



CITY OF PORT WASHINGTON, OZAUKEE COUNTY, WI  
**COMMON COUNCIL MEETING**  
**TUESDAY, JUNE 2, 2020 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 Martin Becker convened the Common Council meeting at 8:00 p.m. Members present were Alderpersons 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 and City Clerk Susan Westerbeke.
2. **PLEDGE ALLEGIANCE TO THE FLAG-** The Pledge 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 Meetings
- B. May 2020 Treasurer Statement & Bills

MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO APPROVE THE MINUTES AND MAY STATEMENT AND BILLS AS PRESENTED. Motion carried unanimously.

**4. MAYOR'S BUSINESS**

- A. Approval of 2020-2021 Appointments to City Boards, Committees and Commissions-  
MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO APPOINT TISH HASE TO THE BID BOARD AS PRESENTED.

Motion carried unanimously.

Mayor Becker asked residents to contact the City Administrator or their Alderperson if they have questions or concerns rather than City staff.

**5. OFFICERS'/STAFF REPORT**

- A. City Engineer's Report
  1. Report on 2020 Street Improvements- The water main has been completed and services connected in the next few weeks. Sanitary sewer lining has been completed.
  2. Status Update on Breakwater Improvements: Gateway Ramp and A-C- The breakwater ramp is being delivered in sections and will be installed in the coming weeks. The damaged railing will also be fixed at the time the ramp work is being completed. Breakwater sections A-C are out for bid, bids are due on June 26<sup>th</sup>.
  3. Status Update on Post-May 17, 2020 Flood Response Activities- Stantec is working on a preliminary plan for the areas that were flooded, which should be submitted in June or July.
- B. City Planner's Report
  1. Status Update on Future Land Use Plan- The CDA is working on the plan, their meetings were canceled in March and April due to COVID-19. During that time the Planner worked on drafting text for the plan and would like to hold workshops in July with approval in August.
- C. City Clerk's Report
  1. Update On Future Elections, Voter Registration And Absentee Ballots- The Wisconsin Election Commission (WEC) has provided Clerk's with information on the CARES Act spending plan and how a block sub-grant to municipalities can be used to distribute funds to reimburse municipalities for extra election costs incurred due to the pandemic.

## 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.*

Dave Mueller- Asked the Council to look at the Badger Bounce Back plan and County Blueprint plan and use that to allow the Beer Gardens and Lions Fest to be held with restrictions.

Kirsten Coenen- Represents Rotary Club and expressed the need for civic organizations and non-profits to be able to hold their community events such as the Beer Garden for funding their projects.

Connie Schreiner- Would like to see the City open the municipal pool for the summer.

Doug McManus- Feels the Beer Gardens could be allowed and run safely if safety precautions such as masks and gloves are used.

