

VILLAGE OF FOX POINT
VILLAGE BOARD MEETING
JANUARY 14, 2014

A meeting of the Fox Point Village Board was held on January 14, 2014 in Schwemer Hall, 7200 N. Santa Monica Blvd., beginning at 7:00 p.m. Members of the Village Board present included:

Village President Michael A. West
Trustee Bill Warner
Trustee Eric Fonstad
Trustee Beverly Bell
Trustee F.R. Dengel III
Trustee Douglas H. Frazer
Trustee Christine Symchych

Also present were Village Manager Melissa Bohse, Village Clerk Tanya O'Malley, and Village Attorney Stan Riffle.

Notice of the meeting was provided to the North Shore Now and to all others as required by State open meetings laws and posted on the official bulletin boards.

Persons desiring to be heard - None

Plan Commission Report - Conditional Use Permit: Walter's Loft, LLC, 8007 N. Port Washington Road, Bradley Place (Expanding Space) and Conditional Use Permit: Best Buy, 8755 N. Port Washington Road, RiverPoint Village (Additional Change: Change in Use Adopting Trade-In Program; Amendment to Hours of Operation on Thanksgiving Day)

President West reported that both matters were referred unanimously by the Plan Commission for approval.

Consent Agenda

- a. Approve the Minutes of the December 10, 2013 Village Board meeting as drafted December 18, 2013
- b. Grant a Conditional Use Permit to Walter's Loft, LLC, 8007 N. Port Washington Road, Bradley Place and authorize the Village President and Village Clerk to sign the Conditional Use Order
- c. Grant a Conditional Use Permit to Best Buy, 8755 N. Port Washington Road, RiverPoint Village and authorize the Village President and Village Clerk to sign the Conditional Use Order
- d. Accept the quote from SOS Electronics in the amount of \$27,489 for a closed circuit television and recording (DVR) system and authorize the Village Manager to sign the purchase order per the Chief of Police's memo dated December 19, 2013
- e. Adopt the Municipal Court Bail Schedule per the Chief of Police's memo dated December 27, 2013
- f. Accept the quote of Schmit Ford in the amount of \$55,596.60 for a 2014 Ford NGPI Interceptor Utility vehicle and a 2014 Ford Expedition and authorize the Village Manager to sign the purchase order per the Chief of Police's memo dated January 2, 2014
- g. Accept the proposal of Wachtel Tree Science in an amount not to exceed \$12,500 for administration of the 2014 Emerald Ash Borer Initiative and authorize the Village

VILLAGE OF FOX POINT
VILLAGE BOARD MEETING
JANUARY 14, 2014

President and Village Clerk to sign the contract per the Director of Public Works' memo dated January 8, 2014

- h. Accept the proposal of Ruekert & Mielke, Inc. in an amount not to exceed \$63,500 for the survey, inventory, and data collection of the Village's water main, storm sewer, and sanitary sewer infrastructure and authorize the Village President and Village Clerk to sign the contract per the Director of Public Works' memo dated January 8, 2014
- i. Adopt the Ordinance to Repeal and Recreate Section 40.06(7) of the Village of Fox Point Village Code Concerning Municipal Court Fees in the Village of Fox Point as drafted January 9, 2014
- j. Adopt the Resolution to Sponsor and Conduct a Village of Fox Point Winter Blast as drafted January 7, 2014
- k. Adopt the Resolution to Rescind Taxes Due to Palpable Error Parcel Number 129-0099 per the Village Attorney's letter dated December 30, 2013
- l. Adopt the Resolution Designating an International Migratory Bird Day as drafted January 2, 2014
- m. Approve Payment of the Bills in the amount of \$920,002.02 for the period December 1, 2013 through December 31, 2013 per the report submitted by the Village Manager

On motion of Trustee Warner, seconded by Trustee Symchych, and carried unanimously, the Board adopted the Consent Agenda.

Discussion and Possible Action Regarding the Bridge Lane Ravine Footbridge

Ms. Mary Emory, 302 E Acacia Road, stated that she was part of the Footbridge Friends and wished that people would embrace the public/private partnership. She stated that the Friends were committed to donating half of the cost of the bridge and suggested that the Village use the partnership as a model for future projects.

Ms. Barbara Schwartz, 7239 N Barnett Lane, president of the Footbridge Friends, urged the Board to act so that the group could move forward. She stated that the Friends were in sight of the \$500,000 mark and that it was necessary to get a firm cost for the bridge.

