



**CITY OF PORT WASHINGTON, OZAUKEE COUNTY, WI  
COMMON COUNCIL MEETING  
TUESDAY, JUNE 1, 2021 AT 7:30 P.M.**  
Port Washington City Hall, 100 W. Grand Avenue, Port Washington, WI 53074

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**MINUTES**

**1. ROLL CALL** – Mayor Ted Neitzke IV convened the Common Council meeting at 7:30 p.m. City Clerk Susan Westerbeke took roll call, Alderpersons present were Deborah Postl, Paul Neumyer, Mike Gasper, Dan Benning, Jonathan Pleitner, Pat Tearney, and John Sigwart. Also present was City Engineer Rob Vanden Noven, City Planner Bob Harris, City Attorney Eric Eberhardt, City Administrator Anthony Brown.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG** – The Pledge of Allegiance was recited by VFW and American Legion members Shelby Schwarts, USMC, Charlie Watry, USA, and Craig Heatwole, USA.

**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 Meetings – MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. POSTL TO APPROVE THE CONSENT AGENDA INCLUDING MINUTES OF THE PREVIOUS MEETING AS PRESENTED. Motion carried unanimously.

**4. MAYOR'S BUSINESS**

**A.** Proclamation – Mayor Neitzke read Proclamation “Declaring June as LGBTQ+ Pride Month in the City of Port Washington”.

**B.** Mayor's Updates – Tours of lighthouse will be held in the next few weeks to obtain Updated costs for repairs. An Art Walk was held over the past weekend. The City Clerk and City Administrator are looking into creation off a city arts board.

**5. OFFICERS'/STAFF REPORT**

**A.** City Engineer's Report – Rob Vanden Noven reported on water main work this week. The Heart of the Harbor is behind schedule due to utilities being delayed. The Spinnaker Pond Improvements Bid opening will be held on Thursday.

**B.** City Planner's Report – The Future Land Use Map and supporting documents are on Facebook and the link to the survey is on our website for a month.

**C.** City Clerk's Report – None.

**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.*- None.

## **7. FROM STANDING COUNCIL COMMITTEES**

### **A. FINANCE AND LICENSE COMMITTEE**

1. Consideration and Possible Action on Renewal of Alcohol Licenses for July 1, 2021 – June 30, 2022 – Ald. Pleitner reported that the Finance & License Committee recommends approval of the applications as presented by the City Clerk. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO APPROVE RENEWAL OF ALCOHOL LICENSES FOR JULY 1, 2021 – JUNE 30, 2022, AS PRESENTED. Motion carried unanimously.

2. Review of the City of Port Washington 2021 Capital Improvement Plan – The City Administrator reviewed the report distributed, which lists the current status of purchases, pending purchases and what might be delayed.

3. Overview and Discussion about American Rescue Plan Local Fiscal Recovery Funds – City Administrator reviewed the programs funding to non-entitlement units of government, categories, and criteria of expenditures of funds received. Our first payment of half of the funds will be in June. The second payment in be provided in June of 2022 and the City has until December 31, 2024, to expend the funds. The Finance & License Committee along with the City Administrator will review the possible use of funds and report to Council their recommendations. There is an initial annual project and expenditure report due on October 31, 2021. There should be more defined guidance coming soon which will assist in decision making of fund expenditures. Ald. Benning commented that local businesses will be able to apply for grants as part of this plan as well. Ald. Gasper inquired what negative impact these funds may have on our other programs if not utilized properly. City Administrator reviewed what areas could be impacted that are known at this time. Ald. Tearney asked for clarification on the use of funds being used to assist the City such as small businesses. Ald. Gasper feels the funds may be used on smaller issues that we normally would not be able to address. City Administrator informed Council that water utilities are supported by rates and other general fund items are supported by taxes.

## **8. FROM CITY BOARDS/COMMISSIONS**

### **A. PLAN COMMISSION**

1. Consideration and Possible Action on Final Plat for Prairies Edge North Phase Final Plat; Located on the East Side of S. Wisconsin Street and North of Sunset Road – City Planner reviewed the north phase and plat map. The developer's attorney Lisa Woods was present by phone to answer questions. Two of the three conditions set forth under the Plan Commission motion of approval have been satisfied – the acceptance of the irrevocable letter of credit and the approval of the addendum to the Developer's Agreement and Land Purchase Agreement. As for the grading completion and approval, the letter of credit costs covers the yet to be completed grading. The developer is requesting Final Plat approval pursuant to Wis. Stat. 236.13 and City Ordinance 18.06.030 as a letter of credit for the infrastructure has been provided to the City. Plan Commission did not recommend a motion to conditionally approve with a 3/3 vote. The developer is requesting final approval to continue with closing. Staff recommends approval with two minor conditions; updating signature block with current Mayor and the City Planner is requesting that emergency service review street names; they are unique pronunciations. Ald. Sigwart asked Attorney Woods for clarification on plat and lot descriptions. Attorney Wood stated the title's listed by lot numbers are different on plat map. Ald. Sigwart is concerned that there may be some confusion over lot numbers, and which phase they may appear in. If there is a change in the future to lots, the recorded plats numerically listed could change. The City Planner has no concern over plat numbering. City Attorney mentions if lot numbers would need to be changed in the future, an amendment to the plat could be done if it was felt it was necessary. Ald. Sigwart asked Attorney Wood to explain out lot number 3. City Planner provided a drawing of out lots, including out lot 3. Attorney Wood stated this is an open corridor for access to the lake. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. PLEITNER TO APPROVE PRAIRIE'S EDGE NORTH PHASE FINAL PLAT; LOCATED ON THE EAST SIDE OF S WISCONSIN STREET AND NORTH OF SUNSET ROAD WITH CONDITIONS AS PRESENTED AND NAMING FINAL PLAT PRAIRIE'S EDGE NORTH PHASE. Motion carried unanimously.