## 7. FROM STANDING COUNCIL COMMITTEES

### A. FINANCE AND LICENSE COMMITTEE

1. Consideration and Possible Action on Memorandum of Understanding Between Seven Communities and Letter of Agreement with Wisconsin Policy Forum to Conduct a Fire & EMS Services Sharing Study- Ald. Pleitner reported that 7 communities will be participating in this study, which reduces the cost for each to \$3,200. The City Administrator reviewed the MOU and agreement letter, indicating that it should be completed in approximately six months and available for review in December. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. PLEITNER TO APPROVE THE MEMORANDUM OF UNDERSTANDING AND LETTER OF AGREEMENT AS PRESENTED. Motion carried unanimously.
2. Consideration and Possible Action on Reopening Guide for Municipal Facilities and Operations- The City Administrator reviewed a PowerPoint presentation outlining the reopening guidelines and facility operation plans. The City Attorney reviewed the insurance liability exclusions for a pandemic, specifically COVID-19. Discussion was held on utilizing the Badger Bounce Back Plan and County Blueprint Plan as guidelines for allowing some events and what City building are open for operation only and those that are open to the public as well. There was discussion on cancelling June events with the exception of two Farmers Market Saturday's events. Further discussion was held on the July and beginning August events, which include Beer Gardens, Lions Fest and the City Campout. The City pool will not be opened this summer due to many factors, including the repair to the fence and curb after the landslide off the Port Washington High School hill into the Park and Recreation driveway. The stability of the hill and constant water drainage has not been addressed yet by the school district and that creates a safety concern. The pool would also need to be filled, staffing hired, complete staff training, safety and sanitation protocols put in place, all of which would not be completed until the beginning of August. The pool closes annually between the second and third week of August. MOTION MADE BY ALD. BENNING. SECONDED BY ALD. NEUMYER TO CLOSE THE MUNICIPAL POOL FOR THE SUMMER. VOTE TAKEN: AYE. 6, NO: 1 (TEARNEY). Motion carried. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. PLEITNER TO APPROVE THE REOPENING GUIDE FOR FACILITIES AND OPERATIONS FOR DEPARTMENTS AS PRESENTED AND WITH MODIFICATIONS TO THE PARK AND RECREATION PROGRAMS AND SENIOR CENTER PROGRAMS AS REQUESTED. Motion carried unanimously.
3. Consideration and Possible Action on Event Permit Applications and Temporary Class B Retailers Licenses for June and July 2020-
  - a. Beer Garden-Port Washington Food Pantry
  - b. Beer Garden-Shipwreck Education & Preservation Alliance
  - c. Beer Garden-Port Washington Main Street
  - d. Beer Garden-VFW Post 7588
  - e. Port Washington Main Street-Farmers Markets

- f. Port Washington Lions Club-Lions Fest
  - g. Great Port Washington Campout-Park & Rec Department
- MOTION MADE BY ALD. BENNING, SECONDED BY ALD. POSTL TO APPROVAL THE FARMERS MARKET'S WITH THE RESTRICTIONS AND GUIDELINES SUBMITTED BY PORT WASHINGTON MAIN STREET AND DEDICATED ENTRANCES AND EXITS TO THE AREA. Motion carried unanimously.

Ald. Pleitner reported on the discussions held at the Finance and License Committee meeting prior to this meeting. The Committee would like to see the Beer Gardens, Lions Fest and the Port Washington Campout events be further reviewed at the committee level to identify the necessary safety and sanitation practices that would be needed to proceed with a public event. Then bring this back for considered at the June 16<sup>th</sup> meeting. Further discussion was held on the timeline for applicants to be able to organize their events and what guidelines the organizations meet to ensure public safety. MOTION MADE BY ALD. NEUMYER, SECONDED BY ALD. GASPER TO APPROVE THE BEER GARDEN FOR THE PORT WASHINGTON FOOD PANTRY ON 7/4, SHIPWRECK EDUCATION & PRESERVATION ALLIANCE ON 7/11, PORT WASHINGTON MAIN STREET ON 7/25 AND VFW POST 7588 ON 8/8 AND PORT WASHINGTON LIONS FEST ON 7/31 – 8/2 AND SUBJECT TO ALL EVENTS COMPLIANCE WITH THE OPERATIONAL PLANS AS SET FORTH, SUBJECT TO THE CITY CLERKS REVIEW AND APPROVAL OF EACH OF THE EVENT APPLICATIONS, SUBJECT TO THE CITY ATTORNEYS REVIEW AND APPROVAL OF THE CERTIFICATE OF LIABILITY INSURANCE FOR EACH OF THE EVENTS AND SUBJECT IN ANY AND ALL EVENTS THAT THE CITY ADMINISTRATOR HAS THE AUTHORITY TO RESCIND ANY PERMIT OR LICENSE WHICH MAY BE ISSUED FOR ANY OF THOSE EVENTS IF HE DETERMINES THAT THE COURSE OF THE DISEASE OR PROCESS HAS WORSENERED AND WARRENTS CANCELATION AND AT NO LIABILITY OR RESPONSIBILITY TO THE CITY FOR ANY COSTS INCURED BY ANY OF THE GROUPS HOLDING THEIR EVENTS. Motion carried unanimously.

The City Administrator informed the Council that there has been a Port Washington High School graduation parade scheduled recently and it will be held on Sunday, June 17<sup>th</sup> at 2:00 p.m. The School District has coordinated with the Police Department on the route.

