



CITY OF PORT WASHINGTON, OZAUKEE COUNTY, WI
COMMON COUNCIL MEETING
TUESDAY, NOVEMBER 17, 2020 AT 7:30 P.M.
Port Washington City Hall, 100 W. Grand Avenue, Port Washington, WI 53074

MINUTES

1. ROLL CALL - Mayor Martin Becker convened the Common Council meeting at 7:36 p.m. Members present were Alderpersons Deborah Postl, Paul Neumyer, Mike Gasper, Dan Benning, Jonathan Pleitner, Pat Tearney, John Sigwart. Also present was City Engineer Rob Vanden Noven (by telephone), City Planner Bob Harris, City Attorney Eric Eberhardt, City Administrator Anthony Brown and Deputy City Clerk Kelsey Hughes.

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.

B. October 2020 Invoices.

MOTION MADE BY ALD. PLEITNER SECONDED BY ALD. BENNING TO APPROVE MINUTES FROM PREVIOUS MEETINGS AND THE OCTOBER 2020 INVOICES AS PRESENTED. Motion carried unanimously.

4. MAYOR'S BUSINESS

A. Updates from the Mayor.

In accordance with City ordinance, all political signs must be taken down 5 days after election. Without objection, the Agenda items will be taken up out of order and will start with 7.A. Finance and License Committee, Number 1.

Mayor Becker commented, as a former member of the Police & Fire Commission, that he is concerned about having no paramedic and would like to see two full-time paramedic positions funded in the 2021 budget.

B. Appointment of Park & Recreation Representative to Plan Commission.

Mayor Becker requested the appointment of Ted Neitzke as the Park & Recreation Board representative to the Plan Commission through April 2021, to fill the vacancy and fulfill the remaining term of Ron Voigt. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. POSTL TO APPOINT TED NEITZKE AS THE PARK & RECREATION BOARD REPRESENTATIVE TO THE PLAN COMMISSION, COMPLETING THE TERM OF RON VOIGT THROUGH APRIL 2021 AS PRESENTED. VOTE TAKEN: AYE: 6, ABSTAINED: 1 (SIGWART). Motion carried.

5. OFFICERS'/STAFF REPORT

A. City Engineer's Report - None

B. City Planner's Report - None

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. Public Hearing on Proposed 2020 Tax Levy and 2021 City Budgets.

Mayor Becker opened the public hearing. Fire Chief Mark Mitchell addressed Council with a report on the ambulance upgraded to paramedic level, which services the City of Port Washington, the Town of Port Washington, and parts of the Town of Belgium. Paramedic position has been voluntary, with schooling and additional training paid for by the volunteer. The Fire Department recently lost their volunteer paramedic, and currently needs to use the services of other municipalities. Chief Mitchell has asked for paid positions to be added to the budget since 2017 and is now asking that two full time paramedic positions be added to the 2021 Budget. There being no other comments made, the Mayor closed the public hearing.

2. Resolution 2020-18 (Approve 2020 Tax Levy and 2021 City Budgets).

Ald. Pleitner reviewed concerns raised since the last meeting. The City Administrator addressed Chief Mitchell's comments made during the Public Hearing. The services study will be completed by the end of the year and staffing issues will be reviewed also. The 2021 budget has a staffing study included. At the December meeting, there will be information regarding temporary position opportunities for both the Fire and Police Departments. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. POSTL TO APPROVE RESOLUTION 2020-18 APPROVE 2020 TAX LEVY AND 2021 CITY BUDGET AS PRESENTED. Motion carried unanimously.

3. Consideration and Possible Action on Port Washington Business Improvement District (BID) 2021 Operating Plan - Ald. Pleitner reviewed the plan. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. POSTL TO APPROVE PORT WASHINGTON BUSINESS IMPROVEMENT DISTRICT (BID) 2021 OPERATING PLAN AS PRESENTED. City Attorney will provide legal opinion approving Plan after discussion with BID president. Motion carried unanimously.

