



**CITY OF PORT WASHINGTON, OZAUKEE COUNTY, WI  
COMMON COUNCIL MEETING  
TUESDAY, AUGUST 17, 2021 AT 7:30 P.M.**  
Port Washington City Hall, 100 W. Grand Avenue, Port Washington, WI 53074

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**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 by senior residents of Harbor Campus.

**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

**B.** Approve the June and July Financials

MOTION MADE BY ALD. POSTL, SECONDED BY ALD. PLEITNER TO APPROVE THE MINUTES OF THE PREVIOUS MEETING AND THE JUNE AND JULY FINANCIAL REPORT. Ald. Benning requests an amendment to the motion to include City Engineer Rob Vanden Noven and City Planner Bob Harris as in attendance at the August 3<sup>rd</sup> Council meeting. Ald. Postl and Ald. Pleitner accepted the requested amendment as part of their motion. Motion carried unanimously.

**4. MAYOR'S BUSINESS**

**A.** Mayor's Updates – Mayor Neitzke thanked the senior citizen from Harbor Campus for attending the meeting. Asks Council to keep Water Superintendent Leo Duffrin in their prayers. Mayor Neitzke gave an update on the Lighthouse and continues to explore financing options. The City is taking action to find a new garbage/recycling vendor to contract. Mayor Neitzke is looking into an Arts Council for the City, finding a communications coordinator, and a committee to review ordinances.

**B.** Proclamation for Senior Citizen Appreciation Day August 21<sup>st</sup> – Mayor Neitzke read the Proclamation and presented to the Senior Citizens in attendance.

**5. OFFICERS'/STAFF REPORT**

**A.** City Engineer reported there are 3 weeks remaining on the breakwater project, the existing concrete base has been restored and they are in the final phase. The railing for the ramp is being installed. Heart of the Harbor work continues, the base concrete work has been performed, electrical work is complete. This project will need 3 – 4 more weeks for completion for brickwork, furniture, and landscaping. The City-Wide west side sidewalk program started this week, removal will begin this Thursday or Friday. Targeting completion date in 3 weeks. The Hales Trails sidewalk project should be completed next week. The 2021 Street Improvement Project continues and will be completed next week. Spinnaker West Pond project was delayed due to large rainfall but will continue once drained in another week. Sunset Road work was delayed due to rain and will be finished in the next week. The Infos system is currently down and is being reviewed.

**B.** City Planner's Report – None.

**C.** City Clerk's Report – The City Clerk reviewed the process for redistricting at the municipal level. Wards and Aldermanic Districts will be reviewed and updated by the new deadlines set due to the delay in the U.S. Census being delivered. At this time the County is reviewing their maps for the Supervisory Districts. Once completed the City will begin their phase of the project.

**6. PUBLIC COMMENTS/APPEARANCES** – None

## 7. FROM STANDING COUNCIL COMMITTEES

### A. FINANCE AND LICENSE COMMITTEE

1. Report on Financing 2021 Water Utility Projects - Carol Wirth from Wisconsin Public Finance Professionals, LLC was present to report on short-term refinancing and long-term financing. The current Moody's bond rating for water revenue bonds is A1. The 2021 Water Utility Capital Improvement Plan has approximately \$1.0 million of projects approved for 2021. Additionally, the 2022 Capital Improvement Plan amounts to \$1.1 million of projects. The total amount of Water System Revenue Bonds issued would be \$2.24 million. As a separate borrowing, and as a short-term bridge financing, \$965,000 would be issued in the form of a Taxable Water System Revenue Bond Anticipation Note. There are parameter Resolutions, one for each issue and will be on the September 7<sup>th</sup> Council meeting.

