



**CITY OF PORT WASHINGTON, OZAUKEE COUNTY, WI
COMMON COUNCIL MEETING**

TUESDAY, MAY 4, 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 led by Teachers and Administrators from the Port Washington Schools.
- 3. 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 Meetings- MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO APPROVE THE CONSENT AGENDA AS PRESENTED. Motion carried unanimously.

4. MAYOR'S BUSINESS

A. Proclamation Teacher Appreciation Week- Mayor Neitzke read the proclamation and thanked the teachers for their dedicated service.

B. Proclamation Arbor Day 2021- An oak tree was planted last week on Coal Dock Park for Arbor Day. Mayor Neitzke thanked Park Superintendent and Forester Jon Crain. Mayor Neitzke thanked Chief Mark Mitchell for his service and read the National Firefighters Day Proclamation.

C. Proclamation Professional Municipal Clerks Week- Mayor Neitzke read the Proclamation and thanked City Clerk Susan Westerbeke.

D. Approval Of 2021-2022 Appointments to City Boards, Committees and Commissions- Mayor Neitzke recommends appointment of Sarah Burdette to the Police and Fire Commission and other reappointments as listed. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. PLEITNER TO APPROVE 2021-2022 APPOINTMENTS TO BOARDS, COMMITTEES, AND COMMISSIONS AS PRESENTED. Motion carried unanimously.

Mayor Neitzke mentioned that the proclamation for Peace Officers Day will be delivered to the Police Department during Roll Call next week.

5. OFFICERS'/STAFF REPORT

A. City Engineer's Report from Robert Vanden Noven Street project starts next week. Hales Trail and Crestview sidewalk project are now starting in mid-June. Citywide sidewalk projects start mid-July. Heart of Harbor project on E. Main Street will begin at the end of May. Discussion was held on gate for Breakwell for safety while work is being done.

B. City Planner's Report from Bob Harris – None

C. City Clerk's Report from Susan Westerbeke – Gave an update on City Events process and deadlines for organizations interested in holding events in the City. There is an Event Permit Manual and the Event Permit Application must be submitted to the City Clerk 60 days in advance of the event to be held. There are numerous organizations that have already submitted applications for this summer.

6. 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 future lighthouse repairs and painting along with the ramp to the Breakwall.
Marty Becker thanked Ald. Pleitner for a recent gift and thanked Deputy Clerk Hughes for mailing gift to our Sister City in Sassnitz Germany. Also brought up concerns about committees being broadcast from Council Chambers due to conflicts in meeting times and agendas.

7. FROM STANDING COUNCIL COMMITTEES

A. FINANCE AND LICENSE COMMITTEE

1. Discussion and Possible Action on Resolution 2021-5 Amendment to 2021 Ambulance/EMS Billing Rates and Fees- City Administrator Tony Brown reported Andres Medical Billing Ltd. took over for EMS billing this spring. Existing revenue is \$960, real cost is \$1,750. Collection with Medicare/Medicaid covers marginal costs including base fee and mileage. Collection rate is an issue. Supply, mileage, and base fee (charge list) would be modified to base only \$1,750 and separate mileage with approximate \$310,000 in revenue with a net of \$170,000 after costs. The Policy Forum study addressed staffing issues and costs. All other fees removed from charge list with exception of mileage. Ald. Tearney inquired about the cost and billing questioning whether it will be comparable. Andres representative explained that the costs were reviewed to obtain the proposed base cost. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. POSTL TO APPROVE RESOLUTION 2021-5 AMENDMENT TO 2021 AMBULANCE/EMS BILLING RATES AND FEES AS PRESENTED. Motion carried unanimously.

2. Consideration and Possible Action on Temporary Class B Retailers Licenses for City Events- Ald. Pleitner reported the B3's application is missing a sufficient Certificate of Liability Insurance and the Finance and License Committee tabled this application to the May 18th meeting and to allow the organization time to provide the required document to the City Clerk and City Attorney for review. The City Attorney informed Council that he is working with the B3 Insurance representative to obtain the required language on the certificate. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. TEARNEY TO POSTPONE CONSIDERATION AND POSSIBLE ACTION ON TEMPORARY CLASS B RETAILERS LICENSE FOR B3 UNTIL THE MAY 18TH COMMON COUNCIL MEETING. Motion carried unanimously.

B. COMMUNITY DEVELOPMENT AUTHORITY

1. Consideration and Possible Action on Revolving Loan Fund (RLF) Application from Singing Salmon, LLC at 219 N. Franklin Street- The City Planner reviewed the \$25,000 revolving loan fund requested for the opening of a new restaurant. This will be a 5-year loan at an approximate rate of 1.7%. The Community Development Authority recommended approval with five (5) contingencies. Executive Director Kathleen Cady Schilling from the Ozaukee County Economic Development Corporation was present by phone to answer questions. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. TEARNEY TO APPROVE THE \$25,000 REVOLVING LOAN WITH THE 5 CONTINGENCIES AS SPECIFIED FOR SINGING SALMON LLC AT 219 N. FRANKLIN STREET. Motion carried unanimously.

