VILLAGE OF FOX POINT
VILLAGE BOARD MEETING
APRIL 14, 2015

A meeting of the Fox Point Village Board was held on April 14, 2015 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 Eric Fonstad
Trustee Beverly Bell
Trustee F.R. Dengel III
Trustee Douglas H. Frazer
Trustee Christine Symchych
Trustee Terry McGauran

Also present were Interim Village Manager Thomas Tollaksen, Village Clerk/Treasurer Tanya O'Malley, and Village Attorney Eric Larson.

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

Mary LaCharite, 8049 N Santa Monica Blvd, suggested that forms on the Village website be made fillable.

Public Hearing: Parking Lot Reconstruction at Longacre South, Yates Road

On motion of Trustee Bell, seconded by Trustee Dengel, and carried unanimously, the Board opened the Public Hearing on the Parking Lot Reconstruction at Longacre South, Yates Road at 7:02 p.m.

Judy Shirley, 8235 N Mohawk Road, provided some history on the trees that were proposed for removal.

On motion of Trustee Bell, seconded by Trustee Fonstad, and carried unanimously, the Board closed the Public Hearing at 7:09 p.m.

Trustee McGauran made a motion to confirm and adopt the Plan Commission's recommendation. Trustee Fonstad seconded the motion.

President West asked for unanimous consent to amend the motion to include that the Board found that the four tests in the Zoning Code had been met on the application. Without objection, the motion was amended.

The amended motion carried unanimously.

Land Division, to Adjust the Lot Line Between Abutting Owners Located at 7950 and 7960 N Lake Drive

President West reported that the Plan Commission recommended that the Board approve the application and accept the preliminary Certified Survey Map as the final Certified Survey Map.

Conditional Use Permit: V & J Investments LLC d/b/a/ My Yo My Frozen Yogurt, 8663A N Port Washington Road, RiverPoint Village (New Business)

President West reported that the Plan Commission unanimously referred the matter to the Board.

Consent Agenda

5.a. **Approve the Minutes of the March 10, 2015 Village Board Meeting as drafted March 25, 2015**

5.b. **Approve the Minutes of the March 13, 2015 Special Village Board Meeting as drafted March 25, 2015**

5.c. **Approve the Minutes of the March 30, 2015 Special Village Board Meeting as drafted April 2, 2015**

5.d. **Grant a Conditional Use Permit to V & J Investments LLC d/b/a My Yo My Frozen Yogurt, 8663A N Port Washington Road, RiverPoint Village and authorize the Village President and Village Clerk/Treasurer to sign the Conditional Use Order**

5.e. **Accept the quote of Crawford Tree and Landscape Services, Inc. in an amount not to exceed $50,000 for the Spring and Summer 2015 Emerald Ash Borer Ash Treatment Project and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Village Forester's memo dated March 3, 2015**

5.f. **Accept Change Order No. 1 from Kapur & Associates in the amount of $5,249 for additional private property lateral rehabilitation televising and assessment and authorize the Village President and Village Clerk/Treasurer to sign the change order per the Director of Public Works' memo dated April 2, 2015**

5.g. **Accept the Base Bid and Alternate Bids 1 through 3 from Payne & Dolan in the amount of $104,311.50 for the Base Bid (reconstruction of Bergen Court and replacement of the Lake Drive pedestrian path between Bell and Green Tree Roads), $57,361 for Alternate Bid 1 (reconstruction of the Longacre South parking lot), $16,425 for Alternate Bid 2 (construction of a bio-retention area adjacent to the Longacre South parking lot) and $13,110 for Alternate Bid 3 (grinding and planing of raised surfaces along Lake Drive) in the total amount of $191,207.50 and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memo dated April 2, 2015**

5.i. **Accept the alternate proposal of Ewald Chevrolet Buick, LLC in the amount of $24,485 for one (1) 2015 Chevrolet Colorado 4-wheel drive Pick-up Truck and authorize the expenditure of additional funds not to exceed $515 for miscellaneous items needed to complete the unit and authorize the Village Manager to execute the purchase orders per the Assistant Director of Public Works' memo dated April 1, 2015**

