



**CITY OF PORT WASHINGTON, OZAUKEE COUNTY, WI  
COMMON COUNCIL MEETING  
TUESDAY, OCTOBER 5, 2021 AT 6:30 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 were City Engineer Rob Vanden Noven, City Planner Bob Harris, City Attorney Eric Eberhardt, City Administrator Anthony Brown, and Deputy City Clerk Kelsey Hughes.

**1. PLEDGE OF ALLEGIANCE TO THE FLAG** - The Pledge of Allegiance was recited by Eagle Scouts Lucas McCaman and Jacob Peacy along with members of the Port Washington Food Pantry.

**2. 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 Annual Cabaret License Application (Tello's Grill and Catering, 200 W. Grand Avenue)

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

**3. MAYOR'S BUSINESS**

**A.** Mayor's Updates – Mayor Neitzke reported that next week is Port Washington High School Homecoming Week. At 9:00 a.m. on October 13<sup>th</sup> they will have a Pirate Way sign unveiling. Mayor Neitzke received a very nice letter from a couple visiting from Missouri who were impressed with the City and thanked the City and Staff for their hard work.

**B.** Proclamation Eagle Scout Awards – Mayor Neitzke read the proclamation honoring Eagle Scouts Lucas McCaman and Jacob Peacy. Mayor Neitzke presented the Eagle Scouts with their proclamations.

**C.** Proclamation Food Pantry Month – Mayor Neitzke read the proclamation recognizing October 5, 2021, as 'The Food Pantry' Appreciation Day. Mayor Neitzke presented the proclamation to members of The Food Pantry.

**4. OFFICERS'/STAFF REPORT**

**A.** City Engineer's Report

**B.** City Planner's Report

**C.** City Clerk's Report

Written reports were submitted to Council.

**5. 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.*

Barbara Fischer spoke regarding the Traffic Committee June 2010 decision on parking in New Port Vista; four photographs were presented.

**6. FROM STANDING COUNCIL COMMITTEES**

**A. FINANCE AND LICENSE COMMITTEE**

1.Consideration and Possible Action on Resolution 2021-21 Approving a Simplified Rate Increase for the Port Washington Water Utility with Implementation Beginning on the Bills Issued January 31, 2022-The City Administrator reported on Resolution 2021-21 for a 3.0% simplified rate increase for Water Utility beginning on the bills issued January 31, 2022. This increase will get the Water Utility closer to the Public Service Commission's recommended managing benchmark rate of return of 5.0%. This Simplified Rate Case is an inflationary type of increase that helps the Utility maintain rate continuity and provides additional capacity to assist Staff as they continue to plan for the Water Filtration Plant Maintenance Project. The Finance and License Committee recommended approval. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. POSTL TO APPROVE RESOLUTION 2021-21 APPROVING A SIMPLIFIED RATE INCREASE FOR THE PORT WASHINGTON WATER UTILITY, WITH IMPLEMENTATION BEGINNING ON THE BILLS ISSUED JANUARY 31, 2022, AS PRESENTED. Motion carried unanimously.

**B. TRAFFIC SAFETY COMMITTEE**

1. Consideration and Possible Action on Ordinance 2021-11 Providing for Installation of Stop Signs (Misty Ridge Lane at New Port Vista Drive and New Port Vista Drive at Windrush Drive) 2<sup>nd</sup> Reading-Mayor Neitzke presented Ordinance 2021-11 and stated the staff recommends approval. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. NEUMYER TO APPROVE ORDINANCE 2021-11 AN ORDINANCE PROVIDING FOR INSTALLATION OF STOP SIGNS AS PRESENTED. Motion carried unanimously.

2. Consideration and Possible Action on Ordinance 2021-12 Prohibiting Parking on a Portion of Sunset Road- 2<sup>nd</sup> Reading-Mayor Neitzke presented Ordinance 2021-12 and stated the staff recommends approval. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. NEUMYER TO APPROVE ORDINANCE 2021-12 AN ORDINANCE PROHIBITING PARKING ON A PORTION OF SUNSET ROAD AS PRESENTED. Motion carried unanimously.

