



CITY OF PORT WASHINGTON, OZAUKEE COUNTY, WI
COMMON COUNCIL MEETING
TUESDAY, JUNE 18, 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. POSTL, SECONDED BY ALD. BENNING TO ACCEPT AND APPROVE THE CONSENT AGENDA AS PRESENTED. Motion carried unanimously.
4. **MAYOR'S BUSINESS-** The Mayor presented Gary Fischer with a Proclamation honoring his 34 years of service to the city and thanked Gary for his dedication during his tenure. The Mayor requested an honorary Flamingo Way sign be posted on South Beach Road
5. **OFFICERS/STAFF REPORT**
 - A. **City Administrator Updates-** Reports were distributed in writing. The Mayor thanked the Public Works Director and City Engineer Roger Strohm for their work with contractors to allow access to the lower park area during events.
6. **PUBLIC COMMENTS/APPEARANCES-** None.
7. **FROM STANDING COUNCIL COMMITTEES**
 - A. **GENERAL GOVERNMENT AND FINANCE COMMITTEE**
 1. **Presentation of 2023 Audited Financial Statements by CliftonLarsonAllen (CLA)-** Finance Director/Treasurer Mark Emanuelson introduced Bryan Grunewald of CLA who presented the 2023 Audited Financial Statements. Discussion was held on the city's debt capacity and its impact on Capital Projects and common practices related to fund balance management.
 2. **Consideration and Possible Action on Original and Renewal of Alcohol Licenses and Cabaret Licenses for the July 1, 2024-June 30, 2025 License Year-** The City Clerk presented the Original and Renewal of Alcohol Licenses and Cabaret Licenses for review in advance of the July 1, 2024 to June 30, 2024 License Year. This process is completed annually as required by statute and city code. Once approved the licenses will be created and issued by the City Clerk once it has been determined that all establishments have no outstanding fees due to the city. General Government and Finance Committee reviewed the licenses and recommends approval. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. POSTL TO APPROVE THE ORIGINAL AND RENEWAL OF ALCOHOL LICENSES AND CABARET LICENSES FOR THE JULY 1, 2024-JUNE 30, 2025 LICENSE YEAR AS PRESENTED. Motion carried unanimously.
 3. **Consideration and Possible Action on Authorizing a Public Facility and Impact Fee Study-** Currently, the City is in the design phase for construction of a new public safety building. This building is anticipated to serve the needs of the community for the next 50 years. The proposed study will identify the proportionate share of the cost identified as attributable to the need to serve future development and the amount of that maximum eligible cost that the City desires to recover through impact fees. The Finance Director and Public Works Director reviewed the expenditure of impact fees following approval of an ordinance. General Government and Finance Committee reviewed this proposed item and recommends authorizing the Public Facility and Impact Fee Study. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. POSTL TO AUTHORIZE A PUBLIC FACILITY AND IMPACT FEE STUDY AS PRESENTED. Motion carried unanimously.
 4. **Public Hearing to Update Chapter 450 of the Port Washington Municipal Code Relating to Floodplain Zoning-** The Mayor opened the public hearing. There being no comments for or against, the hearing was closed.

5. Ordinance 2024-7: An Ordinance Repealing and Recreating Chapter 450 of the City Code Relating to Floodplain Zoning- 2nd 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. The City Attorney discussed a minor language change which the DNR requested. This would go into effect July 31. General Government and Finance Committee reviewed this Ordinance and recommends approval. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. PLEITNER TO RECOMMEND APPROVAL OF ORDINANCE 2024-7: AN ORDINANCE REPEALING AND RECREATING CHAPTER 450 OF THE CITY CODE RELATING TO FLOODPLAIN ZONING WITH REQUESTED MINOR LANGUAGE CHANGE AS PRESENTED. Motion carried unanimously.

8. FROM CITY BOARDS/COMMISSIONS

B. PLAN COMMISSION

1. Public Hearing on a Conditional Use Grant Request for Outdoor Eating and/or Drinking for the Cavalier Wine Bar Located at 407 E. Jackson Street- The Mayor opened the public hearing. There being no comments for or against, the hearing was closed.

2. Consideration and Possible Action on a Conditional Use Grant and Land Covenant to Allow Outdoor Eating and/or Drinking for the Cavalier Wine Bar: 407 E. Jackson Street; 324 Lake Street LLC and Kelly Brown, Applicant- The Director of Planning and Development provided information related to the Conditional Use Grant and Land Covenant to allow outdoor eating and/or drinking for the Cavalier Wine Bar. The outdoor seating request follows the recent opening of the wine bar in the north-east commercial space on Newport Shores. Plan Commission approved this conditional use grant and land covenant. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO APPROVE THE CONDITIONAL USE GRANT AND LAND COVENANT TO ALLOW OUTDOOR EATING AND/OR DRINKING FOR THE CAVALIER WINE BAR: 407 E. JACKSON STREET; 324 LAKE STREET LLC AND KELLY BROWN, APPLICANT AS PRESENTED. Motion carried unanimously.

9. UNFINISHED BUSINESS- None.

10. NEW BUSINESS- None.

11. PUBLIC COMMENTS/APPEARANCES- None.

12. 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. POSTL, SECONDED BY ALD. NEUMYER TO CONVENE IN CLOSE SESSION AT 7:22 P.M. ROLL CALL VOTE TAKEN. AYE: POSTL, 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 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. POSTL, SECONDED BY ALD. NEUMYER TO CONVENE IN CLOSE SESSION AT 7:23 P.M. 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 the closed session items, if any. MOTION MADE BY ALD. NEUMYER, SECONDED BY ALD. BENNING AT 8:10 P.M. TO RECONVENE INTO

OPEN SESSION. ROLL CALL VOTE TAKEN: AYE: POSTL, NEUMYER, GASPER, BENNING, PLEITNER, TEARNEY, SIGWART. Motion carried unanimously.

MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER THAT THE CITY ADMINISTRATOR AND CITY ATTORNEY, BE AUTHORIZED AND DIRECTED, ACTING JOINTLY, TO CONTINUE NEGOTIATIONS WITH SHAFFER DEVELOPMENT, LLC FOR THE SALE OF THE CITY'S 39.44-ACRE PARCEL OF VACANT PROPERTY LOCATED ALONG THE SOUTH SIDE OF STH 33 AND WEST OF CTH LL (FORMERLY KNOWN AS THE SCHANEN FARM), TO SAID DEVELOPER FOR DEVELOPMENT AS A RESIDENTIAL SUBDIVISION, AND TO FORMALIZE AN OFFER TO PURCHASE SAID PROPERTY IN CONFORMITY WITH THE PURPOSES, TERMS, AND CONDITIONS DISCUSSED IN THE COUNCIL'S CLOSED SESSION MEETING THIS EVENING, INCLUDING, BUT NOT LIMITED TO, PREPARING ANY COUNTER-OFFERS RELATING TO SAID OFFER, FOR EXECUTION BY THE MAYOR AND CITY CLERK AND DELIVERY TO THE DEVELOPER. Motion carried unanimously.

15. ADJOURNMENT- MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO ADJOURN AT 8:14 P.M. Motion carried unanimously.

Respectfully submitted,
Susan L. Westerbeke, City Clerk