2. Consideration and Possible Action on Municipal Advisory Agreement for \$965,000 Water System Revenue Bond Anticipation Notes and \$2,250,000 Water System Revenue Bonds-Carol Wirth reports on the engagement letter with Wisconsin Public Finance Professionals, LLC for the issuance of \$965,000 Water System Revenue Bond Anticipation Notes and \$2,250,000 Water Revenue Bonds. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. POSTL TO APPROVE THE MUNICIPAL ADVISORY AGREEMENT FOR \$965,000 WATER SYSTEM REVENUE BOND ANTICIPATION NOTES AND \$2,250,000 WATER SYSTEM REVENUE BONDS AS PRESENTED. Motion carried unanimously.

3. Resolution 2021-9 A Resolution Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$1,735,000 Sewer System Revenue Bonds, Series 2021 of the City of Port Washington, Ozaukee County, Wisconsin, and Providing for the Payment of the Bonds and Other Details With Respect to the Bonds – Carol Wirth reported on Resolution 2021-9 authorizing the issuance for \$1,735,000 Sewer System Revenue Bonds. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. POSTL TO APPROVE OF RESOLUTION 2021-9 A RESOLUTION AUTHORIZING THE ISSUANCE AND ESTABLISHING PARAMETERS FOR THE SALE OF NOT TO EXCEED \$1,735,000 SEWER SYSTEM REVENUE BONDS, SERIES 2021 OF THE CITY OF PORT WASHINGTON, OZAUKEE COUNTY, WISCONSIN, AND PROVIDING FOR THE PAYMENT OF THE BONDS AND OTHER DETAILS WITH RESPECT TO THE BONDS AS PRESENTED. Motion carried unanimously.

4. Consideration and Possible Action on Scope of Engagement with Quarles & Brady LLP for Issuance of \$1,735,000 of Sewer System Revenue Bonds, Series 2021, for The City of Port Washington, Wisconsin - Carol Wirth reports on the letter of engagement from Brian Lanser at Quarles & Brady for the \$1,735,000 of Sewer System Revenue Bonds, Series 2021 which identifies the role of the bond counsel in this transaction. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. POSTL TO APPROVE THE SCOPE OF ENGAGEMENT WITH QUARLES & BRADY LLP FOR ISSUANCE OF \$1,735,000 OF SEWER SYSTEM REVENUE BONDS, SERIES 2021, FOR THE CITY OF PORT WASHINGTON, WISCONSIN AS PRESENTED. Motion carried unanimously.

5. Resolution 2021-10 Authorizing the Redemption of Sewer System Revenue Refunding Bonds, Series 2012, dated November 1, 2012 - Carol Wirth reports on Resolution 2021-10 regarding the Sewer System Revenue Refunding Bonds Series, 2012. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. POSTL TO APPROVE RESOLUTION 2021-10 RESOLUTION AUTHORIZING THE REDEMPTION OF SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2012, DATES NOVEMBER 1, 2012 AS PRESENTED. Motion carried unanimously.

6. Resolution 2021-11 Authorizing the Issuance of \$5,035,000 General Obligation Promissory Notes and the Issuance and Sale of \$5,035,000 Taxable Note Anticipation Notes in Anticipation Thereof - Carol Wirth reports on Resolution 2021-11. Piper Sandler & Company low bid came in at 0.524682%. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. POSTL TO APPROVE RESOLUTION 2021-11 RESOLUTION AUTHORIZING THE ISSUANCE OF \$5,035,000 GENERAL OBLIGATION PROMISSORY NOTES AND THE ISSUANCE AND SALE OF \$5,035,000 TAXABLE NOTE ANTICIPATION NOTES IN ANTICIPATION THEREOF AS PRESENTED. Motion carried unanimously.

7. Consideration and Possible Action on Scope of Engagement with Quarles & Brady LLP for Issuance of \$5,035,000 of Taxable Note Anticipation Notes for The City of Port Washington, Wisconsin - Carol Wirth reports on the letter of engagement from Brian Lanser at Quarles & Brady for the \$5,035,000 of Taxable Note Anticipation Notes which identifies the role of the bond counsel in this transaction. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. POSTL TO APPROVE THE SCOPE OF ENGAGEMENT WITH QUARLES & BRADY LLP FOR ISSUANCE OF \$5,035,000 OF TAXABLE NOTE ANTICIPATION NOTES FOR THE CITY OF PORT WASHINGTON WISCONSIN AS PRESENTED. Motion carried unanimously.

