

MINUTES
CITY OF PORT WASHINGTON
COMMON COUNCIL MEETING
Tuesday, April 16, 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 Alderpersons Paul Neumyer, Michael Gasper, Dan Benning, Jonathan Pleitner (by telephone), Patrick Tearney and John Sigwart. Absent and excused was Alderman Mike Ehrlich. Newly elected Alderperson present was Deborah Postl. Also present: City Engineer Rob Vanden Noven, City Attorney Eric Eberhardt, City Administrator Mark Grams and City Clerk Susan Westerbeke.

2. **PLEDGE ALLEGIANCE TO THE FLAG (Led By Gabe Postl)-** Alderwoman Deborah Postl introduced her grandson Gabe Postl and he led the Pledge.

3. **OATH OF OFFICE FOR THE ALDERPERSONS OF THE 1ST, 3RD, 5TH, AND 7TH ALDERMANIC DISTRICTS-** The City Clerk administered the Oath of Office to Alderpersons Deborah Postl- District 1, Michael Gasper- District 3, Jonathan Pleitner- District 5 and John Sigwart- District 7.

4. **CONSENT AGENDA**

A. Approve Minutes Of Previous Meeting

B. Approve Original Operator License Application

C. Approve Event License Application

MOTION MADE BY ALDERMAN TEARNEY, SECONDED BY ALDERMAN NEUMYER TO APPROVE THE MINUTES AND LICENSES AS PRESENTED. Motion carried unanimously.

5. **MAYOR'S BUSINESS**

A. Approval Of 2019-2020 Appointments To City Boards, Committees And Commissions-

Mayor Becker reported on his appointment list. MOTION MADE BY ALDERMAN NEUMYER, SECONDED BY ALDERMAN TEARNEY TO APPROVE THE APPOINTMENTS AS PRESENTED. Motion carried unanimously.

6. **OFFICERS'/STAFF REPORT**

A. Election Of Council President- Mayor Becker asked for nominations from the floor. Alderman Sigwart nominated Alderman Paul Neumyer as Council President. There being no further nominations, a MOTION WAS MADE BY ALDERMAN TEARNEY, SECONDED BY ALDERMAN BENNING TO CLOSE THE NOMINATIONS AND APPROVE THE ALDERMAN PAUL NEUMYER AS COUNCIL PRESIDENT. Motion carried unanimously.

B. Approve Official City Newspaper (Ozaukee Press)- MOTION MADE BY ALDERMAN BENNING, SECONDED BY ALDERMAN NEUMYER TO APPROVE THE OZAUKEE PRESS AS THE OFFICIAL CITY NEWSPAPER AS PRESENTED. Motion carried unanimously.

C. Designate Official City Depositories (Port Washington State Bank, BMO Harris Bank, Commerce State Bank, American Deposit Management, Local Government Investment Pool)- MOTION MADE BY ALDERMAN BENNING, SECONDED BY ALDERMAN TEARNEY TO APPROVE PORT WASHINGTON STATE BANK, BMO HARRIS BANK, COMMERCE STATE BANK, AMERICAN DEPOSIT MANAGEMENT AND LOCAL GOVERNMENT INVESTMENT POOL AS THE OFFICIAL CITY DEPOSITORIES AS PRESENTED. Motion carried unanimously.

7. 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.- None.

8. COMMITTEES- None.

9. BOARDS/COMMISSIONS

A. PLAN COMMISSION

1. Public Hearing To Amend Chapter 18, Subdivision Control Ordinance To Allow For The Division Of A Lot, Parcel, Or Tract Of Land Of Not more Than Six Parcels By Certified Survey Map-

Mayor Becker opened the public hearing for comments. There being none a MOTION WAS MADE BY ALDERMAN GASPER, SECONDED BY ALDERMAN BENNING TO CLOSE THE PUBLIC HEARING. Motion carried unanimously.