4. Consideration and Possible Action on Port Washington Business Improvement District (BID) Assessment Tax Rate. - Ald. Pleitner reviewed the rates, etc. and the City Administrator commented the rates and limits will remain the same. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. BENNING TO APPROVE PORT WASHINGTON BUSINESS IMPROVEMENT DISTRICT (BID) ASSESSMENT TAX RATE OF \$2.01 PER THOUSAND OF ASSESSED VALUATION AS PRESENTED. Motion carried unanimously.

5. Ratification of Action to Execute and to Pay Fearing's Audio Video Security Proposal to Upgrade the Audio Visual (A/V) in the Council Chambers. - Ald. Pleitner reviewed, and the City Administrator requested ratification of, the City Administrator's execution of and the City Treasurer's payment of this contract Proposal and contract price. Also noted was that the deadline for submission for reimbursement under the Route to Recovery Grant application was extended to November 18th. Ald. Sigwart would like itemized costs for the equipment being purchased and inquired why multiple bids were not requested. The City Administrator stated timing was too short to request multiple bids; however, he is familiar with this vendor and other municipalities which have used this company with good results. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. POSTL TO RATIFY CITY ADMINISTRATOR'S EXECUTION OF FEARING'S AUDIO VIDEO SECURITY PROPOSAL TO UPGRADE THE AUDIO VISUAL (A/V) IN THE COUNCIL CHAMBERS, AND TO RATIFY THE CITY TREASURER'S PAYMENT OF THE CONTRACT PRICE FOR THOSE SERVICES AND EQUIPMENT AS PRESENTED. Motion carried unanimously.

6. Review and Possible Action on WE Energies' Work Request Letter to Convert City Street Lights to LED. - Ald. Postl reviewed the proposal. Discussion was held and Andrea Hatton, WE Energies Lighting Specialist, was present to answer questions. MOTION MADE BY ALD. GASPER, SECONDED BY ALD. SIGWART TO REFER THIS ITEM TO THE BOARD OF PUBLIC WORKS FOR FURTHER CONSIDERATION. Discussion followed, including the City Attorney's review of the relevant state statutes, and his opinion that this item does not need to be referred to the Board of Public Works for its approval. VOTE TAKEN: AYE: 2, NO: 5 (POSTL, NEUMYER, BENNING, PLEITNER AND TEARNEY). Motion fails. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. POSTL TO APPROVE WE ENERGIES' WORK REQUEST LETTER TO CONVERT CITY STREET LIGHTS TO LED AS PRESENTED. AYE: 6, NO: 1 (GASPER). Motion carried.

8. FROM CITY BOARDS/COMMISSIONS

A. PLAN COMMISSION

- 1. Public Hearing to Consider a Rezoning Request including an Overlay Planned Development (OPD) for Black Cap Halcyon Holdings LLC (Prairie's Edge).** - The Public Hearing was held at the beginning of the Agenda, and there being no public comments, the Public Hearing was closed by Mayor Becker.

- 2. Review and Possible Action on Ordinance 2020-8, Rezoning of Proposed Certified Survey Map of Lands in the Prairie's Edge Development to B-2, Local Business District with an Overlay Planned Development to Accommodate an Assisted Living and Memory Care Center (Black Cap Halcyon, Applicant);** 2nd Reading-The City Planner reviewed the Ordinance, which relates to the Plan Commission action to conditionally approve the Building, Site & Operations Plan for a new assisted living and memory care facility in the North Phase of Prairie's Edge subdivision. The two parcels of land, included as part of the revised Preliminary Plat, have been combined by proposed Certified Survey Map, to be sold to the assisted living and memory care developer for planned construction. This requires an adjustment to the prior rezoning boundaries of this property. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. NEUMYER TO APPROVE ORDINANCE 2020-8 REZONING OF PROPOSED CERTIFIED SURVEY MAP LANDS IN PRAIRIE'S EDGE DEVELOPMENT TO B-2, LOCAL BUSINESS DISTRICT WITH AN OVERLAY PLANNED DEVELOPMENT TO ACCOMMODATE AN ASSISTED LIVING AND MEMORY CARE CENTER (BLACK CAP HALCYON HOLDINGS, LLC, APPLICANT) AS PRESENTED. Motion carried unanimously.