8. Resolution 2021-12 Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$5,050,000 General Obligation Refunding Bonds - Carol Wirth reports on

Resolution 2021-12. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. POSTL TO APPROVE RESOLUTION 2021-12 RESOLUTION AUTHORIZING THE ISSUANCE AND ESTABLISHING PARAMETERS FOR THE SALE OF NOT TO EXCEED \$5,050,000 GENERAL OBLIGATION REFUNDING BONDS AS PRESENTED. Motion carried unanimously.

9. Consideration and Possible Action on Scope of Engagement with Quarles & Brady LLP for Issuance of \$5,050,000 General Obligation Refunding Bonds - Carol Wirth reports on the letter of engagement from Brian Lanser at Quarles & Brady for the \$5,050,000 of General Obligation Refunding Bonds which identifies the role of the bond counsel in this transaction. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. POSTL TO APPROVE THE SCOPE OF ENGAGEMENT WITH QUARLES & BRADY LLP FOR ISSUANCE OF \$5,050,000 GENERAL OBLIGATION REFUNDING BONDS AS PRESENTED. Motion carried unanimously.

10. Consideration and Possible Action on One-Day Extension of Alcohol Premises During J3 Race Event for Inventors Brewpub, 435 N. Lake Street - Inventors Brewpub is requesting a one-day only license premise extension of their Class B Alcohol Liquor License on Saturday September 18<sup>th</sup> between 9:00 a.m. and 3:00 p.m. to participate in the J3 Port Washington Wine and Beer 5k Run. The designated area is directly north of the establishment in the city parking lot. The entire area will be fenced. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO APPROVE ONE-DAY EXTENSION OF ALCOHOL PREMISES DURING J3 RACE EVENT FOR INVENTORS BREWPUB, 435 N LAKE STREET AS PRESENTED. Motion carried unanimously.

11. Consideration and Possible Action on Extension of Alcohol Premises for Outdoor Music Series at Java Dock, 116 W. Grand Avenue - Java Dock Café is requesting a premise extension of their Class B Alcohol and Class C Wine License to allow sales, serving, and consumption of beer or wine only in the designated area east of the establishment in City Hall parking area during their music series on Saturdays and/or Sunday from date of approval through November 28, 2021 between 10:00 a.m. and 2:00 p.m. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO APPROVE EXTENSION OF ALCOHOL PREMISES FOR OUTDOOR MUSIC SERIES AT JAVA DOCK, 116 W GRAND AVENUE AS PRESENTED. Motion carried unanimously.

## **8. FROM CITY BOARDS/COMMISSIONS**

### **A. PLAN COMMISSION**

1. Public Hearing on a Conditional Use Grant for a Proposed Automotive Detailing Service at 922 N Wisconsin Street; Scott Nelson and Mason Barnett, Applicants – Mayor Neitzke called the Public Hearing to order. No Public Comments were made and the Public Hearing was closed.

