



CITY OF PORT WASHINGTON, OZAUKEE COUNTY, WI
COMMON COUNCIL MEETING
TUESDAY, MARCH 16, 2021 AT 7:30 P.M.
Port Washington City Hall, 100 W. Grand Avenue, Port Washington, WI 53074

MINUTES

1. ROLL CALL- Mayor Martin Becker convened the Common Council meeting at 7:30 p.m. Members present were Alderpersons Deborah Postl, Mike Gasper, Dan Benning, Jonathan Pleitner, Pat Tearney and John Sigwart. Absent and excused was Ald. Paul Neumyer. Also present was City Engineer Rob Vanden Noven, City Planner Bob Harris, City Attorney Eric Eberhardt, City Administrator Anthony Brown, and City Clerk Susan Westerbeke.

2. PLEDGE OF ALLEGIANCE TO THE FLAG- The Pledge of Allegiance was recited.

3. CONSENT AGENDA

All items listed under the Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed and considered at this point on the agenda.

A. Approve Minutes of Previous Meeting

B. Approve February Financials

MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. POSTL TO APPROVE THE MINUTES OF THE PREVIOUS MEETING AS PRESENTED AND THE FEBRUARY 2021 FINANCIALS AS PRESENTED. Motion carried unanimously.

4. MAYOR'S BUSINESS

A. Mayor's Updates- Mayor Becker thanked the residents for their support during his term of office.

B. Next Council Meeting April 7th Due to Spring Election

5. OFFICERS'/STAFF REPORT

A. City Engineer's Report- None.

B. City Planner's Report by Robert Harris

1. Update on City Housing Analysis- This report is being completed by SEWRPC.

C. City Clerk's Report by Susan Westerbeke

1. Spring Election, Absentee Voting and Voter Registration- In Person Early Voting by Absentee Ballot will be held at the City Clerk's Office from March 23rd-April 2nd. Voter Registration can be completed at that time also. Absentee Ballots by mail can be requested at this time through Friday, April 2nd.

2. 2020 U.S. Census and 2021 Redistricting- The 2020 census data was not delivered by the December 31st deadline due to delays caused by the pandemic. This affected all deadlines for the redistricting process. It is anticipated that redistricting at the County and Municipal levels will be completed late this summer or early fall. At the Municipal level, the process is non-partisan, and the City Clerk and staff will complete the redistricting of our Districts and Wards.

6. PUBLIC COMMENTS/APPEARANCES

Your comments are welcome. Please limit comments to three (3) minutes. If you need more time, contact the City Administrator, and ask that your topic be placed on a Common Council Agenda.-

Members of civic organizations spoke during Public Comments and included Christina Brickner-Be3, Tom Evans-Stars & Stripes Legacy Club, Dave Mueller-Lions Club and Diane Seil-Chamber of Commerce. They requested that the civic organizations have more time to collaborate with Kiley Schulte at Park & Recreation on the Beer Garden series options. Of the options presented most were in favor of a hybrid of options 2 and 3. Joe Burke- Supports the Marine Sanctuary and preservation of the lakeshore, beach safety and bluff stabilization.

7. FROM STANDING COUNCIL COMMITTEES- None.

8. FROM CITY BOARDS/COMMISSIONS

A. PLAN COMMISSION

1. Public Hearing for Ordinance 2021 – 2: Rezoning of a Revised Preliminary Plat from a Base Zoning of RS-1 Single Family Residential, B-2 Local Business, and PUL Public Utility Lands, with an OPD Overlay Planned Development to RS-1 Single Family Residential and B-2 Local Business, with an OPD Overlay Planned Development for the Cedar Vineyard Subdivision; Located on the East Side of S Lakeshore Road and South of Dynna Drive-

Mayor Becker opened the public hearing for comment. Tom Swarhout representing Cedar Vineyard development spoke about the creation of the vineyard, subdivision plan with smaller lots and connected walking trails with the County park land abutting the property. There being no further comments the public hearing was closed.

2. Ordinance 2021 – 2: Rezoning of a Revised Preliminary Plat from a Base Zoning of RS-1 Single Family Residential, B-2 Local Business, and PUL Public Utility Lands, with an OPD Overlay Planned Development to RS-1 Single Family Residential and B-2 Local Business, with an OPD Overlay Planned Development for the Cedar Vineyard Subdivision; Located on the East Side of S Lakeshore Road and South of Dynna Drive. Second Reading- The

