



CITY OF PORT WASHINGTON, OZAUKEE COUNTY, WI
COMMON COUNCIL MEETING
TUESDAY, FEBRUARY 6, 2024 AT 6:30 P.M.
Port Washington City Hall, 100 W. Grand Avenue, Port Washington, WI 53074

MINUTES

1. **ROLL CALL-** Mayor Ted Neitzke IV convened the meeting of the Common Council at 6:30 p.m. Members present were Alderpersons Deborah Postl, Paul Neumyer, Mike Gasper, Dan Benning, Jonathan Pleitner, Patrick Tearney, and John Sigwart. Also present was Interim City Administrator/City Clerk Susan Westerbeke, City Attorney Eric Eberhardt, ADA/HR Director Emily Blakeslee, Public Works Director Rob Vanden Noven and Director of Planning and Development Bob Harris.
2. **PLEDGE OF ALLEGIANCE TO THE FLAG-** The Pledge of Allegiance was recited.
3. **CONSENT AGENDA-**
 - A. **Approve Minutes of Previous Meetings**
MOTION MADE BY ALD. POSTL, SECONDED BY ALD. PLEITNER TO APPROVE THE CONSENT AGENDA AS PRESENTED. Motion carried unanimously.
4. **MAYOR'S BUSINESS-**
 - Appointment to Boards, Committee and Commissions (BID Board)-** MOTION MADE BY ALD. TEARNEY, SECONDED BY ALD. SIGWART TO APPOINT MIKE CROWLEY TO THE BID BOARD AS PRESENTED. Motion carried unanimously.
 - Mayor's Updates-** The Mayor recently met at the Senior Center to discuss updates on city items and the upcoming referendum. He also introduced and welcomed the new City Administrator Melissa Pingel.
5. **OFFICERS/STAFF REPORT-** Reports were distributed in writing.
6. **PUBLIC COMMENTS/APPEARANCES-** None.
7. **FROM STANDING COUNCIL COMMITTEES**
 - A. **GENERAL GOVERNMENT AND FINANCE COMMITTEE**
 1. **Consideration and Possible Action on an Amendment to the Fire Services Contract with the Town of Port Washington-** Finance Director/Treasurer Mark Emanuelson was present to review the annual contract amendment. The City of Port Washington provides fire services to the Town of Port Washington. This agreement is amended annually to continue these services for a calendar year. The proposed written amendment, along with the calculation for the base charge for the 2024 contract year were provided. The 2024 base charge is \$117,011.44. This represents a \$20,387 or 14.8% decrease from 2023. The General Government and Finance Committee reviewed this contract amendment and recommends approval. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. PLEITNER TO APPROVE OF THE AMENDMENT TO THE FIRE SERVICES CONTRACT WITH THE TOWN OF PORT WASHINGTON AS PRESENTED. Motion carried unanimously.
 2. **Consideration and Possible Action on Revolving Loan Fund for Cavalier Wine Bar-** The Director of Planning and Development reviewed the application for a \$25,000 Revolving Loan Fund (RLF) loan for the purpose of assisting in the financing for the Cavalier Wine Bar located at 324 Lake Street, Suite 3. The Ozaukee County Economic Development Corporation Executive Director Kathleen Cady-Schilling was present as well. The General Government and Finance Committee reviewed the Revolving Loan Fund request and recommends approval of this loan. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. PLEITNER TO APPROVE OF THE REVOLVING LOAN FUND FOR THE CAVELIER WINE BAR, LLC AS PRESENTED. Motion carried unanimously.
 3. **Consideration and Possible Action on Original "Class B" Liquor and Class "B" Beer License for Cavalier Wine Bar LLC (324 Lake Street, Suite 3) –** The City Clerk reviewed and approved the application and required supporting documentation. All required fees have been paid and the background record check was completed and approved by Police Chief Hingiss. The General Government and Finance Committee reviewed and recommends

approval of this Alcohol License. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. PLEITNER TO APPROVE OF THE ORIGINAL "CLASS B" LIQUOR AND CLASS "B" BEER LICENSE FOR CAVELIER WINE BAR LLC, KELLY BROWN-AGENT AS PRESENTED. Motion carried unanimously.

4. Consideration and Possible Action on Original "Class A" Liquor and Class "A" Beer License for Shree Umiyakrupa LLC (Grand Ave Mobil, 223 W. Grand Avenue)- The City Clerk reviewed and approved the application and required supporting documentation. All required fees have been paid and the background record check was completed and approved by Police Chief Hingiss. The General Government and Finance Committee reviewed and recommends approval of this Alcohol License. MOTION MADE BY ALD. NEUMYER, SECONDED BY ALD. POSTL TO APPROVE THE ORIGINAL "CLASS A" LIQUOR AND "CLASS A" BEER LICENSE FOR SHREE UMIYAKRUPA LLC D/B/A GRAND AVENUE MOBIL, MOHAMMAD SIDDIQIE-AGENT AS PRESENTED. Motion approved unanimously.

