



CITY OF PORT WASHINGTON, OZAUKEE COUNTY, WI
COMMON COUNCIL MEETING
TUESDAY, JUNE 4, 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 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. **CONSENT AGENDA-** MOTION MADE BY ALD. BENNING, SECONDED BY ALD. PLEITNER TO APPROVE THE CONSENT AGENDA AS PRESENTED. Motion carried unanimously.
4. **MAYOR'S BUSINESS-** The Mayor thanked the Council and Leadership Team for the Work Session and future project planning.
5. **OFFICERS/STAFF REPORTS-** None.
6. **PUBLIC COMMENTS/APPEARANCES-** Ald. Sigwart and Ald. Tearney shared comments regarding Memorial Day and the recent passing of a city resident Merton Lueptow, respectively.
7. **FROM STANADING COUNCIL COMMITTEES**
 - A. **GENERAL GOVERNMENT AND FINANCE COMMITTEE**
 1. **Consideration and Possible Action on Authorizing Bray Architects to Proceed with Final Design of the Public Safety Building-** The City Administrator reviewed information related to the previous meetings held with Bray Architects, CD Smith, the City Attorney, and city staff. The General Government and Finance Committee (GGF) met prior to this meeting to review and discuss the project phases. Ald. Pleitner and Ald. Benning reviewed discussion held at the GGF on value engineering and the Owner's Representative (MC Group) review. The Public Works Director introduced Rick Miller, the Owners Representative from MC Group, who review 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. Discussion was held regarding funding, project cost, and land acquisition. General Government and Finance Committee reviewed this item and recommend approval. MOTION MADE BY ALD BENNING, SECONDED BY ALD. PLEITNER TO AUTHORIZE BRAY ARCHITECTS TO PROCEED WITH FINAL DESIGN OF THE PUBLIC SAFETY BUILDING AS PRESENTED. AYE: 4 NAY: 2 (GASPER, TEARNEY); ABSTAIN: 1 (SIGWART). Motion carried.
 2. **Consideration and Possible Action on an Agreement with CD Smith, performing as the Construction Manager as Constructor for the Proposed Public Safety Building where the basis of payment is the Cost of the Work Plus a Fee with Guaranteed Maximum Price-** The Public Works Director introduced Cory Henschel of CD Smith and reported on the construction manager/builder's role during the design stage is to provide input on the design so to guide the owner and architect toward a more constructible, less expensive building. The construction manager (CM) is also responsible for providing highly accurate construction cost estimates during the design. This partnership streamlines construction in that the CM has a higher level of project understanding and involvement in plan development which should lead to a smoother construction process with fewer surprises regarding delivery and constructability. Finally, by going with the CM method of delivery, the City gets to select the prime contractor, rather than the typical low bid process where the City is required to accept the bid of the lowest responsible bidder. Rick Miller, the Owner's Representative from MC Group addressed the design phases within the designated budget. Discussion was held on the process related to the calculation of the guaranteed maximum price. General Government and Finance Committee reviewed this agreement and recommend approval. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO APPROVE THE AGREEMENT WITH CD SMITH, PERFORMING AS THE CONSTRUCTION MANAGER AS CONSTRUCTOR FOR THE PROPOSED PUBLIC SAFETY BUILDING WHERE THE BASIS PAYMENT IS THE COST OF WORK PLUS A FEE WITH GUARANTEED MAXIMUM PRICE AS PRESENTED. AYE: 6; ABSTAIN: 1 (SIGWART). Motion carried.

3. Ordinance 2024-7: An Ordinance Repealing and Recreating Chapter 450 of the City Code Relating to Floodplain Zoning- 1st Reading- City Engineer Roger Strohm reviewed Ordinance 2024-7 and related historical information. On January 31, 2024, the Federal Emergency Management Agency (FEMA) sent the City a notice that FEMA issued the final flood hazard determination for Ozaukee County (flood plain maps) which go in effect on July 31, 2024. For the City to remain covered by the National Flood Insurance Program (NFIP), it must do the following: 1) Adopt the current effective Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM). In layman's terms these documents are known as the flood study and flood plain maps; 2) Either amend existing regulations or adopt the standards of 44 CFR Par 60.3(d) and (e) into one new, comprehensive set of regulations. On February 2, 2024, the Department of Natural Resources (DNR) provided the City with a model ordinance that accomplishes the two bullet points above. The attached ordinance follows the DNR model ordinance except to number the sections consistent with our ordinances. The NFIP provides affordable flood insurance to residents of the City for flood damage. One notable change based on 2019 Act 175 is that there are instances where the repair/modification of an existing structure in the flood plain can exceed 50% of the value of the structure. Discussion was held. This proposed Ordinance will be considered at the next meeting.

8. FROM CITY BOARDS/COMMISSIONS- None.

9. UNFINISHED BUSINESS- None.

10. NEW BUSINESS

Resolution 2024-6: Compliance Maintenance Annual Report for the Wastewater Utility- Wastewater Utility Superintendent Dan Buehler was present to review the Compliance Maintenance Annual Report (CMAR) and all the categories on behalf of the Wastewater Utility. The CMAR is the annual report required by the Wisconsin DNR to measure performance of the Wastewater Utility. It covers the compliance and maintenance of the treatment plant and associated collection system. The report is graded in letters A through F for 10 different categories (previously 9) to obtain a grade point average (GPA) for the utility. The newest category is ammonia discharge. The Port Washington facility received "A's" in 10 of 10 categories for a GPA of 4.0. MOTION MADE BY ALD. SIGWART, SECONDED BY ALD. NEUMYER TO APPROVE RESOLUTION 2024-6: COMPLIANCE MAINTENANCE ANNUAL REPORT FOR THE WASTEWATER UTILITY AS PRESENTED. Motion carried unanimously.

11. PUBLIC COMMENTS/APPEARANCES- Rich Proctor spoke regarding the need for an active and safe Senior Center in the community.

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 purchase and development of vacant land in the City of Port Washington, known as part of Tax Parcel No. 161140016.002, and located north of W. Dodge St., east of N. Holden St., south of W. Walters St., and west of N. Montgomery St. The Mayor read the closed session item. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO CONVENE IN CLOSE SESSION AT 7:12 P.M. ROLL CALL VOTE TAKEN. AYE: POSTL, NEUMYER, GASPER, BENNING, PLEITNER, TEARNEY, SIGWART. Motion carried unanimously.

13. RECONVENE INTO OPEN SESSION to take action relating to the closed session items, if any.- MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER AT 7:44 P.M. TO RECONVENE INTO OPEN SESSION. ROLL CALL VOTE TAKEN: AYE: POSTL, NEUMYER, GASPER, BENNING, PLEITNER, TEARNEY, SIGWART. Motion carried unanimously. No action was taken.

14. ADJOURNMENT- MOTION MADE BY ALD. GASPER, SECONDED BY ALD. POSTL TO ADJOURN AT 7:46 P.M. Motion carried unanimously.

Respectfully submitted,
Susan L. Westerbeke, City Clerk