



CITY OF PORT WASHINGTON, OZAUKEE COUNTY, WI
COMMON COUNCIL MEETING
TUESDAY, DECEMBER 21, 2021 AT 6:30 P.M.
Port Washington City Hall, 100 W. Grand Avenue, Port Washington, WI 53074

MINUTES

1. **ROLL CALL** - Mayor Theodore Neitzke IV convened the Common Council meeting at 6:30 p.m. Members present were Alderpersons Deborah Postl, Paul Neumyer, Mike Gasper, Dan Benning, Jonathan Pleitner, Pat Tearney (via telephone), and John Sigwart. Also present were 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. **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 November Financials

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

4. **MAYOR'S BUSINESS**

A. Mayor's Updates – Mayor Neitzke and City Administrator Tony Brown reported that the City received a Local Government Award. They thanked the City staff for their hard work. Mayor Neitzke thanked We Energies and Ald. Postl for working with residents during the power outage in the previous week. The bike path will be reviewed, and dead trees addressed as they are part of the issue. He also thanked the staff for their commitment to the City including Police Department, Fire Department, and EMTs.

5. **OFFICERS/STAFF REPORT**

A. City Engineer's Report

B. City Planner's Report

C. City Clerk's Report

Written reports were submitted.

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.

Christina Brickner – Be3 – would like Council to find a solution to the beer garden series that is different than what was done this year. The Civic Organizations would like to have input again in the planning of future gardens.

Dave Mueller – Lions Club – would like to see Civic Groups and Lions Club have input in the future beer garden series.

7. **FROM STANDING COUNCIL COMMITTEES**

A. FINANCE AND LICENSE COMMITTEE

1. Consideration and Possible Action Original Class B Combination Alcohol License and Annual Cabaret License for Schooner Pub by Schwalbe LLC d/b/a Schooner Pub, 114 N. Franklin Street, William Schwalbe- Agent – The City Clerk reported all required applications and supporting documents were submitted and reviewed. City Clerk recommended approval subject to all other applications, permits, inspections and city approvals be completed with City Departments. The license will not be issued until this has been verified. Finance & License Committee recommended approval. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. GASPER TO APPROVE THE ORIGINAL CLASS B COMBINATION LICENSE AND ANNUAL CABARET LICENSE FOR SCHOONER PUB BY SCHWALBE LLC, D/B/A SCHOONER PUB, WILLIAM SCHWALBE – AGENT WITH THE RECOMMENDATIONS AS PRESENTED. Motion carried unanimously.

2. Consideration and Possible Action for Original Class B Combination Alcohol License and Annual Cabaret License for Moonlight Tavern LLC d/b/a Moonlight Tavern, 101 E. Main Street, Angel Tello- Agent – The City Clerk reported all required applications and supporting documents were submitted and reviewed. The City Clerk recommended approval subject to all other applications, permits, inspections and city approvals be completed with City Departments. The license will not be issued until this has been verified. Finance & License Committee recommended approval. MOTION MADE BY ALD. GASPER, SECONDED BY ALD. SIGWART TO APPROVE THE ORIGINAL CLASS B COMBINATION LICENSE AND ANNUAL CABARET LICENSE FOR MOONLIGHT TAVERN LLC, D/B/A MOONLIGHT TAVERN, ANGEL TELLO – AGENT AS RECOMMENDED AND PRESENTED. Motion carried unanimously.

3. Consideration and Possible Action on Allocating Additional Compensation Funds for the Water Utility Superintendent Position from the Water Utility Fund – The City Administrator reported after review of the current Superintendent position, with overlapping time for training of the new Superintendent, staff recommended allocating additional funds of the Water Utility Fund. Finance & License Committee recommended approval. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. PLEITNER TO APPROVE \$32,000 ADDITIONAL COMPENSATION FUNDS FOR THE WATER UTILITY SUPERINTENDENT POSITION FROM THE WATER UTILITY FUND AS PRESENTED. Motion carried unanimously.

