



CITY OF PORT WASHINGTON, OZAUKEE COUNTY, WI  
**COMMON COUNCIL MEETING**  
**TUESDAY, OCTOBER 20, 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 7:30 p.m. Members present were Alderpersons Deborah Postl, Paul Neumyer, Mike Gasper, Dan Benning, Jonathan Pleitner and Pat Tearney- by phone, and John Sigwart. Also present was 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 Meetings- None.
4. **MAYOR'S BUSINESS**
  - A. Update from the Mayor- Mayor Becker announced after consideration he will not be running for a second term as Mayor in April. He thanked the City Clerk, City Administrator, Alderpersons and City Staff for all their hard work.
5. **OFFICERS'/STAFF REPORT**
  - A. City Engineer's Report- None.
  - B. City Planner's Report- None.
  - C. City Clerk's Report
    1. Update on In Person Early Absentee Voting and Voter Registration- The City Clerk gave an update on the In Person Early Voting and Registration hours being held along with absentee voting by mail deadlines.
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 Contract Addendum with Foth for Breakwall Sections A-C Construction Services- Ald. Pleitner reported on the addendum to the original agreement that would be completed by October 31st at a cost of \$40,600. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. GASPER TO APPROVE THE ADDENDUM TO THE ORIGINAL AGREEMENT AT A COST OF \$40,600 AND SUBJECT TO THE CITY ATTORNEY REVIEW AND APPROVAL. Motion carried unanimously.
    2. Consideration and Possible Action on W.J. Niederkorn Library Contract for Design Services for Reconfiguration of Lower Level- Ald. Pleitner reported that this item was discussed in the Finance & License Committee meeting and the consensus was the library study would be completed before remodeling is considered. This item is tabled at this time.

## **B. PERSONNEL COMMITTEE**

1. Consideration and Possible Action on Performance Evaluation Process for the City Administrator- The City Administrator reviewed the evaluation process. The City Clerk will send out the evaluation documents for the Alderpersons and Mayor complete on October 21<sup>st</sup>. Completed evaluations will be returned to her on November 4<sup>th</sup> so they can be discussed in closed session on November 10<sup>th</sup>. Ald. Benning would like to evaluate the goals that were set from date of hire. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. POSTL TO APPROVE THE PERFORMANCE EVALUTATION AND PROCESS AS PRESENTED. Motion carried unanimously.

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

### **A. PLAN COMMISSION**

1. Ordinance 2020-7 Proposed OPD, Overlay Planned Development to Accommodate Eight Single-Family Townhomes at 306-314 E. Jackson Street- 1<sup>st</sup> Reading- The City Planner reviewed the proposed OPD for the townhomes on Jackson Street. Final approval and subsequent construction is dependent upon re-zoning the property with an OPD, planned development overlay in order to accommodate components of the project that deviate from the CCM- Central City Mixed base zoning requirements. There will be a public hearing held prior to the second reading on November 17<sup>th</sup>.

2. Ordinance 2020-8 Proposed Rezoning of a Recently Approved CSM in the Prairie's Edge Development to B-2 with an OPD Overlay Planned Development-1<sup>st</sup> Reading- The City Planner reported on this item, which relates to the Plan Commission action regarding the recently conditionally approved Building, Site & Operations Plan for new assisted living and memory care facility on the north phase of the Prairie's Edge development. The two parcels as part of the revised Preliminary Plat, have been combined by proposed Certified Survey Map in order to then sell to the assisted living and memory care developer for planned construction. This requires an adjustment to rezoning lines for this property. There will be a public hearing held prior to the second reading on November 17<sup>th</sup>.

3. Consideration and Possible Action on a Condominium Plat for Newport Shores at 324 N. Lake Street- The City Planner reported the applicant is nearing the start of construction and a Condominium Plat is required prior to commencing on the sale/closing of the anticipated 30 condominium units. The Plan Commission at its October 15<sup>th</sup> meeting approved of the Newport Shores condominium plat. MOTION MADE BY ALD. NEUMYER, SECONDED BY ALD. BENNING TO APPROVE THE CONDOMINIUM PLAT FOR NEWPORT SHORES AT 324 N. LAKE STREET AS PRESENTED. Motion carried unanimously.

