



CITY OF PORT WASHINGTON, OZAUKEE COUNTY, WI
COMMON COUNCIL MEETING
TUESDAY, APRIL 20, 2021 AT 7:30 P.M.
Port Washington City Hall, 100 W. Grand Avenue, Port Washington, WI 53074

MINUTES

1. ROLL CALL- Mayor Ted Neitzke IV convened the Common Council meeting at 7:30 p.m. Members present were Alderpersons Deborah Postl, Paul Neumyer, Mike Gasper, Dan Benning, Jonathan Pleitner, Pat Tearney and John Sigwart. Also present was City Engineer Rob Vanden Noven, City Planner Bob Harris, City Attorney Eric Eberhardt, City Administrator Anthony Brown, and City Clerk Susan Westerbeke.

2. PLEDGE OF ALLEGIANCE TO THE FLAG- The Pledge of Allegiance was recited.

3. OUTGOING MAYOR COMMENTS AND PRESENTATION- Mayor Becker presented a power point on his family and business history in the City. The City Clerk presented Mayor Becker with a plaque of appreciation along with a key to the City, thanking him for his 11 years of service, serving on the Police and Fire Commission from 2010-2018 and as Mayor from 2018-2021.

4. OATH OF OFFICE FOR MAYOR AND ALDERPERSONS OF THE 1ST, 3RD, 5TH AND 7TH ALDERMANIC DISTRICTS- The City Clerk administered the Oath of Office to the City Mayor Theodore Neitzke IV and Alderpersons Deborah Postl-District 1, Michael Gasper-District 3, Jonathan Pleitner-District 5 and John Sigwart-District 7.

5. CONSENT AGENDA

All items listed under the Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed and considered at this point on the agenda.

A. Approve Minutes of Previous Meeting

B. Approve March Financials

MOTION MADE BY ALD. NEUMYER, SECONDED BY ALD. POSTL TO APPROVE THE CONSENT AGENDA AS PRESENTED. Motion carried unanimously.

6. MAYOR'S BUSINESS

A. Comments from Mayor Ted Neitzke- Mayor Neitzke thanked the citizens for their votes and support, and thanked his family who were present at the meeting, city staff and the Boards and Commissions he has served on.

B. Approval Of 2021-2022 Appointments to City Boards, Committees and Commissions- Mayor Neitzke requested approval of the appointment list. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. TEARNEY TO APPROVE THE APPOINTMENTS AS PRESENTED. Motion carried unanimously.

7. OFFICERS'/STAFF REPORT

A. Election of Council President- Mayor Neitzke asked for nominations for Council President. Ald. Neumyer nominated Ald. Benning as Council President. There being no further nominations a vote was requested. NOMINATION OF ALD. DAN BENNING AS COUNCIL PRESIDENT, ALL IN FAVOR SIGNAFIED BY VOICE VOTE SAYING AYE: Nomination approved unanimously.

B. Approve Official City Newspaper (Ozaukee Press)- MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO APPROVE THE OZAUKEE PRESS AS THE CITY OFFICIAL NEWSPAPER AS PRESENTED. Motion carried unanimously.

C. Designate Official City Depositories (Port Washington State Bank, BMO Harris Bank, Commerce State Bank, American Deposit Management, Ehlers Investment Management, Local Government Investment Pool)- MOTION MADE BY ALD. BENNING, SECONDED BY ALD. PLEITNER TO APPROVE THE DESIGNATION OF THE CITY DEPOSITORIES PORT WASHINGTON STATE BANK, BMO HARRIS BANK, COMMERCE STATE BANK, AMERICAN DEPOSIT MANAGEMENT, EHLRS INVESTMENT MANAGEMENT AND LOCAL GOVERNMENT INVESTMENT POOL AS PRESENTED. Motion carried unanimously.

D. City Engineer's Report- City Engineer Rob Vanden Noven reported the project on Hales Trail & Crestview Drive will start the end of April. The 2021 Street Improvement Project starts on May 10, 2021 and ends in July 2021. The Gate needed for the closure of the breakwater has not been ordered yet.

E. City Planner's Report- City Planner Robert Harris mentioned the Community Development Authority has approved the revolving loan fund and will be presented to Council on May 4, 2021 for consideration.

F. City Clerk's Report- None.

8. PUBLIC COMMENTS/APPEARANCES

Your comments are welcome. Please limit comments to three (3) minutes. If you need more time, contact the City Administrator, and ask that your topic be placed on a Common Council Agenda.-

Joe Burke- Commented on the Prairie's Edge Development.

Marty Becker- Thanked the City and friends for their support.

9. FROM STANDING COUNCIL COMMITTEES- None.

10. FROM CITY BOARDS/COMMISSIONS

A. PLAN COMMISSION

1. Public Hearing To Consider Rezoning Property From AG-Agriculture to RM 6- One And Two Family Residential for Four Proposed Duplex Units On Land Located On The East Side Of Harris Drive And North Of East Sauk Road- City Planner Robert Harris reported on the rezoning. Mayor Neitzke opened the Public Hearing for comment. No comments being made, the Public Hearing was closed.