- 3. Public Hearing Regarding Proposed Amendment to Conditional Use Grant for an Assisted Living and Memory Care Center for Black Cap Halcyon Holdings, LLC (Prairie's Edge subdivision).** - Public Hearing was held at the beginning of the Agenda, and there being no public comments, the Public Hearing was closed by Mayor Becker.

- 4. Review and Possible Action on Amendment to Conditional Use Grant for an Assisted Living and Memory Care Center for Black Cap Halcyon Holdings, LLC (Prairie's Edge subdivision).** - The City Planner reviewed this item which relates to the Plan Commission's prior action conditionally approving a Certified Survey Map (CSM) combining two parcels of land in the Prairie's Edge preliminary plat into one parcel to accommodate construction of a recently approved Community Based Residential Facility (CBRF) on the land. The proposed CBRF remains the same from that conditionally approved by the Common Council at its May, 2020 meeting. It is a single-story, 36-unit, 26,624 square foot, assisted living and memory care residential facility that would be situated on approximately two acres of land in the North Phase of the Prairie's Edge development. The proposed change is to revise the legal description and map exhibit to match the conditionally approved CSM. Other than the changes in land area for the CBRF, from approximately 1.5 acres to 2.1 acres, all other conditions of the Conditional Use Grant remain the same and unchanged. The City Attorney commented that the effective date of

the Amended Conditional Use Grant needs to be updated and the property owner is also required to execute an Amended Land Covenant relating to the CBRF land. The landowner's attorney, Lisa Wood, acknowledged (via telephone) that the owner will do so. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. POSTL TO APPROVE THE AMENDMENT TO CONDITIONAL USE GRANT FOR AN ASSISTED LIVING AND MEMORY CARE CENTER FOR BLACK CAP HALCYON HOLDINGS, LLC, IN PRAIRIE'S EDGE SUBDIVISION. Motion carried unanimously.

5. Public Hearing to Consider Overlay Planned Development (OPD) Rezoning for Port Washington Townhouses (Jackson East Development, LLC - Developer) at 306 E. Jackson Street, and for Michael J. Schmit and Ruth M. Schmit at 314 E. Jackson Street- Public Hearing was held at the beginning of the Agenda, and there being no public comments, the Public Hearing was closed by Mayor Becker.

6. Review and Possible Action on Ordinance 2020-7: Rezoning of Land as Proposed OPD, Overlay Planned Development to Accommodate Eight Single-Family Townhomes, for Port Washington Townhouses (Jackson East Development, LLC - Developer) at 306 E. Jackson Street, and for Michael J. Schmit and Ruth M. Schmit at 314 E Jackson Street - 2nd Reading- The City Planner reviewed the proposed OPD rezoning of land for the townhomes to be constructed on E. Jackson Street. Final approval and subsequent construction are dependent upon rezoning the property with an OPD, planned development overlay, to accommodate components of the project that deviate from the CCM-Central City Mixed base zoning requirements. After discussion with John Lanser, the Developer's representative who was present, the City Attorney explained that if conditionally approved, this rezoning ordinance will not take effect until the closing on the sale of the adjoining 5' strip of City land east of this development site to Michael & Ruth Schmit on terms to be determined. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. POSTL TO CONDITIONALLY APPROVE ORDINANCE 2020-7: REZONING OF LAND AS PROPOSED OPD, OVERLAY PLANNED DEVELOPMENT TO ACCOMMODATE EIGHT SINGLE-FAMILY TOWNHOMES, FOR PORT WASHINGTON TOWNHOUSES (JACKSON EAST DEVELOPMENT, LLC - DEVELOPER) AT 306 E. JACKSON STREET AND FOR MICHAEL J. SCHMIDT AND RUTH M. SCHMIDT AT 314 E JACKSON STREET AS PRESENTED, SUCH REZONING ORDINANCE TO TAKE EFFECT UPON THE CLOSING ON THE SALE OF THE ADJOINING 5' STRIP OF CITY LAND EAST OF THIS DEVELOPMENT SITE TO MICHAEL & RUTH SCHMIT. Motion carried unanimously.

