

**VILLAGE OF FOX POINT
VILLAGE BOARD MINUTES
DECEMBER 10, 2019**

A meeting and public hearing of the Fox Point Village Board was held on Tuesday, December 10, 2019 in Schwemer Hall, 7200 N. Santa Monica Boulevard. President Frazer called the meeting to order at 7:06 p.m. President Frazer asked the Village Clerk-Treasurer to take roll call. Roll Call of the Village Board present included:

President Douglas H. Frazer
Trustee Eric Fonstad
Trustee Liz Sumner
Trustee Marty Tirado
Trustee Bill Kravit
Trustee Greg Ollman

Not present:

Trustee Christine Symchych

President Frazer thanked Trustee Fonstad for Chairing the November 12, 2019 Village Board Meeting.

Also, present were Village Attorney Eric Larson, Village Manager Scott Botcher, Assistant Village Manager Michael Pedersen, Village Building Inspector Michael Rakow, Accounting Financial Manager Mary Carthell, 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 with a brief synopsis of the rules.

North Shore Library Director Susan Draeger-Andersen

Ms. Susan Draeger-Andersen gave a North Shore Library update. The Library Foundation had their first fundraising event on November 19, 2019. Ms. Susan Draeger-Andersen distributed to the Village Board, *Make Our Library Proud Again* mini brochures with the North Shore Library of today and the North Shore Library of the future. These mini brochures were also distributed at the fundraiser event, which went very well. The North Shore Library Foundation did raise some funds as a result of the event. Currently, there are appointments being made for North Shore Library Foundation Fundraising Committee.

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

Plan Commission

President Frazer reported on agenda item 3b, regarding the Plan Commission's Monday, December 2, 2019 consideration of a draft ordinance to Repeal and Re-create Chapter 540 of the Village of Fox Point Village Code entitled "Signs". He noted the Plan Commission has not concluded its consideration of the matter and therefore does not have a report at this time. The Plan Commission will likely take the item up again at its next meeting in January 2020.

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The Village Board received a report from President Frazer concerning the Monday, December 2, 2019 Plan Commission's consideration of a Conditional Use Permit application of Nana-Ko, LLC, 6924 N. Santa Monica Blvd, Fox Point, to conduct a nail spa operation pursuant to Section 745-18 of the Village Code. This salon is just south of Wheel & Sprocket in the mall. This is a change of ownership; the prior owner previously had operated a nail spa as well. The Plan Commission unanimously recommended Village Board approval of the Conditional Use Permit.

Public Hearing for Nana-Ko, LLC, 6924 N. Santa Monica Blvd, Fox Point, to Conduct a Nail Spa Operation Pursuant to Section 745-18 of the Village Code

A statement of public notice and background was given for the public hearing agenda item 4a, Nana-Ko, LLC Conditional Use Permit application by President Frazer.

Open Public Hearing

On motion by President Frazer, seconded by Trustee Fonstad, and carried unanimously, the Village Board opened the public hearing for both public hearing agenda item 4a at 7:10 p.m.

The new owner Mr. Settha Vongphakdy of Nana-Ko, LLC came forward and provided information on the Nana-Ko, LLC nail spa operation.

There were no comments.

Close Public Hearing

On motion by President Frazer, seconded by Trustee Fonstad, and carried unanimously, the Village Board closed the public hearing for both public hearing agenda item 4a at 7:13 p.m.

On motion by President Frazer, seconded by Trustee Fonstad, and carried unanimously, the Village Board postponed item 4b regarding the consideration of a draft ordinance to repeal and Re-create Chapter 540 of the Village of Fox Point Village Code entitled "Signs" to the January 14, 2020 Village Board meeting.

Consent Agenda

- a. Approve the minutes of the November 12, 2019 Village Board meeting.
- b. Approve the minutes of the November 18, 2019 Village Board 2020 budget public hearing and meeting.
- c. Appoint Election Inspectors for the two-year term of January 1, 2020 through December 31, 2021 per the village clerk's memorandum updated December 3, 2019.
- d. Grant a Conditional Use Permit to Nana-Ko, LLC, to conduct a nail spa operation at 6924 Santa Monica Blvd, Fox Point, and authorize the Village President and Village Clerk/Treasurer to sign the Conditional Use Order.
- e. Adopt Resolution regarding the "Single or Multi-Year Capital" Budget to remodel the Shorewood Fire Station in 2020.