2. Ordinance 2021-4 Rezoning Of Lands Located On The East Side Of Harris Drive And South Of Farm View Drive From AG-Agricultural to RS-6 One And Two Family Residential; Harris Drive Duplexes LLC, Applicants- 1st Reading-The City Planner reported the lands located on the East Side of Harris Drive and South of Farm View Drive are currently AG-Agriculture. There is a request to rezone to RS-6 Single & Two Family Residential to accommodate four two-unit condominium buildings. The Plan Commission unanimously recommended approval of the re-zoning as presented. This item will have a second reading at the next meeting.

3. Public Hearing to Amend Section 20.34.190 Of The City of Port Washington Zoning Code To Allow For The Sale of Used Vehicles As An Accessory Conditional Use In The I-2 Industrial Park District- The Mayor opened the Public Hearing for comment. There being none, the Public Hearing was closed.

4. Ordinance 2021-5 Zoning Code Amendment for the I-2 Industrial Park Zoning District To Allow For The Sale Of Used Vehicles; Maritime Holdings LLC, Applicant – 1st Reading- the Planners report included Maritime Holdings LLC, with a warehouse located at 1112 Bywater Drive, requests Council amend the I-2 Industrial Park zoning district to allow for used automobile sales as an accessory use under the permitted conditional uses in the I-2 District. Plan Commission voted 3:4 against this change, questioning whether the use is needed. Mayor Neitzke has concerns about the potential sales in that district. Ald. Gasper would not support conditional use in this zoning district for sales. Ald. Benning expressed concerns over why car sales would be needed in a boat storage business. City Attorney Eberhardt inquired if the sales being requested were auto sale only. City Planner Robert Harris confirmed auto sales only. The applicant from Maritime Holdings LLC was present and confirmed is it for auto sales only. This item will have a second reading at the next meeting.

5. Public Hearing To Amend Section 20.02.040 Of The City Of Port Washington Zoning Code Relating To Defining Warehouse Uses- Mayor Neitzke opened the Public Hearing for comment, there being none the Public Hearing was closed.

6. Ordinance 2021-6 Zoning Code Amendment to Sec. 20.02.040 of the City of Port Washington Zoning Code to Include a Definition of "Warehousing" to the List of Specific Words and Phrases; City of Port Washington, Applicant – 1st Reading- The City Planner reported currently there is no definition of "Warehousing" in the definition section of the zoning code, i.e. Sec.20.02.040: List of Specific Words of Phrases. This change will provide staff, the Plan Commission, and elected members more clarity and direction. It is being requested that the City of Port Washington Zoning Code be amended to include the definition of "Warehouse" to the List of Specific Words or Phrases. This item will have a second reading at the next meeting.

7. Public Hearing To Amend Section 20.34.150 Of The City Of Port Washington Zoning Code Relating to Used Car Lots- Mayor Neitzke opened the Public Hearing for comment. Ald. Gasper inquired about how this ordinance would affect the previous request by an applicant interested in a used car business at the old Auto business on N. Wisconsin Street. City Attorney Eberhardt states this would have been grandfathered in that case. There being no further comments the Public Hearing was closed.

8. Ordinance 2021-7 Zoning Code Amendment to the City of Port Washington Zoning Code Relating to Used Car Lots; City of Port Washington, Applicant – 1st Reading- The City Planner reported that used car sales and lots are currently permitted in the B-3 Business District subject to Plan Commission approval via Building, Site & Operations Plan or as a Conditional Use in the B-2 Business District. Council is being asked to amend the City of Port Washington Zoning Code by removing used car lots from the listing of approved uses. This item will have a second reading at the next meeting.

9. Consideration and Possible Action on Final Plat-Prairie's Edge North Phase Final Plat; Prairie's Edge Development, Located on the East Side of S. Wisconsin Street and North of Sunset Road; Black Cap Halcyon- City Planner Robert Harris received an email from the application's representative requesting to remove this item from the Agenda.

B. BOARD OF PUBLIC WORKS

1. Consideration and Possible Action on the Purchase of a Track Camera for Sewer Video Monitoring- Wastewater Superintendent Dan Buehler was present to report the Wastewater Treatment Plant's current camera system has become very maintenance intensive and does not have the video software capabilities compatible with the existing GIS network. The request being made is to purchase a Modern Camera capable of uploading to the GIS network and cloud storage capabilities. This purchase was not budgeted for in 2021. The recommended purchase would be an Envirosight Camera at a cost of \$73,667 and the purchase would be via a SourceWell Contract. City Administrator Anthony Brown states there is sufficient funding available. Attorney Eberhardt inquires about a warranty; there is a warranty on the new camera. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. POSTL TO APPROVE THE PURCHASE OF ENVIROSIGHT CAMERA FOR \$73,667 FOR SEWER VIDEO MONITORING AS PRESENTED. Motion carried unanimously.

