

MINUTES
CITY OF PORT WASHINGTON
COMMON COUNCIL MEETING
Tuesday, October 3, 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, Michael Gasper, Jonathan Pleitner, Dave Larson and John Sigwart. 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 EHRLICH, SECONDED BY ALDERMAN PLEITNER TO APPROVE THE MINTUES OF THE PREVIOUS MEETING AS PRESENTED AND ORIGINAL OPERATOR LICENSES OF NATHAN KITZEROW AND ERIN SCHOLZ AS PRESENTED. Motion carried unanimously.
4. **MAYOR'S BUSINESS**
 - A. **Update Regarding North Breakwater Lighthouse Run/Walk Fundraiser-** Mayor Mlada announced that December 2nd there will be a run/walk to raise funds for lighthouse preservation. This coincides with Christmas On The Corner event that evening.
 - B. **Consideration And Approval Of Funding For City Economic Development Videos-** The Mayor reported on the video project which includes four businesses and students from the school district. The City Administrator reported on the funds available for this project. Funds will be available in the Contingency Fund. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN PLEITNER TO APPROVE THE FUNDING FOR THE ECONOMIC DEVELOPMENT VIDEOS AS PRESENTED. Motion carried unanimously.
5. **OFFICERS'/STAFF REPORT**
 - A. **Update On Street Projects-** None.
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.- None.
7. **COMMITTEES**
 - A. **FINANCE AND LICENSE COMMITTEE**
 1. **Approval Of Event Permit Application (Port Washington Main Street Harvest At The Market)-** Alderman Larson reported on the event, which will be held on October 28, 2017 in the cul du sac next to Dockside Deli. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN EHRLICH TO APPROVE THE EVENT PERMIT FOR PORT WASHINGTON MAIN STREET HARVEST AT THE MARKET EVENT ON OCTOBER 28, 2017 AS PRESENTED. Motion carried unanimously.
8. **BOARDS/COMMISSIONS-** None.
9. **UNFINISHED BUSINESS**
 - A. **Update And/Or Possible Action Regarding Cost Estimates For Restoration Of North Slip Sheet Piling Tie-Backs-** The City Engineer reported on the two estimates received for the proposed project from Terra Engineering and Super Excavators. Discussion was held on the purpose of delaying the consideration of this item and then just monitor the wall. MOTION MADE BY ALDERMAN SIGWART, SECONDED BY ALDERMAN GASPER TO POSTPONE THE DECISION OF THIS ITEM UNTIL THE OCTOBER 17TH COUNCIL MEETING. Discussion was held on the purpose of the delay to this consideration. VOTE TAKEN: AYE: 2, NOES: 4 (EHRLICH, NEUMYER, PLEITNER, LARSON). Motion Fails. MOTION MADE BY ALDERMAN GASPER, SECONDED BY ALDERMAN SIGWART TO TAKE NO ACTION AND MONITOR THE WALL. Discussion was held on just monitoring the wall and also the liability to the City if nothing is done now knowing the issue exists. Attorney Eberhardt apprised the Council of the potential liability, now that we are aware of the tie back and deadman issues, regardless of the development, the Council should address this issue legally speaking. VOTE TAKEN ON THE CURRENT MOTION, AYE: 2, NOES: 4 (EHRLICH, NEUMYER, PLEITNER, LARSON) Motion Fails.

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MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN PLEITNER TO APPROVE CONCEPT B AS A NEW DESIGN SOLUTION TO BE PUT OUT FOR BID AS PRESENTED. VOTE TAKEN; AYE: 4, NOES: 2 (GASPER, SIGWART) Motion carried.

- **AGENDA TAKEN OUT OF ORDER, ITEM 10. C. TAKEN HERE**

10. NEW BUSINESS

A. Approve Amendment To Offer To Purchase (With Addendum A-1) Between The City And The Blues Factory Inc.-

The City Attorney reviewed both the Addendum A-1 and Amendment No. 2 of the Development Agreement item below together. Gertjan van den Broek, the developer, was present to review the discussions that were held during the meetings that were held when drafting the documents. Attorney Bruce McIlInay was present with the developer to address questions on the documents. Alderman Gasper expressed concerns over possible riparian rights over the public right-of-way. MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN LARSON TO APPROVE THE AMENDMENT TO OFFER TO PURCHASE WITH ADDENDUM A-1 TO INCLUDE THE DEVELOPER AGREEMENT WAIVING ANY FUTURE RIPTARIAN RIGHTS TO THE PUBLIC WALKWAY AND AMENDMENT NO. 2 TO THE DEVELOPERS AGREEMENT AS PRESENTED. Further discussion was held on the cost estimates of the tie backs. ALDERMAN LARSON CALLED THE QUESTION, SECONDED BY ALDERMAN NEUMYER. AYE: 4, NOES: 2 (GASPER, SIGWART) Motion carried. FIRST MOTION RESTATED BY THE MAYOR VOTE TAKEN, AYE: 4, NOES: 2 (GASPER, SIGWART) Motion carried.

B. Approve Amendment No. 2 to The Development Agreement Between The City And TBF Development, LLC- This item was taken with 10. A., see above.

C. Approve Development Agreement Between The City And Cedar Vineyard, LLC- The City Administrator reported this agreement involves TIF 3 and the County, which has reviewed it.

The City will run the utilities from Division St. down CTH C to the development site. The City will also handle repairs to CTH C as needed, pathways to the walking trails, public parking on CTH C for the trail, public restrooms and the lift station. Developer Tom Swartwout was present to answer questions on the project. MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN SIGWART TO APPROVE THE DEVELOPMENT AGREEMENT BETWEEN THE CITY AND CEDAR VINEYARD, LLC SUBJECT TO APPROVAL OF EXHIBITS BY CITY STAFF AND THE CITY ATTORNEY. Further discussion was held. VOTE TAKEN. Motion carried unanimously.

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

12. PUBLIC COMMENTS/APPEARANCES-

1. Kimberly Haskell, 767 W. Grand Avenue- Thanked Alderman Gasper for bringing up TIF No. 2 and why developers need incentives to come here.
2. John Sigwart, 230 Theis Street- The Offer To Purchase that was done with the first developer for the Blues Factory. Regarding the current developer of the Blues Factory, the City should have put it out for RFP again.
3. Bruce McIlInay, Blues Factory Attorney- Responded to John Sigwart that the developer has not changed, the Blues Factory Inc. and TBF LLC is the same entity. The developer is Gertjan van den Broek who is also the majority shareholder.

13. ADJOURNMENT- MOTION MADE BY ALDERMAN PLEITNER, SECONDED BY ALDERMAN EHRLICH TO ADJOURN THE MEETING AT 10:22 P.M. Motion carried unanimously.