

MINUTES
CITY OF PORT WASHINGTON
COMMON COUNCIL MEETING
Wednesday, April 4, 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 Mayor Mlada. Council members present: Aldermen Paul Neumyer, Mike Ehrlich, 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**

B. **Approve Original Operator License Applications**

MOTION MADE BY ALDERMAN PLEITNER, SECONDED BY ALDERMAN EHRLICH TO APPROVE THE MINUTES OF THE PREVIOUS MEETINGS AS PRESENTED AND ORIGINAL OPERATOR LICENSE FOR NANCY SUTHERLAND AS PRESENTED. Motion carried unanimously.

4. **MAYOR'S BUSINESS**

A. **Proclamation For Arbor Day-** Mayor Mlada read the proclamation for Arbor Day on April 27, 2018.

B. **Adopt A Park Garden Program-**The Mayor reviewed the program. Jon Crain was present to report on the Adopt A Park Garden Program.

C. **Conveyance Of N. Breakwater Lighthouse-** Mayor Mlada announced that the City has received notice that the conveyance of the lighthouse to the City has been completed.

D. **Update INFOS Port Washington-** The Mayor gave an update on the INFOS program in the City.

E. **Proclamation Honoring Volunteer Appreciation Month-** Mayor Mlada read the proclamation honoring all the city volunteers and thanked them for their dedication and service to the City.

F. **Resolution 2018-8 (Support Of A National Marine Sanctuary In Wisconsin's**

Mid- Lake Michigan Maritime Trails Region)- Mayor Mlada reviewed the resolution with the Council. MOTION MADE BY ALDERMAN SIGWART, SECONDED BY ALDERMAN GASPER TO APPROVE RESOLUTION 2018-8. Motion carried unanimously.

5. **OFFICERS'/STAFF REPORT**

A. **Update On 2018 Street Improvement Project-** The City Engineer stated that Heartland Construction has completed the sanitary sewer repairs in various areas of the project and is also working on storm sewer improvements, most notably the storm sewer in Whitefish Park and on Hales Trail. We are still waiting on the DNR's permit for water main replacement. Visu-Sewer is also on site cleaning and televising prior to lining the sanitary sewers. The lining project should take approximately 2 months to complete.

B. **Update On North Slip Sheet Pile Stabilization-** The City Engineer stated that the tie backs have been installed and tested, and the timber facing for the wall has all been completed. We are still waiting on the test reports from Michels, and the concrete sidewalk needs to be replaced by the DPW.

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. Amy Wilborn, 233 E. Pier St.- Commented about the Blues Factory project and the residents who signed a petition against the building of it. Also commented on the letter of complaint filed regarding

their property with a non-compliant driveway. She hopes that this is not being done in retaliation.

2. Bob Miller, 515 Holden St.- Surplus property being considered for Ansay should include open space for the future. Regarding the Blues Factory, the City needs to retain the right to buy it back if the development is not built.

7. COMMITTEES

A. PERSONNEL COMMITTEE

1. **Ordinance 2018-11 (Amending Municipal Code Regarding The Dismissal Of Certain City Employees) 2nd Reading-** MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN SIGWART TO APPROVE ORDINANCE 2018-11 AS PRESENTED. Motion carried unanimously.

8. BOARDS/COMMISSIONS

A. PLAN COMMISSION

1. **Discussion And Possible Action On Declaring City Owned Land On East Side Of Lake Street Between Pier And Washington Streets As Surplus Land-**The City Administrator reported on the updated plan for the proposed building footprint and the area that will need to be declared surplus land on lot 3 and a portion of lot 4. Ian McCain and Tom Meaux were present from Ansay Development and John Weinrich from NewPort Shores was also present to answer questions. There was discussion held on the project. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN EHRLICH TO APPROVE PORTIONS OF LOT 3 AND LOT 4 AS PRESENTED. Discussion was held. The City Attorney asked the development team if the shaded area shown on the current drawing described as the “surplus land diagram” is the area we are discussing to which Ian McCain confirmed as correct. VOTE TAKEN: AYE: 6, NO: 1 (GASPER). Motion carried.

B. COMMISSION ON AGING

1. **Approve Hire Of Maintenance Person For Senior Center Facility-** The City Administrator reported on the position and candidate being recommended. MOTION MADE BY ALDERMAN PLEITNER, SECONDED BY ALDERMAN SIGWART TO APPROVE CHARLES WALSH AT \$11.50 PER HOUR AND 2% INCREASE AT 6 MONTHS BASED ON PERFORMANCE AS PRESENTED. Motion carried unanimously.