**9. UNFINISHED BUSINESS – None.**

**10. NEW BUSINESS**

**A. Consideration and Possible Action North Breakwater Walkway Construction – Time Extension Request -** City Engineer reviewed the progress made last year. Michels is requesting an extension to complete work on Breakwater Walkway to eight weeks, not including non-working days or “blow days” starting June 14<sup>th</sup>. Ald. Gasper inquired what the liquidated damages are in the contract. City Engineer will review and provide information later. Ald. Neumyer would like a temporary barrier be put back up until work has begun. City Administrator asked for clarification on timeline. City Engineer states 40 working days. **MOTION MADE BY ALD. SIGWART, SECONDED BY ALD. PLEITNER TO APPROVE NORTH BREAKWATER WALKWAY CONSTRUCTION TIME EXTENSION REQUEST AS PRESENTED. Motion carried unanimously.**

**B. We Energies Easement – Ansay (Newport Shores) –** City Engineer reviewed easement request, which is needed for services to be provided to Newport Shores. City Attorney is working with staff and We Energies to complete documents and asking for approval to allow City Attorney and staff to complete documents with We Energies. Ald. Gasper suggested easements running through parking lot area may be problematic to City in future. City Engineer responded to suggestion and will review it further. **MOTION MADE BY ALD. POSTL, SECONDED BY ALD. BENNING TO APPROVE WE ENERGIES EASEMENT REQUEST FOR NEWPORT SHORES ALLOWING STAFF AND CITY ATTORNEY TO REVIEW AND COMPLETE AS REQUESTED. Motion carried unanimously.**

**C. Resolution 2021-6 Resolution and Order Relating to COVID-19 Prevention and Control in the City of Port Washington –** City Administrator reported on the previous resolution which mandated face coverings in City buildings and encouraged face coverings in businesses. This resolution reflects the most current order by the CDC. This eliminates the requirement of face coverings in City buildings. Individuals who have been vaccinated are not required to wear face coverings and future guidance will be considered at County, State, and Federal level. Ald. Tearney is concerned about children who may not be vaccinated, such as the Children’s Library area. The Mayor inquired if an end date was needed on this resolution. The City Attorney responded that the language within the resolution addresses the duration. Ald. Gasper inquired what Ozaukee County herd immunity rates is at. Ald. Benning states it may be around 50%. The CDC suggests those not vaccinated still wear masks and suggests that the library post signs. The Mayor suggested that all City buildings put signage up reminding those not vaccinated to wear masks in buildings. **MOTION MADE BY ALD. POSTL, SECONDED BY ALD. BENNING TO APPROVE RESOLUTION 2021-6 RESOLUTION AND ORDER RELATING TO COVID-19 PREVENTION AND CONTROL IN THE CITY OF PORT WASHINGTON AS PRESENTED. Motion carried unanimously.**

**D. Ordinance 2021-8: A Rezoning of the Cedar Vineyard Subdivision from 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; Located on the East Side of S Lakeshore Road and South of Dynna Drive; and Rezoning Land Located on the West Side of S Lakeshore Road and North of Stonecroft Drive from AG Agriculture to B-2 Local Business – First Reading. –** City Planner reviewed the parcels. To accommodate schedules and state requirements this redo of rezoning previously approved is needed. The portion of the Cedar Vineyard project on the east of S Lakeshore Road was rezoned by the City at its March 16, 2021 Common Council meeting, by Ordinance 2021-2, which contained a sunset clause of May 31, 2021, after which time the rezoning would be null and void. The sunset clause date was based upon the anticipated closing date as provided by the development team. The City has recently been informed the planned closing for the project is now projected to take place after the sunset date in Ordinance 2021-2, to potentially occur during the 3<sup>rd</sup> or 4<sup>th</sup> week of

June, necessitating a redo of rezoning. The 3.8-acre parcel dedicated for the winery on the west side of S Lakeshore Road will also need to be correctly rezoned by the time of the re-scheduled closing. The 3.8-acre winery parcel on the west side of S Lakeshore Road will be rezoned from AG-Agriculture to B-2 Local Business to accommodate the winery function. There is no change in zoning for the part of the project east of S Lakeshore Road. This is the first reading; it will be considered for approval at the next meeting.

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

**12. PUBLIC COMMENTS/APPEARANCES** – None.

**13. ADJOURNMENT** – MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO ADJOURN THE MEETING AT 8:51 P.M. Motion carried unanimously.

Respectfully submitted,  
Susan L. Westerbeke, City Clerk

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