

MINUTES
CITY OF PORT WASHINGTON
COMMON COUNCIL MEETING
Tuesday, March 5, 2019, 7:30 P.M., City Hall

1. **ROLL CALL-** A duly convened meeting of the Common Council was called to order at 7:30 p.m. by Mayor Martin Becker. Members present were Aldermen Mike Ehrlich, Paul Neumyer, Michael Gasper, Dan Benning, Jonathan Pleitner, Patrick Tearney and John Sigwart. Also present: City Engineer Rob Vanden Noven, City Planner Bob Harris, City Attorney Eric Eberhardt, City Administrator Mark Grams and City Clerk Susan Westerbeke.

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

3. **CONSENT AGENDA**

A. **Approve Minutes Of Previous Meeting**

B. **Approve Original Operator License Application**

MOTION MADE BY ALDERMAN PLEITNER, SECONDED BY ALDERMAN EHRLICH TO APPROVE THE MINUTES OF THE PREVIOUS MEETING AS PRESENTED AND ORIGINAL OPERATOR LICENSES FOR BRITTNEY KELLER AND KIMBERLY RONN AS PRESENTED. Motion carried unanimously.

4. **MAYOR'S BUSINESS-** Mayor Becker thanked Council President Mike Ehrlich for presiding over the February Council meetings.

5. **OFFICERS'/STAFF REPORT-** None.

6. **PUBLIC COMMENTS/APPEARANCES**

Your comments are welcome. Please limit your discussion to 3 minutes. If you need more time, please contact the City Administrator and request that your topic be placed on the City Council Agenda.

*Kathleen Cady Schilling, Ozaukee County Economic Development Executive Director was present to speak in favor of and support for the Ansay Development- Newport Shores project for downtown.

*Roger Kirgues, Ozaukee County Economic Development Board of Directors was present to support the Ansay Newport Shores project and commented on the great opportunity this is for the downtown of Port Washington.

*Mike Penkwitz, Business address 440 W. Grand Avenue- Wants to see downtown development continue, which will make Port Washington continue to stand out now and in the future.

7. **COMMITTEES**

A. **FINANCE AND LICENSE COMMITTEE**

1. **Approve Appeal For Rescinded Tax For Maple Crest Preservation, LLC At 922-982**

Sunset Road, Parcel No. 16-154-0008.000- Alderman Pleitner and the City Clerk reported the City Assessor discovered an error in the 2018 assessed value of parcel 16-154-0008.000. located at 922-982 Sunset Road, owned by Maple Crest Preservation, LLC. This property has been exempt in the past and is required to submit a Low-Income Housing Exemption Property Owner's Certification of Occupancy annually. This form was received in a timely manner from the owner and upon the Assessors initial review it was determined that 104 or the 112 units qualified for exemption. Upon receiving the additional information and review of such it was determined that 111 of the 112 units qualify for exemption. The 2018 notice of assessment along with a letter stating there was a change to their exemption status was sent on June 6, 2018 and up until December 5th the Assessor had not heard from the property owner regarding the change in their assessment. At that point the Property Tax bills had already been sent and

received by property owners. Their original 2018 assessment was \$240,000 with a tax bill of \$4,498.95. The corrected 2018 assessment is \$30,000 with a tax amount of \$502.84. Therefore, the total overage in taxes billed equals \$3,996.11. This qualifies as a “palpable error” under Wisconsin Statutes 74.33 and is therefore subject to refunded or rescinded taxes. Contact was made with the property owner and they were informed of the process, which requires a letter of appeal be submitted to the City by January 31, 2019 requesting rescinded taxes, which they have done. To make tax collection whole between the City and County, the property owner paid the City the total of \$502.84 due and the City paid the balance of \$3,996.11. I will file the Rescinded Tax and Chargeback documents required with the Wisconsin Department of Revenue this year and we should have a determination and refunds from the taxing jurisdictions by early 2020. MOTION MADE BY ALDERMAN EHRlich, SECONDED BY ALDERMAN BENNING TO APPROVE THE APPEAL AND RESCINDED TAXES AND CHARGEBACK FOR MAPLE CREST PRESERVATION LLC, 922-982 SUNSET ROAD, TAX KEY NO. 16-154-0008.000 AS PRESENTED. Motion carried unanimously.

