



CITY OF PORT WASHINGTON, OZAUKEE COUNTY, WI
COMMON COUNCIL MEETING
TUESDAY, APRIL 16, 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 (present by telephone), and John Sigwart. Also present was City Administrator Melissa Pingel, City Clerk Susan Westerbeke, City Attorney Eric Eberhardt, Public Works Director Rob Vanden Noven, Director of Planning and Development Bob Harris.
2. **PLEDGE OF ALLEGIANCE TO THE FLAG-** The Pledge of Allegiance was recited.
3. **OATH OF OFFICE FOR MAYOR AND ALDERPERSONS OF THE 2nd, 4th, 6th ALDERMANIC DISTRICTS WAS ADMINISTERED BY THE CITY CLERK.**
4. **CONSENT AGENDA-** MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO APPROVE AND ACCEPT THE CONSENT AGENDA AS PRESENTED. Motion carried unanimously.
5. **MAYOR'S BUSINESS**
 - A. **Appointment to Boards, Committees and Commissions-** Appointment of the Alderpersons was completed. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO APPROVE THE APPOINTMENT OF THE ALDERPERSONS AS PRESENTED. Motion carried unanimously.
 - B. **Arbor Day Proclamation-** The Mayor provided the 2024 Arbor Day Proclamation and discussed the Arbor Day Tree Planting Event.
 - C. **Ewig Bros Fish Company Proclamation-** The Mayor introduced the Ewig Family and provided the Ewig Brothers Day Proclamation.
6. **OFFICERS/STAFF REPORT**
 - A. **Election of Council President-** The Mayor requested nominations. Ald. Neumyer nominated Ald. Benning for Council President. MOTION MADE BY ALD. NEUMYER, SECONDED BY ALD. PLEITNER TO APPROVE ALD. BENNING AS COUNCIL PRESIDENT. Motion carried unanimously.
 - B. **Approve Official City Newspaper (Ozaukee Press)-** MOTION MADE BY ALD. BENNING, SECONDED BY ALD. POSTL TO APPROVE THE OZAUKEE PRESS AS THE OFFICIAL CITY NEWSPAPER AS PRESENTED. Motion carried unanimously.
 - C. **Designate Official City Depositories (Port Washington State Bank, BMO Harris Bank, Ehlers Investment Management, Local Government Investment Pool)-** MOTION MADE BY ALD. BENNING, SECONDED BY ALD. POSTL TO APPROVE THE DESIGNATIONS OF OFFICIAL CITY DEPOSITORIES (PORT WASHINGTON STATE BANK, BMO HARRIS BANK, EHLERS INVESTMENT MANAGEMENT, LOCAL GOVERNMENT INVESTMENT POOL) AS PRESENTED. Motion carried unanimously.
 - D. **Department Monthly Reports-** The Mayor thanked department staff for submitting their monthly reports which were distributed in writing.
7. **PUBLIC COMMENTS/APPEARANCES-** None.
8. **FROM STANDING COUNCIL COMMITTEES**
 - A. **GENERAL GOVERNMENT AND FINANCE COMMITTEE**
 1. **Consideration and Possible Action to Approve a Joint Powers Agreement Between the Ozaukee County Sheriff's Office and the City of Port Washington-** The City Clerk reviewed the agreement. Wisconsin State Statute 256.35 (9) requires public agencies that utilize a joint 911 dispatch center to renew their Joint Powers Agreement annually. Through this agreement, Ozaukee County provides 911 dispatch services, and the City agrees to provide firefighting, law enforcement, ambulance, or other emergency service resources when requested. General Government and Finance Committee reviewed this agreement and recommends approval. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO APPROVE THE JOINT POWERS AGREEMENT BETWEEN THE OZAUKEE COUNTY SHERIFF'S OFFICE AND THE CITY OF PORT WASHINGTON AS PRESENTED. VOTE TAKEN; AYE: 6, ABSTAIN: 1 (NEUMYER). Motion carried.

