

FILED  
01-29-2026  
Ozaukee County, WI  
Connie Mueller CoCC  
2026CV000047  
Honorable Adam Gerol  
Branch 1

STATE OF WISCONSIN

CIRCUIT COURT

OZAUKEE COUNTY

METROPOLITAN MILWAUKEE  
ASSOCIATION OF COMMERCE, INC.  
301 W Wisconsin Avenue, Suite 220  
Milwaukee, WI 53203,

Case No.

Case Code Nos. 30701, 30704, 30953

ASSOCIATED GENERAL CONTRACTORS  
OF GREATER MILWAUKEE, INC.  
1243 N 10th St, Suite 175  
Milwaukee, WI 53205,

BUILDING ADVANTAGE  
250 E Wisconsin Avenue, Suite 100  
Milwaukee, WI 53202,

COMMERCIAL ASSOCIATION OF  
REALTORS WISCONSIN, INC.  
250 E Wisconsin Avenue, Suite 725  
Milwaukee, WI 53202,

NAIOP WISCONSIN CHAPTER, INC.  
P.O. Box 511848  
Milwaukee, WI 53202,

WISCONSIN REALTORS ASSOCIATION,  
INC.  
4801 Forest Run Road, Suite 201  
Madison, WI 53704,

SIDS SEALANTS LLC  
116 W Grand Avenue, Suite 205  
Port Washinton, WI 53704,

and

SID ARTHUR  
116 W Grand Avenue, Suite 205  
Port Washinton, WI 53704,

Plaintiffs

v.

---

CITY OF PORT WASHINGTON  
100 W Grand Avenue  
Port Washington, WI 53704

and

SUSAN WESTERBEKE, City Clerk of the City  
of Port Washington, in her official capacity  
100 W Grand Avenue  
Port Washington, WI 53704,

Defendants.

---

## **SUMMONS**

---

THE STATE OF WISCONSIN

To each person named above as a Defendant:

You are hereby notified that the Plaintiffs named above have filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within twenty (20) days of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the Court, whose address is Ozaukee County Courthouse, 1201 S. Spring Street, Port Washington, Wisconsin 53074, with a copy to Godfrey & Kahn, S.C., Attention: Jonathan T. Smies, 200 South Washington Street, Suite 100, Green Bay, Wisconsin 54301. You may have an attorney help or represent you.

If you do not provide an answer within twenty (20) days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may

lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future and may also be enforced by garnishment or seizure of property.

Dated this 29<sup>th</sup> day of January, 2026.

GODFREY & KAHN, S.C.

By: Electronically signed by Jonathan T. Smies

Jonathan T. Smies  
State Bar No. 1045422  
Mark C. Bender  
State Bar No. 1093118

*Attorneys for Plaintiffs*

P.O. ADDRESS:

200 South Washington Street, Suite 100  
Green Bay, WI 54301-4298  
Phone: 920-432-9300  
Fax: 920-436-7988  
jsmies@gklaw.com

FILED  
01-29-2026  
Ozaukee County, WI  
Connie Mueller CoCC  
2026CV000047  
Honorable Adam Gerol  
Branch 1

STATE OF WISCONSIN

CIRCUIT COURT

OZAUKEE COUNTY

METROPOLITAN MILWAUKEE  
ASSOCIATION OF COMMERCE, INC.,  
ASSOCIATED GENERAL CONTRACTORS  
OF GREATER MILWAUKEE, INC.,  
BUILDING ADVANTAGE, COMMERCIAL  
ASSOCIATION OF REALTORS  
WISCONSIN, INC., NAIOP WISCONSIN  
CHAPTER, INC., WISCONSIN REALTORS  
ASSOCIATION, INC., SID'S SEALANTS  
LLC,

and

SID ARTHUR,

Plaintiffs

v.

CITY OF PORT WASHINGTON  
A Wisconsin municipal corporation

and

SUSAN WESTERBEKE, City Clerk of the City  
of Port Washington, in her official capacity,

Defendants.

---

## COMPLAINT

---

Plaintiffs Metropolitan Milwaukee Association of Commerce, Inc., Associated General Contractors of Greater Milwaukee, Inc., Building Advantage, Commercial Association of REALTORS® Wisconsin, Inc., NAIOP Wisconsin Chapter, Inc., Wisconsin REALTORS® Association, Inc., Sid's Sealants LLC and Sid Arthur, by and through their attorneys, Godfrey &

Kahn, S.C., for their Complaint against Defendants City of Port Washington and Susan Westerbeke, hereby allege as follows:

### **INTRODUCTION**

1. This action challenges the legal sufficiency and validity of a proposed municipal ordinance that has been certified for placement on the ballot pursuant to Wis. Stat. § 9.20 and that would require voter approval as a precondition to the creation or approval of certain Tax Incremental Districts within the City of Port Washington. Although Wisconsin law permits direct legislation by referendum in limited circumstances, such legislation (if passed and enacted) must strictly comply with statutory requirements and may not exceed municipal authority, conflict with state law, or mislead the electorate. The proposed ordinance at issue fails those requirements. It unlawfully restricts and conditions powers that the Legislature has expressly delegated to municipalities and Joint Review Boards under Wis. Stat. § 66.1105, conflicts with state law governing tax incremental financing, and is impermissibly vague, internally inconsistent, and misleading to voters. Unless the Court intervenes to halt the matter being submitted to the electorate, the proposed ordinance will irreparably harm employers, taxpayers, and economic development interests in the City of Port Washington and throughout the region.

### **PARTIES**

2. Plaintiff Metropolitan Milwaukee Association of Commerce, Inc. (“MMAC”) is a Wisconsin non-profit, non-stock corporation with a principal place of business in Milwaukee, Wisconsin. MMAC represents thousands of member businesses across southeastern Wisconsin, including Ozaukee County. MMAC’s members include employers, developers, financial institutions, and investors that regularly engage in economic development projects utilizing tax incremental financing and that depend upon the uniform, predictable application of Wis. Stat. §

66.1105. A substantial number of MMAC's members do business in, invest in, employ workers in, or contract with entities located in the City of Port Washington. These members are directly and adversely affected by unlawful restrictions on the City of Port Washington's statutory authority to create and approve TIDs.

3. Plaintiff Associated General Contractors of Greater Milwaukee, Inc. ("AGCGM") is a Wisconsin nonstock corporation with a principal place of business in Milwaukee County, Wisconsin. AGCGM is a trade association whose members include general contractors and construction-related businesses that regularly perform construction work throughout the State of Wisconsin.

4. Plaintiff Building Advantage ("Building Advantage") is a Wisconsin nonstock corporation with its principal place of business in Wisconsin. Building Advantage is a trade association representing union construction contractors and affiliated businesses that operate throughout Wisconsin.

5. Plaintiff Commercial Association of REALTORS® Wisconsin, Inc. ("CARW") is a Wisconsin nonstock corporation with a principal place of business in Wisconsin. CARW is a statewide trade association whose members include commercial real estate brokers, owners, developers, and related professionals engaged in commercial real estate activities throughout Wisconsin.

6. Plaintiff NAIOP Wisconsin Chapter, Inc. ("NAIOP") is a Wisconsin nonstock corporation with a principal place of business in Wisconsin. NAIOP is a trade association representing commercial real estate developers, owners, investors, and service providers conducting business throughout Wisconsin.

7. Plaintiff Wisconsin REALTORS® Association, Inc. (“WRA”) is a Wisconsin nonstock corporation with a principal place of business in Wisconsin. WRA is a trade association representing practicing real estate sales agents, brokers, appraisers, inspectors, bankers and other professionals involved in real estate in Wisconsin.

8. Plaintiff Sid’s Sealants LLC (“Sid’s Sealants”) is a Wisconsin limited liability company with a principal place of business in Wisconsin. Sid’s Sealants is located in the City of Port Washington. Sid’s Sealants is engaged in the business of construction services, including sealant and related work, and regularly performs work on commercial construction projects in Wisconsin.

9. Plaintiff Sid Arthur is a resident, property taxpayer, and qualified elector of the City of Port Washington, Wisconsin. Sid Arthur has standing to bring this action because the proposed ordinance will affect his rights as a voter to receive a lawful and non-misleading ballot question and his rights as a taxpayer to have municipal affairs conducted in accordance with state law.

10. Defendant City of Port Washington (“City”) is a Wisconsin municipal corporation organized under Wis. Stat. Ch. 62, with its principal offices located in Ozaukee County, Wisconsin.

11. Defendant Susan Westerbeke is the City Clerk of the City of Port Washington and named in this action in her official capacity.

#### **JURISDICTION AND VENUE**

12. This Court has jurisdiction pursuant to Wis. Stat. §§ 753.03 and 806.04.

13. Venue is proper in Ozaukee County under Wis. Stat. § 801.50 because the City is located in this county and the acts and omissions giving rise to this action occurred here.

## **FACTUAL ALLEGATIONS**

14. On November 13, 2025, the petition for direct legislation attached hereto as Exhibit A was filed with the City Clerk of the City pursuant to Wis. Stat. § 9.20, seeking adoption of an ordinance regulating the creation and approval of some, but not all, new Tax Incremental Districts (“TIDs”) in the City.<sup>1</sup>

15. On November 26, 2025, the City Clerk certified the petition as sufficient under Wis. Stat. § 9.20(3) and forwarded it to the Port Washington Common Council; see attached Exhibit B.

16. On or about December 16, 2025, the City Attorney advised the Common Council that, pursuant to Wis. Stat. § 9.20 and notwithstanding his concerns about legality and enforceability, the Council was legally required to either adopt the proposed ordinance without alteration or submit it to the electors at a spring or general election, and recommended submission to the electorate at the April 7, 2026, spring election; see attached Exhibit C.

17. On December 16, 2025, the Common Council affirmatively voted to submit the petition for referendum at the April 7, 2026 election; see attached Exhibit D.