4. Ordinance 2020-3 (Authorizing The City Clerk To Issue Alcohol Beverage Operator's Licenses). – First Reading- The City Clerk's report and draft ordinance were reviewed by the City Attorney. Recently the legislature passed Act 66 to amend Section 1-125.17 (1) of the statutes relating to authorizing municipals officials, in our case the City Clerk, to issue Operator (Bartender) Licenses directly to the applicants, including annual, provisional or renewal licenses once the background check has been approved by the Police Chief. This would eliminate the weeks it currently takes to process these license applications through the Finance and License Committee and Common Council. Should there be an issue with a background check and the Police Chief would indicate that to the City Clerk, that application would then be forwarded to the Finance and License Committee and Common Council for further review. This ordinance will be on the June 16<sup>th</sup> agenda for a second reading and final consideration.

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

### **A. PLAN COMMISSION**

1. Ordinance 2020-4 (Re-Zoning of Land on S. Lakeshore Road from B-2 with an OPD Overlay for Proposed Single Family Residence). – First Reading- The City Planner reviewed the request for rezoning which includes a parcel approximate 29-acres on the west side of S. Lakeshore Drive originally planned as part of the Cedar Vineyard project. The applicant approached the City inquiring about purchasing the western parcel and constructing a single-family home and horse barn, which would require a Conditional Use in the event the property was not developed as part of the Cedar Vineyard project. Additional single family lots along Lakeshore Road are also contemplated. Due to the absence of sewer, the applicant is proposing an on-site wastewater system. With previous communications from a similar request and location (adjacent to this parcel) the applicant was informed the use could be considered subject to

rezoning, installation of a holding tank/mound system, etc. until such time sewer is made available and hook-up would be required. When it was apparent Cedar Vineyard was in doubt across from this property, both the bank and the applicant were informed that the City was no longer supportive of the project without municipal sewer. Nevertheless, the applicants are still requesting consideration of rezoning for the purposes stated above. This is the first reading of this ordinance and a public hearing and second reading will appear on the next agenda June 16<sup>th</sup>. The City Attorney reviewed the memo regarding the pending petition as it relates to only the rezoning of land at this time. The applicant was in attendance by telephone.

**8. UNFINISHED BUSINESS:** None.

**9. NEW BUSINESS**

A. Resolution 2020-10 (Support For Ozaukee County And Ozaukee Washington Land Trust Nelson-Knowles Grant Application For A Proposed Cedar Gorge Clay Bluffs Nature Preserve)- The City Planner reviewed the request by Ozaukee County and Ozaukee Washington Land Trust (OWLT) for a resolutions supporting their plan to protect nearly one mile of Lake Michigan shoreline and approximately 135 acres of land – informally known as the “Cedar Vineyard land” as a passive recreational natural area to be called the Cedar Gorge Clay Bluffs Nature Preserve. As part of their fund-raising efforts, the OWLT and County are applying or a Wisconsin DNR Nelson Knowles Stewardship grant which requires a resolution from the City supporting the application. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. NEUMYER TO APPROVE RESOLUTION 2020-10 SUPPORTING ACQISTITION BY OZAUKEE WASHINGTON LAND TRUST AND OZAUKEE COUTY OF BLUFF LANDS ALONG LAKE MICHIGAN IN THE CITY OF PORT WASHINGTON TO BE KNOWN AS CEDAR GORGE CLAY BLUFFS NATURE PRESERVE AS PRESENTED. VOTE TAKEN: AYE: 6, NO: 1 (GASPER) Motion carried.

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

**11. PUBLIC COMMENTS/APPEARANCES-** Kirsten Coenen requested that recreational activities in the city be offered along with water safety that the children in the community are not able to receive. Connie Schreiner respects the decision to close the outdoor pool for the summer but warns of the potential harmful issues this virus can cause if we are too cautious. Dave Mueller thanked the Council for the opportunity to hold Beer Gardens and they will make the effort to hold safe events.

**12. ADJOURNMENT-** MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO ADJOURN THE MEETING AT 10:51 P.M. Motion carried unanimously.

Respectfully submitted by  
Susan L. Westerbeke, City Clerk