2. Consideration and Possible Action on a Conditional Use Grant for a Proposed Automotive Detailing Service at 922 N Wisconsin Street; Scott Nelson and Mason Barnett, Applicants  
City Planner reviewed the applicant's request. The use is not in question given the zoning code language and the long history with automotive uses at the site. Pertinent site improvements should be consistent with the previous automotive-related conditional use request earlier this year. The application was withdrawn partially following concerns and debate regarding use of the south portion of the property for used car sales parking abutting a residential property. At the July 2021 meeting, the Plan Commission recommended approval with conditions. Ald. Benning inquired about business operating without City approvals. City Attorney Eberhardt reviewed the options the City has legally to address issues. Discussion was held on the conditions. MOTION MADE BY ALD. NEUMYER, SECONDED BY ALD. BENNING TO APPROVE THE CONDITIONAL USE GRANT FOR A PROPOSED AUTOMOTIVE DETAILING SERVICE AT 922 N WISCONSIN STREET; SCOTT NELSON AND MASON BARNETT, APPLICANTS WITH THE TIME PERIOD WITHIN WHICH THE PROPERTY OWNER MUST SUBMIT A CERTIFIED SURVEY MAP TO THE CITY TO CONSOLIDATE ALL PARCELS ON THE PREMISES INTO ONE LOT BE AMENDED TO WITHIN 6 MONTHS FROM THE DATE OF APPROVAL OF THE GRANT. ALD. NEUMYER AMENDED HIS MOTION TO INCLUDE THE LAND COVENANT, SECONDED BY ALD. BENNING. Ald. Gasper commented on the hours listed in the Conditional Use Grant may be too restrictive. Mason Barrett, business owner, was present to answer questions and request the hours of operation be change from 9:00 a.m. – 5:00 p.m. to 8:00 a.m. – 6:00 p.m. Monday through Friday. City Planner informed the Council that the abutting property owner has not objected to the site. ALD. NEUMYER AMENDED HIS MOTION TO INCLUDE OPERATING HOURS OF 8:00 A.M. – 6:00 P.M. MONDAY THROUGH FRIDAY, SECONDED BY ALD. BENNING. Motion carried unanimously.

## **9. UNFINISHED BUSINESS**

A. Ordinance 2021-10: Amending Chapter 1 of the City of Port Washington Municipal Code – 2<sup>nd</sup> Reading – Mayor Neitzke and Ald. Postl reviewed the ordinance draft. Ald. Tearney does not want to see meetings called with short notice. Ald. Benning states the 6:00 p.m. start time is too early, 6:30 p.m. may be too early with Finance & License Committee being held before Council. Ald. Gasper is concerned about 6:00 or 6:30 p.m. start time being too early and 7:00 p.m. would be better for residents that commute

from work. Finance & License may have to be moved to alternate weeks. Ald. Pleitner stated the council meeting should start no earlier than 6:30 p.m. and feels Finance & License Committee could be held before Council. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. PLEITNER TO APPROVE ORDINANCE 2021-10 RENUMBERING, AMENDING AND/OR CREATING PROVISIONS OF CH. 1, MUNICIPAL CODE RELATING TO MAYOR AND COMMON COUNCIL, AMENDING THE START TIME OF COUNCIL TO 6:30 P.M.; ADDING BACK IN THE SECOND PUBLIC COMMENTS AND 24-HOUR MINIMUM MEETING NOTICE. ALD, POSTL AMENDED THE MOTION TO INCLUDE THIS ORDINANCE GOES INTO EFFECT ON OCTOBER 1, 2021, SECONDED BY ALD. PLEITNER. VOTE TAKEN: AYE 6, NO: 1 (Gasper). Motion carried.

## 10. NEW BUSINESS

**A.** Presentation by City Assessor, Associated Appraisal Consultants, Inc., on the 2021 City of Port Washington Revaluation Assessment – Luke Mack from Associated Appraisals reported on the revaluation being completed. Approximately 35% increase in residential properties and 25% on commercial properties. Open Book will be held on September 16, 2021, and Board of Review on October 6, 2021 by appointment.

**B.** Resolution 2021-13 Renaming a Portion of N. Holden Street as Pirates Way – Mayor Neitzke reported on Resolution 2021-13 renaming Holden Street, between Van Buren Street to the north and Jackson Street to the south, to Pirates Way to support the high school. After speaking with employees of the High School, it has been requested that the street be renamed to Pirate Way, not plural. Since this street lies within a recorded subdivision or certified survey map, the name change requires the recording of an affidavit of correction. Ald. Gaper inquired about the City cost for the charge; the cost for filing a name change is \$60. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO RENAME A PORTION OF N. HOLDEN STREET AS PIRATE WAY BETWEEN W JACKSON STREET AND W VAN BUREN STREET AS PRESENTED. Motion carried unanimously.