18. Direct legislation under Wis. Stat. § 9.20 is not without limits. The Wisconsin Supreme Court has held that there are four limitations implicit in the statute. “An ordinance initiated under Wis. Stat. § 9.20: 1) must be legislative as opposed to administrative or executive in nature; 2) cannot repeal an existing ordinance; 3) may not exceed the legislative powers conferred upon the governing municipal body; and 4) may not modify statutorily prescribed procedures or standards.” *Mount Horeb Community Alert v. Village Bd. of Mt. Horeb*, 2003 WI

---

<sup>1</sup> The proposed ordinance will not impact TIDs already created in the City, including Tax Incremental District No. 5 which encompasses the Lighthouse data center campus recently annexed to the City.

100, ¶ 17, 263 Wis. 2d 544, 655 N.W.2d 229 (citation omitted). As noted on Exhibit C, the City Attorney identified issues with wording and construction which will make it difficult for the City to follow and enforce the proposed ordinance. The City Attorney advised the City Council not to adopt the proposed ordinance but to submit it to the electors. Accordingly, the City has not fully evaluated whether the proposed ordinance would violate any of the four *Mount Horeb* criteria.

19. Upon information and belief, the City intends to report to Ozaukee County that the proposed ordinance will be on the ballot for the April 7, 2026 spring election.

20. Upon information and belief, on or before February 23, 2026, Defendant Westerbeke intends to certify the proposed ordinance for inclusion as a municipal referendum on the ballot for the April 7, 2026 spring election.

21. The proposed ordinance would require that any new TID involving undefined “large capital expenditures,” or having a projected base value or project cost exceeding \$10,000,000, be approved by a majority of electors at a general or special election before the creation or approval such a TID. The proposed ordinance also provides that “[u]pon approval by the electors, the Common Council shall have the exclusive authority to create and approve any TIDs...” Thus, the proposed ordinance contained in the petition for referendum would exceed the legislative powers conferred upon the City, override the powers of the Joint Review Board altogether and modify procedures prescribed in Wis. Stat. § 66.1105.

22. Wisconsin law comprehensively governs tax incremental financing through Wis. Stat. § 66.1105, which expressly delegates to municipal governing bodies and their Joint Review Boards – subject to detailed procedural safeguards and Department of Revenue oversight – the authority to create TIDs, approve project plans, and incur project costs.

23. The proposed ordinance directly conflicts with and seeks to override that statutory framework by stripping the Common Council and the Joint Review Board of authority granted by the Legislature and substituting ad hoc voter approval requirements that are not authorized by state law. Thus, the proposed ordinance contained in the petition for referendum would modify statutorily prescribed procedures or standards, namely, those contained in Wis. Stat. § 66.1105.

24. The proposed ordinance is facially vague and internally inconsistent. It fails to define the central operative phrase “large capital expenditures,” wrongfully suggests that general tax revenues will be used, provides no standards for determining when the voter-approval requirement is triggered and invites arbitrary application by municipal officials and confusion among voters.

25. The ballot question associated with the proposed ordinance fails to provide a concise and intelligible statement of the ordinance’s true nature and effect. It does not disclose that the ordinance would materially curtail statutory municipal powers, disrupt the uniform statewide tax incremental financing (“TIF”) system, and impair the City’s ability to respond to economic development opportunities.

26. If the City is unable to use TIF it would likely need to raise taxes directly to fund development improvements in the future or borrow to make improvements, which in turn increase taxes, either of which negatively affect Sid Arthur.

27. MMAC’s members include employers, developers, lenders, and investors that rely on the predictable and timely use of TIF as authorized by state law. Subjecting TID creation to uncertain and undefined referendum requirements will deter investment, increase financing costs, and place the City at a competitive disadvantage relative to other municipalities.

28. AGCGM's members include general contractors and construction-related businesses that regularly perform construction work throughout the state of Wisconsin. Building Advantage is a trade association representing union construction contractors and affiliated businesses that operate throughout Wisconsin. Many of the construction projects that the members of AGCGM and Building Advantage work on are funded by TIF.

29. Subjecting TID creation to uncertain and undefined referendum requirements will result in a decrease in construction projects available to AGCGM and Building Advantage's members.

30. CARW is a statewide trade association whose members include commercial real estate brokers, owners, developers, and related professionals engaged in commercial real estate activities throughout Wisconsin. NAIOP is a trade association representing commercial real estate developers, owners, investors, and service providers conducting business throughout Wisconsin. WRA is a statewide trade association whose members include practicing real estate sales agents, brokers, appraisers, inspectors, bankers and other professionals involved in real estate in Wisconsin.

31. Subjecting TID creation to uncertain and undefined referendum requirements will result in a decrease in development projects available to the members of CARW, NAIOP and WRA.

32. Sid's Sealants is a Wisconsin limited liability company with its principal place of business in Wisconsin. Sid's Sealants is located in the City of Port Washington. Sid's Sealants is engaged in the business of construction services, including sealant and related work, and regularly performs work on commercial construction projects in the City.

33. Subjecting TID creation to uncertain and undefined referendum requirements will result in a decrease in construction projects available Sid's Sealants.

34. Plaintiff Sid Arthur, as a resident, taxpayer, and elector of the City, will be irreparably harmed if presented with a misleading and unlawful ballot question that asks voters to approve an ordinance the City has no authority to enact and that conflicts with state law.

**COUNT I – DECLARATORY JUDGMENT**  
**(Improper Subject of Direct Legislation)**

35. Plaintiffs reallege and incorporate paragraphs 1–34 as if fully set forth herein.

36. The right of direct legislation in Wisconsin is purely statutory and exists only to the extent authorized by Wis. Stat. § 9.20.

37. An ordinance proposed and enacted through direct legislation must comply with all statutory and constitutional limitations applicable to municipal ordinances adopted by a common council.

38. The Legislature has enacted a comprehensive, uniform, statewide statutory scheme governing tax incremental financing through Wis. Stat. § 66.1105, reflecting a matter of statewide concern.

39. The proposed ordinance seeks to alter, restrict, and condition powers that the Legislature has expressly delegated to municipal governing bodies and the Joint Review Board and therefore exceeds the permissible scope of direct legislation under Wis. Stat. § 9.20.

40. Because the proposed ordinance conflicts with state law and exceeds municipal authority, it is invalid and may not lawfully be submitted to the electorate.

**COUNT II – DECLARATORY JUDGMENT**  
**(Preemption and Conflict with State Law)**

41. Plaintiffs reallege and incorporate paragraphs 1–40.

42. Municipalities possess only those powers expressly granted or necessarily implied by the Legislature and may not impose additional substantive conditions where the Legislature has occupied the field.

43. Wis. Stat. § 66.1105 grants municipal governing bodies and the Joint Review Board – not the electorate – the authority to create TIDs and approve project plans, subject to specific procedural requirements and state oversight.

44. By conditioning the exercise of that authority on voter approval and undefined thresholds, the proposed ordinance is logically inconsistent with, defeats the purpose of, and violates the spirit of Wis. Stat. § 66.1105.

45. The proposed ordinance is therefore preempted by state law and void.

**COUNT III – DECLARATORY JUDGMENT**  
**(Void for Vagueness)**

46. Plaintiffs reallege and incorporate paragraphs 1–45.

47. The proposed ordinance is unconstitutionally vague because it fails to define essential terms and provides no objective standards for compliance or enforcement.

48. Such vagueness violates due process under Article I, Section 1 of the Wisconsin Constitution.

**COUNT IV – DECLARATORY JUDGMENT**  
**(Insufficient and Misleading Ballot Question)**

49. Plaintiffs reallege and incorporate paragraphs 1–48.

50. Wis. Stat. § 9.20(6) requires that the ballot contain a concise statement of the ordinance’s nature sufficient to inform voters of the substance and effect of the proposed law.

51. The ballot language associated with the proposed ordinance omits material information regarding its legal effect, scope, and conflict with existing state law, rendering it misleading and invalid.

**COUNT V – INJUNCTIVE RELIEF**

52. Plaintiffs reallege and incorporate paragraphs 1–51.

53. Plaintiffs lack an adequate remedy at law and will suffer irreparable harm if the proposed ordinance is submitted to the electorate or enforced.

54. Plaintiffs are entitled to temporary and permanent injunctive relief prohibiting the City from placing the proposed ordinance on the ballot or enforcing it.

**COUNT VI – WRIT OF PROHIBITION**

55. Plaintiffs reallege and incorporate paragraphs 1–54.

56. A writ of prohibition is an extraordinary remedy available to restrain a municipal body or officer from acting outside its lawful jurisdiction or in excess of its statutory authority.

57. The City lacks jurisdiction and legal authority to submit to the electorate an ordinance that conflicts with state law, exceeds municipal power, and is not a proper subject of direct legislation under Wis. Stat. § 9.20.

58. Submission of the proposed ordinance to the electorate would constitute an unlawful exercise of power and would result in immediate and irreparable harm that cannot be adequately remedied by appeal or post-election litigation.

59. Plaintiffs are therefore entitled to a writ of prohibition prohibiting the City, its Common Council, officers, agents, and the City Clerk, Susan Westerbeke, from placing the proposed ordinance on any ballot or taking further action to effectuate its submission to the voters.

WHEREFORE, Plaintiffs respectfully request that the Court:

- A. Declare that the proposed ordinance is invalid, unlawful, and void;
- B. Declare that the proposed ordinance is an improper subject of direct legislation under Wis. Stat. § 9.20;
- C. Declare that the proposed ordinance is preempted by and conflicts with Wis. Stat. § 66.1105;
- D. Declare that the ballot question associated with the proposed ordinance is legally insufficient and misleading;
- E. Issue a writ of prohibition prohibiting the City, its Common Council, officers, agents, and employees, including City Clerk Susan Westerbeke, from placing the proposed ordinance on any ballot or certifying the proposed ordinance for inclusion as a municipal referendum on any ballot;
- F. Temporarily and permanently enjoin the City from placing the proposed ordinance on any ballot;
- G. Award Plaintiffs their costs and disbursements; and
- H. Grant such other and further relief as the Court deems just and equitable.

