

TOWN OF PORT WASHINGTON

OFFICE OF THE CLERK

Official Minutes of the Regular Meeting of the Port Washington Town Board
Monday, January 6, 2025, at 7:00 p.m.
At the Town Hall, 3715 Highland Drive, Port Washington, WI

Roll Call and Pledge of Allegiance

Present: Mike Didier, Gary Schlenvogt, Greg Welton, Heather Krueger-Clerk, Mary Sampont-Treasurer, Roger Kison -Building Inspector, Mike Herbrand – Town Attorney.
Ozaukee Press: 1, WTMJ Channel 4 News: 2

Approval of December Town Board Meeting Minutes. Schlenvogt moved to approve the December Town Board Minutes, seconded by Welton. The motion passed unanimously.

Public Comments:

Jim Dawkins, 799 Weiler's Way: Has read the boundary agreement with the City, which states they can only annex one property in the growth area and the proposed area before January 2026 unless the town approves. On what grounds would the town board approve annexation outside the growth area identified in the boundary agreement before the expiration? The agreement also requires cooperative planning, has there been any cooperative planning? Will any cooperative planning for on-site development, road expansion, or I-43 expansion exist?

Matt Gaulke, 3185 Green Bay Rd: What are the town's plans after the border agreement expires? When does the city enter into agreements with a new agreement? The City of Port Washington will discuss the border agreement on January 7, 2025, and annexing land; what will that look like for the town?

Rick Fellenz, 4237 Highland Dr., visited the city on Jan 3, 2025. The city does not have a site plan for the area, and now, annexation is being discussed. This is how the town ended up with the border agreement to begin with: They wanted to annex without site plans, and the town sued. Is the border agreement going away tonight?

Reports:

Chairman: 1) There were several complaints about the snow plowing after the first snowfall, such as hit mailboxes; I suspect this is due to the County's new drivers learning the new roads. Hopefully, this will improve.

Town Supervisor report: Welton: A resident/landowner of Saukville asked if they could annex from the town of Saukville to the Town of Port Washington. Didier, it is possible but rare. It is called a "detachment" agreement, not annexation.

Schlenvogt: Has received reports of large potholes on Lake Dr. east of County LL. Didier: He is aware of them, and they will be taken care of the next time the temperature is above freezing and sunny.

Town Treasurer report: The town's Money Market balance is \$489,684.79, the checking account balance is \$17,311.96, the small business account balance is \$1,397,932.87 and the LGIP account balance is \$863.39. Sampont has collected approximately 50% of property taxes.

Town Clerk: 1) Krueger has followed up with the Port Washington Senior Center regarding a contribution from the town but has not been given any answers as to who should get the contribution and how much they would like. The letter the town received asked for a donation, which we cannot do. 2) Having an extra dumpster over the holidays helped with extra volume. 3) Nomination papers for the Town Board Chair and Supervisors are due on January 7, 2025, at 5:00 PM.

Discussion regarding Woodland Road as a weight-restricted road. Didier: Woodland RD is probably the town's road in the worst condition. The road needs to be resurfaced, but there are obstacles with the large culvert [that looks like a bridge] that need to be replaced first. The culvert is over a navigable stream and will be expensive to have engineered and inspected. The town would be eligible for more grant funds if Woodland was a weight-restricted road. The road can be changed from a Class A Road to a Class B

Road with an Ordinance and needs no other justification. The road could also be changed to a Seasonal Road weight restriction without an Ordinance, but justification is needed. This will be a future agenda item to be discussed more at length.

Discussion regarding the Border/Boundary Agreement with the City of Port Washington. Didier:

To get everyone up to speed, before Christmas, the Town Attorney called Didier and said the Special Counsel for the City of Port reached out and wanted to discuss the border agreement. They wanted to know if the town would amend the current border agreement to allow annexation outside the border. The 20-year border agreement ends December 31, 2025. There have been no plans for another border agreement; just because one ends does not mean there will be another to follow. The town has mentioned a few times to the city about the possibility of renegotiating a new agreement over the last three years, but the city has not responded.

Didier also met with the City's outside counsel the week before Christmas. He asked if the town would be willing to amend the agreement and, if so, what conditions that amended agreement would entail. Didier was shown a map of the proposed development area, which is substantially what the media has been reporting on, with no islands. East of the bike path, west of Couty Road LL, and the expressway north of Dixie with some notch-around parcels. The project area is the area the developer would be purchasing. Didier was told there was no site plan because the developer was a spec builder. The developer [Cloverleaf] would buy the land, get the utilities and infrastructure, and then market it for sale. The town is not aware of an end buyer Cloverleaf currently has. The city council also said they did not need the town to amend the border agreement now; since it expires shortly anyway, they could wait until the end of 2025. Amending would allow the town to apply conditions and the City to get a head start on the planning and annexation processes. The town board will go into a closed session to discuss what conditions we would like to impose, if any.

