



CITY OF PORT WASHINGTON, OZAUKEE COUNTY, WI
COMMON COUNCIL MEETING
TUESDAY, MAY 21, 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 Paul Neumyer, Mike Gasper, Dan Benning, Jonathan Pleitner, Patrick Tearney, and John Sigwart. Ald. Deborah Postl was absent and excused. 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 led by Eagle Scout Wyatt Behrndt.
3. **CONSENT AGENDA-** MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO ACCEPT AND APPROVE THE CONSENT AGENDA AS PRESENTED. Motion carried unanimously.
4. **MAYOR'S BUSINESS**
 - A. **Appointment of Members to Boards, Committees and Commissions-** MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO APPROVE APPOINTMENTS OF MEMBERS TO BOARDS, COMMITTEES AND COMMISSIONS AS PRESENTED. Motion carried unanimously.

The Mayor provided the following Proclamations: Honoring Eagle Scout Wyatt Behrndt for his achievement, Honoring the Police Department for National Peace Officers' Memorial Day; Honoring the Department of Public Works for National Public Works Week, and Honoring the Fire Department for EMS Week. The Mayor made the following announcements: May 27 is the date for the Memorial Day Parade and celebration at American Legion Post 82, Parks and Forestry Superintendent Jon Crain and his team recently completed the spring planting of 190 trees, and Kolbach Park pickleball courts are now open.
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 Approval of Establishments One-Day Extension of Alcohol Premises: Port Main Street Festival of the Arts Event-** The City Clerk reviewed the One-Day Extension of Alcohol Premises for the Establishments on N. Franklin and E. Main Streets to participate in the Port Festival of the Arts during the designated hours allowing patrons to purchase, carry out and consume beer and wine products in plastic cups during the hours of 11:00 a.m. and 5:00 p.m. within the festival grounds. The General Government and Finance Committee approved this premise extension. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. PLEITNER TO APPROVE THE ESTABLISHMENTS ONE-DAY EXTENSION OF ALCOHOL PREMISES: PORT MAIN STREET FESTIVAL OF THE ARTS EVENT AS PRESENTED. Motion carried unanimously.
 2. **Presentation of Concept Design by Bray Architects for a Public Safety Building-** The Public Works Director introduced Matt Wolfert from Bray Architects and Cory Henschel of CD Smith who presented the proposed design schedule. The tasks provided by the construction manager were reviewed which include budget management, bid solicitation, and construction contract management. Proposed construction would occur through spring 2025. Wetland delineation is complete with additional work with the DNR to follow. City staff will follow the outlined process to obtain access to the initial soil borings, which appear to have yielded positive results. Further discussion was held. This item will appear at the June 4, 2024 Council Meeting.
 3. **Consideration and Possible Action on Approval of Owners Representation for the Public Safety Building Project-** The Public Works Director introduced Rick Miller of MC Group to review their services as Owners Representation for the design and construction of the public safety building. The estimated fee is \$252,450. Weekly and monthly updates will be provided during the project. The City Attorney reviewed the agreement and will continue to work with Mr. Miller on the final document. MOTION MADE BY ALD. SIGWART, SECONDED BY ALD. NEUMYER TO APPROVE THE OWNERS

REPRESENTATION FOR THE PUBLIC SAFETY BUILDING SUBJECT TO REVIEW AND APPROVAL OF THE CITY ATTORNEY. Motion carried unanimously.

