

**MINUTES**  
**CITY OF PORT WASHINGTON**  
**COMMON COUNCIL MEETING**  
**Tuesday, March 20, 2018, 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 Council President Mike Ehrlich who will also be voting as an Alderman this evening. Mayor Mlada was delayed, but upon arrival chaired the remainder of the meeting. Council members present: Aldermen Mike Ehrlich, Paul Neumyer, Michael Gasper, Jonathan Pleitner, Dan Benning, 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-** MOTION MADE BY ALDERMAN PLEITNER, SECONDED BY ALDERMAN EHRLICH TO APPROVE THE MINUTES OF THE PREVIOUS MEETING AS PRESENTED. Motion carried unanimously.

**4. MAYOR'S BUSINESS**

**A. Presentation Of Check From B3-** Members of B3, Inc. presented the City with a donation of \$13,000 to assist in installation of railings in Coal Dock Park adjacent to Lake Michigan.

**B. Update On S/V Denis Sullivan Visits to City-** The Mayor reported that the ship will be coming to Port Washington at least twice this summer, starting in June with Pirate Fest.

**C. Update On Scheduling Of S/V Jakob-** Mayor Mlada reported that the ship will be coming to Port Washington starting on Memorial Day weekend.

**D. Update On Proposed Wisconsin-Lake Michigan National Marine Sanctuary-** Mayor Mlada reported on a letter that was recently received from Gov. Walker, which rescinds his support of the Marine Sanctuary nomination. The Mayor reviewed the application process that was followed along with the positive economic and tourism impacts a sanctuary would have for all of the communities involved. There is a request to meet with Gov. Walker to discuss the nomination.

**5. OFFICERS'/STAFF REPORT**

**A. Update On 2018 Street Improvement Project-** The City Engineer reported that the pre-construction meeting will be held tomorrow and the project schedule will be completed soon.

**B. Update On North Slip Sheet Pile Stabilization-** The City Engineer reported that the tie backs have been installed and testing will commence tomorrow.

**C. Update On Spring Election And First April Council Meeting On April 4<sup>th</sup>-** The City Clerk reminded the public that the polls are open from 7:00 a.m. to 8:00 p.m. on Tuesday, April 3<sup>rd</sup>.

**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.*

\*Kathleen Schilling, Exec. Director, Ozaukee County Economic Development- Supports proposed and pending development in the City and the positive impact it will have.

\*Dan Micha, 116 E. Woodruff St.- Inquired about comments that were made by the owners of the Lighthouse Condominiums regarding the change in their building views with the proposed Ansay development.

\*Jeff Burns, 433 N. Montgomery St.- Commented that he has an issue with the height of the proposed Ansay project and its potential to block views. A future project may be to move the water plant to a different location.

\*David Tainter, 1027 W. Lincoln Ave.- Commented that he has no issue with the height of Ansay's proposed building development and thinks the project is well planned.

\*Tish Hase, 5190 Lake Church- Commented the Ansay's project will enhance tourism in the City and has no issue with the height of the proposed building.

\*Bret Hoffmann, 408 Sunrise Drive- Commented that Ansay's project is excellent and thanked the Council for listening to the residents' concerns.

\*Jeff Lamont, 201 E. Main St.- Commented that he likes Ansay's building plan, but feels it's too big for the area within which it would be located.

\*Steven Bennett, 1801 Windrush Dr.- Supports the Ansay project and what it will mean for the downtown area. The vision for the project is beautiful.

\*Brian Boettcher, 1638 Parkway Dr.- Commented that the Ansay project could be iconic for Port Washington. The developer has gone above and beyond to obtain public input.

\*Bob Mueller, 915 N. Holden St.- Commented that he likes the Ansay project and the parking issues being addressed, but is concerned about relocation of the Fish Cleaning Station.

\*Gertjan van den Broek, 506 N. Powers St.- Commented that he would like to see Ansay International as the iconic new building downtown.

\*Craig Heatwole, 525 N. Holden St.- Commented that he has concerns about the Ansay development property, but after reading the court case it is no longer an issue. He has met with Ansay's team and discussed the residents' need to have lake access. He also supports the proposed building and its height is not an issue.