Didier was told the development building would be used as a data center. The developer liked the site because it was near an expressway, the climate was cool by the lake, there were no natural disasters in this area, and it was located between the Port Washington and Sheboygan power plants with a pathway between them [the bike path]. They need water and sewer, but not their own water plant or anything; they would connect to the city's current water plant. Didier was told that a Data Center would need many acres because the buildings need to be a certain distance from one another; they did not indicate what would be between the buildings.

Didier stated as a reminder to all the attendees at this regularly scheduled town board meeting that this town board meeting tonight is not a public meeting but a meeting before the public. Still, he would be open to questions from residents:

Paige Dawkins, 799 Weiler's Way: I was told that research shows that a data center uses a large amount of water. This is concerning for Lake Michigan.

Didier: I was told the data center would use City sewer and water and "not much" water

Resident: If they use a lot of power between Sheboygan and Port Washington, what will that draw of power for the community and residents? What are the reassurances? Once we know the real intent, there must be many conversations about our concerns. This need to be discussed as a community before the town board gives any answers to the city, as you are doing this on the residents' behalf. There must be studies on power and water. You are talking to someone familiar with data centers and will ask the questions, correct?

Didier: No, the city will never ask the Town Board for permission or approval as they proceed with this project. They do not need our permission as this proposed development will be a city project, not a Town project. The land will be annexed to the city. I believe there is no scenario where this development will be in the Town. They are asking if the town would amend the border agreement early, which is the only thing they need to ask the town. Once the border agreement expires, the city can theoretically annex the entire town if all the landowners and the city want.

Donald Large, 2057 Dixie Rd: How many taxpayers are on this map?

Didier: I just looked at the map; I was not given it, so based on my memory, when looking at it, I would estimate approximately 30 homes. State Statutes require a city to pay the town's portion of taxes for 5 years once land is annexed. Didier estimates that approximately \$17,000 in tax revenue per year would be lost to this annexation. The roads within the project area would become city roads after annexation unless they are county-owned, which would be the County's decision. The town has no jurisdiction over county roads.

Jane Fellenz, 4237 Highland Dr. If we choose not to sell our property, can the city still annex us, or can we stay in the town?

Didier: There are provisions in the state statutes that a landowner can be annexed against your will if most of the neighbors petition for annexation.

Herbrand: They call it sweeping. If they have commitments covering more than half the land area, they can sweep in to take the minority, and all become the city.

Didier: You never need to sell your property, but you could end up in the City of Port Washington's jurisdiction.

Alan Kultgen, 3741 River Lane Rd., Is starting a petition a way for residents to stop or slow down annexation?

Herbrand: Short of a lawsuit from the citizenry, all towns lost the ability to contest annexation when the law changed in exchange for the five years of taxes they got to collect after annexation. The town is more or less precluded from litigating over annexation by law.

DeMaster: Citizens can petition for a referendum of the people who live in the area of annexation, but they can't block the annexation. This would be a citizen act, not an act of the town board.

Didier: A town (town board) is rarely involved in annexation.

Resident: It seems premature to hold a closed session to discuss what conditions, if any, you are considering amending the current agreement with the city when you do not know what we would like to see.

Didier: I would like to hear any ideas people might have, so with that, and as the Chair of this meeting, I would re-open public comments with a desire to hear any ideas the town should condition if there is a border agreement amendment.

William Karrels 1125 Dixie Rd: If I end up in the city, they could change my zoning and not allow me to farm anymore.

Didier: Since I have heard no other comments specifically about any possible terms of an amendment, I will move on to the next agenda item.

Didier moved to go into closed session pursuant to State statute 19.85(1) to deliberate or negotiate the purchase of public property, the investment of public funds, or to conduct other specific public business whenever competitive or bargaining reasons require a close session. Specifically, to be discussed is the Border Agreement between the Town of Port Washington and the City of Port Washington, seconded by Schlenvogt. Voice vote: Schlenvogt – Yea, Welton – Yea, Didier – Yea. The motion was approved unanimously at 7:56 PM.

Didier moved to reconvene into an open session at 9:07 PM, seconded by Schlenvogt. Voice vote: Schlenvogt -Yea, Welton – Yea, Didier – Yea. The motion was approved unanimously.

Monthly bills: Didier moved to pay the December bills in the amount of \$28,420.00, seconded by Welton. The motion passed unanimously.

Didier moved, and Schlenvogt seconded to adjourn the January Town Board meeting at 9:10 PM.

Heather Krueger,
Clerk