B. TRAFFIC SAFETY COMMITTEE

1. Ordinance 2021-16: Establishing 15-Minute Parking Limits within a Portion of Municipal Lot C-4 (2nd Reading) – City Engineer Rob Vanden Noven reviewed Ordinance 2021-16 which is intended to provide easier loading/unloading of charter fishing customer vehicles in Lot C4. The Traffic and Safety Committee recommended approval. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. POSTL TO APPROVE ORDINANCE 2021-16 AN ORDINANCE ESTABLISHING 15-MINUTE PARKING LIMITS WITHIN A PORTION OF MUNICIPAL LOT C-4 AS PRESENTED. Motion carried unanimously.
2. Ordinance 2021-17: Amending Parking Restrictions on Portions of East Main Street (2nd Reading) – City Engineer reviewed Ordinance 2021-17, which is intended to codify the existing parking practice on E. Main Street. The Traffic and Safety Committee recommended approval. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. BENNING TO APPROVE ORDINANCE 2021-17 AN ORDINANCE AMENDING PARKING RESTRICTIONS ON PORTIONS OF EAST MAIN STREET AS PRESENTED. Motion carried unanimously.
3. Ordinance 2021-18: Prohibiting Parking on a Portion of East Norport Drive (2nd Reading) – City Engineer reviewed Ordinance 2021-18, which is intended to solve the problem of pedestrians and bikers being obscured by vehicles parked in the near proximity of the Interurban Trail on East Norport Drive. The Traffic and Safety Committee recommended approval. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. BENNING TO APPROVE ORDINANCE 2021-18 AN ORDINANCE PROHIBITING PARKING ON A PORTION OF EAST NORPORT DRIVE AS PRESENTED. Motion carried unanimously.
4. Ordinance 2021-19: Amending Certain Municipal Code Provisions Relating to Decreased Speed Limits and Decreasing the Speed Limit within Coal Dock Park (2nd Reading) – The City Engineer reviewed Ordinance 2021-19, which is intended to reduce the speed limit in Coal Dock Park. Traffic and Safety Committee recommended approval. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. PLEITNER TO APPROVE ORDINANCE 2021-19 AN ORDINANCE AMENDING CERTAIN MUNICIPAL CODE PROVISIONS RELATING TO DECREASED SPEED LIMITS AND DECREASING THE SPEED LIMIT WITHIN COAL DOCK PARK AS PRESENTED. Motion carried unanimously.

C. PERSONNEL COMMITTEE

1. Consideration and Possible Action on Appointment of Todd Hayes as Interim Water Superintendent – City Engineer reported that Leo Duffrin, current Water Superintendent, has been on a leave of absence but has now decided to retire in June. Todd Hayes, 37+ year employee who has assumed the duties of Water Utility Superintendent during this time, is being recommended to be appointed as Interim Superintendent. MOTION MADE BY ALD. NEUMYER, SECONDED BY ALD. POSTL TO APPOINT TODD HAYES AS INTERIM WATER SUPERINTENDENT AS PRESENTED. Motion carried unanimously.
2. Consideration and Possible Action on Engaging GovHR for the Recruitment of the Assistant City Administrator/Human Resources Director Position – The City Administrator reviewed the scope for the recruitment options being proposed by GovHR. The recommendation is to proceed with the Full Scope Recruitment not to exceed \$22,000. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. POSTL TO ENGAGE GOVHR IN THE FULL SCOPE ENGAGEMENT NOT TO EXCEED \$22,000 FOR THE RECRUITMENT OF THE ASSISTANT CITY ADMINISTRATOR/HUMAN RESOURCE DIRECTOR POSITION AS PRESENTED. Motion carried unanimously.

8. FROM CITY BOARDS/COMMISSIONS

A. PLAN COMMISSION

1. Public Hearing to Amend Section 20.29.000 of the City of Port Washington Sign Code Regulating Electronic Message Center Signs and Monument Signs – Mayor Neitzke opened the Public Hearing. No comments were made; Public Hearing was closed.
2. Ordinance 2021- 21: Amendment to Section 20.29.000 of the City of Port Washington Sign Code Regulating Electronic Message Center Signs and Monument Signs- 2nd Reading – The City Planner reported on the proposed ordinance, which addresses and regulates electronic message center (LED) signs along with monument signs in zoning districts. MOTION MADE BY ALD. SIGWART, SECONDED BY ALD. PLEITNER TO APPROVE ORDINANCE 2021-21 AN ORDINANCE AMENDING OR CREATING ZONING ORDINANCES REGULATING CHANGEABLE MESSAGE SIGNS, ELECTRONIC MESSAGE CENTER SIGNS AND MONUMENT SIGNS AS PRESENTED. Discussion was held, Ald. Gasper would like to see an alternate zoning created for schools and churches if want EMC signs and also requested other modifications to the current draft be made with regards to lighting brightness. The City Attorney will review to identify if during the editing process “near white” language was inadvertently dropped. If the motion is approved, it could include language allowing staff to review and reinsert that language if needed. MOTION MADE BY ALD. GASPER TO AMEND SECTION E.7. AND 8. ARE INCREMENTED TO 8. AND 9. AND READS OUTDOOR EMC SIGNAGE SHALL OBEY LIGHT TRESPASS REGULATIONS IN AREAS ZONED FOR ANY TYPE OF RESIDENTIAL DISTRICT OR USE, A TRESPASS LIMIT OF 0.1 FOOT-CANDLES ABOVE AMBIENT LIGHT CONDITIONS SHALL BE ENFORCED AT THE PROPERTY LINE. ALD. SIGWART AND ALD. PLEITNER ACCEPTED ALD. GASPER'S MOTION FOR THE LANGUAGE AMENDMENT AS STATED. The City Attorney asked if the use of the word “trespass” could be changed to another term easier for to interpret by the public, Ald. Gasper had no objection, therefore the City Attorney will review and modify that term in the final draft. Ald. Benning stated he cannot support current ordinance draft with 30 second sign message change time frame but would support 10 seconds. ALD. SIGWART AMENDEDED AND ALD. PLEITNER SECONDED THE ORIGINAL MOTION TO ALSO INCLUDE 10 SECONDS MESSAGE CHANGE TIME FRAME AS STATED AND THE LANGUAGE MODIFICATIONS BY THE CITY ATTORNEY AS NEEDED. Ald. Postl mentioned the concern over LED lights being directed in residential areas and could that be addressed in the zoning district. The City Attorney can review separately and report back. VOTE TAKEN ON MOTION BY ALD. SIGWART, SECONDED BY ALD. PLEITNER, WITH TWO AMENDMENTS AS STATED: AYE: 6 (POSTL, NEUMYER, GASPER, BENNING, TEARNEY, SIGWART), NO: 1 (PLEITNER). Motion carried.

