

MINUTES
CITY OF PORT WASHINGTON
COMMON COUNCIL MEETING
Tuesday, May 16, 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 (arrived at 9:25 p.m.), Michael Gasper, Doug Biggs, Jonathan Pleitner, Dave Larson and John Sigwart. Also present: 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 Applications and Temporary Operator License Applications**

MOTION MADE BY ALDERMAN PLEITNER, SECONDED BY ALDERMAN BIGGS TO APPROVE THE MINUTES OF THE PREVIOUS MEETING AS PRESENTED; ORIGINAL OPERATOR LICENSE FOR MICHAEL MICHAELS AS PRESENTED; TEMPORARY CLASS “B”/ “CLASS B” RETIALERS LICENSES AND TEMPORARY OPERATOR LICENSES FOR PORT MAIN STREET- PORT WASHINGTON PIRATE FESTIVAL ON JUNE 2, 3, 4, 2017 AT NORTH SLIP PARKING LOT AND ROTARY PARK- TEMPORARY OPERATOR LICENSES; TANYA WENZLAFF, GRACE MIRONAS, HOPE MIRONAS, KURT KOPALA, JEN RIPPLE, DANIELLE STEGER, PRICILLA BARSTAD, MAKENZIE AVENLL, CARA VAUGHN FRIZZELL, LINDA SCHROER, PATRICK CLARK, CHANTAL SCHROEL, MICHAEL RINNER, ABBE TAYLOR AND RALPH RIPPLE; BE3, INC- HENDERSON’S RIDE FOR HOPE ON JUNE 17 AND 18, 2017 AT COAL DOCK PARK- TEMPORARY OPERATOR LICENSES; DANIELLE PEIFFER, CHRISTA DEDERT, WILLIM HENDERSON, CHAD ANHALT, JENNIFER MONAHAN, TANYA SOERENS, DAVID MERRIFIELD, CHRISTINA BRICKER AND BROOK HOLMES; VFW POST 7588- JULY 4TH CELEBRATION ON JULY 4, 2017 AT VETERANS PARK- TEMPORARY OPERATOR LICENSES; CHARLES ELLMAUER AND DENNIS ANSAY; VFW POST 7588- FISH DAY ON JULY 15, 2017 AT UPPER LAKE PARK, LIONS PAVILION- TEMPORARY OPERATOR LICENSES; LARRY SABISH AND CHARLES ELLMAUER; VFW POST 7588- FISH DAY ON JULY 15, 2017 AT UPPER LAKE PARK, EAST MINI SHELTER- TEMPORARY OPERATOR LICENSES; DON STOFFEL, JEAN HOFFMANN AND MICHAEL REESBURG; VFW POST 7588- BEER GARDEN ON AUGUST 5, 2017 AT UPPER LAKE PARK, EAST MINI SHELTER- TEMPORARY OPERATOR LICENSES; DENNIS ANSAY, CHARLES ELLMAUER AND MIKE REESEBURG AS PRESENTED. Motion carried unanimously.

4. **MAYOR’S BUSINESS**

A. **Proclamation For Mental Health Awareness Month-** Mayor Mlada read the proclamation recognizing the month of May as mental health awareness month and May 1st as children’s mental health awareness week.

B. **Approve Appointments To Boards, Commissions, Committees and Teams-** The Mayor reviewed the list of members being presented for appointment. MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN BIGGS TO APPROVE OF THE APPOINTMENTS AS PRESENTED. Motion carried unanimously.

C. **Update On North Breakwater Lighthouse-** The Mayor gave a presentation on the status of the City’s acquisition of the North Breakwater Lighthouse.

D. **Update On Denis Sullivan Visit-** The first visit is coming in June 1st - 4th during Pirate Fest. August is being considered for the next set of sails and then September during Labor Day weekend.

E. **Signage For New Developments-** A coming in the future signs will be place in the area regarding the coming of various developments, including Cedar Vineyard, Prairie’s Edge, Blues Factory and Lakepointe Townhomes.