Dated this 29<sup>th</sup> day of January, 2026.

GODFREY & KAHN, S.C.

By: Electronically signed by Jonathan T. Smies

Jonathan T. Smies  
State Bar No. 1045422  
Mark C. Bender  
State Bar No. 1093118

*Attorneys for Plaintiffs*

P.O. ADDRESS:

200 South Washington Street, Suite 100  
Green Bay, WI 54301-4298  
Phone: 920-432-9300  
Fax: 920-436-7988  
jsmies@gklaw.com

**EXHIBIT A****PETITION FOR THE ENACTMENT OF AN ORDINANCE BY DIRECT LEGISLATION  
PURSUANT TO SECTION 9.20, WISCONSIN STATUTES**

To: City Clerk, City of Port Washington, Wisconsin

We the undersigned hereby petition the Common Council of the City of Port Washington, pursuant to section 9.20 of the Wisconsin Statutes to enact the following ordinance without alteration, or in the event that said Common Council fails to enact the ordinance, we demand pursuant to the above referenced statute that said ordinance be submitted to the electors at the next appropriate general election for their approval or disapproval: An Ordinance referring the creation and/or approval of any Tax Incremental Districts ("TID") which require large capital expenditures, or those with a base value projected to or exceeding \$10,000,000, or Project Costs exceeding \$10,000,000, to the electors.

Whereas, pursuant to Wisconsin Statute 66.1105 (3)(a): Cities may exercise powers necessary to create tax incremental districts and define the boundaries of the districts; typically for the purpose of facilitating development, project plans, and any necessary municipal infrastructure improvements needed for development; and

Whereas, TIDs with a base value exceeding or projected to exceed \$10,000,000, within the boundaries of the city of Port Washington are currently under consideration and more may be proposed in the future; and

Whereas the approval of TIDs is a proper matter for direct legislation by the public as Tax Incremental financing ("TIF") for TIDs often require large capital expenditures and may require the issuance of municipal bonds, or the utilization of city funds from current general tax revenues which must be paid from and are the obligation of the tax base and the City's property tax payers.

Therefore, the Common Council of the City of Port Washington, Wisconsin do ordain as follows:

**Section 1.** Referendum Required for approval of any Tax Incremental Districts ("TID") with a base value projected to or exceeding \$10,000,000, or project costs exceeding \$10,000,000. As of the effective date of this ordinance no TIDs with a base value projected to or exceeding \$10,000,000 or project costs exceeding \$10,000,000, shall be created, adopted or approved unless first approved by a majority of the electors in a general or special election.

**Section 2.** Definition. The term "TID" shall mean and refer to any "contiguous geographic area within a city defined and created by resolution of the local legislative body, consisting solely of whole units of property as are assessed for general property tax purposes, other than railroad rights-of-way, rivers or highways. Railroad rights-of-way, rivers or highways may be included in a tax incremental district only if they are continuously bounded on either side, or on both sides, by whole units of property as are assessed for general property tax purposes which are in the tax incremental district." per Wisconsin Statute 66.1105(2)(k)1.

**Section 3.** Interpretation; Exceptions.

NOV 13 2025

(a) Upon approval by the electors, the Common Council shall have the exclusive authority to create and approve any TIDs which require large capital expenditure or those with a base value projected to or exceeding \$10,000,000 or project costs exceeding \$10,000,000, to the electors.

(b) No public referendum shall be required for approval of TIDs that do not require large capital expenditure or do not exceed \$10,000,000 in project costs or contain properties with a base value not exceeding \$10,000,000.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor of Port Washington

Attested: \_\_\_\_\_  
City Clerk

**EXHIBIT B**

STATE OF WISCONSIN CITY OF PORT WASHINGTON OZAUKEE COUNTY

In re: The Direct Legislation Petition Received on November 13, 2025

---

**CERTIFICATION**

---

The City Clerk for the City of Port Washington hereby certifies the following:

1. On November 13, 2025, the Office of the City Clerk received a petition for direct legislation pursuant to Wis. Stat. §9.20 (the “Petition”). The proposed ordinance attached to the Petition is attached hereto as Exhibit A.
2. The Office of the City Clerk has determined that the required number of signatures of electors to support the Petition is 954.
3. After careful examination, the City Clerk finds that the Petition contains 987 valid signatures and the proposed ordinance is in a proper form.
4. The City Clerk further finds that the Petition is sufficient pursuant to Wis. Stat. §9.20(3) and shall be immediately forwarded to the Common Council.

Dated at Port Washington, Wisconsin this 26<sup>th</sup> day of November, 2025.

CITY OF PORT WASHINGTON

  
Susan Westerbeke  
City Clerk

## EXHIBIT A

### **PETITION FOR THE ENACTMENT OF AN ORDINANCE BY DIRECT LEGISLATION PURSUANT TO SECTION 9.20, WISCONSIN STATUTES**

To: City Clerk, City of Port Washington, Wisconsin

We the undersigned hereby petition the Common Council of the City of Port Washington, pursuant to section 9.20 of the Wisconsin Statutes to enact the following ordinance without alteration, or in the event that said Common Council fails to enact the ordinance, we demand pursuant to the above referenced statute that said ordinance be submitted to the electors at the next appropriate general election for their approval or disapproval: An Ordinance referring the creation and/or approval of any Tax Incremental Districts ("TID") which require large capital expenditures, or those with a base value projected to or exceeding \$10,000,000, or Project Costs exceeding \$10,000,000, to the electors.

Whereas, pursuant to Wisconsin Statute 66.1105 (3)(a): Cities may exercise powers necessary to create tax incremental districts and define the boundaries of the districts; typically for the purpose of facilitating development, project plans, and any necessary municipal infrastructure improvements needed for development; and

Whereas, TIDs with a base value exceeding or projected to exceed \$10,000,000, within the boundaries of the city of Port Washington are currently under consideration and more may be proposed in the future; and

Whereas the approval of TIDs is a proper matter for direct legislation by the public as Tax Incremental financing ("TIF") for TIDs often require large capital expenditures and may require the issuance of municipal bonds, or the utilization of city funds from current general tax revenues which must be paid from and are the obligation of the tax base and the City's property tax payers.

Therefore, the Common Council of the City of Port Washington, Wisconsin do ordain as follows:

**Section 1.** Referendum Required for approval of any Tax Incremental Districts ("TID") with a base value projected to or exceeding \$10,000,000, or project costs exceeding \$10,000,000. As of the effective date of this ordinance no TIDs with a base value projected to or exceeding \$10,000,000 or project costs exceeding \$10,000,000, shall be created, adopted or approved unless first approved by a majority of the electors in a general or special election.

**Section 2.** Definition. The term "TID" shall mean and refer to any "contiguous geographic area within a city defined and created by resolution of the local legislative body, consisting solely of whole units of property as are assessed for general property tax purposes, other than railroad rights-of-way, rivers or highways. Railroad rights-of-way, rivers or highways may be included in a tax incremental district only if they are continuously bounded on either side, or on both sides, by whole units of property as are assessed for general property tax purposes which are in the tax incremental district." per Wisconsin Statute 66.1105(2)(k)1.

**Section 3.** Interpretation; Exceptions.

NOV 13 2025

(a) Upon approval by the electors, the Common Council shall have the exclusive authority to create and approve any TIDs which require large capital expenditure or those with a base value projected to or exceeding \$10,000,000 or project costs exceeding \$10,000,000, to the electors.

(b) No public referendum shall be required for approval of TIDs that do not require large capital expenditure or do not exceed \$10,000,000 in project costs or contain properties with a base value not exceeding \$10,000,000.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

---

Mayor of Port Washington

Attested: \_\_\_\_\_  
City Clerk

FULL NAME	NOTE
JARED GROSKLAUS	VALID
DONNAMAE LAABS	VALID
BEN FLORCZAK	VALID
MARIA FLORCZAK	VALID
CHRIS CLARKE	VALID
PAUL ALBERS	VALID
MATTHEW KATROSITS	VALID
CHERIE BASLER	VALID
KEVIN PAULIN	VALID
KATHERINE HAUPT	VALID
CAROL PANEK	INVALID
JENNIFER HOLEK	VALID
COLLIN MUELLER	VALID
CRAIG HAAS	VALID
SYL PLIER	VALID
LYNN PLIER	VALID
BRITHE LORGE	VALID
RYAN NELSON	VALID
LYNN OMALLEY	VALID
MELISSA NELSON	VALID
HEATHER ZIMEL	VALID
BEN RUDOLPH	VALID
PAIGE WILDER	VALID
SOPHIE ROBERTS	VALID
SUE LOCHNER	VALID
JESSICA WOOD	VALID
ROBERT WOOD	VALID
JENNIFER ZWICKER	VALID
CATHLEEN SYMES	VALID
KATHY ANDERSON	VALID
TIFFANY HAMMOCK	VALID
HERB JOHNSON	VALID
RICHARD WARD	VALID
CASEY SMET	VALID
EVAN DIFRANCES	VALID
HOLLY JOHNSON DIFRANCES	VALID
ELIZABETH DIFRANCES	VALID
DALTON CLEAR	VALID
LOGAN ARROWOOD	VALID
RICHARD POOLE	VALID
STEPHANIE ERTZ	VALID
MIKE ERTZ	VALID
D WILHELM-JOHNSON	VALID
ASHLEY SCHOEDER	VALID
JASON BASLER	VALID
KATHERINE FEHRING	VALID

