

VILLAGE OF FOX POINT
VILLAGE BOARD MEETING
SEPTEMBER 8, 2015

A meeting of the Fox Point Village Board was held on September 8, 2015 in Schwemer Hall, 7200 N. Santa Monica Blvd., beginning at 7:00 p.m. Village President West noted the Village Board has a quorum with one absence.

Members of the Village Board present included:

Village President Michael A. West
Trustee Eric Fonstad
Trustee Douglas H. Frazer
Trustee Christine Symchych
Trustee Terry McGauran
Trustee Marty Tirado

Absent: Trustee Liz Sumner

Also present were Village Manager Scott Botcher, Village Clerk/Treasurer Kelly Meyer, 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

Nicolet High School Superintendent Robert Kobylski, 6701 North Jean Nicolet Road

Superintendent Kobylski gave a brief State of the School District Report. He thanked the Village Board for permitting him to address the Village Board and public present.

Mr. James LaCharite, 8049 N Santa Monica Blvd

Mr. James LaCharite briefly noted concerns regarding the glass partitioned customer service front counter.

Ms. Mary LaCharite, 8049 N Santa Monica Blvd

Ms. Mary LaCharite asked for consideration in donation for the Veterans Drive in the next couple of weeks, the local Eagle Scouts fundraiser, and noted gratitude to those who do attend the Farmers Market.

Mr. Bob Cory, 7740 N Santa Monica Blvd

Mr. Bob Cory asked for consideration regarding the better relocation of the drop box by the front door, the removal of glass windows at the front counter, misuse of parking, fees for tax exempt non-profit group's yard waste, Village Board transparency and MMSC's containment pond.

President West requested suspending the rules and changing the agenda item order, moving agenda item 5b Presentation of Small Area Planning Study by Vandewalle & Associates, Inc., directly following *Persons Desiring to be Heard section* and consensus of the Village Board, due to Ms. Presti's prior notification of her tight schedule.

Presentation of small area planning study by Vandewalle & Associates, Inc.

Jolena Presti, AICP, Principle Planner was present to give presentation with background information and to answer questions.

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Bob Corey, 7740 N Santa Monica Blvd, noted his concern in regard to considering potential rental properties.

Gerry Hollander, 6807 N Lake Drive commented on his applause on the opportunity for density in housing for the tax base and his concerns for public transportation and pedestrian traffic along Port Washington Road.

Max Dickmann, Treasurer of Fox Point School Board thanked the Village for doing the study, as well as President West. Finding the best user and option is important for the best flexibility for the community.

On motion of Trustee Fonstad, seconded by Trustee Symchych and carried unanimously, to accept receipt of the potential small area planning study by Vandewalle & Associates, Inc. as complete, to consider and place the study on file.

Committee Reports – Plan Commission

Conditional Use Permit: Parallel Infrastructure, 7200 North Santa Monica Blvd.

President West gave a brief background on Parallel Infrastructure at tonight's prior Plan Commission meeting and noted this is for information purposes only. No action will be taken at this time. Any action will be under agenda item 6a.

Consent Agenda

- 5a. Approve the permit to use Village streets for Badgerland Striders Lakefront Marathon on Sunday, October 4, 2015, including the placement of portable toilets and a water/aid station at the corner of Lake Drive and Wye Lane and permission to use the Municipal Pool parking lot for spectator parking per the Assistant Village Manager's memo dated September 1, 2015
- b. Accept Change Order No. 1 from Payne & Dolan, Inc. in the amount of \$2,385 for the additional grading, shaping, material and labor associated with the modification of the layout of the bioretention facility at the Longacre South Parking Lot and authorize the Village President and Village Clerk to execute the change order per the Director of Public Work's memorandum dated August 31, 2015
- d. Accept Change Order No. 1 from Musson Brothers, Inc. for the inclusion of additional properties related to the private property lateral rehabilitation project, the removal of properties whereby property owners elected not to participate in the program, and a reduction in contract price of \$91,756 and authorize the Village President and Village Clerk to execute the change order per the Director of Public Work's memorandum dated August 31, 2015
- f. Establish Fox Point Trick or Treat date and time as October 31, 2015, from 1:00 p.m. until 4:00 p.m., as established by the Intergovernmental Co-operation Council of Milwaukee County
- g. Approve Payment of the Bills in the amount of \$469,690.07 for the period August 1, 2015 through August 31, 2015 per the report submitted by the Village Manager

Trustee Sumner requested removal of items 5e and 5h

President West asked to withdraw item 5c from the consent agenda.

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

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Old Business

Fox Lane to Beach Drive Pedestrian Path Project

Director of Public Works/Village Engineer Scott Brandmeier distributed information to be included with the Pedestrian Path Project.

Greg Ollman, 7525 N Fairchild Road, noted his concern to protect the residences below the storm water runoff area.

On motion of President West, seconded by Trustee Fonstad, and carried unanimously, the Fox Lane to Beach Drive Pedestrian Path Project directive to staff is to proceed with the bidding of this project and incorporate each of the design alternatives identified herein and staff be permitted to incorporate the three separate options for the drainage pipe extending down the slope from the property at 1717 East Fox Lane with funding to be allocated from the Storm Water Fund, but that MMSD will be reimbursing the Village for the costs through the Green Infrastructure program.

