion carried unanimously.

#### 5. Approve Transfer Of Funds From Open Spaces For Pavilion In Upper Lake Park (Lions Club Donation)-

Alderman Larson reported. The Lions Club would like to build a new pavilion in Upper Lake Park near the Beer Garden area. The approximate cost is \$25,000 and the City could up front the money with a payback from the Lions Club over a three-year period. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN LARSON, SECONDED BY ALDERMAN BIGGS TO APPROVE THE TRANSFER OF FUNDS FROM OPEN SPACES FOR THE PAVILION IN UPPER LAKE PARK AS PRESENTED. Motion carried unanimously.

**8. BOARDS/COMMISSIONS-** None.

**9. UNFINISHED BUSINESS**

**A. Ordinance 2017-4 (Relating To Membership Of The Board Of Harbor Commissioners) 2<sup>nd</sup>**

**Reading-** Attorney Eberhardt reported the language in the current ordinance has two members of the Common Council being eligible for appointment. It is being amended to read not more than one member of the Common Council is eligible for appointment. This amended ordinance will bring it into compliancy with the State Statutes.

**10. NEW BUSINESS**

**A. Ordinance 2017-5 (Relating To Membership Of The Design Review Board) 1<sup>st</sup> Reading-** Mayor Mlada requested this item be tabled until the next meeting when the updated draft language will have been completed.

**B. Approve Resolution 2017-10 (Boating And Fishing State And Federal Grant Application)-** The City Administrator reported on the grant application process and that the City is requesting 1.442 million dollars for the Breakwater Project. The grant will help cover the city's share of a HAP grant and the RBF grant the City received last year. This resolution is required as part of this process. MOTION MADE BY ALDERMAN NEUMYER, SECONDED BY ALDERMAN BIGGS TO APPROVE RESOLUTION 2017-10 BOATING AND FISHING STATE AND FEDERAL GRANT APPLICATION AS PRESENTED. Motion carried unanimously.

**11. FORTHCOMING EVENTS-** Various coming events were mentioned by the Mayor and Aldermen.

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

**13. ADJOURNMENT-** MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN BIGGS TO ADJOURN THE MEETING AT 10:29 P.M. Motion carried unanimously.