5. Consideration and Possible Action on the Approval of a Contract for Services from Bray Associates – Architects Inc. Related to the Contemplated New Public Safety Complex- The Finance Director/Treasurer Mark Emanuelson reviewed the information related to the contract. Public Works Director Rob Vanden Noven and Bray Associates - Architects Inc. staff Matt Wolfert were both present to answer the Council's questions during discussion. At the June 20, 2023, meeting of the Common Council, the Council approved the appropriation of \$75,000 to conduct a space needs analysis, site assessment, and concept plan for a public safety complex. Staff engaged Bray Associates – Architects Inc. to provide those services. The attached agreement identifies a cost of \$11,900 for the space needs assessment and concept plan. If the concept plan is approved at an upcoming meeting, the next steps would be to perform site surveying and additional site geotechnical, environmental, and wetland evaluation. The estimated costs for those services are \$31,000. Absent specific Common Council approval to move forward with design, the impact of this agreement will be limited to the \$42,900 as identified in the documentation. If the Common Council approves moving forward the formal facility design in preparation for construction, this agreement will engage Bray Associates – Architects Inc. for those services as delineated in the contract agreement at an anticipated rate of 5.7% of construction costs. In addition, staff has engaged CD Smith as the City's project construction manager to provide various cost analysis on behalf of the city and identify potential project savings opportunities and alternatives in construction and design for the council to consider as the project moves forward. Mr. Wolfert provided information and answered further questions related to the project itself, and the construction management firm CD Smith. The City Attorney and the General Government and Finance Committee both reviewed and recommended approval of the contract as presented. MOTION MADE BY ALD. NEUMYER, SECONDED BY ALD. POSTL TO APPROVE THE CONTRACT FOR SERVICES FROM BRAY ASSOCIATES – ARCHITECTS INC. RELATED TO THE CONTEMPLATED NEW PUBLIC SAFETY COMPLEX AS PRESENTED. Motion carried unanimously.

6. Consideration and Possible Action to Grant Wisconsin Bell Inc. Doing Business As AT&T a Utility Easement at 305 E. Washington Street, Inventors Brewpub and Edison Hall- The Public Works Director reviewed the information related to granting the utility easement to AT&T to install below ground conduit and cables to transmit signals used in the provision of communication, video, and information services to Inventors Brewpub and Edison Hall at 305 E Washington Street. The City Attorney and the General Government and Finance Committee reviewed and recommended approval of this easement as presented. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. POSTL TO APPROVE GRANTING WISCONSIN BELL INC. DOING BUSINESS AS AT&T A UTILITY EASEMENT AT 305 E. WASHINGTON STREET, INVENTORS BREWPUB AND EDISON HALL AS PRESENTED. Motion carried unanimously.

7. **Consideration and Possible Action on Developers Agreement with TBF Development LLC for WEDC Grant-** The City Attorney reviewed the information related to the Developers Agreement and the WEDC-EDI Grant process. The City Attorney, in consultation with the City Treasurer, the Developer's attorney, and representatives of Ehlers' Inc. (City's financial advisor), drafted the Developer's Agreement. The Development Agreement builds in protections for the city if the project defaults. The General Government and Finance Committee reviewed this agreement and recommends approval. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO APPROVE THE DEVELOPER'S AGREEMENT WITH TBF DEVELOPMENT LLC FOR WEDC GRANT AS PRESENTED. Motion carried unanimously.

B. PERSONNEL COMMITTEE

1. **Consideration and Possible Action on Grade Changes for Street Maintenance and Park Maintenance Positions-** The HR Director/ACA reviewed the Grade Changes under consideration. Public Works Director Rob Vanden Noven was present to answer questions related to the positions during the committee's discussion. The City engaged GovHR in June of 2022 to complete a Classification and Compensation study. As part of the study, GovHR equipped the City with resources necessary to periodically review positions and reanalyze roles and their corresponding responsibilities, as well as analyze and grade new positions, should that become necessary. In late 2023, the Director of Public Works requested that the Street Maintenance and Park Maintenance positions be reviewed and reanalyzed. With input from the Director of Public Works and the Streets Superintendent, the HR Director completed a new Job Analysis, using the scoring system. The updated job analysis places these positions in Grade 5. These scores reflect the analysis that an increased level of experience is needed for individuals to fulfill these roles. Grade 5 also serves to match the Street and Park positions with the rest of the hourly Public Works staff in Water and Wastewater. The Personnel Committee reviewed and recommended approval of this change. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. POSTL TO APPROVE A CHANGE TO GRADE 5 FOR STREET AND PARK MAINTENANCE POSITIONS AS PRESENTED. Motion carried unanimously.