**C.** Review and Possible Approval of Proposed Second Addendum to Master Development Agreement and Land Purchase Agreement for Phase II (Center Phase) of Prairie's Edge Subdivision (Black Cap Halcyon Holdings, LLC Developer) – The Developer's attorney, Lisa Wood, participated via telephone. The City Attorney reported on the background facts and key provisions of the proposed Second Addendum. The Developer will make an additional lump-sum payment to the City, in the approximate sum of \$515,869 (less credits for monthly financing payments made after July 19, 2021), for the Center Phase of the subdivision. That payment will be due upon the earlier of: the Developer's written request or the issuance of building permits and any other required permits or approvals enabling Developer to proceed with construction of the Center Phase. The Second Addendum incorporates the Developer's obligation to furnish to the City, prior to the commencement of construction, a financial guarantee in the form of an irrevocable standby letter of credit, as approved by the City Engineer and City Attorney, for the estimated total cost of public infrastructure improvements for the Center Phase. Minor changes were distributed to the Council prior to the meeting, which included additional language to specify when the letter of credit may be released by the City. i.e., within seven business days are the public infrastructure work is completed. Attorney Wood stated the Developer wishes to proceed with grading this fall and the letter of credit will be submitted to the City once the DNR gives its approvals and the contracts with the utility contractors are executed. Hence, construction of the Center Phase will begin in early 2022. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. TEARNEY, TO APPROVE SECOND ADDENDUM TO MASTER DEVELOPMENT AGREEMENT AND LAND PURCHASE AGREEMENT AS PRESENTED, BUT WITH INSERTION OF THE "AFTER SEVEN BUSINESS DAYS" PROVISION FOR RELEASE OF THE LETTER OF CREDIT, AND WITH THE INSERTION OF HYPOTHETICAL EXAMPLES OF PAYMENT DATES AND AMOUNTS TO BE CREDITED/ADJUSTED FROM THE DEVELOPER'S CENTER PHASE LUMP-SUMP PAYMENT, AS AGREED UPON BY THE CITY ATTORNEY AND THE DEVELOPER'S ATTORNEY. Vote Taken: AYE: 6, NO: 1 (Neumyer). Motion carried

**11. FORTHCOMING EVENTS** – None

**12. PUBLIC COMMENTS/APPEARANCES** – None

**13. MOTION TO CONVENE** in closed session per Wis. Stat. § 19.85 (1)(g) to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the Council with respect to litigation in which it is or is likely to become involved, to-wit: discuss **Impact Fee Analysis Summary Report**. Mayor Neitzke read the closed session item. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO GO INTO CLOSED SESSION AT 10:15 P.M. FOR THE REASONS STATED ON THE AGENDA. ROLL CALL VOTE TAKEN: AYE: POSTL, NEUMYER, GASPER, BENNING, PLEITNER, TEARNEY, AND SIGWART. Motion carried unanimously.

**14. RECONVENE INTO OPEN SESSION to take action relating to closed session discussions or deliberations, if any.** – MOTION MADE BY ALD. NEUMYER, SECONDED BY ALD. BENNING TO RECONVENE INTO OPEN SESSION AT 11:03 P.M. ROLL CALL VOTE TAKEN: AYE: POSTL, NEUMYER, GASPER, BENNING, PLEITNER, TEARNEY, AND SIGWART. Motion carried unanimously. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. POSTL THAT STAFF REFUND PAYERS OF IMPACT FEES WHO OVERPAID AND/OR PAID IN EXCESS OF THE COSTS ATTRIBUTABLE TO GROWTH, WITH INTEREST, AS DESCRIBED IN THE IMPACT FEE ANALYSIS FINAL REPORT; AND AN APPROPRIATION OF APPROXIMATELY \$1.2 MILLION FROM THE NECESSARY FUNDS TO COMPLETE THE REFUNDS. Motion carried unanimously.

**15. ADJOURNMENT** – MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO ADJOURN THE MEETING AT 11:08 P.M. Motion carried unanimously.

Respectfully submitted,  
Susan L. Westerbeke, City Clerk

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