

**MINUTES**  
**CITY OF PORT WASHINGTON**  
**COMMON COUNCIL MEETING**  
**Wednesday, April 3, 2019, 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 Martin Becker. Members present were Aldermen Mike Ehrlich, Paul Neumyer, Michael Gasper, Dan Benning, Jonathan Pleitner, Patrick Tearney and John Sigwart. Also present: City Engineer Rob Vanden Noven, City Planner Bob Harris, 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 Application**

**C. Approve Event Cabaret License Application**

MOTION MADE BY ALDERMAN PLEITNER, SECONDED BY ALDERMAN BENNING TO APPROVE THE MINUTES OF THE PREVIOUS MEETING, ORIGINAL OPERATOR LICENSES FOR TANYA GAMMON AND AMBER FLEITZ AS PRESENTED AND AN EVENT CABARET LICENSE FOR ZUZU PEDALS FOR ROCK N' BEACH EVENT AT VETERANS PARK ON APRIL 28, 2019 AS PRESENTED. Motion carried unanimously.

4. **MAYOR'S BUSINESS**

**A. Proclamation Honoring Eagle Scouts From Troop 875-** Mayor Becker read the proclamation and congratulated the Eagle Scouts from Troop 875 for their accomplishments, including Luke Didier, Darian Drewitz, Brett Grisar, Peter Meier and Jonathan Williams.

5. **OFFICERS'/STAFF REPORT**

**A. Update On April 2<sup>nd</sup> Spring Election-** The City Clerk reported on the election results. Thanked Alderman Mike Ehrlich for his distinguished years of service and dedication to the City. Congratulated the re-election of Alderman Michael Gasper to District 3, Alderman Jonathan Pleitner to District 5 and Alderman John Sigwart to District 7. Congratulations to the new Alderwoman for District 1 Deb Postl. Their term of office and begins on April 16<sup>th</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.*

John Sigwart- Would like to see a task force committee created to discuss the future second phase planning for Coal Dock Park. A list of volunteers was given to the Mayor who would like to serve on the committee. He would also like to see this go to a Referendum and appear on the November 2020 Presidential General Election ballot.

7. **COMMITTEES**

**A. FINANCE AND LICENSE COMMITTEE**

**1. Approve Event Permit Applications For Rock N' Beach Funduro And TJ Color Run/Walk-** Alderman Pleitner reported on the event, which will be held in Veterans Park on April 28<sup>th</sup> and the TJMS Color Run/Walk, which will be held on May 11<sup>th</sup>. No street closures are required for either event. The applications were approved by the Finance and License Committee, subject to approval of the Certificate of Liability Insurance by the City Attorney. MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY

ALDERMAN NEUMYER TO APPROVE BOTH THE EVENT PERMIT S AS PRESENTED. Motion carried unanimously.

**2. Discuss And Possible Action On Borrowing Of Funds For 2019 And 2020 Infrastructure And Pubic Improvement Projects-** The City Administrator reported on the borrowing of funds for utility projects and other improvements needed. The City financial advisor Carol Wirth was present to review the borrowing options for the water utility work that will be done this year as part of the street improvement projects. There are also separate borrowing options for capital projects. Alderman Benning reported the Finance and License Committee recommends proceeding with the water utility borrowing and wait until a future meeting to consider the other borrowing. **MADE BY ALDERMAN BENNING, SECONDED BY ALDERMAN PLEITNER TO APPROVE THE BORROWING OF FUNDS FOR THE 2019 AND 2020 WATER UTILITY PROJECTS FOR 1.8 MILLION AS PRESENTED. Motion carried unanimously.**

**3. Approve Bids For 2019 Street Improvement Projects-** The City Engineer reported on the water main improvement project, two bids were received and the lowest bid was from Heartland Construction for a total contract price of \$1,497,177.65. There is approximately \$764,000 left in the 2018 borrowing for streets. Water improvements would require additional money to be borrowed. **MOTION MADE BY ALDERMAN BENNING, SECONDED BY ALDERMAN EHRlich TO APPROVE THE CONTRACT WITH HEARTLAND CONSTRUCTION FOR THE LOW BID OF \$1,497,177.65 AS PRESENTED. Motion carried unanimously.**