New Business

Telecommunications Tower

On motion of Trustee Tirado, seconded by Trustee Frazer, and carried unanimously, to refer the proposed zoning amendment and F-District Application requests to the Plan Commission to consider two items as outlined in Mr. Brandmeier's memo, with the issue of the side yard/set-back to Building Board for consideration at the October 5, 2015, meeting.

Derek McGrew, 103 Wilshire Court, Noblesville, Indiana spoke briefly.

By consensus of the Village Board and by direction of President West, staff was directed to hold an evening public informational meeting to occur sometime between now and October 5, 2015, to be noticed as a possible quorum.

Greg Ollman, 7525 North Fairchild Road inquired as to the State Law.

Bob Corey, 7740 N Santa Monica Blvd inquired on the revenue process for the Telecommunications Tower.

Change Order No. 1 from J.F. Ahern Company, Inc. in the amount of \$29,077.44 for additional electrical and piping work performed on the 2015 Water Distribution Pump Replacement and Electrical Upgrade project

Trustee Tirado offered the motion to accept Change Order No. 1 from J.F. Ahern Company, Inc. in the amount of \$29,077.44 for additional electrical and piping work performed on the 2015 Water Distribution Pump Replacement and Electrical Upgrade project and authorize the Village President and Village Clerk to execute the change order per the Director of Public Work's memorandum dated August 31, 2015.

On the amended motion of Trustee Tirado, seconded by Trustee Frazer, and carried unanimously to approve the change to item 5c to a maximum amount of fifteen percent or \$24,150.00 and to rebid this work if the authorized amount of this change order does not result in the requested work.

Quote of J.F. Ahern Company in the amount of \$7,610 for the installation of pipe stands in the water utility pump room

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On motion of Trustee Frazer, seconded by Trustee Fonstad, and carried unanimously to accept the quote of J.F. Ahern Company in the amount of \$7,610 for the installation of pipe stands in the water utility pump room and authorize the Village Manager to sign the quote as directed in item 5e and per the Director of Public Work's memorandum dated September 2, 2015.

October 12, October 19, October 26, and November 2, 2015 (commencing at 6:30 p.m.), as Budget Workshop dates and November 23, 2015 (commencing at 7:00 p.m.), as the Budget Public Hearing date

On motion of Trustee Fonstad, seconded by Trustee Symchych, and carried unanimously to approve October 12, October 19, October 26, and November 2, 2015 (changes amended as commencing at 7:00 p.m.), as Budget Workshop dates and November 23, 2015 (commencing at 7:00 p.m.), as the Budget Public Hearing date.

Borrowing Resolution

Baird Managing Director Bradley Viegut clarified the information provided to the Village Board.

Bob Corey, 7740 N Santa Monica Blvd noted his concern with borrowing.

On motion of Trustee Fonstad, seconded by Trustee McGauran, and carried unanimously, to adopt the Initial Resolution authorizing the borrowing of not to exceed \$3,265,000 and providing for the Issuance and Sale of General Obligation Promissory Notes as set forth in the materials provided.

Future Agenda Items - None

Announcements

Village President West: Mark calendars for October 6, 2015; the celebration of the 20th anniversary of the North Shore Fire Department will be held. The cut off for reservations is the end of September.

Trustee Symchych: The award for the Bridge will be accepted on the date of the next Village Board meeting.

Trustee Tirado: Welcomed Village Clerk-Treasurer Kelly Meyer to the Village of Fox Point.

Village Manager Botcher: The Request for Proposal for a new accessor has been developed. It will be communicated to those in the field. We are hoping to have some bids at the November meeting. The Police contract expires also and the Village will be working on it. September 28, 2015 begins the immunization clinics and will be noted on the Village website as well. The Village is in preliminary water discussions for City Water; we are on an interim agreement with them currently. Wild turkeys have been a recent concern with citizens; Information is now being collected on this issue.

Closed Session

On motion of Trustee Fonstad, seconded by Trustee Symchych with all members voting aye, the Board convened into Closed Session at 9:39 p.m. 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 or likely to become involved, related to Beach Drive Trust; 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 or likely to become involved, related to Code compliance issues at 500 W Bradley Road; and 19.85(1)(e), for deliberation or negotiation for the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons, with respect to the expansion of North Shore Library. Participating in

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closed session will be the Village Board, Village Attorney, Legal Counsel, Village Manager, and Village Clerk/Treasurer.

Trustee Fonstad recused himself from agenda item 8a.

Reconvene and Possible Action on Closed Session Items

On motion of Trustee Fonstad, seconded by Trustee Symchych, and carried unanimously, to reconvene to open session at 10:02 p.m.

Beach Drive Trust

On motion of President West, seconded by Trustee Frazer, and carried with Trustee Fonstad abstaining, to authorize the Village insurance counsel to settle the case in the manner discussed in closed session.

North Shore Library Expansion

On motion of Trustee Frazer, seconded by Trustee McGauran, and carried unanimously to pursue the option to expand the North Shore Library by purchasing the space currently leased, and to have Attorney John Fuchs negotiate with Attorney Alan Marcuvitz, attorney for the owner and report back to the Library Board and member communities.

Adjourn

On motion of Trustee Tirado, seconded by Trustee McGauran and carried unanimously, the Board adjourned at 10:05 p.m.

Respectfully submitted,

Kelly A. Meyer, WCMC
Village Clerk/Treasurer