2. Consideration and Possible Action on the Purchase of a Combination Sewer Jetter/Vac Truck- Wastewater Superintendent Dan Buehler is requesting replacement of existing Combination Unit after 16 years of use. He is recommending purchase of a Vaktor Combination Sewer Jetter/Vac Truck from Macqueen Equipment. The old Combination Unit will be sold on the Wisconsin Surplus Equipment website. The approved budget project cost was \$230,000, funds will be transferred from the Blower Project and Spinnaker West Project to completely fund the \$439,848 purchase. The new Combination Unit has a 10-year warranty. MOTION MADE BY ALD. NEUMYER, SECONDED BY ALD. GASPER TO APPROVE THE PURCHASE OF THE VAKTOR COMBINATION SEWER JETTER/VAC TRUCK FROM MACQUEEN EQUIPMENT FOR \$439,848 UPON REVIEW BY THE CITY ATTORNEY. Motion carried unanimously.

11. UNFINISHED BUSINESS

A. Review and Possible Action on Resolution 2021-3 Amendments to Tax Incremental District No.3- City Planner Robert Harris reported Resolution 2021-3 is an amendment to the boundary and Project Plan for Tax Increment District #3 relating to the configured Cedar Vineyard subdivision project. The Public Hearing was held by Plan Commission and the amendments to TID No. 3 were approved. The Joint Review Board will give final approval at a future meeting. Present was the City TIF Consultant Christy DeMaster. She reviewed the amendment to TID District No. 3. The amendments and revisions by the City Attorney reviewed the revisions. The updated TID Project Letter addresses all statutory requirements and is being filed with the City Clerk this evening. Ald. Gasper commented that he will not support this as it subsidizing large homes. The development will not fund all the sewer/water infrastructure that the City will have to install. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. SIGWART TO APPROVE RESOLUTION 2021-3 A RESOLUTION AMENDING THE BOUNDARIES OF AND APPROVE PROJECT

PLAN FOR TAX INCREMENTAL DISTRICT NO. 3 OF THE CITY OF PORT WASHINGTON, WISCONSIN.
VOTE TAKEN: AYE: 6, NO: 1 (GASPER). Motion carried.

B. Ordinance 2021-1 Amending the Municipal Code for Event Permits Relating to Beer Garden Event Series- 2nd Reading- Friends of Park and Recreation President Justin Myer was present. City Attorney Eberhardt gave an update on the changes to Ordinance 2021-1 including \$500.00 application fee (non-refundable) and the cleanup time is two hours after event has concluded. The City Clerk can approve or deny applications and also has the ability to approve applications provisionally if necessary. The City Clerk reported on her conversation with the Wisconsin Department of Revenue Enforcement Agents regarding the process for the Temporary Class B Retailers License in this particular situation. The Friends of Park and Recreation will be able to submit on application including the 15 separate dates, they are required to pay \$10 per date and once approved will be issued a license including all 15 dates on it. Fencing off the serving area needs to be discussed with the City Attorney. Fencing such as orange snow fencing would work for this event. Discussion was held on amendment to ordinance. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. POSTL TO APPROVE ORDINANCE 2021-1 CREATING ORDINANCES REGULATING BEER GARDEN SERIES EVENTS WITH AMENDMENTS. Motion carried unanimously.

12. NEW BUSINESS

A. Discussion and Possible Action on Resolution 2021-5 Amendment to 2021 Ambulance/EMS Billing Rates and Fees- City Administrator Anthony Brown refers this item to Finance & License Committee for review. MOTION MADE BY ALD. NEUMYER, SECONDED BY ALD. PLEITNER TO REFER RESOLUTION 2021-5 AMENDMENT TO 2021 AMBULANCE/EMS BILLING RATES AND FEES TO FINANCE AND LICENSE COMMITTEE. Motion carried unanimously.

B. Consideration of and Possible Action on Proposed Developer's Agreement with Ascend Real Estate Group LLC for Development of Cedar Vineyard Subdivision Along CTH C (aka Lakeshore Road)-The City Attorney reviewed the Agreement, including the letter of credit required. Indemnification Agreement will require small language modifications which can be accomplished over the next day. Ald. Gasper questioned whether Council will be offering these incentives and funding to all developers building expensive homes, which he cannot support. Ald. Tearney commented the City would appear to be subsidizing homes that should not need subsidizing and does not support this. Ald. Sigwart will vote yes but had a different opinion years ago when another development was proposed. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. PLEITNER TO APPROVE THE PROPOSED DEVELOPER'S AGREEMENT WITH ASCEND REAL ESTATE GROUP LLC FOR DEVELOPMENT OF CEDAR VINEYARD SUBDIVISION ALONG CTH C (AKA LAKESHORE ROAD) WITH FINAL REVIEW AND APPROVAL OF THREE ITEMS PRESENTED. VOTE TAKEN: AYE: 5, NO: 2 (GASPER, TEARNEY). Motion carried.

13. FORTHCOMING EVENTS- Various events mentioned.

14. PUBLIC COMMENTS/APPEARANCES- The Cedar Vineyard developer thanked the Council, both the previous and current Mayor, and community for their support.

15. ADJOURNMENT- MOTION MADE BY ALD. NEUMYER, SECONDED BY ALD. POSTL TO ADJOURN THE MEETING AT 9:49 A.M. Motion carried unanimously.

Respectfully submitted,
Susan L. Westerbeke, City Clerk