4. **Ordinance 2024-3: Amending Portions of Chs. 8, 36 and 485 of the City Code Relating to the Appointment and Commencement of Term of Office of Members of Certain City Boards, Commissions and Committees, and Amending Membership of the Plan Commission- 2nd Reading-** The City Attorney reviewed Ordinance 2024-3 with the Council including recommended changes from the 1st Reading. The current code states the date of appointment, and the term of office start dates, for some but not all appointed members of the City's boards, committees, and commissions. The appointments are made by the mayor and approved by the Common Council. This ordinance amends several sections of the City's Municipal Code to specify the mayoral appointment date, and the term of office starting date of all appointment members of the City's Boards, Commissions, and Committees. At the Common Council meeting during the third Tuesday in May, the Mayor will present BCC appointments, except for Police and Fire Commission and Library Board, as their respective appointment dates are dictated by State Statute. The General Government and Finance Committee reviewed this Ordinance and recommends approval. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO APPROVE ORDINANCE 2024-3: AMENDING PORTIONS OF CHS. 8, 36, AND 485 OF THE CITY CODE RELATING TO THE APPOINTMENT AND COMMENCEMENT OF TERM OF OFFICE OF MEMBERS OF CERTAIN CITY BOARDS, COMMISSIONS AND COMMITTEES, AND AMENDING MEMBERSHIP OF THE PLAN COMMISSION AS PRESENTED. Motion carried unanimously.
 5. **Resolution 2024-4: Supporting a Grant Application for Historic Lighthouse Preservation Through the Wisconsin Department of Transportation Fiscal Year 2024 Redistribution Transportation Alternatives Program (TAP)-** The Public Works Director discussed Resolution 2024-4, the State/Municipal Agreement for an Infrastructure Alternative Program (TAP) Project grant related to the Historic Lighthouse Preservation. The grant application for the project to preserve the North Breakwater Pier Lighthouse was submitted to WisDOT. The funding is available through the Bipartisan Infrastructure Law (BIL) and the annual federal redistribution of funding that other states were unable to obligate. The TAP encompasses a variety of smaller-scale transportation projects such as pedestrian and bicycle facilities, recreation trails, safe routes to school projects, community improvements such as historic preservation and vegetation management, and environmental mitigation related to stormwater and habitat connectivity. Projects receiving the grant award may receive up to 80 percent of the funds required to complete the project. The city has not yet been notified of an award for this project. This resolution authorizing the grant application is a requirement prior to award of the grant to ensure the grantee will provide the local funds match. The General Government and Finance Committee reviewed this Resolution and recommends approval. Discussion was held. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. GASPER TO APPROVE RESOLUTION 2024-4: SUPPORTING A GRANT APPLICATION FOR HISTORIC LIGHTHOUSE PRESERVATION THROUGH THE WISCONSIN DEPARTMENT OF TRANSPORTATION FISCAL YEAR 2024 REDISTRIBUTION TRANSPORTATION ALTERNATIVES PROGRAM (TAP) AS PRESENTED. Motion carried unanimously.
 6. **Consideration and Possible Action on a State/Municipal Agreement for an Infrastructure Transportation Alternatives Program (TAP) Project: Historic Lighthouse Preservation-** The Public Works Director discussed the State/Municipal Agreement (SMA) for an Infrastructure Transportation Alternatives Program (TAP) Project for the Historic Lighthouse Preservation. The city has not yet been notified of an award for this project, which is estimated to be 80 percent of the cost of the project. The city is anticipated to provide a 20 percent contribution. As a result of the short timeframes related to the project award, it is necessary to proceed with completing all required actions deemed to be grant eligible, including execution of the SMA. The General Government and Finance Committee reviewed this agreement and recommends approval. MOTION MADE BY ALD. GASPER, SECONDED BY ALD. BENNING TO APPROVE A STATE/MUNICIPAL AGREEMENT FOR AN INFRASTRUCTURE TRANSPORTATION ALTERNATIVES PROGRAM (TAP) PROJECT: HISTORIC LIGHTHOUSE PRESERVATION AS PRESENTED. Motion carried unanimously.
- B. TRAFFIC SAFETY COMMITTEE**
1. **Ordinance 2024-5: An Ordinance Repealing the One-Way Street Designation, Amending the Parking Restrictions, and Establishing an Official Stop Sign on West Main Street – 2nd Reading-** The DPW Director presented Ordinance 2024-5 related to converting the 100 block of West Main Street to two-way traffic flow. The current one-way traffic pattern creates difficulty for downtown visitors to access

the County-owned parking lot on West Main Street. During large events when the parking lot is heavily used, traffic congestion occurs upon exit from the lot. Conversion to two-way traffic will result in the loss of five to seven parking spots. However, according to the June 2023 parking study, enough parking spaces still remain during peak periods. This change has been discussed with Ozaukee County as well. MOTION MADE BY ALD. GASPER, SECONDED BY ALD. NEUMYER TO ADOPT ORDINANCE 2024-5: AN ORDINANCE REPEALING THE ONE-WAY STREET DESIGNATION, AMENDING THE PARKING RESTRICTIONS, AND ESTABLISHING AN OFFICIAL STOP SIGN ON WEST MAIN STREET AS PRESENTED. Motion carried unanimously.