3. Ordinance 2021- 22: Consideration and Possible Action on Amending Section 20.34.190 B of the City of Port Washington Zoning Ordinance Relating to the Minimum Area Requirements for Warehouse Buildings in the I-2 Industrial Park Zoning District; City of Port Washington, Applicant- 1st Reading – The City Planner reported on Ordinance 2021-22, which is being recommended to establish an official definition of “warehousing” within the City Zoning Ordinance by setting a minimum 13,000 square foot area requirement. This was previously discussed at Plan Commission. A second reading will be on the next Council Agenda.

9. UNFINISHED BUSINESS

A. Ordinance 2021- 20: Increasing Forfeitures for Parking Violations (2nd Reading) – City Administrator reviewed the fee scheduled. MOTION MADE BY ALD. NEUMYER, SECONDED BY ALD. POSTL TO APPROVE ORDINANCE 2021-20 AN ORDINANCE INCREASING FORFEITURES FOR PARKING VIOLATIONS AS PRESENTED. Motion carried unanimously.

10. NEW BUSINESS

A. Consideration and Possible Action on the 2022 Beer Garden Series in Upper Lake Park, Picnic Area Six (6) – Recreation Director Kiley Scherer was present to report on the Friends of Park & Recreation 2021 Beer Garden Series. Justin Myers, representing the Friends of Park & Recreation, was present to report on the 15-week series. It is being suggested a 3-year agreement be approved with Friends of Port Washington Parks & Recreation Inc to host the beer garden series. MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO APPROVE A 3-YEAR AGREEMENT WITH FRIENDS OF PORT WASHINGTON PARKS & RECREATION INC. City Attorney Eberhardt reviewed the purpose of the ordinance which allows the Friends of Park & Rec to run the beer garden series and a separate agreement would not be needed. Mayor Neitzke requested the City review the current ordinance. Ald. Pleitner would like to proceed with voting with the expectation that Friends of Park and Rec will address the concerns that were brought forward tonight. MOTION MADE BY ALD. TEARNEY, SECONDED BY ALD. SIGWART TO POSTPONE THIS ITEM UNTIL THE JANUARY 18TH COUNCIL MEETING. VOTE TAKEN: AYE: 3 (POSTL, TEARNEY, SIGWART), NO: 4 (NEUMYER, GASPER, BENNING, PLEITNER). Motion failed. VOTE TAKEN ON PREVIOUS MOTION MADE BY ALD. PLEITNER, SECONDED BY ALD. BENNING TO APPROVE A 3-YEAR AGREEMENT WITH FRIENDS OF PORT WASHINGTON PARKS & RECREATION INC. AYE: 5 (POSTL, NEUMYER, GASPER, BENNING, PLEITNER), NO: 2 (TEARNEY, SIGWART). Motion carried.

B. Consideration and Possible Acton on Proposed First Amendment to Tower/Land Lease Agreement with Cellco Partnership (d/b/a Verizon Wireless) to Modify and/or Install Additional Antennas, Cable and Equipment on City’s Water Tower at 1600 W. Grand Avenue – City Administrator reported the City currently has a lease with Verizon, executed on June 16, 1997, which will be concluding next year. The new Agreement includes installation of 12 antennas and removal of nine antennas leading to a \$18,000 a year rent increase which will increase on an annual basis by 5%. The terms include two successive five-year renewals for a total of ten years. The City Attorney has reviewed and approved the agreement being presented. MOTION MADE BY ALD. POSTL, SECONDED BY ALD. PLEITNER TO APPROVE FIRST AMENDMENT TO TOWER/LAND LEASE AGREEMENT WITH CELLCO PARTNERSHIP (D/B/A VERIZON WIRELESS) TO MODIFY AND/OR INSTALL ADDITIONAL ANTENNAS, CABLE AND EQUIPMENT ON A CITY WATER TOWER AT 1600 W. GRAND AVENUE AS PRESENTED. Motion carried unanimously.

11. PUBLIC COMMENTS/APPEARANCES - None

12. ADJOURNMENT – Motion made by Ald. Postl, seconded by Ald. Neumyer to adjourn the meeting at 8:27 p.m. Motion carried unanimously.

Respectfully submitted,
Susan L. Westerbeke, City Clerk