## **9 . UNFINISHED BUSINESS**

**A.** Resolution 2020-14 Establishing a Diversity and Inclusion Committee- Ald Benning reported there were 132 responses to the survey. Discussion was held on the make-up of the committee. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. POSTL TO APPROVE RESOLUTION 2020-14. The City Attorney suggested some modifications including staggered terms for its members and an Alderperson serving a 1-year term appointed by the Mayor. AMENDED MOTION MADE BY ALD. BENNING, SECONDED BY ALD. POSTL TO APPROVE RESOLUTION 2020-14 CREATING A DIVERSITY AN INCLUSION COMMITTEE INCLUDING 3-YEAR STAGGERED TERMS FOR MEMBERS AND INCLUDING OTHER RECOMMENDED CHANGES BY THE CITY ATTORNEY. Motion carried unanimously.

## **10. NEW BUSINESS**

**A.** Consideration of and possible action regarding Resolution No. 2020-16, Authorizing Execution and Delivery of Warranty Deeds to Certain City Lands from City to 324 N. Lake Street, LLC, and Acceptance of Warranty Deeds to Certain Lands from 324 N. Lake Street, LLC to City, per Exchange of Lands provisions of Redevelopment Agreement dated 5/8/2019 between the City and Harbor Shores, LLC (Developer)- The City Planner reviewed Section 3.4 of the Development Agreement. The City owned pieces of land would be exchanged, in land swap with no monetary exchange, for the riparian rights incidental to a portion of developer owned land on the eastern portion of the Newport Shores restaurant land. A special meeting next week is requested to allow the City Attorney time to review and make updates to the agreement. Discussion was held with the representatives Ian McCain and Tom Meaux. A special meeting will be scheduled on October 27<sup>th</sup>.

**B.** Resolution 2020-15 Resolution Authorizing 2020 DNR Forestry Grant Application- Park Superintendent Jon Crain was present to report on the grant application. There will be an intern hired to complete the forestry department inventory. This grant will also include funding for removal and replacement of the Ash trees that have been affected by the Emerald Ash Borer. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO APPROVE RESOLUION 2020-15 AUTHORIZING 2020 DNR FORESTRY GRANT APPLICATION AS PRESENTED. Motion carried unanimously.

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

**12. PUBLIC COMMENTS/APPEARANCES-** James Hall addressed Council with a request for the City Council to consider his offer to purchase city owned land on Larabee Street.

**13. MOTION TO CONVENE in closed session per Wis. Stat. § 19.85(1)(e) for purposes of deliberating or negotiating the purchase of public property, investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, to-wit: discuss financial and other terms and conditions of Vacant Land Offers to Purchase submitted by prospective buyers of City-owned lot at 1027 W. Larabee Street, Port Washington, WI; and discuss possible acceptance of, or counter-offers to, such Offer(s); and devise bargaining strategies regarding the terms and conditions of sale of said lot.-** Mayor Becker read the closed session item. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO GO INTO CLOSED SESSION FOR THE REASONS STATED ON THE AGENDA. ROLL CALL VOTE TAKEN. AYE: POSTL, NEUMYER, GASPER, BENNING, PLEITNER, TEARNEY AND SIGWART. Motion carried unanimously.

**And**

**MOTION TO CONVENE in closed session per Wis. Stat. § 19.85 (1)(g) to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the Council with respect to litigation in which it is or is likely to become involved; and, per § 19.85(1)(e), for purposes of deliberating or negotiating the purchase of public property, investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, to-wit: discuss existing and proposed financial and other obligations of Developer (Black Cap Halcyon Holdings, LLC), and City's rights, remedies and options, under the terms of the Land Purchase Agreement and Master Development Agreement dated 8/15/2017 (as amended), and the Promissory Note dated 8/16/2018, and devise bargaining strategies regarding the terms and conditions of sale and development of phases and lots within Prairie's Edge subdivision.-** Mayor Becker read the closed session item. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO GO INTO CLOSED SESSION AT 8:44 P.M. FOR THE REASONS STATED ON THE AGENDA. ROLL CALL VOTE TAKEN. AYE: POSTL, NEUMYER, GASPER, BENNING, PLEITNER, TEARNEY AND SIGWART. Motion carried unanimously.

**14. RECONVENE INTO OPEN SESSION** to take action relating to closed session discussions or deliberations, if any.- Council reconvened into open session at 10:12 p.m. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. BENNING TO INSTRUCT THE CITY ADMINISTRATOR AND CITY ATTORNEY TO MOVE FORWARD AS DIRECTED IN CLOSED SESSION ON THE TOPICS DISCUSSED. Motion carried unanimously.

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

Respectfully submitted by  
Susan L. Westerbeke, City Clerk

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