8. FROM CITY BOARDS/COMMISSIONS

A. PLAN COMMISSION

1. **Public Hearing To Amend Section 485-164 of the City of Port Washington Zoning Code To Allow Limited Warehousing Uses in the CCM Central City Mixed Zoning District-** The Mayor opened the Public Hearing. There being no comments for or against, the hearing was closed.
2. **Ordinance 2024-6: Amending and/or Creating Zoning Ordinances to Allow and Regulate Warehousing as a Conditional Use in the CCM Multiple Family (Central City Mixed) Zoning District; Anneran Holdings LLC, Applicant- 2nd Reading-** The Director of Planning and Development reviewed Ordinance 2024-6. The applicant recently purchased a light industrial building previously used as a printing, warehousing, and distribution for Port Publications (Ozaukee Press). The applicant intends to use the facility as a warehouse for its Ansay International business arm to store and distribute products imported from Luxembourg. The impetus for the text change is that the property had been used for light industrial operations since its mid-century construction for use as a fish processing plant, and later as a printing facility. In the late 1970's, the printing facility was made non-conforming when the property was rezoned from industrial to CCM (residential and commercial mix). In 2006, the City approved a zoning text change to include "Printing and related activities" as a conditional use of the CCM district to accommodate a proposed addition to the printing facility after the City determined rezoning the property back to industrial or to a business (B-1, B-2, B-3, B-4) designation would have the potential to introduce more intensive uses to the primarily residential area. MOTION MADE BY ALD. NEUMYER, SECONDED BY ALD. BENNING TO APPROVE ORDINANCE 2024-6: AMENDING AND/OR CREATING ZONING ORDINANCES TO ALLOW AND REGULATE WAREHOUSING AS A CONDITIONAL USE IN THE CCM MULTIPLE FAMILY (CENTRAL CITY MIXED) ZONING DISTRICT; ANNERAN HOLDINGS LLC, APPLICANT AS PRESENTED. Motion carried unanimously.
3. **Public Hearing To Consider a Conditional Use Grant Request to Allow a Private Ambulance Service To Operate at the Harbor Campus Senior Living Facility Located at 425 W. Walters Street-** The Mayor opened the Public Hearing. Steve Barber and Karen Styles provided comments, concerns and questions related to the Conditional Use Grant. The Director of Planning and Development provided answers to the questions. There being no further questions, the Mayor closed the hearing.
4. **Consideration and Possible Action on a Conditional Use Grant and Land Covenant for a Private Ambulance Service and Crew Quarters Located at the Harbor Campus Senior Living Community, 425 W. Walters Street; Capri Communities LLC, Applicant-** Capri Communities and Livestar representatives were present. Livestar Emergency Services, a private ambulance and medical transport service would locate to the Harbor Campus facility and operate independently serving area hospitals and interfacility transportation needs – it is not exclusively for Harbor Campus. To do so, Capri Communities needed to request an amendment to the City's zoning code to add 'Private Ambulance Services' as a conditional use. This zoning text amendment (Ordinance 2024-4) was adopted by the Council at its April 16, 2024 meeting. Concerns were addressed regarding transportation of facility residents to area hospitals on a non-emergency basis. Livestar Emergency Services does not offer mutual aid or 911 services. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO APPROVE A CONDITIONAL USE GRANT AND LAND COVENANT FOR A PRIVATE AMBULANCE SERVICE AND CREW QUARTERS LOCATED AT THE HARBOR CAMPUS SENIOR LIVING COMMUNITY, 425 W. WALTERS STREET; CAPRI COMMUNITIES LLC, APPLICANT AS PRESENTED. Motion carried unanimously.