\*Mary Monday, 518 W. Orchard- Supports the Ansay development project and feels it will enhance the Fish Day festival.

\*Don Harvey, 415 N. Lake St., Unit 801- As a resident of Lighthouse Condominium building he likes the Ansay proposed building, but feels it may be too large for Port Washington and has too much glass, which would be a concern at night due to the lights in or on the building.

## 7. COMMITTEES

### A. FINANCE AND LICENSE COMMITTEE

**1. Resolution 2018-7 (Authorizing The Issuance And Sale Of \$2,620,000 Water System Refinancing Bonds Of The City Of Port Washington, Wisconsin)-** Carol Wirth from Wisconsin Public Finance Professionals, LLC was present to review the bonds and refinancing with the Council. City rating is at AA3 and Moody's rating for water utility A1 and borrowing rate will be 3.18%. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN PLEITNER TO APPROVE RESOLUTION 2018-7 AS PRESENTED. Motion carried unanimously.

**2. Approve Scope Of Engagement With Quarles & Brady Regarding The Refunding Of Water Revenue Bonds-** MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN PLEITNER TO APPROVE THE SCOPE OF ENGAGEMENT AS PRESENTED. Motion carried unanimously.

**3. Approve Proposal For New Emergency Siren-** The City Administrator reported on the proposal for the siren replacement. MOTION MADE BY ALDERMAN BENNING, SECONDED BY ALDERMAN EHRLICH TO APPROVE THE PROPOSAL AS PRESENTED, SUBJECT TO REVIEW OF THE WARRANTY BY THE CITY ATTORNEY. Motion carried unanimously.

## **B. PERSONNEL COMMITTEE**

**1. Ordinance 2018-11 (Amending Municipal Code Regarding Dismissal Of Certain City Employees) 1<sup>st</sup> Reading-** The City Administrator summarized provisions of the current municipal code and the effect of the proposed amendment on his authority to dismiss employees.

## **8. BOARDS/COMMISSIONS**

### **A. PLAN COMMISSION**

**1. Public Hearing On Rezoning Of Land For Friedens Church-** The City Planner reviewed the request for rezoning of the Friedens Church property. Present to review the church plans was Vince Micha. There were no comments made by the public. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN PLEITNER TO CLOSE THE PUBLIC HEARING. Motion carried unanimously.

**2. Ordinance 2018-8 (OPD Rezoning For Friedens Church) 2<sup>nd</sup> Reading-** MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN NEUMYER TO APPROVE ORDINANCE 2018-8 SUBJECT TO FINAL REVIEW BY THE CITY ATTORNEY. Motion carried unanimously.

**3. Public Hearing In Regards To Granting A Special Exception For Height Of Proposed Building at 407 E. Jackson Street (Request By Ansay Development)-** Present to report on the project plan was Ian McCain and Tom Meaux from Ansay Development. There were no comments made by the public. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN NEUMYER TO CLOSE THE PUBLIC HEARING. Motion carried unanimously.

**4. Approve Granting A Special Exception For Building Height At 407 E. Jackson Street (Requested By Ansay Development)-** Ian McCain and Tom Meaux responded to questions and comments from the Council. The City Attorney advised the Council of the legal standards to guide their decision. MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN LARSON TO APPROVE THE BUILDING HEIGHT EXCEPTION AS PRESENTED. VOTE TAKEN: AYE: 6, NO: 1 (GASPER) Motion carried.

**5. Approve Declaring City Owned Land On East Side Of Lake Street Between Pier And Washington Streets As Surplus Land-** The City Attorney reported on the history of the Lot 3 property, including a 1959 court decision, and his legal opinion that the land is not a dedicated park and may be declared surplus and sold or disposed of to a private developer. MOTION MADE BY ALDERMAN GASPER TO REFER THIS MATTER TO HARBOR COMMISSION, BD. OF PUBLIC WORKS, PARK & REC. BOARD, AND DEPARTMENT HEADS FOR ADVICE ON EFFECTS OF PROPOSED ACTION BEFORE PROCEEDING, SECONDED BY ALDERMAN SIGWART. VOTE TAKEN: AYE: 2 (GASPER, SIGWART), NO: 5. Motion fails. MOTION MADE BY ALDERMAN LARSON, SECONDED BY EHRLICH TO DECLARE ALL OF LOT 3 AS SURPLUS. Discussion was held. AN AMENDED MOTION WAS MADE BY ALDERMAN SIGWART, SECONDED BY ALDERMAN GASPER TO DECLARE SURPLUS ONLY THAT PORTION OF LOT 3 BENEATH THE FOOTPRINT OF THE PROPOSED BUILDING. Discussion was held. Alderman Sigwart then withdrew his amended motion and Alderman Gasper withdrew his second of that proposed amendment. Further discussion was held. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN EHRLICH TO WITHDRAW THE ORIGINAL MOTION AND POSTPONE THIS ITEM UNTIL THE 3/27/18 SPECIAL MEETING. Motion carried unanimously.