B. BOARD OF PUBLIC WORKS

1. Consideration and Possible Action on Bids for Construction of Lake Street Headwall and Trash Rack (Valley Creek). - The City Engineer reported on the bids received for this project. The low bidder was Highway Landscapers. Approval of a contract with this company is subject to review and approval by the City Attorney. MOTION MADE BY ALD. SIGWART, SECONDED BY ALD. GASPER TO APPROVE THE LOW BID FROM HIGHWAY LANDSCAPERS FOR \$87,525.00, SUBJECT TO REVIEW AND APPROVAL OF SAID CONTRACT BY THE CITY ATTORNEY. Motion carried unanimously.

C. COMMUNITY DEVELOPMENT AUTHORITY

1. Review and Possible Action on Revolving Loan Fund (RLF) Application from Halo Soap, LLC at 110 E. Main Street. -The City Planner reported that this company has been making and offering soaps at farmers' markets throughout the greater Milwaukee area. It also operates a store in Bay View, wishes to relocate the business to Ozaukee County, and is in the process of purchasing the building at 110 E. Main Street in Port Washington. As part of this process, this company is requesting a \$70,000 RLF loan toward the costs of relocation and operations. The Community Development Authority met prior to this meeting and approved

the loan request. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. BENNING TO APPROVE THE REVOLVING LOAN FUND APPLICATION FROM HALO SOAP, LLC FOR \$70,000 AS PRESENTED. Motion carried unanimously.

9. UNFINISHED BUSINESS – None.

10. NEW BUSINESS

A. Request to Accept U.S. Economic Development Administration Disaster Mitigation Grant Funding. -The City Planner reported that to officially accept this grant award, the U.S. Economic Development Administration requires that the Mayor sign Form CD-450. As part of that process, the Council should also act to approve this EDA grant. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. SIGWART TO ACCEPT U.S. ECONOMIC DEVELOPMENT ADMINISTRATION DISASTER MITIGATION GRANT FUNDING AS PRESENTED. Motion carried unanimously.

B. Review and Possible Action on Supplemental Agreement No. 1 to the Department of the Army Lease No. DACW35-1-17-3001 (Lease of U.S. North Breakwater space for City's Lighthouse)- The City Attorney reviewed this proposed Supplemental Agreement which will modify the USACE district office and contact person assigned to oversee and administer this Lease. MOTION MADE BY ALD. NEUMYER, SECONDED BY ALD. POSTL TO APPROVE SUPPLEMENTAL AGREEMENT NO. 1 TO THE DEPARTMENT OF THE ARMY LEASE NO. DACW35-1-17-3001 FOR THE LIGHTHOUSE AS PRESENTED. Motion carried unanimously.

C. Consideration and Possible Action on Resolution 2020-19 Authorizing Sale and Conveyance of City Lot along W. Larabee Street (Harbor City Holdings, LLC Buyer)- The City Attorney reported that the closing on the sale of this property is scheduled for November 30th. This resolution authorizes City officials and staff to execute and deliver a Deed to the property and other documents necessary to close this transaction. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. PLEITNER TO APPROVE RESOLUTION 2020-19 AUTHORIZING SALE AND CONVEYANCE OF CITY LOT ALONG W. LARABEE STREET, HARBOR CITY HOLDINGS, LLC, BUYER AS PRESENTED. Motion carried unanimously.