2. Ordinance 2019-2 (Approve Amendment To Subdivision Ordinance) 2nd Reading- The City Administrator reviewed the ordinance. 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, i.e., Preliminary Plat, Final Plat, and all engineering and State approvals as required. In 2018, the State of Wisconsin 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. Before the enactment of such an ordinance the Common Council requires the recommendation of the City of Port Washington Plan Commission. The purpose for the legislation was primarily to provide municipalities flexibility in approving certain land divisions that may not necessarily require a full Subdivision Plat process such as smaller lot subdivisions of non-single family developments. Adopting the proposed subdivision change would allow the City flexibility in allowing non-residential and non-single family lot subdivisions of a moderate size to be accommodated through the CSM approval process thereby saving time and money and time on both the applicant and the City's end in terms of staff time costs. Staff is recommending up to 6 lots zoned commercial, multifamily, industrial, or mixed-use development be allowed to be divided by CSM, subject to approval by the City of Port Washington. MOTION MADE BY ALDERMAN GASPER, SECONDED BY ALDERMAN TEARNEY TO APPROVE ORDINANCE 2019-2. Discussion was held and Alderman Sigwart expressed concerns that this change could be utilized to shortcut the review process. The City Attorney reviewed what is allowed by law and the planner does not have discretionary review authority. Further discussion was held on what discretion that can be used by city staff once the ordinance is approved. MOTION MADE BY ALDERMAN SIGWART, SECONDED BY ALDERMAN GASPER TO POSTPONE THIS ITEM UNTIL TH MAY 7TH COMMON COUNCIL MEETING. VOTE TAKEN: AYE: 5, NO:2 (NEUMYER AND BENNING). Motion carried.

3. Public Hearing To Consider Rezoning Property From B-2, Local Service Center District With An OPD Planned Development Overlay To RM-4, Multi-Family District At 150 Sweetwater Blvd-

Mayor Becker opened the public hearing for comments.
*Susan Burt- Expressed concerns about the increase in traffic and common area including the playground area in the subdivision. Is not in favor of the rezoning to multi-family.

*Sibel Duzeski- Not in favor of an apartment building and townhomes being built and the impact they may have on the existing property values of the homes in the subdivision. Also concern about the impact of additional traffic at the entrance to the subdivision brought by building apartments.

There being no further public comments a MOTION WAS MADE BY ALDERMAN BENNING, SECONDED BY ALDERMAN TEARNEY TO CLOSE THE PUBLIC HEARING. Motion carried unanimously.

4. Ordinance 2019-3 (Approve Rezoning From B-2 Business To RM-4 Medium Rise

Apartments, Bielinski LLC, 150 Sweetwater Blvd) 2nd Reading- 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. 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 property is currently zoned as a Planned Development with a base zoning of B-2 (Business). The applicant is requesting to re-zone the parcel RM-4 Medium Rise Apartments. Final design and landscaping will be taken up during the Final Site and Building Plan approval process. The City Administrator reviewed the ordinance and reported the Plan Commission recommends approval of the rezoning. The parking concerns near the Hwy 33 and Sweetwater Drive entrance to the subdivision can be addressed by prohibiting parking along Sweetwater Blvd to prevent on-street parked cars from interfering with the flow of traffic entering from and exiting off Hwy 33, This will be reviewed by the Traffic Safety Committee. Present to report and answer questions from the Alderpersons was John Donovan from Bielinski. Mr. Donovan reported that they have addressed areas of concern with parking along Sweetwater Blvd. The wetlands will not be disturbed and is considered an enhancement of the area. The apartments will be market rate. MOTION MADE BY ALDERWOMAN POSTL, SECONDED BY ALDERMAN NEUMYER TO APPROVE ORDINANCE 2019-3 AS PRESENTED. VOTE TAKEN: AYE: 6, NO: 1 (PLEITNER) Motion carried.

B. BOARD OF PUBLIC WORKS

1. Approve Engineering Proposal From Stantec To Reduce Flooding For The

Larabee Street Drainage Area- The City Engineer reported on the Stantec proposal for the Larabee Street Flood Risk Reduction project not to exceed \$20,900. This Refined Concept Development for the area is to confirm effects of enlarging both the detention pond in Spinnaker West and the culver under N. Spring Street. It will include the 100 and 500 year storm events and examine the downstream effects of the proposed drainage improvements by modeling the existing sewer and overland flow routes east of N. Spring Street. Discussion was held and Alderman Benning inquired whether the homeowners are in cooperation with temporary easements on their property to do the work. The City Engineer responded that some of the homeowners have and one will be selling their property. It is anticipated that the work being done should be accomplished within the city alleyway and in that case purchasing of easements won't be necessary. MOTION MADE BY ALDERMAN SIGWART, SECONDED BY ALDERMAN GASPER TO APPROVE THE PROPOSAL WITH STANTEC NOT TO EXCEED \$20,900 AS PRESENTED. Motion carried unanimously.