**7. FROM CITY BOARDS/COMMISSIONS**

**A. PLAN COMMISSION**

1. Discussion and Possible Action to Affirm or Waive the City of Port Washington's Extra Territorial Plat Review Powers-The City Planner reported that the Council is being asked to either affirm the City's present ability to review platting within the City's 1.5-mile extra-territorial review jurisdiction or temporarily waive this right until passing any future resolution to restore this power. The staff has no recommendation. Plan Commission recommends the City keeps its current jurisdictional review powers. The City Attorney advised he would not waive a legal right and that no motion is needed if the Council chose to affirm their powers. Therefore no action was taken.

2. Introduction of Resolution No. 2021-22, Vacation and Discontinuance of a Portion of East-West Public Alley in 400 Block of N. Montgomery Street, Lying East of N. Montgomery Street, West of existing North-South Public Alley, and Immediately North of W. Jackson Street-The City Planner reported that the City received a request from a property owner. Both the staff and Plan Commission have recommended approval. This item would need a public hearing in at least 40 days, at the November 16<sup>th</sup> meeting. Ald. Gasper inquired whether this would be affected by the City moving to alley pick-up for garbage/recycling. City Administrator stated the new garbage/recycling company drove through all alleys and did not note any issues.

**8. UNFINISHED BUSINESS - None**

**9. NEW BUSINESS**

**A.** Consideration and Possible Action on Resolution 2021-17 Approving Adult and Juvenile Bond Deposit Schedules for Municipal Court Citations-Mayor Neitzke introduced Resolution 2021-17. Captain Czarnecki from the Port Washington Police Department was present to respond to questions and stated this schedule came from the Municipal Judge and Chief Hingiss. This would take effect on October 6, 2021. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO APPROVE RESOLUTION 2021-17 APPROVING ADULT AND JUVENILE BOND DEPOSIT SCHEDULES FOR MUNICIPAL COURT CITATIONS AS PRESENTED. Motion carried unanimously.

**B.** Consideration and Possible Action on Resolution 2021-18 Preliminary Resolution Declaring Intent to Levy Special Assessments Under Municipal Police Power Pursuant to §66.0703, Stats., for 2021 Sidewalk Improvements on Crestview Drive, Hails Trail, Sunrise Drive, Thomas Drive, and on Sunset Road-The City Engineer presented photos of the finished sidewalk projects as part of the 2021 Street Improvement Project. City ordinance requires, and past practice has been, for the City to levy special assessments for installation of new sidewalk based on the square feet of sidewalk installed which directly abuts the property. Staff recommends approval. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. PLEITNER TO APPROVE PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY SPECIAL ASSESSMENTS UNDER MUNICIPAL POLICE POWER PURSUANT TO WIS. STAT. §66.0703 FOR 2021 SIDEWALK IMPROVEMENTS ON PORTIONS OF NORIDGE TRAIL, CRESTVIEW TRAIL, BRIARWOOD LANE, SUNRISE DRIVE, HALES TRAIL, PATRICK COURT, NIESEN ROAD, WESTPORT DRIVE, SUNSET ROAD, N. BENJAMIN STREET, AND N. WISCONSIN STREET. Ald. Postl, Ald. Neumyer, and Ald. Gasper were not in favor of the Resolution. Ald. Postl stated the sidewalks benefit the entire City and the Special Assessment Ordinance needs to be rescinded. Ald. Tearney inquires whether the law can be changed at this point in the process. Attorney Eberhardt states yes, if the Preliminary Resolution has not been adopted. Ald. Pleitner mentions this Council has approved this project twice and he would not have approved the original project if the Special Assessment was not going to be approved. VOTE TAKEN: AYE: 3 (PLEITNER, TEARNEY, SIGWART), NO: 4 (POSTL, NEUMYER, GASPER, BENNING). Motion failed.

**C.** Consideration and Possible Action on Resolution 2021-19 Preliminary Resolution Declaring Intent to Levy Special Assessments Under Municipal Police Power Pursuant to §66.0703, Stats., for 2021 Stormwater Lateral Improvements-The City Engineer presented Resolution 2021-19. As part of the 2021 Street Improvement Project, residents are offered the opportunity to have the City's contractor install storm sewer laterals from the street to the property line. All residents subject to the special assessment requested the storm sewer connection and were notified in advance of the costs. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. SIGWART TO APPROVE RESOLUTION 2021-19 PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY SPECIAL ASSESSMENTS UNDER MUNICIPAL POLICE POWER PURSUANT TO WIS. STAT. §66.0703 FOR 2021 STORMWATER LATERAL IMPROVEMENTS ON W. BEUTEL ROAD AND RANDY CIRCLE AS PRESENTED. Ald. Sigwart stated this is also a benefit to the public, similar to the sidewalks. Motion carried unanimously.