8. **FROM CITY BOARDS/COMMISSIONS**

A. PLAN COMMISSION

1. **Public Hearing To Consider A Request To Rezone Approximately 1.3 Acres of Land Located on E. Seven Hills Road, North of Parknoll Lane, South of Interstate Hwy 43, and East of N. Wisconsin Street, From B-2 Local Service Center Business to RM-4 Multi Family Residential for the Purpose of Future Multi-Family Development-** The Mayor opened the public hearing. There being no comments for or against, Mayor Neitzke closed the hearing.

2. **Ordinance 2024-1: An Ordinance Rezoning Land in the City of Port Washington and Amending the Official Zoning Map - Request to Rezone Approximately 1.3 Acres of Land Located on E. Seven Hills Road, North of Parknoll Lane, South of Interstate Hwy 43, and East of N. Wisconsin Street, From B-2 Local Service Center Business to RM-4 Multi Family Residential; Port Grandview Development LLC and Tom Didier, PGD LLC Managing Member, Applicants – 2nd Reading-** The Director of Planning and Development reviewed Ordinance 2024-1, related to the rezoning request. The subject property is a vacant parcel of land located along a commercial stretch of E. Seven Hills Road on the north end of the city of Port Washington. The land was acquired by the applicants in 2006 with the intent for future commercial development in keeping with its Business zoning. Since that time the property has been vacant despite being marketed by the ownership group who are real estate brokers and realtors. Tom Didier was present to report on the need for housing in the area and interest in this property for future development. The Plan Commission reviewed and recommended denial of this Ordinance. MOTION MADE BY ALD. TEARNEY, SECONDED BY ALD. BENNING TO APPROVE ORDINANCE 2024-1: AN ORDINANCE REZONING LAND IN THE CITY OF PORT WASHINGTON AND AMENDING THE OFFICIAL ZONING MAP – REQUEST TO REZONE APPROXIMATLEY 1.3 ACRES OF LAND

LOCATED ON E. SEVEN HILLS ROAD, NORTH OF PARKNOLL LANE, SOUTH OF INTERSTATE HWY 43, AND EAST OF N. WISCONSIN STREET, FROM B-2 LOCAL SERVICE CENTER BUSINESS TO RM-4 MULTI FAMILY RESIDENTIAL AS PRESENTED. VOTE TAKEN: AYE: 6; NAY-1 (POSTL) Motion carried.

3. Consideration and Possible Action on a Proposed Final Plat for Highland Pointe Subdivision Phase II; Located North of New Port Vista Drive; South of E. Sauk Road; East of the Ozaukee Interurban Trail; and West of Misty Ridge Lane; Highland Pointe LLC and Neumann Developments Inc., Applicants- The Director of Planning and Development reviewed the second phase of the subdivision contained in the proposed final plat. This second phase layout consists of 24 lots located along a westward expansion of Highland Pointe Way and Windrush Lane extended north. The Plan Commission reviewed and recommended approval of the final plat. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. NEUMYER TO APPROVE THE PROPOSED FINAL PLAT FOR HIGHLAND POINTE SUBDIVISION PHASE II; LOCATED NORHT OF NEW PORT VISTA DRIVE; SOUTH OF E. SAUK ROAD; EAST OF THE OZAUKEE INTERURBAN TRAIL; AND WEST OF MISTY RIDGE LANE AS PRESENTED. VOTE TAKEN: AYE-6; NAY-1 (GASPER). Motion carried.

4. Consideration and Possible Action on a Proposed Condominium Plat for Lot 38 of Prairie's Edge Subdivision South Phase to Accommodate Four Condominium Buildings; Located at the South End of the Prairie's Edge Subdivision, West of Shieling Lane and North of Bastle Wynd; Black Cap Halcyon, Applicants- The Director of Planning and Development reviewed details regarding Prairie's Edge Subdivision. This subdivision is divided into three areas: the North Phase, Center Phase, South Phase. The subject parcel is identified as Lot 38 on the Prairie's Edge South Phase Final Plat, which was approved by the Common Council in 2022. Lot 38 has been identified for townhome or other types of shared wall development (see attached master plan). After several iterations a final mix has been identified and the applicant is requesting condo plat approval prior to construction and sale. The Plan Commission reviewed and recommended approval of the proposed plat. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. NEUMYER TO APPROVE THE PROPOSED CONDOMINIUM PLAT FOR LOT 38 OF PRAIRIE'S EDGE SUBDIVISION SOUTH PHASE TO ACCOMMODATE FOUR CONDOMINIUM BUILDINGS; LOCATED AT THE SOUTH END OF THE PRAIRIE'S EDGE SUBDIVISION, WEST OF SHIELING LANE AND NORTH OF BASTLE WYND AS PRESENTED. Motion carried unanimously.