9. UNFINISHED BUSINESS

A. Discussion And Possible Action Regarding Amendment To Development Agreement

Between TBF Development LLC And The City Of Port Washington- The City Administrator reported on the current agreement and the request made by the developer to extend the deadlines. The City Attorney gave a legal opinion on amending the agreement. The City would like to be first in position to repurchase should the property not be developed. The City Attorney reviewed the options with the Council. Gertjan van den Broek was present and informed Council that he does not want deadlines put in the amendment because he would take time to redesign the building. Discussion was held on the agreement and possible contingencies. MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN EHRLICH, THAT THE CITY WAIVE THE DEADLINE IN THE CURRENT DEVELOPMENT AGREEMENT BETWEEN THE CITY AND THE DEVELOPER (TBF DEVELOPMENT LLC) FOR THE DEVELOPER TO COMMENCE SUBSTANTIAL CONSTRUCTION OF THE APPROVED BUILDING ON THE PROPERTY, *CONTINGENT UPON* TRI CITY NATIONAL BANK (OR OTHER MORTGAGE LENDER CHOSEN BY DEVELOPER) AGREEING THAT ITS MORTGAGE WILL REMAIN SUBORDINATE TO THE REVERSIONARY RIGHT OF THE CITY IN THE PROPERTY UP TO THE TIME OF COMMENCEMENT OF SUBSTANTIAL CONSTRUCTION OF SAID BUILDING; *AND FURTHER CONTINGENT UPON* THE DEVELOPER GRANTING TO THE CITY, AND THE ABOVE-REFERENCED MORTGAGE LENDER AGREEING TO, A RIGHT OF

FIRST REFUSAL TO REPURCHASE THE PROPERTY FOR THE SUM OF \$250,000 (SUBJECT TO THOSE ADJUSTMENTS PROVIDED FOR IN THE PARTIES' CURRENT DEVELOPMENT AGREEMENT), WHICH RIGHT OF FIRST REFUSAL MAY BE EXERCISED BY THE CITY IN THE EVENT THAT: (A) THE DEVELOPER ATTEMPTS TO SELL THE PROPERTY BEFORE THE COMMENCEMENT OF SUBSTANTIAL CONSTRUCTION OF SAID BUILDING, OR (B) THE ABOVE-REFERENCED MORTGAGE LENDER DECLARES A DEFAULT PRIOR TO COMMENCEMENT OF A MORTGAGE FORECLOSURE ACTION AND PRIOR TO THE COMMENCEMENT OF SUBSTANTIAL CONSTRUCTION OF SAID BUILDING; *AND FURTHER CONTINGENT UPON* THE DEVELOPER MOVING THE WEST WALL OF SAID BUILDING A MINIMUM OF FIVE (5) FEET EAST FROM ITS CURRENTLY PROPOSED LOCATION, AND CUTTING THE SOUTHWEST CORNER OF SAID BUILDING AT A FORTY-FIVE DEGREE (45°) ANGLE AT A POINT WHICH IS A MINIMUM OF TWENTY-EIGHT FEET (28') EAST OF THE SOUTHWEST CORNER OF THE CURRENTLY PROPOSED BUILDING, *AND THAT* THE CITY ATTORNEY BE DIRECTED TO PREPARE THE DOCUMENTS NECESSARY TO EFFECTUATE THIS MOTION. AYES: 5 (LARSON, PLEITNER, BENNING, NEUMYER, EHRLICH), NAYS 2 (GASPER, SIGWART). Motion carried.

10. NEW BUSINESS

A. Ordinance 2018-10 (Regulating The Sale, Gift, Possession And Use Of Electronic Smoking Devices And Nicotine Products) 2nd Reading- MOTION MADE BY ALDERMAN PLEITNER, SECONDED BY ALDERMAN EHRLICH TO POSTPONE THIS ITEM UNTIL THE APRIL 17TH MEETING. Motion carried unanimously.

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

12. PUBLIC COMMENTS/APPEARANCES-

1. Marty Becker, 669 W. Pierre Ln.- Commented on the swearing in on April 17th.
2. Mike Ehrlich- Thanked Mayor Mlada and Alderman Larson for their dedication, service, commitment and leadership throughout their terms of office.
3. Dave Larson- Thanked the Mayor and Aldermen he'd worked with over the years for their service and was honored to serve the City.

13. ADJOURNMENT- MOTION MADE BY ALDERMAN LARSON, SECONDED BY ALDERMAN EHRLICH TO ADJOURN THE MEETING AT 10:52 P.M. Motion carried unanimously.