**6. Ordinance 2018-9 (Amending Comprehensive Plan: 2035 Planned Land Use Map) 1<sup>st</sup> Reading-** The City Planner reported on the reasons and procedure to amend the Comprehensive Plan: 2035 Planned Land Use Map for WEPCO and City lands along the south lake bluff.

## **B. BOARD OF PUBLIC WORKS**

**1. Approve Bids For 2018 Street Improvement Projects-** The City Engineer reported on the bids received. The Board of Public Works recommends hiring Heartland Construction to perform the work. MOTION MADE BY ALDERMAN SIGWART, SECONDED BY ALDERMAN GASPER TO APPROVE THE BID SUBMITTED BY HEARTLAND CONSTRUCTION AND HIRE HEARTLAND FOR THIS PROJECT. Motion carried unanimously.

## **9. UNFINISHED BUSINESS**

**A. Approve Proposed Developers Agreement Between The City And Belinski LLC For Hidden Hills North Development-** The City Engineer reported on discussions relating to side-walks being installed on both sides of Sweetwater Blvd., near the wetland area. This will require the street to be narrowed and was approved by the Department of Public Works. The City Attorney has reviewed the updated draft agreement and approves the same as presented. MOTION MADE BY ALDERMAN PLEITNER, SECONDED BY ALDERMAN BENNING TO APPROVE THE DEVELOPERS AGREEMENT AS PRESENTED. Motion carried unanimously.

## **10. NEW BUSINESS**

**A. Discussion And Possible Action Regarding Amendment To Development Agreement Between TBF Development, LLC And The City-** The City Administrator reported on the terms of the current agreement and delays that occurred with the tie-back work and proposed changes to the building design plan. Discussion was held. MOTION MADE BY ALDERMAN BENNING, SECONDED BY ALDERMAN GASPER TO POSTPONE THIS ITEM UNTIL THE 3/27/18 SPECIAL MEETING. VOTE TAKEN: AYE: 6, NO: 1 (LARSON). Motion carried.

**B. Ordinance 2018-10 (Regulating The Sale, Gift, Possession And Use Of Electronic Smoking Devices And Nicotine Products) 1<sup>st</sup> Reading-** The City Attorney reported on the health problems caused by these smoking products and activities, especially by young persons within the schools. Also present to report was Police Chief Hingiss and Port Wash. High School Principal Eric Burke. The school district requested an ordinance regulating these matters.

**C. Approve Low Interest Revolving Loan (RLF) For YBBBQ2 Operations, LLC (Yummy Bones)-** Kathleen Schilling, Exec. Director, Ozaukee County Economic Development and Robert Meredith owner of Yummy Bones were present to review the loan application for \$111,700 to be used to purchase equipment and expand this business. MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN GASPER TO APPROVE REVOLVING LOAN APPLICATION AS PRESENTED. Motion carried unanimously.

**11. FORTHCOMING EVENTS-** The Mayor and Council gave updates on various events.

**12. PUBLIC COMMENTS/APPEARANCES-** Jeff Lamont, 201 E. Main St. asked for clarification regarding the definition of surplus land, Ansay Development's specific request for portions of Lot 3, and the Council's intent to retain parts of Lot 3 for future public use.

**13. ADJOURNMENT-** MOTION MADE BY ALDERMAN BENNING, SECONDED BY ALDERMAN PLEITNER TO ADJOURN THE MEETING AT 12:36 A.M. Motion carried unanimously.