PATRICIA TIPPY	VALID
JACQUELINE FEEDERS	VALID
PHILIP LORGE	VALID
FRANK SCHROETER	VALID
KAY WULFF	VALID
ANNETTE ZAMORA	VALID
GERI JOHNSON	VALID
CAROL BEYER	VALID
MEREDITH DROTZUR	VALID
TANNER SWANTZ	VALID
VERN BODE	VALID
DENISE PLOOF	VALID
SHEREEN CALLEN	VALID
KATHLEEN MCCORMICK	VALID
DAKOTA BRACE	VALID
CHERYL BURTON	VALID
MARY BARTLEIN	VALID
AMY TRADEWELL	VALID
LORRI AMES	VALID
ANDREW GOLEMBA	VALID
JOSEPH KNICK	INVALID
THERESA WILDAUER	VALID
CHRISTIAN HILL	VALID
ANDY SMITH	VALID
JAMES WICK	VALID
CINDY WICK	VALID
PETER COFTA	VALID
DIONNE SCHEDLER COFTA	VALID
LAUREN PETERSON	VALID
DUANE FLOM	VALID
REID BRETZ	VALID
JENNY BRETZ	VALID
SARAH SLADKY	VALID
ROBYN CAVANAUGH	VALID
MIKE CAVANAUGH	VALID
LEANA ANDERSON	INVALID
DEAN ANDERSON	INVALID
JAMES CIRESI	INVALID
BRET COOR	VALID
JOHN KARL JARZOMBEK	VALID
SHEENA BEILFUSS	VALID
VINCE ANEWENTER	VALID
ALEXANDER ANEWENTER	VALID
KARI ANEWENTER	VALID
CHRIS PAAPE	VALID
KEN BRUNER	VALID
LISA WOODHOUSE	VALID

JACQUELINE DIETZLER	VALID
TOM ADAMS JR	VALID
RAEJEANA BEILFUSS	VALID
HANNAH FOERSTER	VALID
JACQUELINE SINGER	VALID
MAUREEN MASTY	VALID
PATTY SAMSON	VALID
AMY KUETHER	VALID
SUSAN TETZE	VALID
ZACHARY STIELOW	VALID
SAMANTHA OLIVER	VALID
AMY GARCIA	VALID
CHRIS MOEN	VALID
BRAD ZWICKER	VALID
HEATHER KINDSCHY	VALID
DEBORAH ANDRIS	VALID
KEVIN KIRST	VALID
DAWN CLEMENTS	VALID
NICOLE HOWARD	VALID
CHARLES VERFUERTH	VALID
MARY NIESEN	VALID
DARIN CULLEN	VALID
DAWN SMITH	VALID
JOSHUA BEILFUSS	VALID
TERRY BEILFUSS	VALID
JOANNE DOWE	VALID
ERICH DOWE	VALID
JORDAN FYE	VALID
EMILY LEBUS	VALID
JONATHAN SAUER	VALID
LISA GLAWE	VALID
TYLER HAAS	VALID
MICHAEL MANSHE	VALID
DAWN SCHAEFER	VALID
PAUL CZISNY	VALID
MAURA SHAFER	VALID
CHRISTINA BLAETTLE	VALID
RYANA BARBOSA	VALID
RACHEL STICHNOTH	VALID
TOM COTTER	VALID
DAVID FEALY-LAYER	VALID
ALEX FRITE	VALID
WAYNE KARASCH	VALID
COREY SCHMALZ	VALID
AMY LEHRER	VALID
MICHAEL SCHWARTZ	VALID
HOLLY SCHWARTZ	VALID

REBECCA FELLENZ	VALID
CARLOS ARANDA	VALID
OLIVIA HESS	VALID
NATHAN ZINSEZ	VALID
SHANNON REGAN	VALID
JERED BANNON	VALID
LOUISE MOLLINGER	VALID
NONDY FRANCIS	VALID
JANICE LEONE	VALID
SUSAN MYRAH	VALID
JEFF TRAPP	VALID
AARON ZAMECNIK	VALID
SYDNEY LAWRENZ	VALID
MICHELLE VETTER	VALID
JOSEPH HUBER	VALID
HELEN MICHELS	VALID
THOR RIEDESEL	VALID
LORI DARLING	INVALID
ILYNN BROWN	VALID
MICHAEL BROWN	VALID
TAMMIE HOWARD	VALID
AMANDA FARMER	VALID
KERRY WILGER	VALID
BRIAN WILGER	VALID
AMANDA GABRIELSE	VALID
RICKY GABRIELSE	VALID
CINDY HOFFART	VALID
ALYSSA JURGENS	VALID
ANGELA DRIEWER	VALID
SUE ORVIS	VALID
ASHLEY ANDERSON	VALID
LEAH FLAHERTY	VALID
PATRICK FLAHERTY	VALID
KEVIN MUSSATTI	VALID
LILLIAN CLARK	VALID
PATTI SPENCER	VALID
NICK SPENCER	VALID
NICOLE SPAETH	VALID
SUE PAWLOWSKI	VALID
JOSEPH BERTSCH	VALID
JAMIE BERTSCH	VALID
YANNA SURITCHFIELD	VALID
MARK BICHLER	VALID
JOHN CLARK	VALID
SARA STARR	VALID
MILLER STICHWOTH	VALID
PATRICIA CZARNECKI	VALID

MINDY SCHLESSINGER	VALID
MARK ANBRAD	VALID
GARY KELZER	VALID
STEPHANIE BEYER	VALID
AMANDA CARDAMONE	VALID
CHRIS DEMPSEY	VALID
CHRISTINE SOBOCINSKI	VALID
ELTON ROGERS	VALID
JEFFREY SMITH	VALID
ANDRE PLAZA	VALID
THOMAS WISE	VALID
HEIDI AMES	VALID
JANA ZIMMERMAN	VALID
DEBRA BURNS	VALID
JEFF BURNS	VALID
MICHELLE CURTIN	VALID
DIANE CURTIN	INVALID
KATHY BARTLEIN	VALID
ERICA KESLER	VALID
DAN THEISEN	VALID
SHARON THEISEN	VALID
ROGER FALDET	VALID
LOIS FALDET	VALID
CHRISTINE LITWIN	VALID
DONALD MYLES	VALID
ELIZABETH STREICHER	VALID
ROB STREICHER	VALID
MAX STREICHER	VALID
REBECCA BRYANT	INVALID
ELIZA GROHALL	INVALID
ANDREW HUDSON	VALID
KATHLEEN KAEDING	VALID
GENTRY TETSCHLAG	VALID
LACEY MCGAUGHEY	VALID
MELANIE PROM	VALID
PRU PALECEK	VALID
TERRI BAUSCHEK	VALID
BRIANNA MULLENS	VALID
ISAIAH MULLENS	VALID
AMY GANNON	VALID
ANDREW KAMM	VALID
JULIE CELMO	VALID
JODI POST	VALID
AUSTIN PREISLER	VALID
DAWN COLEMAN	VALID
JOHN ONEIL	VALID
RAMA BHARADWAJ	VALID

CHRIS PIERRINGER	VALID
WADE VAN HARPEN	VALID
VERONICA NOESKE	VALID
ALEX VANDERBERG	VALID
JOHN A BILL	VALID
JOYCE HERKOWSKI	VALID
JOANNE KOSKAMP	VALID
EDNA KOSKAMP	VALID
DILLON MAASS	VALID
MEGAN LECHER	VALID
JENNIFER KOBYLAZ	VALID
GRACE VATTER	VALID
SPENCER REISS	VALID
RICHARD MIHALKO	VALID
KARI KIENAST	VALID
KEVIN LANSER	VALID
CATHERINE RUTZ	VALID
ROMAN CIRA	VALID
PEGGY CALLAHAN	INVALID
NICHOLAS SCHMIDT	VALID
ANNA SCHMIDT	VALID
KAT CHRONIS	VALID
BETH CONNELL	VALID
JOVITA HARM	VALID
NANCY LAUGHRIDGE	VALID
CHRISTINE LE JEUNE	VALID
JACK KASK	VALID
SHANNON SHUSTER	VALID
STEVE ALLWARDT	VALID
KEITH MILLER	VALID
DANA MILLER	VALID
KAYLA JOHNSON	VALID
DEBRA HICKEY	VALID
DANIELLE MIZRUL	VALID
ANGELA ZAMECNIK	VALID
TAYLOR KRUEGER	VALID
BARBARA WAGNER	VALID
SARAH EISCHEN	VALID
BARB WRIGHT	VALID
CHRISTINE MAECHTLE	VALID
LAURA ASHLEY	VALID
DESERAY BACKMAN	VALID
DAVID BACKMAN	VALID
VIRGINIA BODUS	VALID
TAMRA WIEBERDINK	VALID
RACHEL GREMMINGER	VALID
JEAN GITTLESIM	VALID

TERRI GAHAN	VALID
NICOLE UTECHT	VALID
KAREN MEADOR	VALID
JOSHUA KIEFER	VALID
CEBRIANA MARIE	VALID
SAMANTHA SCHROEDER	VALID
JO HALBERT	VALID
WILLIAM FISCHER	VALID
MARY ANNE FISCHER	VALID
WENDY FORTINO	VALID
JOSEPH FORTINO	VALID
KATHERINE KUCHARSKI	VALID
LIBBY ALLEN	VALID
DAVID ALLEN	VALID
BRETT KUCHARSKI	VALID
MARY FALCK	VALID
MICHAELA TISDALE	VALID
ROSSI WITTLINGER	VALID
KEVIN WITTLINGER	VALID
LAURA RASHID	VALID
DUDLEY RASHID	VALID
JOSEPH DELUCIA	VALID
MEGAN O'MARRO	VALID
RYAN FELLI	VALID
BRENDA HARVIEUX	VALID
NICOLE STYLES	VALID
TERRI KARRELS	VALID
JIM KARRELS	VALID
VICTORIA MEYER	VALID
AUSTAN DOMAILLE	VALID
LOGAN SCHNEIDER	VALID
MEGHAN HELD	VALID
AUSTIN SMITH	VALID
MIKE LUEDCKE	VALID
REBEKAH LUEDCKE	VALID
CRAIG KLOPP	VALID
CAITLIN MARTINEZ	VALID
AUGUST GNORSKI	VALID
JEROME PANDO	VALID
LORI HAYES	VALID
TINA ZURAW	VALID
ELIZABETH GAUTHIER	VALID
JOANNE CHRISTIANSON	VALID
ROGER BAYFORD	VALID
CHRIS MACIEJEWSKI	VALID
JODI CRIVELLO	VALID
DONNA GRADY	VALID