8. FROM CITY BOARDS/COMMISSIONS

A. PLAN COMMISSION

1. 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- 2nd Reading- The City Planner reviewed the rezoning request, Harris Drive Duplexes LLC, is the owner of the un-developed 2.5-acre parcel (Tax Key # 16-031-15-14) located on the east side of Harris Drive and just north of the Harris Plaza commercial condominium development at 1560-90 Harris Drive. The applicants are proposing to divide the Subject parcel into four, half-acre lots and to rezone the four lots to RS-6 Single & Two Family Residential for the purpose of constructing four, side by side condominium duplex units. The area is primarily a mix of residential types save for the multi-tenant commercial building at the intersection of Harris and E Sauk. The residential uses in the immediate area vary: the four and six unit multi-family subdivision along Newport Vista Drive; the multi-family apartment complex along the west side of Harris Drive; and two single-family subdivisions: Matthaesus Farms to the north and Woodridge I just to the west. The property is currently zoned AG-Agriculture. Discussion was held on the access to the east property which may be affected. Ald. Sigwart expressed concern about approving this and how it could impact the property to the east isolating its access. There would be no access from Harris Drive to this parcel, only STH 32 or CO HWY LL which is DOT controlled. Ian McCain was present to answer

questions, but had no insight on the possibility of right-of-way access from the highways. Ald. Gasper commented that DOT may consider this area surplus land and may sell it but would not likely grant access off of STH 32 or CO HWY LL so the City should make certain there is access to the rear of this parcel. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. POSTL TO APPROVE ORDINANCE 2021-4 REZONING OF LANDS LOCATED ON THE EAST SIDE OF HARRIS DRIVE AND SOUTH OF FARM VIEW DRIVE FROM AG-AGRICUTLURAL TO RS-6 ONE AND TWO FAMILY RESIDENTIAL AS PRESENTED. VOTE TAKEN: AYE: 5, NO: 2 (GASPER, TEARNEY). Motion carried.

2. 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 – 2nd Reading- The City Planner reported Maritime Holdings LLC, doing business as Maritime Enterprises, owns and operates a boat storage business in the Port Washington industrial park at 1020 Maritime Drive and in the former Allen-Edmonds warehouse at 1112 Bywater Drive when it expanded its operations there in 2019. While Maritime Holdings was / is primarily in the business of boat storage, apparently the storage services also include other vehicles such as cars, RV's, motorcycles, travel trailers, and jet skis. As part of this storage business, the applicant wishes to acquire a State of Wisconsin Motor Vehicle Dealer License (See Attached) to buy and sell cars that are stored within its facility but for various reasons, such as financial hardship or death, a need no longer exists for the client to store the vehicle and would use the applicant to buy or sell it – a service assisted by a dealership license, which requires sign off by the local municipality. The applicant approached City staff for approval but was denied because the sale of used vehicles is not an allowable use in the industrial zoning district. As a result of this denial the applicant is requesting an amendment to the City zoning code to allow for the type of vehicle sales use noted above. At its March 2021 meeting, the Plan Commission reviewed the petition submitted by the applicant to amend the City zoning code to allow such activity in the I-2 District subject to the requirements established by the State regulating WI Motor Vehicle Licenses and by any conditions imposed by the City through the Conditional Use approval process. At the Plan Commission meeting, a representative for the applicant stated it is estimated that 5-10 cars per year would be bought/sold. In addition, all activity related to the buying and selling of cars will be conducted entirely indoors. Applicant wants to buy and sell cars as an accessory use to storage. Plan Commission denied approval 3/4. Staff approves as an in-door activity. City Attorney reviewed a further definition in subsection .2 adding specific details for what could be sold. The City Attorney also added the language and limit of 12 vehicles per calendar year. MOTION MADE BY ALD. GASPER, SECONDED BY ALD. TEARNEY TO APPROVE ORDINANCE 2021-5 AMENDING THE ZONING ORDINANCE TO ALLOW SALE OF USED AUTOMOBILES IN THE I-2 INDUSTRIAL PARK ZONING DISTRICT WITH LIMITATIONS, INCLUDING ADDITIONAL LANGUAGE BY THE CITY ATTORNEY. VOTE TAKEN: AYE: 4, NO: 3 (POSTL, NEUMYER, SIGWART). Motion carried.