Mr. Larry Booth, 220 E Clovernook Lane, stated that the funding agreement with the Friends group indicated that the group would fund half of the construction costs or at least \$625,000 and also indicated that a contract would not be entered into until the funds were secured. He explained that the engineering costs, administration costs, demolition costs, and financing costs were being paid 100% by the taxpayers. He requested that the Board admit that the project had failed and the community did not want it. He stated that changing the agreement with the Friends would be a betrayal of public trust.

Mr. Bob Cory, 7740 N Santa Monica Boulevard, stated that he appreciated the Board's efforts to prioritize Capital Projects and indicated that they needed to focus on needs versus wants. He explained that the Bridge was a want and had many of the same attributes as Doctor's Park.

Trustee Frazer made a motion to direct staff to put the project out to bid. Trustee Symchych seconded the motion.

VILLAGE OF FOX POINT
VILLAGE BOARD MEETING
JANUARY 14, 2014

President West asked for unanimous consent to amend the motion to indicate that the bids should be received, reviewed, and presented at either the April or May 2014 Village Board meeting. Without objection, the motion was amended.

President West asked for unanimous consent to amend the motion to indicate that the presentation of the bid tabulation should be made at the April 2014 Village Board meeting. Without objection, the motion was amended.

With Trustees Frazer, Bell, Fonstad, Dengel, and Symchych and President West voting aye, and Trustee Warner voting nay, the amended motion carried.

Ordinance to Repeal and Recreate the Title of Chapter 23, to Renumber the Existing Section 23.08 and to Create a New Section 23.08 of the Village of Fox Point Village Code Related to Visibility Requirements for Pedestrians in Village Roadways after Dark

President West made a motion to adopt the Ordinance to Repeal and Recreate the Title of Chapter 23, to Renumber the Existing Section 23.08 and to Create a New Section 23.08 of the Village of Fox Point Village Code Related to Visibility Requirements for Pedestrians in Village Roadways after Dark. Trustee Symchych seconded the motion.

President West asked for unanimous consent to amend the motion to amend the draft Ordinance at the beginning of section 23.08(b)(1) to insert "At least 4 square inches of the surface area of . . ." Without objection, the motion was amended.

Trustee Dengel made a motion to amend the motion to amend the draft Ordinance in section 23.08(b)(3) to remove ". . . and a flashlight that is lit and worn or carried by the pedestrian that is red in color that is visible from a distance of up to 500 feet behind such person may be used in lieu of the reflective requirements for the rear of such person." The motion died for lack of a second.

President West asked for unanimous consent to amend the motion to amend the draft Ordinance in section 23.08(b)(3) to remove the second "a flashlight". Without objection, the motion was amended.

President West asked for unanimous consent to amend the motion to amend the draft Ordinance in section 23.08(b)(3) to re-insert the previously removed "a flashlight". Without objection, the motion was amended.

President West asked for unanimous consent to amend the motion to amend the draft Ordinance in Section 5 to insert the date of March 1, 2014. Without objection, the motion was amended.

The amended motion carried unanimously.

Future Agenda Items - None

Announcements

President West acknowledged the service of the employees in the Police Department, Fire Department, and Department of Public Works during the holidays and specifically the Department of Public Works for going out on the sub-zero days to collect garbage.

Manager Bohse announced that she would pass along President West's acknowledgements.

VILLAGE OF FOX POINT
VILLAGE BOARD MEETING
JANUARY 14, 2014

Closed Session

On motion of Trustee Warner, seconded by Trustee Bell, with all members voting aye, the Board convened into Closed Session at 8:22 p.m. pursuant to Wisconsin Statutes Section 19.85(1)(g) to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, more specifically concerning chargeback determinations of the Wisconsin Department of Revenue dated November 15, 2012 and pursuant to State Statutes Section 19.85(1)(g), to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted with respect to litigation in which it is involved and likely to become involved, related to short term rental of single family residential property located at 721 East Daisy Lane and pursuant to State Statutes 19.85(1)(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the Village Board has jurisdiction or exercises authority, more specifically, to discuss the performance evaluation of the Village Manager.

Reconvene and Possible Action on Closed Session Items

On motion of Trustee Frazer, seconded by Trustee Bell, and carried unanimously, the Board reconvened into Open Session at 9:56 p.m.

On motion of Trustee Fonstad, seconded by Trustee Warner, and carried unanimously, the Board authorized and directed the Village Attorney to commence litigation to enforce the zoning ordinance respecting violations at 721 East Daisy Lane.

Adjourn

On motion of Trustee Bell, seconded by Trustee Warner, and carried unanimously, the Board adjourned at 9:58 p.m.

Respectfully submitted,

Tanya O'Malley, WCMC
Village Clerk