City Planner reviewed the request for rezoning. The current proposal consists of single-family lots and the vineyards, with open space and public trail system. This request does not contain the public ownership of lands to accommodate the open spaces and trail system. This re-zoning includes single-family lot's zoned RS-1 Single Family, which is the same zoning used in the original 2016 Cedar Vineyard zoning. The remaining lands, which include the vineyards, open space and public trails will be zoned B2- Local Service Center Business. This zoning designation was previously applied to the vineyard lands and will continue to be zoned as such. Public access to the bluff and south to Cedar Gorge remains a key component of this project. Prior, these areas were to be publicly owned and zoned PUL to ensure public access. With the location of the vineyard in these former PUL designated areas, the resulting B-2 zoning, the OPD overlay, being tied to the Cedar Vineyard site plan, will be used to designate the public trail system. The Plan Commission recommends approving the rezoning request. Staff recommends approval with the following conditions that the Cedar Vineyard Certified Survey Map is approved by the Plan Commission at its March 2021 meeting. The closing sale of the property by Bank Street Capital Corporation to Ascend Real Estate Group, LLC occurs no later than May 31, 2021, the property be developed by Ascend Real Estate Group LLC and used as Cedar Vineyard subdivision and the property is rezoned only for the present buyer, Ascend Real Estate Group LLC. The City Attorney reviewed the three conditions that were added to the Ordinance and the fourth condition is the recording of the CSM. The developer's attorney would like to see additional language to include Ascend Real Estate Group LLC or its assigned/designated subsequent LLC. Discussion was held and Ald. Gasper commented on the overlay district portion of our municipal code, and is not certain it is properly being interpreted. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. POSTL TO APPROVE ORDINANCE 2021-2 WITH THE REVISIONS PRESENTED AND SUBJECT TO REVIEW OF THE CITY ATTORNEY. VOTE TAKEN: AYE: 5, NO: 1 (GASPER). Motion carried.

B. BOARD OF PUBLIC WORKS

1. Consideration and Possible Action on Bids for 2021 Street, Sewer, and Water

Improvements- The City Engineer reported on the bids and is recommending the contract be awarded to Vinton Construction. The funding will come from the 2021 Borrowing for Streets, Sanitary Sewer Utility, and Water Borrowing, Water Utility Reserve, Special Assessments and the LRIP Grant. The Board of Public Works recommends approval. Work would likely begin in April and be completed by mid-September. MOTION MADE BY ALD. TEARNEY, SECONDED BY ALD. SIGWART TO APPROVE THE CONTRACT WITH VINTON CONSTRUCTION TOTAL PROJECT BID OF \$2,489,402.20 AS PRESENTED. Motion carried unanimously.

2. Consideration and Possible Action on Proposal from Midwest Stairs and Iron for Installation of Railing on Breakwater Ramp- The City Engineer reported that the ramp was lost during

storms, which connected to the Gateway. Foth Engineering replaced the ramp and railing. A redesign for a removable railing has been done. The proposal from Midwest Stairs and Iron for the installation of a railing on the Breakwater Gateway ramp is being recommended at a cost of \$13,449. This is not part of the current project to improve Sections A-C. MOTION MADE BY ALD. TEARNEY, SECONDED BY ALD. GASPER TO APPROVE THE PROPOSAL FROM MIDWEST STAIRS AND IRON FOR \$13,449.

The City Attorney inquired whether a warranty was included, the City Engineer was unsure and will contact Foth about it. AMENDED MOTION MADE BY ALD. TEARNEY, SECONDED BY ALD. GASPER TO APPROVE THE PROPOSAL FROM MIDWEST STAIRS AND IRON FOR \$13, 449 AND SUBJECT TO REVIEW AND APPROVAL OF A WARRANTY BY THE CITY ATTORNEY. Motion carried unanimously.

9. UNFINISHED BUSINESS

A. Consideration and Possible Action on Ordinance 2021- 3: Relating to Sewer Service Charges, Credits and Prorations. Second Reading- The City Engineer reviewed the ordinance, which eliminates the summer sewer credit and further clarifies the requirements for installation of a deduct meter. It is estimated that this ordinance will provide additional annual revenue to the Sewer Utility more than \$50,000/year which will offset projected rate increases require to complete the needed maintenance work as recommended by the recent evaluation of the wastewater treatment plant. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. PLEITNER TO APPROVE ORDINANCE 2021-3 RELATING TO SEWER SERVICE CHARGES, CREDITS AND PRORATIONS AS PRESENTED. Motion carried unanimously.

B. Consideration and Possible Action on 2021 Beer Garden Operations- Recreation Director Kiley Schulte was present and reviewed the previous discussions that were held on the beer garden events, including the three options that were distributed to the Council and civic/non-profit organizations that participate in the beer gardens. President of the Friends of Park and Rec Justin Myers was present and spoke about the mission of their group as a 501c3 organization, including its support to assist the Park & Recreation Department in providing the beer garden series to include all organizations. Discussion was held and questions answered on the proposed three options. The 2021 series would start the first Saturday in July and run through mid-October between 11:00 a.m. and 8:00 p.m. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. SIGWART TO APPROVE OPTION 2 THE BEER GARDEN AS A SERIES WITH FRIENDS OF PORT WASHINGTON PARK AND REC INC. AS THE ORGANIZER/HOST ORGANIZATION EVERY SATURDAY BETWEEN JULY 3, 2021 AND OCTOBER 16, 2021 AND TO BE REVIEWED IN ONE YEAR. The City Attorney informed Council that the existing event ordinance will have to be revised to include the Friends of Port Washington Park & Rec Inc and insurance requirements. VOTE TAKEN: AYE: 5, NO: 1 (TEARNEY). Motion carried.