2. Approve Event Permit Application For Kiwanis / Port Washington Main Street For Hippy Hop Easter Event In Upper Lake Park- Alderman Pleitner reported that this application is incomplete and will be re-submitted for consideration at the next meeting. MOTION MADE BY ALDERMAN PLEITNER, SECONDED BY ALDERMAN NEUMYER TO TABLE THIS ITEM UNTIL THE NEXT MEETING. Motion carried unanimously.

8. BOARDS/COMMISSIONS

A. PLAN COMMISSION

1. Ordinance 2019-1 (Approve Rezoning Of Planned Overlay Development District For Cardinal Capital Management, 351 N. Heritage Road) (1st Reading)- The City Planner reviewed the project. At the February 22nd, 2017 meeting, the Common Council rezoned the property at 351 N Heritage Road from B-2 Business to RM-4 Multi-Family with an Overlay Planned Development (OPD) for a proposed 69-unit apartment and wellness center. More specifically, the OPD was created to provide zoning flexibility to accommodate a smaller front setback, less than required parking, and a proposed, stand-alone wellness center / clinic on the site. Cardinal Capital is now ready to proceed with the project but with a revised site plan that contains differences from the 2017 version and, therefore, a revision to the OPD is required. The revised project remains a north-south oriented, multi-family apartment building with 12 set aside units for adults with disabilities. The number of units has increased from 69 to 90, the height has increased from 3-story's to 4-story's, the curb cut and garage opening for underground parking has shifted from the north end of the building to the south end of the building, the building has pivoted on its N-S axis reducing the north end of the front building setback and increasing the south end front setback. The south end of the building now contains a step down to a third story. A presentation was given and questions answered by Jason Korb, Architect for Cardinal Capital. This is the first reading and there will be a public hearing and second reading at the next Council meeting.

9. UNFINISHED BUSINESS- None.

10. NEW BUSINESS

1. Discussion And Possible Action On TIF Financing For Newport Shores Project (Ansay Development)- The City Administrator reported on the updated TIF schedule for this Pay-As-You-Go TIF. The project will now give the City riparian rights that will connect Upper Lake Park all the way to the Harborview Hotel. 95% of the tax increment goes to the developer and 5% the City will retain for administrative and staff cost. The Development Agreement will include a 2035 end date of the TIF. A presentation was given and questions answered by Ian McCain and Tom Meaux along with the project architect and the property owner John Weinrich. MOTION MADE BY ALDERMAN GASPER, SECONDED BY ALDERMAN SIGWART TO TABLE THIS UNTIL THE NEXT MEETING GIVING

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COUNCIL TIME TO REVIEW THE UPDATED TIF SCHEDULE. FUTHER DISCUSSION WAS HELD AND VOTE TAKEN: AYE: 1, NO: 6 (EHRlich, NEUMYER, BENNING, PLEITNER, TEARNEY, SIGWART. Motion Fails. Further discussion was held and a MOTION WAS MADE BY ALDERMAN BENNING, SECONDED BY ALDERMAN EHRlich TO MOVE FORWARD WITH TIF FINANCING AND DIRECT CITY STAFF TO DRAFT A DEVELOPERS AGREEMENT. VOTE TAKEN: AYE: 5, NO: 2 (GASPER, TEARNEY) Motion carried.

11. FORTHCOMING EVENTS- Various events were mentioned.

12. PUBLIC COMMENTS/APPEARANCES- None.

13. ADJOURNMENT- MOTION MADE BY ALDERMAN NEUMYER, SECONDED BY ALDERMAN ERHLICH TO ADJOURN THE MEETING AT 9:22 P.M. Motion carried unanimously.

Respectfully Submitted:
Susan L. Westerbeke, City Clerk