2. Approve Strand Engineering For WWTP Facilities Plan And Rate Study-

The City Engineer and Wastewater Superintendent Dan Buehler reported on plant, which is nearing thirty years old and will need some major rebuilds and upgrades over the next 5 to 10 years. Strand Engineering can assist in planning the next phase of improvements and in addition the study will also review what rate structure will be necessary to support these projects going forward. The cost of this will not exceed \$56,700 and be paid out of the Sewer Utility surplus funds. Board of Public Works is recommending approval. MOTION MADE BY ALDERMAN TEARNEY, SECONDED BY ALDERMAN GASPER TO APPROVE HIRING STRAND ENGINEERING NOT TO EXCEED \$56,700 AND SUBJECT REVIEW BY THE CITY ATTORNEY. Motion carried unanimously.

3. Approve Contract Renewal With KSingh For Inspection Service-

The City Engineer reviewed the proposed renewal of last years contract with KSingh, which remains the same with the exception of the rate increases. This years inspection contract is \$1.5M including approximately \$105,000 in inspection costs, with \$45,000 to streets, \$58,000 to water and \$2,000 to sewer. The cost of inspecting subdivision development is passed along to the developer. Board of Public Works is recommending approval. MOTION MADE BY ALDERMAN BENNING, SECONDED BY ALDERMAN TEARNEY TO APPROVE THE CONTRACT RENEWAL WITH KSINGH FOR INSPECTION SERVICE AND SUBJECT TO REVIEW BY THE CITY ATTORNEY AS PRESENTED. Motion carried unanimously.

10. UNFINISHED BUSINESS- None.

11. NEW BUSINESS

A. Approve Event Permit Application And Temporary Street Closing For Intoxicated

Rain Movie Shoot (N. Franklin Street)- The City Clerk reported on the application to allow Intoxicated Rain to utilize N. Franklin Street at the intersection of Jackson Street to Pier Street on April 28-29, with a back up date of May 5-6 between the hours of 6:00 p.m. to 6:00 a.m. The intersection will be temporarily closed during the filming time. The closures will be managed by the Police Department throughout the filming and the cost for the extra officers time is being covered by the company. MOTION MADE BY ALDERMAN TEARNEY, SECONDED BY ALDERMAN BENNING TO APPROVE THE EVENT PERMIT APPLICATION AND TEMPORARY STREET CLOSING FOR INTOXIATED RAIN AS PRESENTED. Motion carried unanimously.

B. Ordinance 2019-4 (Rezoning Portion Of Land In Prairie's Edge Development From RM-2 Multiple Family To RM-1 Single And Two Family Residence) 1st Reading-

Present to review the updated drawings was the developer Tony Polston. Phase 1 comprises roughly 70% of the subdivision whereas Phase 2 are those lands south of the proposed multi-family apartment unit and comprised of single-family lots and townhome units. The Preliminary Plat for the entirety of the Prairie's Edge subdivision was approved by the Plan Commission in December, 2017. In March, 2018, the City (via Ordinance 2018-05) rezoned land in the Preliminary Plat from AG Agriculture to its current zoning with both business and residential districts along with an OPD Overlay Planned Development to accommodate the unique features of the subdivision in terms of setbacks, lot sizes, lot coverage, etc. The applicant is now ready to start developing the subdivision but has a preference to construct both Phase 1 and Phase 2 simultaneously. In order to do so a Final Plat for Phase 2 has been submitted for conditional approval by the Plan Commission and Common Council. The Phase 2 Final Plat will contain a different residential mix from that originally presented and as a result a portion of Phase 2 will need to be rezoned to accommodate the change in these proposed residential types. The Phase 2 Final Plat contains a slightly different lot and road configuration than the Preliminary Plat and, as a result, the Phase 2 Final Plat should be approved first so the proposed rezoning matches the new lot layout and residential type. The only areas to be re-zoned will be Lots 22-37 and Outlot 11, as depicted (in blue) on the attached Final Plat map. These lots will be re-zoned from the existing RM-2 Multi-Family Residential to RM-1 Single and Two Family Residential. The existing OPD will remain. The purpose of the re-zoning will be to accommodate the planned change in housing type from attached townhome condominium units to detached single-family homes which will require individual lots where none were platted previously. Discussion was held and questions were answered by Mr. Polston. The Plan Commission will make a formal recommendation at its April 25th meeting. The City Attorney will review the draft Ordinance before the next meeting. This Ordinance will have a Public Hearing prior to the second reading at the next Common Council meeting.

12. FORTHCOMING EVENTS- Various events were mentioned.

13. PUBLIC COMMENTS/APPEARANCES- None.

14. ADJOURNMENT- MOTION MADE BY ALDERMAN NEUMYER, SECONDED BY ALDERWOMAN POSTL TO ADJOURN THE MEETING AT 9:08 P.M. Motion carried unanimously.

Respectfully submitted:
Susan L. Westerbeke, City Clerk