5. **Public Hearing To Consider A Conditional Use Grant Request For Outdoor Eating and Drinking on the South Site of Inventors Brewpub Located at 305 E. Washington Street-** The Mayor opened the Public Hearing. Kathy Schultz provided comments and concerns over outdoor music and the proposed Conditional Use Grant. The Mayor closed the hearing.
6. **Consideration and Possible Action on a Conditional Use Grant and Land Covenant to Allow Outdoor Eating and Drinking on the South Side of Inventors Brewpub; 305 E. Washington Street; TBF Development LLC and Adam Draeger, Applicants-** The outdoor seating request follows the recent grand opening of the Inventor’s Brewpub and Edison Hall event space. The seating is for outdoor eating and drinking along the south side of the building along the Harbor Walk, including ten two-person seats in front of Edison Hall, and 12 seats in front of Inventors Brewpub. Outdoor eating and drinking are designated conditional uses in the City’s Zoning Code, requiring review and recommendation by the Plan Commission and approval from the Council. The design of the seating will consist of two adjoined chairs with a shared tabletop, no separate tables are proposed. Food and beverage service for the outdoor seating will occur during regular business hours. Owner Adam Draeger was present to answer questions related to the outdoor dining and beverage service. A Cabaret License has been applied for as well for music inside Edison Hall. MOTION MADE BY ALD. NEUMYER, SECONDED BY ALD. GASPER TO APPROVE THE CONDITIONAL USE GRANT AND LAND COVENANT TO ALLOW OUTDOOR EATING AND DRINKING ON THE SOUTH SIDE OF INVENTORS BREWPUB; 305 E. WASHINGTON STREET; TBF DEVELOPMENT LLC AND ADAM DRAEGER, APPLICANTS AS PRESENTED. Motion carried unanimously.
7. **Presentation and Discussion on City of Port Washington Downtown and Lakefront Plan Bi-Annual Update-** The Director of Planning and Development discussed the Downtown and Lakefront Plan update. Following adoption, the downtown planning entered the implementation phase. The plan lists on-going “status” and “next step” categories which have been added to create an active, rolling “to-do” list of implementation tasks. Bi-annual status report may be provided to the Council, including a Quarter 2 update prior to budget season and an end of year progress summary. Currently, a few stand-alone projects are underway including the zoning code re-write, bike and pedestrian plan, final City decisions on a proposed public safety facility, and select property owners. Progress has been made on eight actionable items identified within the November 2023 update. Discussion was held including expediting the use of wayfinding signage in the downtown area.
9. **UNFINISHED BUSINESS-** None.
10. **NEW BUSINESS**
 - A. **Resolution 2024-5: Approving the City of Port Washington Adjusted Urban Area Boundary-** The Director of Public Works discussed Resolution 2024-5, approving the City of Port Washington Adjusted Urban Area Boundary. Typically, Urban Area Boundaries are updated approximately every ten years following the release of decennial census data. Due to the new census numbers, local and regional developments, and new traffic count data, it is necessary to develop the newly formed Grafton/Cedarburg/Port Washington/Saukville Urban Area Boundary that has broken off from the Milwaukee Urban Area. The UAB is important for transportation planning because it is a key factor for federal Surface Transportation Block Grant funding eligibility. The Grafton- Port Washington-Cedarburg is newly formed as these areas had previously been included in the Milwaukee Urban Area. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. GASPER TO APPROVE RESOLUTION 2024-5: APPROVING THE CITY OF PORT WASHINGTON ADJUSTED URBAN AREA BOUNDARY AS PRESENTED. Motion carried unanimously.
11. **PUBLIC COMMENTS/APPEARANCES-** None.
12. **MOTION TO CONVENE** in closed session per Wis. Stat. § 19.85(1)(e), i.e., 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: devise bargaining strategies and discuss financial and other terms and conditions of potential sale and development of the approximately 39-acre parcel of City-owned vacant land, commonly known as the former Schanen Farm, located along the south side of STH 33 west of CTH LL (Tax Parcel No. 16-030-15-002.00).- The Mayor read the closed session item. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. TEARNEY TO CONVENE IN CLOSE SESSION AT 8:29 P.M. ROLL CALL VOTE TAKEN. AYE: NEUMYER, GASPER, BENNING, PLEITNER, TEARNEY, SIGWART. Motion carried unanimously.

- 13. MOTION TO CONVENE** in closed session per Wis. Stat. § 19.85(1)(e), i.e., 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: devise bargaining strategies and 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 No. 160301600700).- The Mayor read the closed session item. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. SIGWART TO CONVENE IN CLOSE SESSION AT 8:30 P.M. ROLL CALL VOTE TAKEN. AYE: NEUMYER, GASPER, BENNING, PLEITNER, TEARNEY, SIGWART. Motion carried unanimously.
- 14. MOTION TO CONVENE** in closed session pursuant to wis. stat. § 19.85 (1)(g) to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. - The Mayor read the closed session item. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. PLEITNER TO CONVENE IN CLOSE SESSION AT 8:32 P.M. ROLL CALL VOTE TAKEN. AYE: NEUMYER, GASPER, BENNING, PLEITNER, TEARNEY, SIGWART. Motion carried unanimously.
- 15. RECONVENE INTO OPEN SESSION** to take action relating to the closed session items, if any. MOTION MADE BY ALD. NEUMYER, SECONDED BY ALD. GASPER AT 9:20 P.M. TO RECONVENE INTO OPEN SESSION. ROLL CALL VOTE TAKEN: AYE: NEUMYER, GASPER, BENNING, PLEITNER, TEARNEY, SIGWART. Motion carried unanimously.
- 16. ADJOURNMENT-** MOTION MADE BY ALD. NEUMYER, SECONDED BY ALD. TEARNEY TO ADJOURN AT 9:20 P.M. Motion carried unanimously.

Respectfully submitted,
Susan L. Westerbeke, City Clerk