PAUL GRADY	VALID
KRISTIN HARRIS	VALID
NOAH PROM	VALID
THOMAS SCHEID	VALID
DEBRA DUMEZ	VALID
ALLISON TORAASON	VALID
RONALD MUELLER	VALID
MELISSA WINKWORTH	VALID
JULIE FOSCO	VALID
SARAH RIFORGIASTE	VALID
DAWN HOFFMAN	VALID
RENEE SCHREINER	VALID
CATHY DIAMOND	VALID
PATTI ZIMMERMANN	VALID
BECKY MARTIN	VALID
JACOB SCHEID	VALID
CYNTHIA SCHEID	VALID
MARK HAUSER	VALID
JAMES FOWLER	VALID
MARCUS PHILLIPS	VALID
WILLIAM TANNHAEUSER	VALID
KATHERINE DESTINON	VALID
CHARLES DESTINON	VALID
RACHAEL FEALY-LAYER	VALID
SHARON ZAHN	VALID
JOHN SLATON	VALID
CARRIE BAAKE	VALID
CHRIS BAAKE	VALID
DAVE DEMGE	VALID
MARY JANE WEISS	VALID
ANNE BEVILL	VALID
DOUG BEVILL	VALID
HOLLY SCHWEITZER	VALID
BRADLEY HOLLANDER	VALID
NINA RYER	VALID
DON RYER	VALID
BETTY BOGLE	VALID
BONNIE MOORE	VALID
JOANN FOTH	VALID
ANGELA RIVEST	VALID
JULIANNE WANDERER	VALID
LOIS STRAND	VALID
DARRELL STRAND	VALID
NANCY HAACKE	VALID
LAUREN SEERING	VALID
JENNA ROBILLARD	VALID
AMY GILHOOLY	VALID

JOHN KRAINZ	VALID
ELVIRA RODRIGUEZ	VALID
BERNARDO PADILLA	VALID
MARITZA PADILLA	VALID
ELIZABETH KELLER	VALID
TERESA TISDALE	VALID
JOHN TISDALE	VALID
CRYSTAL GREGOZESKI	VALID
COLLEEN ONEIL	VALID
CRISTINA URBANEK	VALID
LUCY CHRISTOPOULOS	VALID
HAJIRA BUSER	VALID
JULIEANN WERNER	VALID
CHRISTINE HERZFELD	VALID
JANE JUSHKA	VALID
JOSHUA GREEN	VALID
MARIE BANGS	VALID
PAYTON KATZER	VALID
JEFF ZINUTICZ	VALID
KRISTIN ZINUTICZ	VALID
HAYLEY TRIER	VALID
ERIN MEDINGER	VALID
HEATHER HUBBERT	VALID
OLIVER TRICE	VALID
KATARINA TRICE	VALID
DAN TRICE	VALID
DYLIN ELLNER	VALID
CARLA COREY	VALID
RA MOLLENHAUER	VALID
KAREN MOLLENHAUER	VALID
NICK DOHERTY	VALID
NATALIA LEVIN	VALID
ANDREW BOLWERK	VALID
ROBERT KORUP	VALID
JESSICA KORUP	VALID
JACLYN SITKOWSKI	VALID
LEE SCOTT GREGORASH	VALID
JODY GREGORASH	VALID
SCHAUN LAMBRIGHT	VALID
ABIGAIL LAMBRIGHT	VALID
NICOLE MEDINGER	VALID
COLLEEN HANSON-HARVEY	VALID
LORI LARGE	VALID
BARBARA STEINMETZ	VALID
NICHOLE SCHULZE	VALID
JOHN LAFORD	VALID
JOAN NIELSON	VALID

JOHN HEAVEY	VALID
NATALIE HOWARD	VALID
AMY JACOBSON	VALID
SHANE STIMAC	VALID
KEVIN WARD	VALID
NEAL THOMISON	VALID
ANGELA LEANNAH	VALID
LYNDA WARD	VALID
MARY FREWARD	VALID
TRACY DAGGETT	VALID
CHRISTA SCHERZER	VALID
JOHN DAGGETT	VALID
PATRICK AMES	VALID
ANDREW HERTEL	VALID
CHRISTINE DENZIN	VALID
CONNER HAYES	VALID
JOELLE TOLLE	VALID
SCOTT BOSLEY	VALID
CHERYL SNOOK	INVALID
MACKENZIE NOURSE	VALID
JACOB THEISEN	VALID
JOHN EIDENBERGER	VALID
AMY LOU EIDENBERGER	INVALID
VICKY MCMANUS	VALID
WAYNE MOELLER	VALID
MIKE CAIN	VALID
ALLEN SPAUDE	VALID
JERRY GUTZMAN	INVALID
MARIE STRAUSS	VALID
SCOTT ALLEN	VALID
STEVE FIACCHINO	VALID
NICOLE WINDSOR	VALID
RYAN WINDSOR	VALID
DALE PALECK	VALID
MIKE PIKE	VALID
PATRICK PENDERGAST	VALID
JANICE STECK	VALID
KELLY HACKER	VALID
ANGELA BRODERICK	VALID
CINDY SCHEUNEMANN	VALID
TRACY FOSS	VALID
DYLAN FOSS	VALID
DANIEL PETERS	VALID
NICHOLAS CONTINO	VALID
JOSEPH JUSE	VALID
ALYSHA JUSE	VALID
RISE ANDERSEN	VALID

DANE ANDERSEN	VALID
LAWRENCE CIEZKI	VALID
CLAUDE ZIMMERMAN	VALID
ERICA GIERACH	VALID
TERESA KEIZAR	VALID
ELIZABETH PARSONS	VALID
RICHARD SHUSTER	VALID
NICOLE LEHTO	VALID
LINDSAY MONTGOMERY	VALID
BARBARA LETTIERE	VALID
RONALD LETTIERE	VALID
GARY GIERACH	VALID
PATRICIA MORRISSEY	VALID
THOMAS TEWS	VALID
JANET DEVEREUX	VALID
BRIAN DEKEUSTER	VALID
RICK CUKLA	VALID
PAULINE MCCOWN	VALID
MARIAN LAPLAN MEINS	VALID
HARLAND MEINS	VALID
PATRICIA RAKOWSKI	VALID
JAMES SIKOWSKI	VALID
SANDY SIKOWSKI	VALID
JON MURPHY	VALID
JOHN HUSSMANN	VALID
GEORGE KING JR	VALID
PATTY KING	VALID
SAVANNAH SCHMUTZLER	VALID
MARY JO FUHRY	VALID
JAMES FUHRY	VALID
NATHAN HART	VALID
DAN HEFLE	VALID
MARY MARCHESE	VALID
LEAH COFTA	INVALID
CAROLYN SCHAFTER	INVALID
MIKE SCHAFTER	INVALID
EVELYN HAYES	INVALID
MARY SCHMITT	VALID
MIKE SCHMITT	VALID
PATRICK SCHMITT	VALID
PATRICK PHILLIPS	VALID
KATIE PHILLIPS	VALID
KIM MUELLER	VALID
KELLY MUELLER	VALID
LISA MILLER	VALID
DALE MILLER	VALID
CHERYL HAUSER	VALID

DANIEL KILIAN	VALID
JASON FLEISHAUER	VALID
BARBARA BAHR	VALID
SANDRA HEINECKE	VALID
DEAN KLEIST	VALID
PATRICIA KLEIST	VALID
LOIS HUSTING	VALID
RICHARD HUSTING	VALID
FRANCINE BARCLAY	VALID
GERI ZEHREN	VALID
GAIL SCHULTZ	VALID
WALT BABCOCK	VALID
DEBRA LESSILA	VALID
WENDY KARASCH	VALID
LISA KLEIN	VALID
MARGARET SWENSON	VALID
FOY SWENSON	VALID
DOUGLAS SCHAEFER	VALID
JENNIFER SAPINO	VALID
KRISTINE METZGER	VALID
MEGAN ASWEGAN	VALID
SCOTT RAAFLAUB	VALID
LINDSEY NIX	VALID
RICH MOWAD	VALID
JANE MOWAD	VALID
BONNIE BEHRNDT	VALID
NANCY KOSLAKIEWICZ	VALID
DAVID KOSLAKIEWICZ	VALID
KAREN BABCOCK	VALID
GABRIEL REDOUL	VALID
RYAN KRUEGER	VALID
JENNA KRUEGER	VALID
ABBY ANDRIS	INVALID
STEVE ANDRIS	VALID
PATRICIA SOHN	VALID
CAROL CONRAD	VALID
ROBERT OMANS	VALID
ROBIN HONISH	VALID
ERIC HONISH	VALID
BRETT PENKWITZ	VALID
TERRI WATRY	VALID
NIC WATRY	VALID
KELLIE SEIBEL	VALID
ANDRES MEZA	VALID
HOLLY DOW	VALID
BRENNAN DOW	VALID
BETH HOYNIK	VALID