5. Update and Discussion Regarding Accessory Dwelling Units in Certain Residential Zoning Districts in the City of Port Washington; City of Port Washington, Applicant- The Director of Planning and Development reviewed details regarding the Accessory Dwelling Units, or ADU's. In 2022 the Plan Commission approved a zoning text change to allow for home office and recreational room spaces in the upper / attic portion of residential detached garages – but the use of bathrooms or living quarters were specifically prohibited. During that discussion related issues arose which staff and the Commission determined should be re-visited at a future date. Specifically, those related issues were consideration of allowing accessory dwelling units in certain residential areas and the question of acceptable garage size and heights for accessory garages given the special exception process. In early 2023 the City developed annual charters for its Boards, Commissions, and Committees. After review and approval by the Commission, the Plan Commission charter for 2023 was adopted with one of the strategic goals as follows: Adjust Detached Garage Heights and ADU Consideration. The Plan Commission discussed this matter at its July, August, and October meetings and identified issues and standards for consideration. And at its December 2023 meeting the Plan Commission recommended the attached ADU standards to the Council for final consideration. Discussion was held on this matter.

6. Update and Discussion Regarding Maximum Building Height Regulations in the B-4 Central Business Zoning District; City of Port Washington, Applicant- The Director of Planning and Development reviewed the recent history regarding maximum building height requirements in the B-4 Central Business District, or downtown area. The Zoning Code currently indicates In the B-4 Central Business District (Downtown) any proposed building or structure over 35' is subject to review by the Plan Commission and a two-thirds majority vote by the Common Council. This review and approval process is not a variance but rather a special exception to allow for a case-by-case review of proposals to avoid past developments considered out of character with downtown. Increasingly, the Plan Commission and Common Council have expressed a desire to re-visit downtown heights and the special exception review process to consider changing the current B-4 height regulations to allow for a hard cap on heights under which rooftop mechanicals and other structures would need to adhere to and, as a result, limit the special exception allowances overall. Discussion was held, and Council determined that future revisions will be included in the zoning code update.

9. UNFINISHED BUSINESS- None.

10. NEW BUSINESS- None.

11. PUBLIC COMMENTS/APPEARANCES- None.

12. MOTION TO CONVENE In Closed Session Pursuant to § 19.85(1)(e), Wis. Stat. for Purposes of Deliberating or Negotiating the Purchase of Public Property, the 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 Potential Purchase of 4.27-acre Parcel of Land Located at 1777 W. Grand Avenue, Port Washington (Tax Parcel #160301600700), and Devising Bargaining Strategies Regarding said Potential Purchase.- The Mayor read the closed session item. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO CONVENE IN CLOSED SESSION AT 8:23 P.M. FOR THE REASONS STATED ON THE AGENDA. ROLL CALL VOTE TAKEN: AYE: POSTL, NEUMYER, GASPER, BENNING, PLEITNER, TEARNEY, SIGWART. Motion carried unanimously.

13. MOTION TO CONVENE In Closed Session Pursuant to § 19.85(1)(c), Wis. Stat. for Purposes of Considering the Employment, Promotion, Compensation or Performance Evaluation Data of Any Public Employee Over Which the Governmental Body has Jurisdiction or Exercises Responsibility, to-wit: Discuss Terms and Conditions of Employment Contract with New City Administrator.- The Mayor read the closed session item. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO CONVENE IN CLOSED SESSION AT 8:23 P.M. FOR THE REASONS STATED ON THE AGENDA. ROLL CALL VOTE TAKEN: AYE: POSTL, NEUMYER, GASPER, BENNING, PLEITNER, TEARNEY, SIGWART. Motion carried unanimously.

14. RECONVENE INTO OPEN SESSION to take action relating to closed session discussions or deliberations, if any.- MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO RECONVENE INTO OPEN SESSION AT 9:27 P.M. ROLL CALL VOTE TAKEN: AYE: POSTL, NEUMYER, GASPER, BENNING, PLEITNER, TEARNEY, SIGWART. Motion carried unanimously.

MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO APPROVE THE CITY ADMINISTRATION CONTRACT AS PRESENTED. Motion carried unanimously.

MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO AUTHORIZE AND DIRECT CITY OFFICIALS TO CONTACT AURORA TO EXPLORE POSSIBLE OPTION TO PURCHASE THE PROPERTY AT 1777 W. GRAND AVENUE, PORT WASHINGTON, WI AND TO REPORT BACK TO COUNCIL. Motion carried unanimously.

15. ADJOURNMENT- MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO
ADJOURN THE MEETING AT 9:29 P.M. Motion carried unanimously.

Respectfully submitted,
Susan L. Westerbeke, City Clerk.