VILLAGE OF FOX POINT
VILLAGE BOARD MEETING MINUTES
OCTOBER 9, 2018

A meeting of the Fox Point Village Board was held on Tuesday, October 9, 2018 in Schwemer Hall, 7200 N. Santa Monica Boulevard. President Frazer called the meeting to order at 7:00 p.m. and asked the Village Clerk-Treasurer to take roll call. Roll Call of the Village Board present included:

Village President Douglas H. Frazer
Trustee Eric Fonstad
Trustee Liz Sumner
Trustee Marty Tirado
Trustee Bill Kravit
Trustee Greg Ollman
Absent-Trustee Christine Symchych

Also present are Village Attorney Eric Larson, Village Manager Scott Botcher, Assistant Village Manager Michael Pedersen, Public Works Director Scott Brandmeier, North Shore Library Director Susan Draeger-Andersen, and Village Clerk Treasurer Kelly Meyer.

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 board at 7200 N Santa Monica Boulevard, as well as the village website at www.villageoffoxpoint.com, as per 2015 Wisconsin Act 79 and as described in Village Ordinance Chapter 116-2, 116-2(C).

Persons desiring to be heard

President Frazer opened public comment.

Attorney Roy Wagner representing clients, Robert and Sarah Jansen, 7031 North Belmont Lane and Karen Sullivan of 7030 North Belmont Lane

Attorney Wagner indicated his representation of both the Jansen family residing at 7031 North Belmont Lane and the Sullivan family residing at 7030 North Belmont Lane. Attorney Wagner stated both families are concerned regarding a special assessment issue as a result of the need to repair a riser and a lateral that serves both homes. The families are further concerned about the process and communication commencing in April of 2018 until the present time, regarding the failing riser and lateral serving both homes and the extreme cost to the homeowners for the repairs. The homeowners are proposing to split the cost between the homeowners and the village, taking the $10,000 from MMSD and applying that to the homeowners share.

Hearing no other public comment, President Frazer closed public comment period.

Committee Reports – Plan Commission

President Frazer gave a report to village board concerning the Plan Commission review and consideration of the Conditional Use permit application for Acquisitions, LLC, 8003A and 8007A N. Port Washington Road to run a consignment store at the current location of Walter's Loft. The applicant wants to run a similar business to what is currently at the location. Plan Commission recommended approval of the conditional use order to the Village Board.

Trustee Fonstad gave a report to village board regarding the Plan Commission review and consideration of the Conditional Use permit for Open Pantry Food Marts, 501 W. Brown Deer Road. The southern four feet of the property is in the Village of Fox Point. Open Pantry has gone through all the approval stages with Bayside. The applicant was asked to invest in some landscaping on the eastern side of the property along Port Washington Road. Plans would be reviewed by the Village

Manager and Village Forester this fall and installed in next spring. Plan Commission recommended the Village Board approve the conditional use order.

Consent Agenda

President Frazer noted there is a typographical correction on the consent agenda for item 4h., the correct date should be September 1, 2018 through September 30, 2018.

a. Approve the minutes of the September 11, 2018 Village Board meeting.

b. Approve the minutes of the September 13, 2018 Special Village Board meeting.

c. Grant a Conditional Use Permit to Acquisitions LLC, 8003A and 8007A N. Port Washington Road, and authorize the Village President and Village Clerk/Treasurer to sign the Conditional Use Order.

d. Grant a Conditional Use Permit to Open Pantry Food Marts, 501 W Brown Deer Road, as recommended by Plan Commission and authorize the Village President and Village Clerk/Treasurer to sign the Conditional Use Order.

e. Accept the quote of Wallace Tree and Landscape, Inc. in an amount not to exceed $30,000 for ash tree removals and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Village Forester's memorandum dated October 2, 2018.

f. Accept the bid of Globe Contractors, Inc. in the amount of $42,300 for the repair and rehabilitation of the sanitary sewer riser and lateral pipes at 7030 and 7031 North Belmont and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated October 2, 2018

g. Adopt the Resolution authorizing an exception to the levy limits for charges for the North Shore Fire Department, Pursuant to 2005 Wisconsin Act 484

h. Approve Payment of the Bills in the amount of $878,643.57 for the period September 1, 2018 through September 30, 2018 per the report submitted by the Village Manager.

Trustee Tirado requested the removal of item 4f.

On motion of President Frazer, seconded by Trustee Fonstad, and carried unanimously, the Village Board approved the consent agenda, absent agenda item 4f.

Indian Creek Update Report

Public Works Director Scott Brandmeier gave a report, including the background of creek rehabilitation prior to 2006, and events from 2006 to the present date, including a status update.

Lawrence Tarnoff, 8501 N Point Drive

Mr. Tarnoff noted in the three years that he has resided adjacent to Indian Creek, the creek has never looked better than it does now; he is very pleased with the work that has been completed. He asked that the [DNR's] new Indian Creek flood plain analysis currently in draft form be voluntarily shared with him once finalized.

North Shore Library 2019-2020 Capital and Preliminary Architectural and Engineering Study Presentation

North Shore Library Director Susan Draeger-Anderson gave a presentation on the progress the Library Board has made and updates on the future of the North Shore Library, in regard to the 2019-2020 capital and preliminary architectural and engineering study.