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- f.** Adopt Resolution authorizing an exception to the levy limits for charges for the North Shore Fire Department pursuant to 2005 Wisconsin Act 484.
- g.** Adopt Resolution confirming obligation to contribute to North Shore Fire Department's Budget to pay debt service on bonds issued by the Village of Whitefish Bay on behalf of the North Shore Fire Department.
- h.** Accept the proposal of Wachtel Tree Science in an amount of \$42,000 for the 2020 Forestry Services and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated December 3, 2019.
- i.** Accept the proposal of Wachtel Tree Science in an amount of \$15,000 for administration of the 2020 Emerald Ash Borer initiative and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated December 3, 2019.
- j.** Accept the proposal of Marek Landscaping in an amount not to exceed \$16,510 for maintenance activities along Indian Creek and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated December 3, 2019.
- k.** Accept the proposal of Marek Landscaping in an amount not to exceed \$7,603 for Emerald Ash Borer related maintenance activities along the Indian Creek woods and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated December 3, 2019.
- l.** Accept the proposal of Kapur & Associates in an amount not to exceed \$15,496 for the televising and analysis of approximately 13,000 linear feet of sanitary sewers and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated December 3, 2019.
- m.** Accept the proposal of Kapur & Associates in an amount not to exceed \$11,068 for the design of the 2020 Sanitary Sewer Rehabilitation Project and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated December 3, 2019.
- n.** Accept the proposal of Superior Engineering, LLC in an amount not to exceed \$9,950 for the updating of the Village's Capacity, Management, Operations and Maintenance (CMOM) plan and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated December 3, 2019.
- o.** Adopt Resolution to designate International Migratory Bird Day to be on May 2, 2020 in the Village of Fox Point.
- p.** Accept the proposal of Ruekert Mielke in an amount not to exceed \$20,200 for GIS services and data/site maintenance and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated December 3, 2019.
- q.** Approve and Adopt Resolution Determining Certain Funds as Unassigned and Moving to General Fund Balance per the Village Manager's Memorandum dated December 3, 2019.

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- r. Approve payment of the bills in the amount of \$318,256.23 for the period November 1, 2019 through November 30, 2019 per the report submitted by the Village Manager.

Motion made by President Frazer, seconded by Trustee Kravit, and carried unanimously, the Village Board approved the consent agenda.

Comprehensive Plan Special Committee Report

The Village Board received a report from Assistant Village Manager Mike Pedersen on the current status of the Comprehensive Plan Special Committee. The Comprehensive Plan Committee met on November 21, 2019 since the last update. Principally, the Committee discussed public workshop number one, which has been scheduled for January 16, 2020, tentatively at 6:00 p.m. Residents and community members will be invited to attend and provide input.

It was noted that citizens can find the information on the village website at: www.villageoffoxpoint.com.

Consideration and possible action on ordinance regarding the jurisdiction, procedures and operation of Building Board

Village Attorney Eric Larson gave background to the Village Board and public through the ordinance regarding the jurisdiction, procedures and operation of the Building Board.

Motion made by President Frazer, seconded by Trustee Tirado to adopt an ordinance to create subsections 19-9 C. (5) and (6), and repeal and re-create sections 19-10 and 19-12 of the Village of Fox Point Village Code concerning permit approval exceptions, as presented.

Motion made by Trustee Fonstad to amend the motion by striking Subsection 6 of Section 1, which refers to structures other than residential properties. Second by Trustee Tirado. Motion to strike Subsection 6 passed, 5-1 (President Frazer-Opposed).

President Frazer called the question on the motion as amended; motion as amended carried unanimously to adopt the ordinance.

