

**MINUTES**  
**CITY OF PORT WASHINGTON**  
**COMMON COUNCIL MEETING**  
**Tuesday, May 7, 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 Deborah Postl, Paul Neumyer, Michael Gasper, Dan Benning, Jonathan Pleitner, Patrick Tearney. Absent and excused was Alderman 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. Mayor Becker informed Council that he will be voting if there is a tie vote this evening.

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 Temporary Class "B"/ "Class B" Retailer's License Applications**

D. **Approve Event Cabaret License Applications**

MOTION MADE BY ALDERMAN PLEITNER, SECONDED BY ALDERMAN BENNING TO APPROVE THE MINUTES OF THE PREVIOUS MEETING AS PRESENTED ORIGINAL OPERATOR LICENSES FOR ERIC WILLBORN AND ROBERT DREWS AS PRESENTED, TEMPORARY CLASS "B" / "CLASS B" RETAILER'S LICENSES FOR PORT WASHINGTON SAUKVILLE ROTARY CLUB FOR BEER GARDEN ON SEPTEMBER 14, 2019, VFW POST 7588 FOR 4<sup>TH</sup> OF JULY CELEBRATION ON JULY 4, 2019, PORT WASHINGTON LIONS CLUB FOR PORT WASHINGTON FISH DAY ON JULY 20, 2019, VFW POST 7588 FOR BEER GARDEN ON AUGUST 10, 2019, VFW POST 7588 FOR PORT WASHINGTON FISH DAY ON JULY 20, 2019 AND AMVET POST 726 FOR PORT WASHINGTON FISH DAY ON JULY 20, 2019 AS PRESENTED; EVENT CABARET LICENSES FOR VFW POST 7588 FOR BEER GARDEN ON AUGUST 10<sup>TH</sup>, PORT WASHINGTON MAIN STREET FOR COMMUNITY STREET FESTIVAL ON MAY 26<sup>TH</sup> AND PORT WASHINGTON SAUKVILLE ROTARY CLUB FOR A BEER GARDEN ON SEPTEMBER 14<sup>TH</sup> AS PRESENTED. Motion carried unanimously.

4. **MAYOR'S BUSINESS**

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

Mayor Becker requested a motion to appoint the submitted individuals as presented. MOTION MADE BY ALDERMAN NEUMYER, SECONDED BY ALDERMAN PLEITNER TO APPROVE THE APPOINTMENTS AS PRESENTED. Alderman Gasper inquired about the appointment to the TIF Review Board, the resident appointee is currently serving on the Plan Commission. The City Attorney commented that this board is not part of the Municipal Ordinance and his appointment would be allowed. Further discussion was held. VOTE TAKEN: AYE: 5, NO: 1 (GASPER). Motion carried.

B. **Proclamation For VFW Buddy Poppy Drive-** The Mayor read the proclamation supporting the annual VFW Buddy Poppy Drive on May 17<sup>th</sup> and 18<sup>th</sup>.

C. **Resolution 2019-3 (Recognizing May 11<sup>th</sup> As World Migratory Bird Day And Authorizing City Environmental Planning Committee And Appropriate City Staff To Continue Participation In The Wisconsin "Bird City" Program As A "Sustained Flight" Partner-**

Mayor Becker requested a motion to approve the City's participation in the Bird City program for 2019. MOTION MADE BY ALDERMAN PLEITNER, SECONDED BY ALDERMAN NEUMYER TO APPROVE RESOLUTION 2019-3 AS PRESENTED. Motion carried unanimously.

5. **OFFICERS'/STAFF REPORT**

A. **Project Update - 2019 Water And Street Improvement Project-** The City Engineer gave an update on the current projects being worked on.

**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.*

Linda Nenn- Commented that TIF districts do affect our taxes. She is not in favor of closing off Jackson St., which may result in parking issues and access to the breakwater and lighthouse. The sidewalks being installed on various streets in the bluff area will affect pedestrians and bikers.

**7. COMMITTEES**

**A. FINANCE AND LICENSE COMMITTEE**

**1. Approve Event Permit Applications, Street And Parking Lot Closures (Port Washington Main Street Community Street Festival And Farmers Markets-**

Alderman Pleitner reviewed the applications. MOTION MADE BY ALDERMAN PLEITNER, SECONDED BY ALDERMAN TEARNEY TO APPROVE THE EVENT PERMITS FOR PORT WASHINGTON MAIN STREET FOR COMMUNITY STREET FESTIVAL, STREET CLOSINGS AS PRESENTED AND FARMERS MARKET WITH STREET CLOSING AS PRESENTED. Motion carried unanimously.