Presentation of interim end of season pool financial report

Assistant Village Manager Michael Pedersen gave the annual end of season pool financial report and answered questions.

Repair and rehabilitation of sanitary sewer riser and lateral pipes at 7030 and 7031 North Belmont (Item 4f.)

Public Works Director Scott Brandmeier gave background on the necessary repair and rehabilitation of sanitary sewer riser and lateral pipes at the particular location of 7030 and 7031 North Belmont Lane. Director Brandmeier went through the process for the repair and rehabilitation of the sanitary sewer and lateral pipes. Questions were asked by Trustees and answered by Director Brandmeier.

Kurt Glaisner, 945 W Calumet Road, River Hills

Mr. Glaisner suggested as a potential option as utilized in River Hills: MMSD camera searches and lateral relining up to 50 feet from the sewer.

Robert Jansen, 7031 North Belmont Lane

Mr. Jansen stated that it is his understanding the expense seems much larger than anyone has ever paid. He stated the village had the quote since June and it was not given to them until August.

Attorney Roy Wagner representing clients, Robert and Sarah Jansen, 7031 North Belmont Lane and Karen Sullivan of 7030 North Belmont Lane

Attorney Wagner clarified the property owners' shared cost proposal.

On motion of Trustee Fonstad, seconded by President Frazer, the Village Board accept the bid of Globe Contractors, Inc. in the amount of $42,300 for the repair and rehabilitation of the sanitary sewer riser and lateral pipes at 7030 and 7031 North Belmont and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated October 2, 2018.

Discussion followed.

President Frazer called for the question.

Motion carried, 6-0.

Future Agenda Items-None

Announcements

Village President Frazer reported the Farmers Market will be open for the last time this season this Saturday; he thanked Jim and Mary LaCharite for all their hard work in making the Farmers Market successful.

President Frazer reported the Buckthorn Weed-out hosted by the Friends of Doctor's Park scheduled this Saturday between 9:00 a.m. and 12:00 p.m.

The ICC Fox Point hosted meeting was postponed due to a press conference to highlight the Dark Store corrective legislation. Fox Point will host the ICC meeting on November 12, 2018 at 1:00 p.m. and everyone is invited.

Trustee Fonstad noted on September 29, 2018, at the request of the Village President, he attended a presentation by the Preserve Our Parks Group at the Milwaukee Yacht Club. They made a strong case for funds to rehabilitate and maintain the parks. Their website is: www.awealthofnature.org. The website has information on all the park resources in southeastern Wisconsin and searchable by the activity you are interested in. Big issue is the perennial and structural problem of municipalities in southeast Wisconsin not having the resources to support the park infrastructure, as well as other cultural amenities.

Trustee Fonstad also reported Tree Commission met on September 24, 2018 and considered an issue brought by DPW. There concerns of dead and dying ash trees on private property. Some contractors are leaving large amounts of yard waste. Several of the village ordinances were reviewed regarding the removal of dead and dying trees, picking up yard waste and fees for yard waste. Tree Commission will make recommendations to the village board about the issue. The Commission also discussed the removal and replanting of ash trees in Indian Creek woods. This will be part of the upcoming budgeting process.

Trustee Tirado reported on the Pool Advisory Committee. The RFP/RFQ resulted in four vendor proposals; three of the four will be interviewed by the Pool Advisory Committee. That process will take place next Monday, October 15, 2018 at 8:00 a.m. in the Village Board room. The committee is hoping to make a Village Board recommendation based on the October 15th interviews.

Closed Session

By roll call vote with all members voting aye, 6-0, the Board convened into closed session at 9:07 p.m., Pursuant to State Statutes Section 19.85(1) (g), to confer 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 related to potential litigation involving removal of trees at 8025 North Beach Drive. Participating in this portion of the closed session will be the Village Attorney, Village Board, Village Manager, Public Works Director and Village Clerk Treasurer, and Pursuant to State Statutes 19.85 (1) (c) to consider compensation of any public employee over which the Village Board has jurisdiction or exercises responsibility, more specifically, to discuss active negotiations between the Village of Fox Point and the Fox Point Professional Policemen's Association. Participating in this portion of the closed session will be the Village Board, Village Manager and Village Clerk Treasurer.

Attorney Larson and Scott Brandmeier left the room at 9:28 p.m.

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Reconvene and Possible Action on Closed Session Items

On motion by President Frazer, seconded by Trustee Fonstad, and carried unanimously, to reconvene to open session at 9:30 p.m.

Motion by President Frazer, seconded by Trustee Fonstad, and carried unanimously, that by direction of the village manager, the village attorney is authorized to commence an action for abatement of public nuisance against the property owner of 8025 North Beach Drive in Milwaukee County Circuit Court.

Motion by President Frazer, seconded by Trustee Kravit, and carried unanimously, to adopt the Agreement between the Village of Fox Point and the Fox

Point Professional Policemen's Association for the years 2019 through 2021, as presented.

Adjourn

On motion of Trustee Sumner, seconded by Trustee Ollman, and carried unanimously, the Village Board adjourned the Village Board meeting at 9:32 p.m.

Respectfully submitted,

Kelly A. Meyer, CMC/WCMC
Village Clerk Treasurer