

TOWN OF PORT WASHINGTON

OFFICE OF THE CLERK

Official Minutes of the Special Meeting of the Port Washington Town Board
Thursday, January 16, 2025, at 8:00 a.m.
At the Town Hall, 3715 Highland Drive, Port Washington, WI

Roll Call

Present: Mike Didier, Gary Schlenvogt, Greg Welton, Heather Krueger-Clerk, Mike Herbrand – Town Attorney.

Ozaukee Press: 1, WTMJ Channel 4 News: 1; Public: 14

Public Comments:

Jim Dawkins, 799 Weiler's Way: Thanked the board for taking comments and delaying amendments to the boundary agreement. Some suggestions while researching the data center: 1) To include in the agreement a provision for setbacks, fencing, a berm, and walls around the facility 2) The closed loop cooling with a heat exchanger is environmentally friendly, but the pipes would need to go out to Lake Michigan, which would likely be placed under Lake Dr. There are concerns with Sauk Creek, dead ash trees that need to be cleaned up. 3) Cell towers at 1374 Lake Dr; what will the construction do to the use of these cell towers? 4) When a city is annexing property, what is the process for granting access to town roads, and who will maintain the road once this is complete? And will the adjoining roads to the data center have proper traffic flow? 5) What Data Center aesthetics can the town stipulate? Setbacks, soundproofing, walls, berms, trees. Can we do a sound study before and after the built data center? Are there any current ordinances on noise? 6) An article in the Ozaukee Press mentioned this could take 5-8 years to build. Can the town negotiate remediation or concessions if the project fails, make whole provisions if there is environmental damage, violation of noise ordinances, or disruption of services during construction?

Jane Fellenz, 4237 Highland Dr., I understand that Cloverleaf has not secured a buyer yet. If they don't secure a data center buyer, and the city has purchased the land and it's annexed, they could sell the land to a different entity, like a landfill. It would be beneficial for the town to wait until there is a buyer and know who that buyer is before moving forward. It would also be beneficial to put it in the contract so that it will return to the town if it doesn't go to a data center.

Amanda Mueller, 4488 Lilac Ln. Has been a town resident for three years. She is originally from San Antonio, TX, where she has experienced the building of data centers. She moved because they caused stress to the community. They are dangerous; we don't know the long-term implications. Construction will take a long time, longer than they are anticipating. Home values will decrease, and the noise of the data center will be constant because they need to cool their equipment; there will be continual hum and light pollution, to name a few. I don't think we can stop this; all we can do is make a lot of noise to ensure you're protected. In Texas we were told "if you don't like the data centers then move"

Rick Fellenz, 4237 Highland Dr., Asked the City to be put on the agenda, but the city responded that they don't do that; he wanted to know if there is a developer's agreement. If he does not sell his land to be annexed, will he remain in the town or be under city zoning? If he is in city zoning, his property will be nonconforming. Will livestock be allowed? Will wells and mound systems need to be abandoned? Who will have jurisdiction over Highland Dr? How will all the current field tiles be addressed when they begin site work? If this doesn't move forward, will this land revert back to the town? It doesn't seem like good planning for the city to annex the land without knowing what will be built.

Terry Wisinski, 4458 Lilac Ln. The town community has good ideas. Please consider not going into a closed session to discuss them and let the residents be part of the decision-making.

Ryan Nowak, 1299 Lake Dr. Why isn't the town willing to renegotiate the border agreement? If the town is willing to let the city annex the land, the city could supplement some of the tax money that would be lost or share in the snow plowing costs. It is ridiculous the amount of non-transparency the board is showing

Ben Donajowski, 4799 County Road LL, Cloverleaf, is temporary and will not be the final owner that everyone will have to deal with for years. They can't promise what will or won't happen after they sell it. Getting agreements from the city before selling should be a consideration. How and why landowners in the affected area agreed varies. Being a family in this area, we would be very happy if this deal fell through.

Jim Kultgen, 3741 River Lane Rd. The city just annexed land from the south side of town. How do I know if my land won't be annexed next? Is this a super-secret that residents don't know about? Didier: The city intends to grow and knows nothing about your land. If someone contacts you about purchasing your land, I know nothing about that. The government does not get involved in private property. Kultgen: Can you tell developers to back off? Didier: You can tell them what the land is zoned for, but if it's annexed, the city can change it.

Katherine Allen, 3349 Terry Lane, Can the town negotiate the tax base on the 2,000 acres with the city? Didier: Yes, we can negotiate.

Public comments closed at 8:28 AM.

Didier: To comply with open meeting laws, the board cannot discuss issues amongst us 3 board members without holding a posted notice. So, after our initial negotiation meeting in closed session, we had to research some issues. So, to comply with open meeting laws, this second meeting is to discuss now further that we received feedback from the city's special council working on this request to the town. The town board is open to hearing comments from residents and allows questions that should be asked of the city council. It is no secret that the city appears to be all for the project. Residents of the town are trying to convince the town board that this is a bad project, and yes, Didier agrees, but the town board is not being asked to approve this project. The city has said it does not need the town to amend the border agreement, it will expire at the end of the year anyway, but if the town is willing to end it early, there is some room for negotiations as it will help facilitate the city's plan going forward.

Didier moved to entertain a motion to go into closed session pursuant to State Statute 19.85(1)(e) to deliberate or negotiate the purchase of public property, the investment of public funds, or to conduct other specified public business whenever competitive or bargaining responses require a closed session, specifically to amend the border Agreement between the Town and City of Port Washington, seconded by Schlenvogt. Welton – aye, Schlenvogt – aye, Didier – aye. Motion passed.

Didier moved to reconvene in an open session at 9:41 am, seconded by Welton. Welton – aye, Schlenvogt – aye, Didier – aye. Motion passed.

Didier, no action will be taken.

Didier moved to adjourn the special board meeting at 9:45 am, seconded by Welton.

Heather Krueger,
Clerk