Consideration and possible action concerning request for final written report from Special Committee on the Pool

2019 Annual Pool Report

2019 annual statistics pool report was given by Assistant Village Manager Michael Pedersen. In 2019, the village pool offered residents five free daily passes, the cost was lowered for non-residents, and the pool also brought in vendor Junior's Smoked BBQ. Assistant Village Manager Michael Pedersen also gave 2014 to 2019 statistics on revenue and expenses. Lifeguard benchmarking exercise was completed this year and the village found they were underpaying a bit. Therefore, the village began increase in pay based on years of service as a lifeguard.

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Consideration and Possible Action Regarding Final Written Report from Special Pool Committee

Without objection and by consensus of the Village Board, an invitation will be extended to the Senior Executives of the Jewish Community Center (JCC), Executive Director Mark Shapiro and Chief Marketing Officer Chad Tessmer to present on the JCC's experience with pool construction, operation, and marketing—which may help inform the Village Board and community on the question of a new pool.

Without objection and by consensus the Village Board requested the Special Pool Committee prepare and present a written report that addresses each of the points that the charging Resolution 2016-15 asked the Committee to consider. The Village Board requests that the Committee make a recommendation in the report on each of these points. The Village Board requests the Committee present this report as soon as reasonably possible.

The Village Board suggested the Special Pool Committee consider developing a mission statement for the operation of a new pool.

Consideration and possible action regarding the establishment of a Vacation Rental License application fee

Motion made by Trustee Fonstad, seconded by Trustee Kravit, and carried unanimously to adopt the resolution on page 90 of the Village Board meeting agenda packet, to establish the vacation rental establishment license application fee, as amended in the amount of \$125.00.

Adopt Resolution of Commendation and Appreciation for Retiring Assistant Director of Public Works William S. Wojtanowski

Director of Public Works Scott Brandmeier noted Bill Wojtanowski is one of the unsung heroes in the Department of Public Works. Mr. Brandmeier stated his deep appreciation for Mr. Wojtanowski working tirelessly at the Village of Fox Point to set up standards and improve the organization. President Frazer echoed comments regarding the Board's deep appreciation for Mr. Wojtanowski's years of service with the Village.

Motion made by President Frazer, seconded by Trustee Fonstad, and carried unanimously to adopt Resolution of Commendation and Appreciation for Retiring Assistant Director of Public Works William S. Wojtanowski.

Consideration and possible action on Resolution of Commendation for Board of Appeals Member Jeffrey Davis

Motion made by President Frazer, seconded by Trustee Fonstad and carried unanimously to adopt Resolution of Commendation for Board of Appeals Member Jeffrey Davis.

Consideration and possible action on Resolution of Commendation for Board of Appeals Member Nathan Eisenberg

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Motion made by President Frazer, seconded by Trustee Fonstad, and carried unanimously to adopt Resolution of Commendation for Board of Appeals Member Nathan Eisenberg.

Consideration and possible action on allowing smart meter opt out in the Village of Fox Point

A brief discussion took place regarding the smart meter opt out; Village Manager Scott Botcher and Director of Public Works Scott Brandmeier gave background on the smart meters and current status following much research by the village staff. Out of approximately 2500 properties, only 250-300 properties remain for the installation of the smart meter. Electronic and hand-entry of the collection of data on the smart meters versus those not yet on smart meters was clarified.

The Village Board took no action on the smart meter opt out.

Future Agenda Items - None

Announcements

Trustee Fonstad

Trustee Fonstad commended the North Shore Library Director Susan Draeger-Anderson regarding the presentation at the fundraiser kick-off meeting; she did a great job for the North Shore Library.

There is a Tree Commission meeting on Thursday, December 12, 2019.

Trustee Tirado

Trustee Tirado announced appreciation to Village of Fox Point to retiring Assistant Director of Public Works Bill Wojtanowski for his service to the village.

Village President Frazer

President Frazer announced the opening of the Friendship Bakery in the Riverpoint Shopping Center in the old North Shore Bistro space on December 1, 2019. Stop in and take a look; it is open early in the morning. The business offers coffee, pastry and Danish. There is an art space and it can also be used for meetings.