## **8. BOARDS/COMMISSIONS**

### **A. PLAN COMMISSION**

**1. Ordinance 2019-2 (Approve Amendment To Subdivision Ordinance) 1<sup>st</sup> Reading-** The City Planner reported prior to 2018 any division of land creating more than four lots was considered a Subdivision and therefore subject to the State required Subdivision review and approval process. This would include a Preliminary Plat and Final Plat and all engineering and State approvals. In 2018 the State passed Act 243 Section 58 to allow municipalities with an established planning department to enact an ordinance that specifies a maximum number of parcels greater than four and zoned for commercial, multifamily, industrial, or mixed-use development, may be divided by Certified Survey Map rather than by Subdivision Plat. Adopting this ordinance would allow the City flexibility in allowing subdivisions of moderate size to be accommodated through the CSM approval process. Staff is recommending up to 6 lots zoned commercial, multifamily, industrial or mixed-use development to be allowed to be divided by CSM. There will be a public hearing and second reading of this ordinance at the next meeting before approval.

**2. Ordinance 2019-3 (Approve Rezoning From B-2 Business To RM-4 Medium Rise Apartments, Bielinski LLC, 150 Sweetwater Blvd) 1<sup>st</sup> Reading-** The City Planner reported the site is located at the northeast corner of State Hwy 33 and Sweetwater Boulevard – it is the primary entrance to the Hidden Hills subdivision. The site is currently vacant and two existing wetlands separate the development footprint from Foxglove Street to the northeast leaving Sweetwater Blvd as the only means of access. The applicant is proposing a 35-unit apartment and three duplex apartments at the northeast entrance to the Hidden Hills subdivision. Please note that this development is an entirely new proposal separate from the similar multi-family apartment proposal conceptually approved in 2017. That development site is located approximately 200' to the east. In addition, the proposed apartment in this submittal is anticipated to be market rate units whereas the 2017 development to the east is designated as an “active adult community” and is earmarked for adults aged 55 years and older. The Concept Plan for this proposal was approved by the Plan Commission at its January, 2019 meeting. A Hidden Hills residents meeting was conducted by Bielinski in February, 2019 informing attendees of the Concept Plan and forthcoming re-zoning actions. The Plan Commission recommended to approve the rezoning based upon the approved Concept Plan. John Donovan from Bielinski was present and answered questions. There will be a public hearing and second reading of this ordinance at the next meeting before approval.

## **B. POLICE AND FIRE COMMISSION**

**1. Approve Donation Or Auction Of Fire Department Tanker Truck-** Fire Chief Mark Mitchell was present to report that the Fire Department has offered to donate their old 1986 Tanker Truck to the Madeline Island Fire Department. If Madeline Island is unable to accept the truck, the Tanker Truck would then be sent to Wisconsin Surplus Online Auction to be sold. The Police and Fire Commission recommends approval of first donating the Tanker Truck to Madeline Island and if they do not accept the truck, auction the truck. The City Council needs to approve these possible actions. **MOTION MADE BY ALDERMAN BENNING, SECONDED BY ALDERMAN NEUMYER TO DONATE THE TANKER TRUCK TO MADELINE ISLAND AND IF NOT ACCEPTED THEN AUCTION THE TRUCK AS RECOMMENDED.** Motion carried unanimously.