5. OFFICERS'/STAFF REPORT

A. 2017 Street Project Updates- The City Administrator reported that the work on Main Street will be done by the end of this week. Both Harrison and Dodge Streets base work will be done by May 25th. Montgomery Street installation of water main will be done in May. The alleyways currently being worked on should be done this week. The Coal Dock Park railing installation will be done in 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.

*Amy Wilborn, 233 E. Pier- Commented that the amount for the sale of the car/trailer lot was not enough. The membership increase on the Design Review Board is not necessary. The signage for the Blues Factory is pre-mature. Is the South Breakwater that badly damaged that the MOA with the Army Corps of Engineers for repair is necessary? The fisherman parking their boat trailers on the street were given \$200 tickets. Police Capt. Davel was present at the meeting and addressed the parking comment. The tickets were issued after a complaint was received. Those ticketed were in violation of the parking sign and the tickets were \$10. There is clear signage where you can park. There have been no complaints from those that received tickets.

7. COMMITTEES

A. FINANCE AND LICENSE COMMITTEE

1. Approve Event Permit Applications (Port Washington Festivals, Inc- Port Washington Pirate Fest, ESCC- Henderson's Ride For Hope And Port Washington Main Street-Farmers Market)- Alderman Larson reported on the applications submitted. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN BIGGS TO APPROVE EVENT PERMIT APPLICATIONS CONTINGENT UPON REVIEW OF THE CITY ATTORNEY FOR PORT WASHINGTON FESTIVALS, INC FOR PORT PIRATE FEST ON JUNE 2,3,4 2017; ESCC HENDERSON'S RIDE FOR HOPE ON JUNE 16, 17, 18, 2017 AND PORT WASHINGTON MAIN STREET FOR FARMERS MARKET FROM JUNE THROUGH OCTOBER, 2017. Motion carried unanimously.

2. Approve Event Cabaret License Applications (Port Washington Festivals, Inc- Port Washington Pirate Fest, ESCC- Henderson's Ride For Hope And VFW Post 7588- Beer Gardens)- Alderman Larson reported on the applications submitted. MOTION MADE BYALDERMAN LARSON, SECONDED BY ALDERMAN BIGGS TO APPROVE EVENT CABARET LICENSE APPLICATIONS CONTINGENT UPON REVIEW OF THE CITY ATTORNEY FOR PORT WASHINGTON FESTIVALS, INC FOR PORT PIRATE FEST ON JUNE 2, 3, 4, 2017; ESCC HENDERSON'S RIDE FOR HOPE ON JUNE 16, 17, 18, 2017 AND VFW POST 7588 BEER GARDEN ON AUGUST 5, 2017. Motion carried unanimously.

3. Review Of Moody's Investor Report- Alderman Larson reported that this item will be tabled this evening and heard at the next meeting.

4. Approve MOA With Army Corps Of Engineers- Alderman Larson reported that the proposed MOA between the City and Army Corps of Engineers regarding the South Breakwater Project. The estimated cost for placing armor stone on the lake side of the South Breakwater is \$250,000. The work is expected to be done this fall. The \$250,000 would be part of the City's refunding of \$5.5 million of 2006 GO bonds. A grant application has been submitted that if received would cover \$100,000 of the cost. This is a difficult financial decision to make, no one knows when their will be a failure and the damage that will occur. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN BIGGS TO RECOMMEND APPROVAL OF THE MOA BETWEEN THE CITY AND ARMY CORPS OF ENGINEERS FOR THE SOUTH BREAKWATER PROJECT AS PRESENTED. Discussion was held on the project and

availability of funds for its completion. The City Attorney informed Council that the money will be due within sixty days once the document has been signed. This MOU was reviewed by the City Attorney and the form meets his approval. Motion carried unanimously.

5. Deny The Claim Of Ashton Meinel- Alderman Larson reported that the City's insurance carrier EMC Insurance is recommending this claim be denied. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN EHRLICH TO DENY THE CLAIM OF ASHTON MEINEL AS PRESENTED. Motion carried unanimously.