President Frazer announced tomorrow, December 11, 2019, Lou Malnati's Pizzeria will be opening at Riverpoint on the north side of the mall. This is the first Lou Malnati's store in the State of Wisconsin.

President Frazer announced that he and Trustee Sumner are forming an organization called Fox Point Solar. This organization will be a resource to residents regarding solar technology for their homes or businesses. Information will be supplied and hopefully group purchases will be facilitated. President Frazer noted that technology has advanced and the cost of solar has come way down. For environmental and cost saving reasons, it may be a good idea to get on board with solar.

Village Manager Scott Botcher

Village Manager Scott Botcher thanked all the employees at the Village. There will be an employee potluck luncheon this Friday.

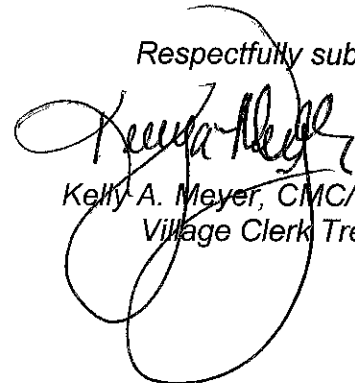
Closed Session

Motion made by President Frazer, seconded by Trustee Fonstad, and carried unanimously by roll call vote (6-0), Village Board convened into closed session at 8:40 p.m., as follows:

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- a. Pursuant to State Statutes Section 19.85(1)(e) to Deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, more specifically to consider possible sale and terms of sale of property bequeathed to the Village by Ken Leindecker. Participating in this portion of the closed session will be the Village Board, Village Manager, Assistant Village Manager, Village Attorney, and Village Clerk Treasurer
- b. Pursuant to State Statutes Section 19.85(1)(e) to Deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, involving a proposed restated joint library services agreement, a proposed MOU to change the fiscal agent, renovation plans and related agreements being negotiated with Glendale, Bayside and River Hills, in connection with the North Shore Public Library. Participating in this portion of the closed session will be the Village Board, Village Manager, Assistant Village Manager, Village Attorney, and Village Clerk Treasurer.
- c. Pursuant to State Statutes Section 19.85(1)(e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session involving the possible acquisition of land located at 8311 Greenvale Road. Participating in this portion of the closed session will be the Village Board, Village Manager, Assistant Village Manager, Public Works Director, Village Attorney, and Village Clerk Treasurer.
- d. Pursuant to State Statutes Section 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 concerning the Village Manager. Participating in this portion of the closed session will be the Village Board and Village Manager.

Respectfully submitted,


Kelly A. Meyer, CMC/WCMC
Village Clerk Treasurer

Reconvene and Possible Action on Closed Session Items

Motion made by Trustee Fonstad, seconded by President Frazer, and carried unanimously to reconvene into open session at 9:45 p.m.

Motion by President Frazer, seconded by Trustee Fonstad, and carried unanimously to authorize sale of all property bequeathed by Ken Leindecker in the manner and on the terms approved by the Village President.

Motion by President Frazer, seconded by Trustee Fonstad, and carried unanimously to adopt the North Shore Library Memorandum of Understanding to change the fiscal agent.

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Motion by President Frazer, seconded by Trustee Tirado, and carried unanimously to adopt Resolution in the Matter of the North Shore Library Fiscal Agent, as amended to include the language at the end of paragraph three, "to be paid by the North Shore Library".

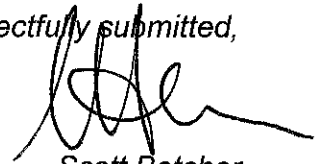
No action was taken on the possible land acquisition of land located at 8311 Greenvale Road.

Motion by President Frazer, seconded by Trustee Fonstad, and carried unanimously to increase the compensation of Village Manager Scott Botcher to \$125,000 per annum.

Adjourn

Motion made by President Frazer, seconded by Trustee Ollman, and carried unanimously, the Village Board adjourned the Village Board meeting at 9:50 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Botcher', written over the words 'Respectfully submitted,'.

Scott Botcher
Village Manager