D. Review and Possible Action on Proposed Access, Parking and Temporary Construction Easement Relating to City Marina Lands – Newport Shores Redevelopment Project (324 Lake Street, LLC - Developer) -The City Attorney updated the Council on the status and provisions of this proposed easement agreement. Exhibit C depicts the non-exclusive, shared parking areas. Newport Shores' tenant parking is not included in this shared parking agreement, as such tenant parking will be underground. The shared parking spaces can be used only by non-commercial, passenger motor vehicles, and shared parking rights are limited to Newport Shores' guests and customers and the public. City Marina tenants will have exclusive rights to the shared parking area on Saturdays and Sundays from 7:00 a.m. to 7:00 p.m. from April 1st through October 31st annually. The area around the City's existing Fish Cleaning Station and the City's Pump Station will be accessible by the Developer and its contractors for deconstruction of the Fish Cleaning Station, disassembly of the two stations' common roof, and for reconstruction of the Pump Station roof and landscaping by the Developer, at its expense. The easement also grants Developer the right of access to erect temporary construction fencing around the work site. There is also a drainage easement granted to the Developer beneath the Marina parking lot for stormwater discharge and maintenance. There is also an indemnification agreement provided by the Developer to the City, along with a requirement that the Developer maintain liability insurance covering the easement areas. Also, the

Developer will remove snow from the drive aisles between the shared parking spaces, as shown the Developer-provided exhibit. Ald. Benning would like to see the new Fish Cleaning Station built and fully functional before removing the current fish cleaning station, and access to the new fish cleaning station available by the start of the next fishing season. Ian McCain, the Developer's representative, was present to answer questions. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. POSTL TO APPROVE THE PROPOSED ACCESS, PARKING AND TEMPORARY CONSTRUCTION EASEMENT RELATING TO CITY MARINA LANDS FOR THE NEWPORT SHORES REDEVELOPMENT PROJECT (324 LAKE STREET, LLC - DEVELOPER) AS PRESENTED BY THE CITY ATTORNEY. Motion carried unanimously.

E. Review and Possible Action on Proposed Second Amendment to Redevelopment Agreement Relating to Substantial Completion Date for Newport Shores Project (324 Lake Street, LLC - Developer). - City Attorney Eberhardt reviewed this Second Amendment, which would grant an extension from August 31, 2021 to December 31, 2021 for the Developer to substantially complete construction of this project. The rest of the Redevelopment Agreement remains the same. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. PLEITNER TO APPROVE PROPOSED SECOND AMENDMENT TO REDEVELOPMENT AGREEMENT FOR NEWPORT SHORES PROJECT RELATING TO SUBSTANTIAL COMPLETION DATE (324 LAKE STREET, LLC - DEVELOPER) AS PRESENTED. Motion carried unanimously.

11. FORTHCOMING EVENTS- Various events were mentioned.

12. PUBLIC COMMENTS/APPEARANCES - None

13. MOTION TO CONVENE IN CLOSED SESSION PER WIS. STAT. § 19.85(1)(C) FOR THE PURPOSE OF CONSIDERING EMPLOYMENT, PROMOTION, COMPENSATION AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT OR PERFORMANCE EVALUATION DATA OF ANY PUBLIC EMPLOYEE OVER WHICH THE GOVERNMENTAL BODY HAS JURISDICTION OR EXERCISES RESPONSIBILITY, TO-WIT: CITY ADMINISTRATOR'S 6-MONTH PERFORMANCE REVIEW. The Mayor read the closed session item. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO GO INTO CLOSED SESSION AT 9:40 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 DELIBERATION, IF ANY. - The Council reconvened into open session at 10:00 p.m. The Council thanked City Administrator Anthony Brown for his outstanding service to date. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. GASPER TO APPROVE CITY ADMINISTRATOR ANTHONY BROWN'S SALARY INCREASE OF 5% CONSISTING OF A 3% MERIT ADJUSTMENT BASED ON HIS 6-MONTH PERFORMANCE REVIEW, PLUS A 2% SALARY INCREASE FOR 2021, AN ADDITIONAL 5 DAYS OF VACATION FOR A TOTAL OF 5 WEEKS PAID VACATION STARTING IN 2021, AND AN INCREASE IN THE SEVERANCE BENEFIT PERIOD FROM 6 MONTHS TO 8 MONTHS, WITH SUCH CHANGES TO TAKE EFFECT ON JANUARY 1, 2021. Motion carried unanimously.

15. ADJOURNMENT.

MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO ADJOURN THE MEETING AT 10:05 P.M. Motion carried unanimously.

Respectfully submitted by
Susan L. Westerbeke, City Clerk