6. Deny The Claim Of Judi Aden- Alderman Larson reported that the City's insurance carrier EMC Insurance is recommending this claim be denied. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN EHRLICH TO DENY THE CLAIM OF JUDI ADEN AS PRESENTED. Motion carried unanimously.

8. BOARDS/COMMISSIONS

A. BOARD OF PUBLIC WORKS

1. Approve UV Disinfection System For Water Utility- Present to report was David Kleckner, Water Superintendent and Tom Nennig from City Water LLC. Both the Board of Public Works and Common Council approved during the winter one of the four tasks for this project at \$11,500. At this time approval is being requested for tasks two through four to be completed. For final approval with the DNR and PSC, 90% of the plans and specifications need to complete prior to submission. The City Attorney will need to review the documents. MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN PLEITNER TO APPROVE THE COMPLETION OF TASKS 2-4 FOR \$34,750 AND WITH APPROVAL OF FINAL DOCUMENTATION BY THE CITY ATTORNEY AS STIPULATED. Motion carried unanimously.

*Alderman Neumyer arrived at 9:24 p.m.

9. UNFINISHED BUSINESS

A. Ordinance 2017-5 (Relating To Membership Of The Design Review Board) 1st Reading- The Mayor reported that this amendment is being done to bring the 2012 ordinance up to date. This ordinance would allow the addition of another member as it had been passed previously, but not implemented within the zoning code. A change includes language to allow one member be a non-resident. Alderman Gasper commented that he'd rather have City residents serving on the board. Mayor Mlada responded that he always reaches out to City residents first to serve on the boards, but they are not necessarily available or willing to serve.

10. NEW BUSINESS

A. Approve Developers Agreement Between The City Of Port Washington And Port Townhomes, LLC- The City Administrator reported on the current draft of the Developers Agreement. There have been updates made and distributed prior to the meeting. The staff is recommending approval of the agreement. The City Attorney reviewed in detail the updated draft of the agreement with the Council. Discussion was held on the plan and questions were answered by the developer Stephen Smith and his attorney Bruce McIlInay. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN BIGGS TO APPROVE THE DEVELOPERS AGREEMENT BETWEEN THE CITY OF PORT WASHINGTON AND PORT TOWNHOMES, LLC AS PRESENTED. VOTE TAKEN; AYE: 5, NOES: 2 (SIGWART AND GASPER). Motion carried.

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

12. PUBLIC COMMENTS/APPEARANCES- *Francine Barclay, 757 W. Grand Avenue- Disappointed that the meeting tonight, which was scheduled to begin at 7:30 p.m., started at 7:40 p.m.

13. **MOTION TO CONVENE** in closed session per § 19.85(1)(g), Stats. for purposes of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, to-wit: building and zoning code, and other law enforcement action relating to the former Simplicity Mfr. property located at 500 N. Spring Street, Roadster Port Washington LLC, Owner.- Mayor Mlada read the closed session item from the agenda. MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN BIGGS TO GO INTO CLOSED SESSION AT 10:41 P.M. FOR THE REASONS STATED ON THE AGENDA. ROLL CALL VOTE TAKEN; AYE: EHRLICH, NEUMYER, GASPER, BIGGS, PLEITNER, LARSON, SIGWART. Motion carried unanimously.
14. **RECONVENED INTO OPEN SESSION-** The Council reconvened into open session at 11:37 p.m.
15. **POSSIBLE ACTION REGARDING ITEMS DISCUSSED IN CLOSED SESSION-** MOTION MADE BY ALDERMAN BIGGS, SECONDED BY ALDERMAN PLEITNER TO DIRECT CITY ATTORNEY TO PROCEED WITH BUILDING CODE ENFORCEMENT ACTION CONTINGENT UPON BUILDING INSPECTOR GIVING FINAL REPORT ON CODE COMPLIANCE AND THE ACCEPTABILITY OF MATERIALS USED FOR REPAIRS AT 500 N. SPRING STREET, PORT WASHINGTON. Motion carried unanimously.
13. **ADJOURNMENT-** MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN BECKER TO ADJOURN THE MEETING AT 11:39 P.M. Motion carried unanimously.