5.j. **Approve the Memorandum of Understanding between the City of Milwaukee Police Department, the Milwaukee Metropolitan Sewerage District, the Milwaukee County Substance Abuse Prevention Coalition and Milwaukee County Municipalities and authorize the Chief of Police to sign the Memorandum of Understanding per the Chief of Police's memo dated March 31, 2015**

5.k. **Accept the proposals of Taylor Computer Services, Inc. for the computer replacements and associated hardware/software in an amount not to exceed $30,000, authorize an additional amount not to exceed $5,000 for associated expenses, and authorize the Village Manager to sign the purchase orders per the Village Clerk/Treasurer's memo dated March 23, 2015**

5.l. **Adopt the Ordinance to Amend Chapter 63 of the Village of Fox Point Village Code Related to Fees for Swimming Pool Use per the Assistant to the Village Manager's memo dated April 3, 2015**

5.m. **Approve Payment of the Bills in the amount of $333,125.54 for the period March 1, 2015 through March 31, 2015 per the report submitted by the Interim Village Manager**

Trustee Symchych requested the removal of item 5.h. – Pool Water Heaters.

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

Review of Assignment of Funds

On motion of Trustee Fonstad, seconded by Trustee Symchych, and carried unanimously, the Board concurred with the list of Assignments.

Policy On The Use Of The Village's Website - Discussion And Possible Action

President West asked for unanimous consent to amend the draft in section I in the second sentence of the second paragraph to read “The Village may provide website links and promotion assistance to certain organizations, to the extent that the Village determines that the use helps support the Village’s mission and satisfies a governmental purpose, pursuant to the terms and conditions of this policy.” Trustee Symchych objected.

President West asked for unanimous consent to amend the draft in section I in the second sentence of the second paragraph to insert “that the Village determines” after the word “extent.” Without objection, the policy was amended.

Trustee Fonstad made a motion to amend to the draft in section I in the second sentence of the second paragraph to read “The Village may provide website links and promotion assistance to certain organizations, to the extent that the Village determines that the use helps support the Village’s mission and satisfies a governmental purpose, pursuant to the terms and conditions of this policy.” The motion died for lack of a second.

President West asked for unanimous consent to amend the draft in section II in the first sentence to insert the word “Village” before “organizations.” Without objection, the policy was amended.

Nancy Ellis, 8655 N Regent Road, stated that the main thing missing from the website was the citizens; what the citizens want, what people look for when moving to Fox Point, etc. She stated that the policy needed to be inclusive.

President West asked for unanimous consent to direct the Village Attorney to redraft the policy on the use of the Village website to reflect and narrow it to calendar of events postings and eliminate the other aspects and to further take into account the discussion with regard to modifications and to bring it back so that it can be agendaed when ready. Without objection, the Village Attorney was directed.

Accept the proposal of TMS Service, Inc. of Sussex, WI in the amount of $15,638 for the replacement of two 100-gallon commercial water heaters for the Fox Point Municipal Pool and authorize the Village Manager to execute the purchase order per the Assistant Director of Public Works’ memo dated April 1, 2015

On motion of Trustee Frazer, seconded by Trustee Dengel, and carried unanimously, the Board accepted the proposal of TMS Service, Inc. of Sussex, WI in the amount of $15,638 for the replacement of two 100-gallon commercial water heaters for the Fox Point Municipal Pool and authorize the Village Manager to execute the purchase order per the Assistant Director of Public Works’ memo dated April 1, 2015.

Land Division, to Adjust the Lot Line Between Abutting Owners Located at 7950 and 7960 N Lake Drive

On motion of Trustee Bell, seconded by Trustee Dengel, and carried unanimously, the Board approved the Certified Survey Map and accepted the preliminary Certified Survey Map as final.