C. Consideration and Possible Action on Independence Day Event Planning- The City Administrator informed Council that holding fireworks on the 4th of July is being considered this year with J & M Display. At this time there are no other activities being planned in the City for that day.

10. NEW BUSINESS

A. Presentation by Rob Henken, President, Wisconsin Policy Forum, on Phase I Feasibility Analysis of Fire & EMS Service Sharing Report- The City Administrator spoke about the report that was completed with surrounding communities to address the Fire and EMS/Paramedic issues the municipalities are experiencing. Rob Henken presented the completed study by Zoom to the Council, which detailed the volume and responses to calls by community, the areas within the County to be serviced and options for how this could be accomplished by combining services in different areas.

B. Discussion and Possible Action on Fence Repair and Curb Installation at Pirates Hollow Waterpark- Jon Crain Parks & Forestry Superintendent was present to report on the repairs needed to the Pirates Hollow roadway and pool fence as a result of the damaged caused by a heavy rain event and subsequent collapse of the hillside at the Port Washington High School. Repairs to the hillside were unable to be completed until this year to allow for the hillside to be stabilized. The fence repair work is to be completed by Century Fence and the curb and asphalt repair are to be completed by the City. Two bids were received for the fence work, lowest bid was by Century Fence for \$6,945.00. The repairs to the curb and asphalt will cost approximately \$10,000; \$3,000 in materials and \$7,000 in labor. Cost of all the repairs is to be reimbursed by agreement with the Port Washington-Saukville School District. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. GASPER TO APPROVE THE BID FROM CENTURY FENCE FOR \$6,945.00 AND \$10,000 TO REPAIR THE CURB AND ASPHALT AS PRESENTED. Motion carried unanimously.

C. Discussion and Possible Action on Request by the Port Washington Historical Society to Place a Wisconsin Historical Marker in Fisherman's Park, 138 S Wisconsin Street- Nancy L. Holley the representative from the Port Washington Historical Society was present to review the request for a historical marker to be placed in Fisherman's Park. This marker is being donated by the Smith family in commemoration of all the fishing families that worked in fish shanties in the City of Port Washington. Part of the approval process is to obtain permission from the City for the marker to be placed in the park. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. POSTL TO APPROVE THE PLACEMENT AND MAINTENANCE OF A HISTORICAL MARKER IN FISHERMAN'S PARK AT 138 S. WISCONSIN STREET AS PRESENTED. Motion carried unanimously.

- D. Discussion and Possible Action on Memorandum of Understanding Between the City and UW-Madison, Wisconsin Coastal Management and other parties Relating to the INFOS Kiosks Adjacent to North Beach and South Beach- Recreation Director Kiley Schulte and Park

Superintendent Jon Crain were present to review the current INFO's program provided on both north and south beach for water safety. The City Attorney reviewed the draft Memorandum of Understanding (MOU), which continues to be reviewed and updated with current contact information. Any approval will be subject to the final review and approval of Attorney Eberhardt. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO APPROVED THE MEMORANDUM OF UNDERSTANDING BETWEEN THE ENTITIES LISTED AND SUBJECT TO FINAL REVIEW AND APPROVAL OF THE CITY ATTORNEY. Motion carried unanimously.

E. Update on Diversity and Inclusion Committee- Ald. Benning gave an update on the Committee meetings held. At the next meeting they will be reviewing websites of other municipalities on how they promote programs. Future programs here may be provided by City Staff and working with the School District. The Niederkorn Library has applied for grant funding to pay for training and bringing in speakers.

F. Discussion and Possible Action on Community Unity Statement- Ald. Benning read the prepared statement. *"The City of Port Washington recognizes that we need to come together as a community and find solutions to injustices that have occurred for too long. The city supports open doors to respectful and productive conversations with all citizens. We are ready to work with you, talk with you and listen to you. We will work together to promote and normalize equity, inclusion, and the celebration of diverse identities.* Alderpersons commented that this statement was received late today and there was not much time to review it, a request was made for this item to be considered at the next meeting. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. TEARNEY TO APPROVE THE COMMUNITY STATEMENT AS PRESENTED. VOTE TAKEN: AYE: 4, NO: 2 (GASPER, SIGWART). Motion carried.

11. FORTHCOMING EVENTS- Various events were mentioned.

12. PUBLIC COMMENTS/APPEARANCES- An individual informed Council that was his first time at a City Meeting and he enjoyed the experience.

13. ADJOURNMENT- MOTION MADE BY ALD. POSTL, SECONDED BY ALD. PLEITNER TO ADJOURN THE MEETING AT 10:25 P.M. Motion carried unanimously.

Respectfully submitted,
Susan L. Westerbeke, City Clerk