**2. Approve Alcohol Licensed Establishments One-Day Alcohol Premise Extension (Community Street Festival)-**

Alderman Pleitner reviewed the request. MOTION MADE BY ALDERMAN GASPER, SECONDED BY ALDERMAN BENNING TO APPROVE THE ONE-DAY PREMISE EXTENSION OF ALCOHOL LICENSES TO ALLOW SALES, SERVING AND COMSUMPTION OF BEER AND WINE IN PLASTIC CUPS ONLY BETWEEN THE HOURS OF 12:00 P.M. AND 5:00 PM. ON MAY 26<sup>TH</sup> IN THE BARRICADED FESTIVAL AREA ONLY FOR HOLIDAY INN HARBORVIEW, PASTA SHOPPE, PIER 6, SCHOONER PUB, SIR JAMES PUB, THE WICKED GRILLE, TWISTED WILLOW, BERNIE'S FINE MEATS AND INVENTORS BREWPUB (ON-DAY SPECIAL BREWERY ALTERNATE LOCATION AS APPROVED BY THE STATE) AS PRESENTED. Motion carried unanimously.

**3. Approve Multiple Year Agreement Extension With J&M Displays For Fireworks-**

Alderman Pleitner reported on the extended agreement, which will provide the city with a 15% discount and extra fireworks product. The City Attorney requested that the approval be subject to his review of the agreement. MOTION MADE BY ALDERMAN PLEITNER, SECONDED BY ALDERWOMAN POSTL TO APPROVE THE MULTIPLE YEAR AGREEMENT EXTENSION SUBJECT TO REVIEW BY THE CITY ATTORNEY. VOTE TAKEN: AYE: 5, ABSTAIN: 1 (BENNING). Motion carried.

**4. Approve Municipal Advisory Agreement With Wisconsin Public Finance Professionals, LLC-**

Alderman Pleitner reviewed the agreement, which allows the city financial consultant to provide the necessary services in order to issue the bonds for borrowing. MOTION MADE BY ALDERMAN BENNING, SECONDED BY ALDERWOMAN POSTL TO APPROVE THE AGREEMENT FOR \$18,250 AS PRESENTED. Motion carried unanimously.

**8. BOARDS/COMMISSIONS**

**A. PLAN COMMISSION**

**1. Review And Possible Conditional Approval Of Final Plat For Prairie's Edge**

**Subdivision Phase II-**

The City Planner reported the preliminary plat for the entire subdivision was approved by the Plan Commission in December of 2017 along with the necessary re-zoning to accommodate the housing types proposed in the subdivision. In June of 2018 the Final Plat for Phase 1 was conditional approved by the City, but has not yet been recorded. 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. The Plan Commission at its April 25<sup>th</sup> meeting recommended the Common Council conditionally approve the proposed Final Plat. The conditions include an approved letter of credit, acceptance and completion of utilities and streets and approved final engineering plans.

Developer Tony Polson was present to answer questions. Alderman Gasper inquired about the storm sewer easements location and size in the trail area the City owns. The developer will speak with his engineer to make certain the trail is properly reviewed. MOTION MADE BY ALDERMAN PLEITNER SECONDED BY ALDERMAN NEUMYER TO CONDITIONALLY APPROVE THE FINAL PLAT FOR PRAIRIE'S EDGE SUBDIVISION PHASE II. VOTE TAKEN: AYE: 5, RECUSED: 1 (GASPER). Motion carried.

**2. Public Hearing To Consider Rezoning Property From RM-2 Multiple Family Residence To RM-1 Single And Two Family Residence In Prairie's Edge Subdivision – Phase II-**

Mayor Becker opened the public hearing for comment.

Linda Nenn- Inquired about the need for a change in the zoning. The developer explained and reviewed the changes. Ms. Nenn was also concerned about the loss of bluff area to erosion and how that could impact the area available for public use. The developer explained acreage will be provided for public access always. MOTION MADE BY ALDERMAN GASPER, SECONDED BY ALDERMAN TEARNEY TO CLOSE THE PUBLIC HEARING. Motion carried unanimously.