Bridge Lane Pedestrian Bridge Handicapped Parking

Barry Zuckerman, 8011 N Whitney, stated that he was the person who had requested parking at the bridge. He stated that there should be two parking spaces at the bridge.

Larry Booth, 220 Clovernook, stated that over 50% of the citizens were over 60 and the majority of them did not have handicap stickers but are not physically able to get to the bridge. He suggested that the Village allow 1 hour parking on both sides of the bridge. He stated that it was not practical to expect every person to call the Police Department and get permission to park.

President West asked for unanimous consent to direct the Director of Public Works to further study the possibility of creating one or two stalls at either end of the bridge, with consideration of the most efficient and effective way of doing that and focusing on broadening the pavement to accommodate the stalls. Without objection, the Director of Public Works was directed.

Discussion and Possible Action to Confirm the Appointment of the Village Manager and to Approve the Village Manager's Employment Agreement

President West asked for unanimous consent to suspend the rules and take this matter up after the Closed Session. Without objection, the rules were suspended

Future Agenda Items

On motion of Trustee Fonstad, seconded by Trustee Frazer, and carried unanimously, the Board agendaed a report from the Director of Public Works on what would be involved in installing solar powered crosswalk signs across Lake Drive at Green Tree.

Announcements

President West announced that this was the last regular meeting for Trustees Bell and Dengel and thanked them for their service. He also welcomed the Trustee-elects, Ms. Sumner and Mr. Tirado.

Trustee Fonstad thanked the outgoing Trustees and welcomed the incoming Trustees.

Trustee Bell announced that it had been her honor and privilege to serve the citizens of Fox Point.

Trustee Dengel seconded Trustee Bell's sentiments and thanked the other board members.

Trustee Frazer thanked the outgoing Trustees and welcomed the incoming Trustees.

Trustee Symchych thanked the outgoing Trustees and welcomed the incoming Trustees.

Trustee McGauran thanked the outgoing Trustees and welcomed the incoming Trustees.

Closed Session

On motion of Trustee Bell, seconded by Trustee Dengel, with all members voting aye, the Board convened into Closed Session at 8:43 p.m. pursuant to State Statutes 19.85(1)(c), to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, more specifically to review the appointment of and the agreement with the Village Manager 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 Code compliance issues at 500 W Bradley Road and pursuant to Wis. Stat. sec. 19.85(1)(g) for purposes of conferring with legal counsel for the governmental body 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 the Milwaukee County Circuit Court March 26, 2015 Order in State v. Wofford.

Reconvene and Possible Action on Closed Session Items

On motion of Trustee Fonstad, seconded by Trustee Symchych, and carried unanimously, the Board reconvened into Open Session at 10:20 p.m.

Discussion and Possible Action to Confirm the Appointment of the Village Manager and to Approve the Village Manager's Employment Agreement

On motion of President West, seconded by Trustee Fonstad, and carried unanimously, the Board set a special meeting for Thursday, April 16, 2015 at 8:00 a.m. in Village Hall for the purpose of considering appointment to the position of Village Manager.

Action on Closed Session Items

On motion of President West, seconded by Trustee Bell, and carried unanimously, the Board authorized the Village Attorney to commence an action against the owners of the property at 500 W Bradley Road for Code Compliance violations.

On motion of Trustee Frazer, seconded by Trustee McGauran, and carried unanimously, the Board adopted the Resolution to Authorize the Village Attorney to Take Action to Contest the Ruling in In RE: The Commitment of Joe L. Wofford, Jr., Milwaukee County Circuit Court Case #95-CF-950391 Invalidating the Sex Offender Residency Ordinances in Milwaukee County.

Adjourn

On motion of Trustee Bell, seconded by Trustee Dengel, and carried unanimously, the Board adjourned at 10:23 p.m.

Respectfully submitted,

Tanya O'Malley, WCMC
Village Clerk/Treasurer