3. 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 – 2nd Reading- The City Planner Reported the City of Port Washington Zoning Code lists “Warehousing” as an allowable use in the following zoning districts: B-1 Business: As an accessory use B-3 Business: As a Conditional Use BP -Business Park: As a Conditional Use I-1 Industrial: As a permitted use subject to Plan Commission approval I-2 Industrial Park: As a permitted use However, there is no definition of “Warehousing” in the definition section of the zoning code, i.e. Sec.20.02.040: List of Specific Words or Phrases. As such, Staff has been forced to interpret an un-defined and open-ended use that may be applied to a wider range of uses that may have been originally intended or un-intended. To provide both Staff, the Plan Commission, and elected members more clarity and direction, Staff is proposing to add the following definition of “Warehousing” under the List of Specific Words or Phrases: “Warehouse/ Warehousing: The use of a building to store or keep in reserve raw materials, finished merchandise, or goods, before sale, distribution or shipment to retailers, wholesalers, or contractors or to industrial, commercial, agricultural, institutional or professional businesses. Warehousing includes order processing, packing and shipping of such materials, finished merchandise or goods, but excludes storage or mini-storage buildings or spaces therein offered for rent or lease to the general public.” that this amendment to the Zoning Code would give staff, Plan Commission, and Council a clearer definition of warehousing. Chief Mitchell was present and expressed concern about the size of buildings and sprinkler codes. Buildings may be built without sprinkler systems could be hazardous. MOTION MADE BY ALD. SIGWART, SECONDED BY ALD. PLEITNER TO APPROVE ORDINANCE 2021-6 AMENDING THE ZONING CODE SEC. 20.02.040 TO DEFINE WAREHOUSING AS PRESENTED. Motion carried unanimously.

4. Ordinance 2021-7 Zoning Code Amendment to the City of Port Washington Zoning Code Relating to Used Car Lots; City of Port Washington, Applicant – 2nd Reading- The City Planner reported 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. (Used car lots are permitted as Conditional Uses in the Arterial Gateway Overlay Districts regardless of B-2 or

B-3 designation). Specifically, used car lots are included as an allowable use along with a grouping of other automotive uses and services under Section 20.34.150 (B)(2)(c) of the City of Port Washington Zoning Code: 20.34.150 B-3 GENERAL BUSINESS DISTRICT B. Permitted Uses By Right. 2. The following are subject to approval by the Plan Commission of building site and operational plans. (See Section 20.31.000). c. Service and sales establishments for automobiles, including body repair shops and used car lots but not including the storage of junked or wrecked automobiles, and parts. Staff is proposing to amend Sec. 20.34.150 (B)(2)(c) with the following: c. Service establishments for automobiles, including body repair shops and new car sales but not including the storage of junked or wrecked automobiles, and parts. The proposed change would prohibit the use of any future used car lots in any of the zoning districts in which they are currently permitted, either as a permitted or conditional use. Existing used car lots in the city of Port Washington would be grandfathered should the Common Council approve the proposed zoning text amendment. that car sales allowable with new dealerships can sell new and used cars. Plan Commission recommends approval of this Ordinance. MOTION MADE BY ALD. NEUMYER, SECONDED BY ALD. POSTL TO APPROVE ORDINANCE 2021-7 AMENDING THE ZONING CODE RELATING TO USED CAR LOT USES IN THE B-3 AND B-2 BUSINESS ZONING DISTRICTS AS PRESENTED. Motion carried unanimously.

9. UNFINISHED BUSINESS- None.

10. NEW BUSINESS- Mayor Neitzke congratulated City Administrator Tony Brown on one year of service as City Administrator.

11. FORTHCOMING EVENTS- Various events were mentioned.

12. PUBLIC COMMENTS/APPEARANCES- Joe Burke expressed concerns regarding the Prairie's Edge Development.

13. MOTION TO CONVENE IN CLOSED SESSION ACCORDING TO WIS. STAT. §19.85 (1)(C) TO CONSIDER AND DISCUSS EMPLOYMENT, PROMOTION, COMPENSATION OR EMPLOYEE EVALUATION OF ANY PUBLIC EMPLOYEE OVER WHICH THE GOVERNMENTAL BODY HAS JURISDICTION OR EXERCISES RESPONSIBILITY- The Mayor read the closed session item. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. POSTL TO GO INTO CLOSED SESSION FOR THE REASON STATED ON THE AGENDA AT 9:10 P.M. ROLL CALL VOTE TAKEN: AYE: POSTL, NEUMYER, GASPER, BENNING, PLEITNER, TEARNEY, SIGWART. Motion carried unanimously.

14. POSSIBLE ACTION ON ANY MATTER DISCUSSED IN CLOSED SESSION- MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO RECONVENE INTO OPEN SESSION AND TAKE NO ACTION. ROLL CALL VOTE TAKEN: AYE: POSTL, NEUMYER, GASPER, BENNING, PLEITNER, TEARNEY, SIGNWART. Motion carried unanimously.

15. ADJOURNMENT- MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO ADJOURN THE MEETING AT 9:48 P.M. Motion carried unanimously.

Respectfully submitted,
Susan L. Westerbeke, City Clerk