JEFF GLAWE	VALID
MICHAEL OEHME	VALID
TRACIE SCHOEDER	VALID
SUSAN RAPAVI	VALID
SANDRA LIEBSCHER	VALID
BRENNAN LIEBSCHER	VALID
ROBERT LIEBSCHER	VALID
VERA NIEMINSKI	VALID
VICTOR BLACK	VALID
RUSS STEINMETZ	VALID
TRAVIS GREEN	INVALID
ALICIA JOHNSON	VALID
CHARLES WATRY	VALID
KAREN ROETHEL	VALID
RONALD ROETHEL	VALID
TERRI REISSMANN	VALID
AARON ROSSMILLER	VALID
JENNIFER JAQUA	VALID
JIM JAQUA	VALID
JUDITH TRAPP	VALID
MICHAEL LAWRENZ	VALID
KRISTINA KROENING	VALID
BRIAN NUSSLICK	VALID
JEFFREY CALLIES	VALID
KATHRYN BRETL	VALID
ANTHONY LOSINIECKI	VALID
TIMOTHY ENTINGER	VALID
BRITTANY LOBNER	VALID
KATIE ENTINGER	VALID
BETH FARRELL	VALID
LISA MCCLURG	VALID
JASON RUCKEL	VALID
LACEY ROEMHILD	VALID
DIANE DELEO	VALID
JAMIE HUSTING	VALID
SARAH PATTERSON DAGGETT	VALID
AMY GREISCH	VALID
TIM GREISCH	VALID
MARY NEUMYER	VALID
STEPHANI FOURIE	VALID
YUAN FU	VALID
RILEY BURKE	VALID
EDWARD HARM	INVALID (signed petition twice, other signature counted)
RICHARD DOBROGOWSKI	VALID
DEBRA DOBROGOWSKI	VALID
JAMES USELDING	VALID
GRACE GOT	VALID

MATT NEUMYER	VALID
NOAH GALLER	VALID
DAN WISE	VALID
MICHELLE MEEKS	VALID
PATRICIA KINDSCHY	VALID
DALE TRESTER	VALID
ERICH STUEBNER	VALID
WILLIAM NEALY	VALID
CHRISTIANNE LOEFFLER	VALID
JENNY USELDING	VALID
CHANTEL GALLER	VALID
NATHAN MEEKS	VALID
JESSE KORNACKI HERTEL	VALID
PAMELA NEVLE	VALID
WENDY APPLEBAUM	VALID
JEFFREY LUECK	VALID
BRAD NEVLE	VALID
TERESA MCCARTHY	VALID
JOHN MCCARTHY	VALID
BIRGIT MOXON	VALID
MARY LIMBACH	VALID
MAURIE SAFFARRANS	VALID
SHAWN GROVER	VALID
REBECCA GROVER	VALID
AMY CASEY	VALID
SCOTT CASEY	VALID
MAXIMILLIAN BERNHARDT	VALID
JAMIE BERNHARDT	VALID
WENDY RISMAYER	VALID
EMILY LUEDTKE	VALID
CHARLOTTE RISMAYER	VALID
MARY BETH LAMBRIGHT	VALID
RALPH LUEDTKE	VALID
PATTI LUEDTKE	VALID
LORA HOLST	VALID
JEFF PARSONS	VALID
KIRSTEN COENEN	VALID
JORDAN BRUNNER	VALID
THOR RIEDESEL	INVALID (signed petition twice, other signature counted)
SEAN COENEN	VALID
DANIELLE PARSONS	VALID
LAURA KALT	VALID
HENRY KALT	VALID
LEAH JARZOMBEK	VALID
KATE FOERST	VALID
DAVID FRANKS	VALID
JEFFREY FERREIRA	VALID

PATTY FERREIRA	VALID
ROD BONNES	VALID
DERYA SALAZAR	VALID
ELLEN GOEBEL	VALID
PAMELA MCKNIGHT	VALID
STEPHANIE DUNN	VALID
NATASHA KLEMANN	VALID
KERI KLEMANN	VALID
CAROLYN KASKE	VALID
STACEY BERG	VALID
YELENA YAKUB	VALID
JAMIE HERAVER	VALID
KELLY PHILLIPS	VALID
MADISYN PHILLIPS	VALID
ROCHELLE PHILLIPS	INVALID
DIANE CHOPP	INVALID
ARTHUR ANDRIS	VALID
VICKY CANTRALL	VALID
JAMES HOWARD	VALID
MOLLY HUBBELL	VALID
JOE NETHEN	VALID
JAMES VOLLMAR	VALID
AMY HERBST	VALID
JULIE WICHMAN	VALID
JAN BLANCHARD	VALID
TIMOTHY PROVIS	VALID
ANDREW YODER	VALID
MATT DIFRANCES	VALID
KRISTY BRANDNER	VALID
HEIDI ANDERSON	VALID
VALERIE STATLER	VALID
GARY STATLER	VALID
JOANN EVER	VALID
TERRY TIETYEN	VALID
DIANE TIETYEN	VALID
W FLIERL	VALID
CYNTHIA KOTECKI	VALID
PING SAUER	VALID
LYNN UTECH	VALID
SARA GIGOT	INVALID
ASHLEIGH LOSINIECKI	VALID
DOUGLAS GRAHAM	VALID
CHRISTINE FLINT	VALID
DANA PIONEK	VALID
PETER PAPPADEMETRIOU	VALID
DIMETRA PAPPADEMETRIOU	VALID
MICHAEL LAPLANT	VALID

SCOTT PENKWITZ	VALID
OLIVIA HEINECKE	VALID
DUSTIN LOBNER	VALID
STEVEN ZIEBELL	VALID
GEORGIA PAPPADEMETRIOU	VALID
BRANDON GIGOT	VALID
KEVIN HEINECKE	VALID
CHEYANNE CLAUSING	VALID
MARY ANDERSON	VALID
BETHANY ZIEBELL	VALID
SCOTT GRIFFITHS	VALID
KATHERINE CZAPLEWSKI	VALID
AMY KIRSCH	VALID
SCOTT KIRSCH	VALID
GARY BURMESCH	VALID
KATHRYN BURMESCH	VALID
KATRINA MOSES	VALID
ANDREW GROHALL	VALID
JENNIFER RATATORI	VALID
DEBORAH LEROUX	VALID
RYAN FRITSCH	VALID
SCOTT SCHMIDT	VALID
WILLIAM LANSER	VALID
PATRICK BUYESKE	VALID
RENAE BUYESKE	VALID
EDWARD HARM	VALID
KAY NYSTUL	VALID
RACHEL DERMAN	VALID
CHRIS WIERSCHEM	VALID
DAVID SCHUELKE	VALID
LISA WOODS	VALID
JOHN WOODS	VALID
MARYNA RUD	VALID
SEGII RUD	VALID
JIM REISIMER	VALID
DONNA SCHULZ	VALID
JOANN SIGWART	VALID
PAM NICOUD	VALID
ANNA BARTON	VALID
ANDREW SCHaub	VALID
TWILA NALEZINSKI	VALID
TIM NIKOLAI	VALID
GLEN PREISLER	VALID
KATHY WENZEL	VALID
ERIK WERKING	VALID
BRIAN ADAMS	VALID
ERIC HUETTNER	VALID

RICKY LARGE	VALID
CRYSTAL LARGE	VALID
RONALD HOLTSLANDER III	VALID
ERIKA COLE	VALID
ELLYN BOYNAR	VALID
JAYNEE PETERSON	VALID
MARJORIE ROBERTSON	VALID
JEREMY BEAN	VALID
SUSAN SPERRY	VALID
BRADFORD SPERRY	VALID
TRACEY MCMAHON	VALID
JIM SCARPACI	VALID
JOSE MARTINEZ GALENDO	VALID
DEB HRON	VALID
SUSAN NIEDERFRANK	VALID
DON NIEDERFRANK	VALID
GEORGIA HARTER	VALID
RICHARD HARTER	VALID
MARGARET LADE	VALID
ERIC HUSTING	VALID
CARA CALLIES	VALID
ANDREW ANDERSON	VALID
BEVERLY HUBING	VALID
RACHEL CALLIES	VALID
MICHAEL ANDERSON	VALID
LAUREN GELIN	VALID
ERIC HUBBELL	VALID
JACQUELYNN GRIFFITHS	VALID
CINDY KAPP	VALID
BONNIE PENKWITZ	VALID
KATHLEEN WALTERS	VALID
MICHELLE PETROV	VALID
JANINE GRAUVOGL-GRAHAM	VALID
JEREMIAH KRUEGER	VALID
JENNIFER GOLEMBA	VALID
MICHAEL BEASTER	VALID
ASHLEY LEGGITT	VALID
ERIC ARMSTRONG	VALID
MEGAN DAVIS	VALID
TODD SCHLESSINGER	VALID
MATT PROM	VALID
SAM LAST	VALID
KELLY RIEDESEL	VALID
CATHERINE ANDRADE	VALID
ADAM DRIEWER	VALID
ERIN LUKE	VALID
BRANDON SPAETH	VALID

VIVIAN COLE	VALID
JILL SMITH	VALID
LEE HOYEM	VALID
KELLY PLAZA	VALID
JASON GODERSKY	VALID
JOANNE GODERSKY	VALID
KATHRYN BOLZ	VALID
ANDREA COLE	VALID
JORDAN WRIGHT	VALID
VANESSA COPPER	VALID
BRIAN MCCUTCHEON	VALID
LISA MOBERLY	VALID
DONALD KOLLER	VALID
ANTOINETTE BULTMAN	VALID
JESSICA GRUBER	VALID
ILLEGIBLE	INVALID
KATHLEEN NADOLSKI	VALID
SHAWN HOKANSON	VALID
MARC KORN	VALID
MARGIE KORN	VALID
ELIZABETH MORRELL	INVALID
THOMAS MORRELL	INVALID
BERNADETTE TESKA	INVALID
CARL BOSTWICK	INVALID
BETTY BOSTWICK	INVALID
NICHOLAS MORRELL	INVALID
COLETTE PRELLWITZ	INVALID
JOANN THILL	INVALID
ALLAN THILL	INVALID
TRACY MEYER	VALID
RENEE CHAMPEAU	VALID
PAIGE DOBSON	VALID
MIKE VALENTE	VALID
MICAH DARK FYRE	VALID
BEN FARRELL	VALID
LORA NEWMAN	VALID
TIM SCHEMENAUER	VALID
EMILY BOLWERK	VALID
ALEXANDER MORRELL	VALID
ALEKS LEVIN	VALID
LINDA NISLEIT	VALID
KAREN GRAF	VALID
CHRISTOPHER GRAF	VALID
NICOLE KSIOSZK	VALID
RYAN KSIOSZK	VALID
ERIC DYKEN	VALID
DANE THOMPSON	VALID