**D.** Consideration and Possible Action on Resolution 2021-20 Revising the Ward Boundaries for Voting Purposes in the City of Port Washington, Ozaukee County Wisconsin-The Mayor presented Resolution 2021-20. City Administrator states the redistricting process, which typically takes 6 months, has been condensed into two months. Cities look at municipal boundaries and potential future growth and continuous territories. Deviation needs to be less than 10% and the City has always been under 5%. The City Clerk met with the County Administrator and they reconciled the municipal and county plans, which is what was presented to Council. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. PLEITNER TO APPROVE RESOLUTION 2021-20 REVISING THE WARD BOUNDARIES FOR VOTING PURPOSES IN THE CITY OF PORT WASHINGTON, OZAUKEE COUNTY WISCONSIN AS PRESENTED. Ald. Gaspers inquired whether questions should be brought up now, or, if approved, brought up during the ordinance phase. City Attorney states within 60 days, there must be an ordinance which modifies the boundaries of the wards; there would be room to adjust it. VOTE TAKEN: AYE: 4 (POSTL, BENNING, PLEITNER, TEARNEY), NO: 2 (NEUMYER, GASPER), ABSTAINED: 1 (SIGWART). Motion carried.

**E.** Consideration and Possible Action on a Parking Easement for Newport Shores Redevelopment-The City Attorney reported on the Declaration of Parking and Temporary Construction Easement for Newport Shores Redevelopment. Ian McCain from Ansay was present to answer questions. Approving this easement would grant the developer permanent use of the parking spaces but members of the public would be able to utilize them. The cost of construction and maintaining spaces are on the developer unless they would have to undergo full depth reconstruction, then the cost share would be 50/50. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO APPROVE THE DECLARATION OF PARKING AND TEMPORARY CONSTRUCTION EASEMENTS FOR NEWPORT SHORES REDEVELOPMENT AS PRESENTED. Motion carried unanimously.

**F.** Report from City Attorney on Groeshel Road Discontinuance Petition in the Town of Port Washington-The City Attorney reported that he attended the Town of Port Washington Town meeting on October 4, 2021. The City Engineer was also presented. The Town Board voted 3:0 to deny discontinuance petition in the Town of Port Washington.

**10. FORTHCOMING EVENTS** – various events were mentioned.

**11. PUBLIC COMMENTS/APPEARANCES** - None

**12. MOTION TO CONVENE IN CLOSED SESSION PER WIS. STAT. § 19.85(1)(C), FOR THE PURPOSE OF CONSIDERING EMPLOYMENT, PROMOTION, COMPENSATION, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT OR PERFORMANCE EVALUATION DATA OF ANY PUBLIC EMPLOYEE OVER WHICH THE GOVERNING BODY HAS JURISDICTION OR EXERCISES RESPONSIBILITY, TO-WIT: CITY ADMINISTRATOR'S PERFORMANCE REVIEW.** Mayor Neitzke read the closed session item. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO GO INTO CLOSED SESSION FOR THE REASONS LISTED ABOVE AT 8:05 P.M. ROLL CALL VOTE TAKEN, AYES: POSTL, NEUMYER, GASPER, BENNING, PLEITNER, TEARNEY, AND SIGWART. Motion carried unanimously.

**13. RECONVENE INTO OPEN SESSION TO TAKE ACTION RELATING TO CLOSED SESSION DISCUSSIONS OR DELIBERATIONS, IF ANY.** MOTION MADE BY ALD. SIGWART, SECONDED BY ALD. PLEITNER TO RECONVENE INTO OPEN SESSION AT 9:00 P.M. Motion carried unanimously. No action taken.

**14. ADJOURNMENT** – MOTION MADE BY ALD. GASPER, SECONDED BY ALD. TEARNEY TO ADJOURN THE MEETING AT 9:02 P.M. Motion carried unanimously.

Respectfully submitted,  
Susan L. Westerbeke, City Clerk

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