2. **Consideration and Possible Action on Appointment of Successor Agent for Retail License (Moonlight Tavern LLC, 101 E. Main Street)-** The City Clerk reviewed the request related to the Retail License. This request was initiated by the owner and follows statutory requirements for this process. Anders Dowd will replace Angel Tello as agent for Moonlight Tavern, LLC. General Government and Finance Committee reviewed this agreement and recommends approval. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO APPROVE THE APPOINTMENT OF SUCCESSOR AGENT FOR MOONLIGHT TAVERN LLC, 101 E. MAIN STREET AS PRESENTED. Motion carried unanimously.
 3. **Consideration and Possible Action on a Three Party Design Services Contract between Toole Design Group, LLC and the Wisconsin Department of Transportation for Bicycle and Pedestrian Study-** The Public Works Director discussed the Bicycle and Pedestrian Study. The project under consideration is an updated Bicycle/Pedestrian Plan to replace the City's 1996 Bike/Ped Plan. The City's sidewalk system is extensive, yet there are many gaps which should be identified for planning purposes. The Interurban Trail, a multi-use path which is primarily off-street, would benefit from planning to identify additional opportunities to allow improved access to the trail by all potential users. This plan will be used to inventory and map all existing bicycle and pedestrian facilities, identify gaps in the bike/ped network, perform public outreach including stakeholder interviews and public workshops, identify opportunities, and create a vision for the future of Port Washington's bicycle and pedestrian network. This plan will communicate the vision of Port Washington as a place that is bicycle and pedestrian friendly for users of all ages and abilities and enable decision makers to plan and construct future bicycle and pedestrian improvements more clearly. In 2022, the City was awarded a Wisconsin Department of Transportation (WisDOT) Transportation Alternatives Program (TAP) grant to pay for 80% of the cost of the plan. The cost of the proposed plan is \$74,948, with \$60,000 being reimbursed by WisDOT. Public information meetings will be held in the community as this project moves forward. General Government and Finance Committee reviewed this agreement and recommends approval. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. BENNING TO APPROVE THE THREE PARTY DESIGN SERVICES CONTRACT BETWEEN TOOLE DESIGN GROUP, LLC AND THE WISCONSIN DEPARTMENT OF TRANSPORTATION FOR BICYCLE AND PEDESTRIAN STUDY AS PRESENTED. Motion carried unanimously.
 4. **Consideration and Possible Action on Approval of Amendment Number 4 to the Thomas Drive Water Tower Lease Agreement with AT&T-** The Public Works Director reported on the Amendment Number 4 to the Thomas Drive Water Tower Lease Agreement with AT&T. City leases a portion of the property at the Thomas Drive Water Tower to AT&T for facilities and equipment necessary to support their antennas located on the water tower. This AT&T equipment currently does not have a backup power supply. Therefore, AT&T would like to add an emergency generator to be located within the area that they currently lease. Their current lease agreement does not define a generator as equipment included in the lease; therefore, an amendment to the lease is necessary. AT&T will locate the generator within their current lease footprint and not require additional area to be fenced. Therefore, staff is not recommending a change in the lease payment. General Government and Finance Committee and the City Attorney both reviewed this agreement and recommends approval. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO APPROVE AMENDMENT NUMBER 4 TO THE THOMAS DRIVE WATER TOWER LEASE AGREEMENT WITH AT&T AS PRESENTED. Motion carried unanimously.
9. **FROM CITY BOARDS/COMMISSIONS**
- A. **PLAN COMMISSION**
 1. **Public Hearing to Amend Section 485-153 of the Zoning Code to Allow Ambulance Services in the R-1 Single Family Detached Residence District-** The Mayor opened the public hearing. There being no comments for or against, Mayor Neitzke closed the hearing.
 2. **Ordinance 2024-4: Amending and/or Creating Zoning Ordinances to Allow and Regulate Private Ambulance Services as a Conditional Use in the R-1 Single Family Detached Residence District (Harbor Village LLC, Applicant)- 2nd Reading-** The Director of Planning and Development reviewed Ordinance 2024-4. Capri Harbor Campus is proposing to use an existing ambulance bay at its campus to house a private ambulance service. To do so will require amending the City's zoning code to add Private Ambulance Services (including crew quarters space) as a conditional use in the residential districts. The use is not intended as standalone use but only when operating within a senior care or senior residence facility to limit such uses within residential neighborhoods. There are no objections from the Port Washington Fire Dept. Discussion was held.

MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO APPROVE ORDINANCE 2024-4: AMENDING AND/OR CREATING ZONING ORDINANCES TO ALLOW AND REGULATE PRIVATE AMBULANCE SERVICES AS A CONDITIONAL USE IN THE R-1 SINGLE FAMILY DETACHED RESIDENCE DISTRICT (HARBOR VILLAGE LLI, APPLICANT). VOTE TAKEN; AYE: 6, NAY: 1 (GASPER). Motion carried.

- 3. Public Hearing to Consider a Conditional Use Grant Request for a Proposed Recording Studio Located on the East Side of S. Park Street South of Schmitz Drive-** The Mayor opened the public hearing. There being no comments for or against, Mayor Neitzke closed the hearing.
- 4. Consideration and Possible Action on a Proposed Conditional Use Grant and Land Covenant for a Recording Studio Facility Located on the East Side of the 600-Block of S. Park Street and East of Schmitz Drive (TCG Holdings 116 LLC, Applicant)-** The Director of Planning and Development reviewed the Conditional Use Grant. The applicant is the owner of a .5-acre vacant parcel located on the east side of S. Park Street, east of Schmitz Drive, and directly facing the Park Street Business Barn Condominiums. In 2023, the applicant was approved to construct a 6,225 square foot office and warehouse building for the applicants' previous business of furnishing and servicing adult care homes. Due to site complications an off-set variance by the Zoning Board of Appeals was granted in 2023 to accommodate the proposed building as shown on the attached site plan. Shortly after such approvals the applicant sold the business, and the new owners are not interested in the site. The applicant continues to own the S. Park Street land and desires to construct a similar building to the one previously approved, but as a recording studio. Prior to submitting the conditional use grant application, the applicant petitioned the City to add 'Recording Studios' as an allowable conditional use under the I-1 Existing Industrial zoning district. This petition was approved by the Common Council via adoption of Ordinance 2024- 2 at its March 19, 2024, meeting. The Plan Commission recommended unanimous approval of the conditional use at its March 20, 2024 meeting. Nick Suddendorf of TCG Holdings 116 LLC was present to answer questions. The City Attorney recommends the Conditional Use Grant be amended to include the addition of the word "indoor" in the language. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO APPROVE THE CONDITIONAL USE GRANT AND LAND COVENANT FOR A RECORDING STUDIO FACILITY LOCATED ON THE EAST SIDE OF THE 600-BLOCK OF S. PARK STREET AND EAST OF SCHMITZ DRIVE, TCG HOLDINGS 116 LLC, APPLICANT, WITH AMENDMENT AS PRESENTED. Motion carried unanimously.

10. UNFINISHED BUSINESS- None.

11. NEW BUSINESS- None.

12. PUBLIC COMMENTS/APPEARANCES- None.

13. ADJOURNMENT- MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO ADJOURN THE MEETING AT 7:03 P.M. Motion carried unanimously.

Respectfully submitted,
Susan L. Westerbeke, City Clerk