JOHN JACQUE	VALID
GLENDY JACQUE	VALID
LUCY CHRISTOPOULOS	INVALID (signed petition twice, other signature counted)
ADRIAN CONTRERAS-PERRI	VALID
KEVIN KROBOTH	VALID
CHRISTINA OLSON	VALID
ERIC OLSON	VALID
MARSHALL AMBROS	VALID
ANDREW UTECHT	VALID
ROSEANN ST AUBIN	VALID
NICK KELLEY	VALID
JESSICA HADAC	VALID
DOUG WILCOX	VALID
BETH PLAUTZ	VALID
STEVE PLAUTZ	VALID
ANN VOLESKY	VALID
SUSAN BRALEY	VALID
PAUL KOPP	VALID
SAM KOPP	VALID
LISA KOPP	VALID
JANET TRAYNOR	VALID
ROBERT TRAYNOR	VALID
ELIZABETH O'CONNELL	VALID
KRIS ECKMAN	VALID
ERIC MERTEL	VALID
SHERYL ROBERTS	VALID
DAVID MERRIFIELD	VALID
MAUREEN THOMISON	VALID
YVONNE KLOTZ	VALID
PAULA WENDT	VALID
REBECCA FOSTER	INVALID
MARK HEIMERMANN	INVALID
JOSEPH MADDALENA	VALID
SCOTT LONE	VALID
JEANNE AZOFF	VALID
ALAN WENDT	VALID
JOANNA OTTEN	VALID
CHRISTOPHER KRAMER	VALID
CHRISTINA MINNETI	VALID
KARA MINNETI	VALID
TRACY FINCH	VALID
CHRISTOPHER FINCH	VALID
DEBRA ARMSTRONG	VALID
TAYLOR PYZYK	VALID
THEODORE PYZYK	VALID
MARY FLIERL	VALID
DANIELLE BEINING	VALID

KRISTINE ENEA	VALID
DONNA IWANSKI	VALID
JAMI LAST	VALID
DANIEL RISMEYER	VALID
JENNIFER ROMAN	VALID
BONNIE KNAUB	VALID
HEIDI SCANLAN	VALID
ROBERT DREWS	VALID
MJ CLEMONS	VALID
ROBERT MOORE	VALID
CHRIS WITZLIB	VALID
LINDA WITZLIB	VALID
WILLIAM LEANNAH	VALID
KATHY LAMBRECHT	VALID
ELAINE NULPH	VALID
SARAH COOK	VALID
LILLIAN JENSEN	VALID
ALEX JENSEN	VALID
DAN KRUEGER	VALID
JOHN TURENNE	INVALID
NICOLE DAY	VALID
SAM DAY	VALID
SEAN NORTON	VALID
BRITNEY LEONARD	VALID
JOHN METZGER	VALID
CRAIG LEONARD	VALID
JASON BERGMAN	VALID
DENISE HELMS	VALID
DUANE HELMS	VALID
JENNIFER GRANTZ	VALID
DALE KIRNER	VALID
ASHLEY BOMBECK	VALID
RYAN BOMBECK	VALID
REBECCA PEREZ	VALID
JOHANNAH TIETZ	VALID
CLAYTON TIETZ	VALID
ELLEN KLEINHANS	VALID
SUE DIDIER	VALID
JAMES DIDIER	VALID
ELAINE SCHMIDT	VALID
NANETTE RILLING	VALID
DIANE DOMMER	VALID
MORGAN GERONIME	VALID
SUZANNE GAHAN	VALID
JENNIFER BEASTER	VALID
RYAN PAPPAS	VALID
ABBEY GREGORASH	VALID

KATHY BENOSKIE	VALID
KATHLEEN MCGUIRE	VALID
DENNIS MCGUIRE	VALID
TODD HAYES	VALID
KEVIN GWIDT	VALID
LAURA COLEMAN	VALID
TIM PROITE	VALID
CONNORTANEL	VALID
DANIELLE ODONNELL	VALID
LUCAS ZIMMERMANN	VALID
DANIEL GERTH	VALID
MARY KAE GEITTMANN	VALID
KALOW HUFF	VALID
CHARLOTTE KLIEVE	VALID
JEFFREY TIETYEN	VALID
SUSAN PAISLEY	VALID
ELIZABETH BANNON	VALID
JEFFREY FRANKARD	VALID
E KEVIN BOYLE	VALID
ALEC SCHMIMMELPENNIG	VALID
JENNIFER SHAUB	VALID
KATE GEORGE	VALID
TAMARA GRITTNER	VALID
DAVID PAULIN	VALID
JULIE PANNEMAN	VALID
CRAIG PANNEMAN	VALID
ERIC JACKSON	VALID
BILL KLEIN	VALID
PAULA KLEIN	VALID
MICKI SCHREINER	VALID
JONATHON SCHREINER	VALID
CARL INJESKI	VALID
BRIAN WESLEY	VALID
CHRISTINE PETER	VALID
TIMOTHY CRAIN	VALID
ELIZABETH CLARK	VALID
CHAZ DAHLKE	VALID
NICK WARANKA	VALID
PATRICIA WALSH	VALID
TIMOTHY WALSH	VALID
JULIANN GRASSE	VALID
BETH KNUTH	VALID
MICHAEL OTT	VALID
LINDSEY OTT	VALID
FRANZ WERUNEPTER	VALID
CHEYENNE ALLEN	VALID
EVAN YEE	VALID

KRISTIN YEE	VALID
TAMARA KOHLS	VALID
MATTHEW NAUS	VALID
NANCY NAUS	VALID
DONNA LEINFELDER	VALID
MICHAEL BLEAU	VALID
HARRY MAYER	VALID
JOANNA MAYER	VALID
JESSICA WARANKA	VALID
BRANDON GREGOZESKI	VALID
LORI SZOLWINSKI	VALID
MARY BAADE	VALID
KEITH BAADE	VALID
ELIZABETH GARAY	VALID
KIM VANDERHOOF	VALID
MEGAN AMBROS	VALID
JENNIFER DVORAN	VALID
PATRICIA RUTH	VALID
JAMES RUTH	VALID
SARA DEMGE	VALID
CONOR MCCORMICK	VALID
ANDREW STREIM	VALID
RANDAL ZECKMEISTER	VALID
ANNETTE STIMAC	VALID
MARK MINZ	VALID
DOUG LEWANDOWSKI	VALID
LORI ZIMDARS	VALID
SHEILA SHULTIS	VALID
PAT KUEHL	VALID
TERI YOVANOVICH	VALID
JOSEPH YOVANOVICH	VALID
SCOTT NICHOLS	VALID
ELIZABETH NICHOLS	VALID
RON KUEHL	VALID
SUSANNE LILLY	VALID
KEN HOARD	VALID
LIBBIE HODAS	VALID
RILEY SULLIVAN	VALID
KYLIE REESE	VALID

**EXHIBIT C**

# AGENDA ITEM MEMORANDUM

## City of Port Washington

**TO: Common Council**

**FROM: Matthew Nugent, City Attorney**

**DATE: December 16, 2025**

**SUBJECT: Consideration and Potential Action on the Petition for Direct Legislation filed on November 13, 2025, and certified by the City Clerk on November 26, 2025.**

---

**ISSUE:** Should Common Council take action regarding a Direct Legislation Petition certified by the City Clerk on November 26, 2025?

**STAFF RECOMMENDATION:** City Attorney recommends that Common Council submit the proposed ordinance to the electors at the next spring election.

**RECOMMENDED MOTION:** "I move to submit the proposed ordinance contained in the petition for direct legislation, that was received on November 13, 2025, and certified by the City Clerk on November 26, 2025, to the electors and placed on the ballot for the April 7, 2026, spring general election."

**BACKGROUND/DISCUSSION:** On November 13, 2025, the attached petition for direct legislation was filed with the City Clerk. On November 26, 2025, the City Clerk certified the petition. That certification is attached. The petition needed a minimum of 954 valid signatures, and 987 signatures were verified.

Pursuant to Wis. Stat. § 9.20, once a petition for direct legislation is certified by the City Clerk, the Common Council, within 30 days shall, without alteration to the proposed ordinance, take one of the three following options:

1. Submit the proposed ordinance to the electors at the next spring or general election
2. Pass the ordinance.
3. Submit the proposed ordinance to the electors and schedule a special election for the purpose of voting on the ordinance at any time prior to the next election.

There is also a fourth option: take no action within the 30-day time period. Wis. Stat. §9.20 does give Common Council, the legislative body of the City of Port Washington, the authority, in limited circumstances, to take no action.

The proposed ordinance, if passed, would require any "Tax Incremental District ("TID") which require large capital expenditures, or those with a base value projected to or exceeding \$10,000.000 or Project Costs exceeding \$10,000.000" to be first submitted to the electors through a referendum prior to Common Council being able to create a TID.

To be very clear, this proposed ordinance, if passed, would not affect any TIDs already created by the City. TID No. 5, which was recently created by the City and is related to the datacenter project, would not be affected by this proposed ordinance. It would only affect new TIDs that are contemplated in the future. If the proposed ordinance were backward looking, and did affect existing TIDs, it would likely be improper and invalid. My recommendation would then likely be different.