**3. 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) 2<sup>nd</sup> Reading-**

The City Planner reviewed the only areas to be rezoning are Lots 22-37 and Outlot 11 from 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. MOTION MADE BY ALERMAN BENNING, SECONDED BY ALDERMAN GASPER TO APPROVE ORDINANCE 2019-4 AS PRESENTED. Motion carried unanimously.

**4. Ordinance 2019-5 (Rezoning Of a Portion Of Land In The Reserve Subdivision (New Port Vista) From RS-3 Single Family Residential To RM-2 Multi Family Residential) 1<sup>st</sup> Reading-**

The City Planner reported Fiduciary has submitted a revised project plan eliminating the single-family portion of the development- the apartment portion of the project remains. To accommodate the revised plan the entire 34-acre parcel will require rezoning to RM-2. Alderman Gasper inquired about the change in density and what the value will be with less density. The representative from Fiduciary was present and will research that and report at the next meeting. There will be a public hearing held prior to consideration at the next meeting.

**5. Ordinance 2019-6 (Rezoning Portion Of Harbor Village Campus (Lots Of CSM #4053) From RS-3 Single Family Residential To RM-1 Single And Two Family Residential) 1<sup>st</sup> Reading-**

The City Planner reported the vacant property south of the Harbor Campus complex was zoning RS-3 until 2017 when the land was divided by CSM into two lots to accommodate Capri's Harbor Campus expansion plans. Lot 1, which is the northern vacant lot, was rezoned to RM-4 and the southern Lot 2 remained RS-3 as senior housing was originally envisioned for that property. In April 2019, Capri presented a Preliminary Plat for Lot 2 consisting of 14 single-family, market rate homes to the Plan Commission. In order to accommodate the 50-80 lot widths, as proposed on the Preliminary Plat, Lot 2 will require rezoning to Rm-1 which allows such lot widths. There will be a public hearing held prior to consideration at the next meeting.

**6. Ordinance 2019-7 (Rezone Lots Located At 1008-1032 N. Grant Street By Keeping The Base Zoning Of RS-4 And Add An OPD Designation Over The Lots) 1<sup>st</sup>**

**Reading-** The City Planner reported the applicant is requesting to re-subdivide the lots into 5 lots with an average lot width of approximately 70' to accommodate both the number and type of home he was contemplating to construct on the lots. Specifically, the applicant is requesting to maintain the base zoning of RS-4 for the subject properties and to add an OPD Overlay Planned Development in order to allow for a minimum lot width of 69' and minimum side offset of 5' for each of the lots. There will be a public hearing before consideration at the next meeting.

**9. UNFINISHED BUSINESS**

**A. Ordinance 2019-2 (Approve Amendment To Subdivision Ordinance) 2<sup>nd</sup> Reading-** The City Planner reviewed the proposed ordinance change, which was postponed from April 16<sup>th</sup>. A change in the law allows communities to enact an ordinance specifying 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. This seems manageable with internal City staff review and will not interfere with that review ability. MOTION MADE BY ALDERMAN BENNING, SECONDED BY ALDERMAN NEUMYER TO APPROVE ORDINANCE 2019-2 AS PRESENTED. Motion carried unanimously.

**B. Approve Amendment To Development Agreement Between The City And Howell Avenue Oak Creek LLC (Newport Shores Project)-** The City Administrator and City Attorney reviewed the changes to the agreement, which include a change in the development company name to Harbor Shores LLC. The second change is regarding the value of the new development, the new language clarifies that it is \$20 million. The final change is a reversionary clause to include that the developer land would revert back to them if construction doesn't start before December 31, 2020. The current language only addresses the City land reverting back to the City of construction doesn't start by that same date. There is another small typo that will be corrected as well. MOTION MADE BY ALDERMAN PLEITNER, SECONDED BY ALDERMAN BENNING TO APPROVE THE AMEDEMMENT TO THE DEVELOPERS AGREEMENT WITH THE STATED CHANGES. VOTE TAKEN: AYE: 5, NO: 1 (GASPER). Motion carried.

**10. NEW BUSINESS-** None.

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

**12. PUBLIC COMMENTS/APPEARANCES-** Linda Nenn- reiterated some of her previous comments.

**13. ADJOURNMENT-** MOTION MADE BY ALDERMAN PLEITNER, SECONDED BY ALDERMAN NEUMYER TO ADJOURN THE MEETING AT 8:30 P.M. Motion carried unanimously.

Respectfully submitted:  
Susan L. Westerbeke, City Clerk