**9. UNFINISHED BUSINESS-** None.

## **10. NEW BUSINESS**

**A. Approve Development Agreement Between The City Of Port Washington And Howell Avenue Oak Creek, LLC (Newport Shores Development)-** The City Administrator and City Attorney reviewed the proposed development agreement between the City and Ansay for the Newport Shores Development and the changes that have been made to the drafts. The TIF payments will end in 2035. The maximum amount of increment Ansay could receive through 2035 is \$4,260,561 which is based on Christy DeMaster's TIF analysis, which is based on a \$20 million development. If the value comes in higher, the maximum is still \$4,260,561. The City will always receive a minimum of \$16,017 annually. If the value is higher than \$20 million, we would receive more than the \$16,017. If the value comes in lower, we would still receive the \$16,017. The start of the project was projected for sometime this fall. However, if the certain percentage of pre-sales of condos doesn't happen, the project may not start till 2020 but no later than December 31, 2020. The project then must be completed by August 31, 2021. Even if the project starts at a later date, the TIF payments will still end in 2035. Ansay has agreed to relocate the Kiwanis Shelter to a different location as determined by the City. They have capped the cost of the shelter at \$45,000, which based on our last shelter building costs, Ansay will also be responsible for relocating the fish cleaning station at their cost and the City's preferred location. A date no later than December 31, 2020 was given for completion of this project, however, if their project begins earlier, the new fish cleaning station will need to be completed before the old one is disassembled. That may change if the start of their development is delayed. The agreement takes into account the swapping of the lands as outlined in the MOU the Council approved a couple months ago. The agreement also outlines the vacation of Jackson Street and the easements created so the public and City have access to the breakwater, Water and Wastewater Plants, Lake Michigan and public parking areas. Ian McCain and Tom Meaux from Ansay Development were present to review the current plans and answer questions. Alderman Sigwart would like to see the Fish Cleaning Station moved, but a new structure built along with water lines, grinder pump and lift station. Alderman Gasper expressed concern over a 2006 agreement that gave a marina slip to the property owner. The City Attorney reviewed the purpose of the 2006 agreement, which was created to settle an issue with Mr. Weinrich over riparian rights. **MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN NEUMYER TO APPROVE THE DEVELOPERS AGREEMENT BETWEEN THE CITY AND HOWELL AVENUE OAK CREEK, LLC FOR THE NEWPORT SHORES DEVELOPMENT AS PRESENTED.** The City Attorney requested that the motion be amended to include the changes that were recently made to the agreement. **AMENDED MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN NEUMYER TO APPROVE THE DEVELOPERS AGREEMENT BETWEEN THE CITY AND HOWELL AVENUE OAK CREEK, LLC FOR THE NEWPORT SHORES DEVELOPMENT WITH THE CURRENT CHANGES MADE.** Alderman Sigwart requested that language be inserted into the agreement to include specifics on Fish Cleaning Station. No second amendment to the currently amended motion was made.

Discussion was held on whether a second amendment containing broad language could be made by an individual that had not made the original motion. The Mayor called a brief recess to the meeting so that question could be reviewed.

A SECOND AMENDMENT WAS MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN NEUMYER TO APPROVE THE DEVELOPERS AGREEMENT BETWEEN THE CITY AND HOWELL AVENUE OAK CREEK, LLC FOR THE NEWPORT SHORES DEVELOPMENT WITH THE CURRENT CHANGES MADE AND TO INCLUDE ADDITIONAL LANGUAGE TO THE DEVELOPERS AGREEMENT ALLOWING THE CITY TO APPROVE ALL SPECIFICATIONS FOR THE FISH CLEANING STATION AND PAVILION AS PART OF THE PROJECT. VOTE TAKEN: AYE: 5, NO: 2 (GASPER, TEARNEY)  
Motion carried.

**11. FORTHCOMING EVENTS-** Various events were mentioned.

**12. PUBLIC COMMENTS/APPEARANCES-** Alderman Ehrlich spoke about his last 10 years serving as Alderman for District 1. The City has moved forward in those years and we've seen an amazing transformation of the downtown with many developments and new businesses. He thanked City staff and his constituents for their years of support.

**13. MOTION TO GO INTO CLOSED SESSION ACCORDING TO WISCONSIN STATE STATUTES 19.85 (1)(c) TO DISCUSS EMPLOYMENT, PROMOTION, COMPENSATION OR EMPLOYEE EVALUATION OF ANY PUBLIC EMPLOYEE OVER WHICH THE GOVERNMENTAL BODY HAS JURISDICTION OR EXERCISES RESPONSIBILITY.** – Mayor Becker read the closed session item and asked for a motion. MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN NEUMYER TO GO INTO CLOSED SESSION AT 9:58 P.M. FOR THE REASONS STATED ON THE AGENDA. ROLL CALL VOTE TAKEN: AYE: EHRLICH, NEUMYER, GASPER, BENNING, PLEITNER, TEARNEY AND SIGWART. Motion carried unanimously.

**14. RECONVENE INTO OPEN SESSION-** The Council reconvened into open session at 10:13 p.m.

**15. POSSIBLE ACTION ON ANY ITEMS DISCUSSED IN CLOSED SESSION-** MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN BENNING TO INCREASE THE PORT WASHINGTON POLICE DEPARTMENT RECORDS CLERK TO \$51,016 WITH RESPONSIBILITY OF THE CROSSING GUARDS INCLUDED AND INCREASE THE NEW ADMINISTRATIVE SECRETARY TO \$49,995 EFFECTIVE JUNE 1, 2019. Motion carried unanimously.

**16. ADJOURNMENT-** MOTION MADE BY ALDERMAN EHRLICH, SECONDED BY ALDERMAN NEUMYER TO ADJOURN THE MEETING AT 10:14 P.M. Motion carried unanimously.

Respectfully submitted:  
Susan L. Westerbeke, City Clerk