The proposed ordinance, as written, is not one that I would put before the Common Council for adoption. I believe there are issues with its wording and construction that will make it a difficult ordinance to follow and enforce. For example, there is no definition of what a “large capital expenditure” is. However, Wis. Stat § 9.20 prohibits Council from adjusting or rewriting the proposed ordinance to address any potential confusion or defects.

It is not mine nor Council’s role, at this point, to opine whether the proposed ordinance is one that should be passed or should not be passed. When a proposed ordinance is not clearly improper or invalid, it is Council’s legal obligation to take one of the three statutorily required actions.

While Council could call for a special election prior to the April 7<sup>th</sup> spring election, I recommend that Council not call for a special election. City Staff and the electors of the City will need time to digest the proposed ordinance, research its potential effects, and, ultimately, decide how to vote. A special election so close to the general election would hinder the City Clerk’s office’s ability to properly administer both elections.

**LEGAL:**

1. **City Attorney Review:** Yes
2. **Legal Comments & Conclusions:** See attached.

**BOARD/COMMITTEE/COMMISSION RECOMMENDATION:** N/A**PUBLIC OUTREACH:** N/A

**IF APPROVED, NEXT STEPS:** If put to the electors on the April 7<sup>th</sup> election, the outcome of that referendum will be binding. If the ordinance is passed at referendum, the ordinance shall be published and become the law of the City. Council will be unable to repeal or amend the ordinance for a period of two years. If the ordinance fails at referendum, it does not become a law. Council would be required to take no further action.

**ATTACHMENTS:** Petition for Direct Legislation  
Certification of Petition for Direct Legislation  
List of Signatures on Petition for Direct Legislation

**PETITION FOR THE ENACTMENT OF AN ORDINANCE BY DIRECT LEGISLATION  
PURSUANT TO SECTION 9.20, WISCONSIN STATUTES**

To: City Clerk, City of Port Washington, Wisconsin

We the undersigned hereby petition the Common Council of the City of Port Washington, pursuant to section 9.20 of the Wisconsin Statutes to enact the following ordinance without alteration, or in the event that said Common Council fails to enact the ordinance, we demand pursuant to the above referenced statute that said ordinance be submitted to the electors at the next appropriate general election for their approval or disapproval: An Ordinance referring the creation and/or approval of any Tax Incremental Districts ("TID") which require large capital expenditures, or those with a base value projected to or exceeding \$10,000,000 or Project Costs exceeding \$10,000,000, to the electors.

Whereas, pursuant to Wisconsin Statute 66.1105 (3)(a): Cities may exercise powers necessary to create tax incremental districts and define the boundaries of the districts; typically for the purpose of facilitating development, project plans and any necessary municipal infrastructural improvements needed for development; and

Whereas, TIDs with extensive and unprecedented valuations, with a base value exceeding or projected to exceed \$10,000,000, within the boundaries of the city of Port Washington are currently under consideration and more may be proposed in the future; and

Whereas the approval of TIDs is a proper matter for direct legislation by the public as Tax Incremental financing ("TIF") for TIDs may require the issuance of municipal bonds, or the utilization of city funds from the current tax base paid by the public, and/or other large capital expenditures.

Therefore, the Common Council of the City of Port Washington, Wisconsin do ordain as follows:

**Section 1. Referendum Required for approval of any Tax Incremental Districts ("TID") which require large capital expenditure or those with a base value projected to or exceeding \$10,000,000 or project costs exceeding \$10,000,000, to the electors.** As of the effective date of this Ordinance no TIDs which require large capital expenditure or those with a base value projected to or exceeding \$10,000,000 or project costs exceeding \$10,000,000, to the electors shall be created, adopted or approved unless first approved by a majority of the electors in a general or special election.

**Section 2. Definition.** The term "TID" shall mean and refer to any "contiguous geographic area within a city defined and created by resolution of the local legislative body, consisting solely of whole units of property as are assessed for general property tax purposes, other than railroad rights-of-way, rivers or highways. Railroad rights-of-way, rivers or highways may be included in a tax incremental district only if they are continuously bounded on either side, or on both sides, by

NOV 13 2025

whole units of property as are assessed for general property tax purposes which are in the tax incremental district." per Wisconsin Statute 66.1105(2)(k)1.

**Section 3. Interpretation; Exceptions.** (a) Upon approval by the electors, the Common Council shall have the exclusive authority to create and approve any TIDs which require large capital expenditure or those with a base value projected to or exceeding \$10,000,000 or project costs exceeding \$10,000,000, to the electors. (b) No public referendum shall be required for approval of TIDs that do not require large capital expenditure or do not exceed \$10,000,000 in project costs or contain properties with a base value not exceeding \$10,000,000.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

---

\_\_\_\_\_  
Mayor of Port Washington

Attested: \_\_\_\_\_  
City Clerk

NOV 13 2025

**EXHIBIT D**



**CITY OF PORT WASHINGTON, OZAUKEE COUNTY, WI  
COMMON COUNCIL MEETING  
TUESDAY, DECEMBER 16, 2025 AT 6:30 P.M.  
Port Washington City Hall, 100 W. Grand Avenue  
Port Washington, WI 53074  
Council Chambers**

---

**MINUTES**

- 1. ROLL CALL-** Mayor Ted Neitzke IV convened the meeting of the Common Council at 6:30 p.m. Members present were Alderpersons Deborah Postl, Paul Neumyer, Michael Gasper, Dan Benning, Jonathan Pleitner, Pat Tearney, and Mary Lou Mueller. Also present was City Administrator Melissa Gossett, Director of Administration/City Clerk Susan Westerbeke, City Attorney Matt Nugent, Public Works Director Rob Vanden Noven, and Director of Planning and Development Bob Harris.
- 2. PLEDGE OF ALLEGIANCE TO THE FLAG-** The Pledge of Allegiance was recited.
  - The City Attorney read the meeting protocol policies for public comments/appearance and announced the public comment period would be 30 minutes in length.
- 3. PUBLIC COMMENTS/APPEARANCES-** One resident and one non-resident provided comments in support of the data center project and work to support the alternate power line path, and four residents and three non-residents spoke against the project its impact on the surrounding areas. One resident commented regarding lead water lines.
- 4. CONSENT AGENDA**
  - A. Approve Minutes of Previous Meeting**
  - B. Accept November Monthly Invoices**
  - C. Approve Agreement for the Operations of the Mid-Moraine Municipal Court**
  - D. Appointment of Election Inspectors for the 2026-2027 Two-Year Term**MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO APPROVE AND ACCEPT THE CONSENT AGENDA AS PRESENTED. Motion carried unanimously.
- 5. MAYOR'S BUSINESS**
  - A. Mayor's Updates-** The Mayor presented the 2025 Year in Review which included the 2025 history and project milestones for the Vantage Data Center. He thanked Ald. Benning and Parks and Recreation staff for assisting with the Christmas parade. Ryder Lanser won the coloring contest for the Mayors holiday card. DNR permits were issued to Vantage. Ald. Postl resigned from her seat on General Government and Finance Committee. The Mayor is accepting nominations from the Council for this role. Ald Benning commented on city's northside project and other developments that have come to the city. Ald. Gasper commented on TID 5 for the Vantage Data Center and other projects that will be able to be funded by the project.
- 6. OFFICERS/STAFF REPORT**
  - A. Monthly Department Reports-** Reports were distributed in writing.
  - B. City Administrator Report-** The City Administrator noted the monthly reports are on the website.
- 7. FROM STANDING COUNCIL COMMITTEES**
  - A. GENERAL GOVERNMENT AND FINANCE COMMITTEE**
    - 1. Consideration and Possible Action on Ordinance 2025-32: An Ordinance Creating the Cemetery Board- 2<sup>nd</sup> Reading-** The City Attorney reviewed the purpose for the ordinance with the future transfer of the cemetery to the city. It was reviewed by General Government and Finance Committee and the draft updated following their review. MOTION MADE BY ALD. BENNING, SECONDED BY ALD. NEUMYER TO APPROVE ORDINANCE 2025-32: AN ORDINANCE CREATING THE CEMETERY BOARD AS PRESENTED. Motion carried unanimously.
- 8. FROM CITY BOARDS/COMMISSIONS**
  - A. BOARD OF PUBLIC WORKS**
    - 1. Public Hearing on Water Supply Service Area Plan-** The Mayor opened the public hearing. Ben Wood and Sydney Morgan of Strand & Associates, Inc were present to provide information on the Wisconsin DNR regulations and requirements, water supply system, source water alternatives, anticipated 20-year growth, and service areas. There being no comments, the public hearing was closed.

**9. UNFINISHED BUSINESS- None**

**10. NEW BUSINESS**

**A. Consideration and Potential Action on the Petition for Direct Legislation filed on November 13, 2025, and Certified by the City Clerk on November 26, 2025-** The City Attorney reviewed the certification process of the petition and options for the Council to consider. Discussion was held. MOTION MADE BY ALD. GASPER, SECONDED BY ALD. BENNING TO SUBMIT THE PETITION FOR DIRECT LEGISLATION FILED ON NOVEMBER 13, 2025, AND CERTIFIED BY THE CITY CLERK ON NOVEMBER 26, 2025 TO THE ELECTORS AND BE PLACED ON THE BALLOT FOR THE 2026 SPRING ELECTION. AYE: NEUMYER, GASPER, BENNING, PLEITNER, TEARNEY, MUELLER. NO: POSTL. Motion carried.

**11. PUBLIC COMMENTS/APPEARANCES-** Five residents and five non-residents provided comments against the data center project, TID and environmental concerns.

**12. ADJOURNMENT-** MOTION MADE BY ALD. POSTL, SECONDED BY ALD. NEUMYER TO ADJOURN THE MEETING AT 9:03 P.M. Motion carried unanimously.

Respectfully Submitted,  
Susan L. Westerbeke, City Clerk