

**VILLAGE OF FOX POINT
VILLAGE BOARD MINUTES
JUNE 09, 2020**

A meeting of the Fox Point Village Board was held on Tuesday, June 9, 2020 via telephone conferencing through Zoom, 7200 N. Santa Monica Boulevard. President Frazer called the meeting to order at 7:10 p.m. President Frazer asked the Village Clerk to take roll call. Roll Call of the Village Board present included:

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

Also present were Village Manager Scott Botcher, Assistant Village Manager Michael Pedersen, Department of Public Works Director Scott Brandmeier, Village Attorney Eric Larson and Village Clerk 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).

Citizen Comment has been removed as an agenda item due to the virus (for this reason only) and will return. However, there may be limited opportunity for citizen comment at the discretion of the Chair. Citizens are encouraged to submit any comments in writing in advance of the meeting to the Village Manager at sbotcher@villageoffoxpoint.com.

President Frazer stated he would allow comments from those wishing to be heard either on the phone or in-person and opened for public comment.

Elizabeth Aelion, 210 W Bergen Court

Ms. Aelion indicated her support for reinstituting public comment back into the Village Board meetings.

Ms. Aelion suggested the village use a survey regarding the capital items proposed for the village budget and asked about perceived inconsistencies in the Department of Public Works proposed Capital Budget.

Ms. Aelion made two specific inquiries. The first inquiry was regarding the Lake Drive Project and the cost; the second inquiry was regarding when the Village Board would communicate to the public concerning the scheduling of a vote on the pool.

Barbara Patterson, 7481 N Beach Drive (via Zoom)

Ms. Patterson inquired on the path from Beach Drive up to Green Tree Road. She noted her concerns regarding social distancing in connection with reestablishing that particular path. There are several people who are not practicing social distancing; this necessitates people having to step off the active path [from Beach Drive to Fox Lane] to let others pass.

North Shore Library Director Susan Draeger-Anderson (via Zoom)

The library will be reopening by Monday. There will be fewer people in the library and the chairs are gone. There is also a limited of computers for use as well.

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Barb Patterson, 7481 N Beach Drive (via Zoom)

Ms. Patterson inquired if there would be resources for residents to ascertain more details on Department of Public Works' request to FEMA for the work to be done on Beach Drive regarding the mitigation of lakeshore erosion.

Terry Rindt, 8316 N Indian Creek Pkwy.

Mr. Rindt noted the correct spelling of his wife Christel's last name: Maass.

Without objection and hearing no other remarks, President Frazer closed the public comment period.

Committee Report – Plan Commission

Trustee Fonstad reported the Plan Commission held a joint meeting with the Building Board on the June 1, 2020. There were two matters considered. The first matter was the Fox Point Lutheran Church's application to modify their previously approved site plan, floor plans, proposed addition and parking lot changes per Section 745-20 B. (2) of the Village Code. The church will be making a number of changes, including reducing the size of the sanctuary addition and replacing it with a courtyard on the east side of the building next to the railroad tracks and changes to hide the mechanicals of the site. They added landscaping on the east side of the building to screen the courtyard from the neighbors on the east. There were no citizen comments at the Plan Commission/Building Board meeting. The four standards were met. The Plan Commission made a recommendation that the Village Board approve the modifications to the site plan.

Trustee Fonstad reported the second matter on the June 1, 2020 Plan Commission's agenda was to review and make a recommendation concerning the proposed installation of an art sculpture, entitled *Little Dancer, Aged Fourteen* by Richard Edelman to be located on Village Property either at N. Lake Drive and N. Bell Road (southwest corner) or N. Lake Drive and E. Bradley Road (southwest corner), in the Village of Fox Point per Section 745-20 B. (2) of the Village Code. Following the discussion of the matter, the Plan Commission made the motion to postpone the matter until the August 3, 2020 Plan Commission meeting or until the COVID-19 cautions are lifted and the public can better take part in the discussion.

Public Hearing regarding the Artwork loan and exhibition of sculpture concerning the artwork entitled “*Little Dancer, Aged Fourteen*”, offered for donation to the Village by the artist, Richard Edelman.

Motion made by President Frazer, seconded by Trustee Fonstad, passed by roll call vote 5-1, to postpone the public hearing until the August 11, 2020 Village Board meeting. [Trustee Kravit-Nay and Trustee Tirado, abstained due to audio difficulties].

Consent Agenda

- a. Approve the minutes of the May 12, 2020 Village Board meeting.
- b. Grant the renewals for two “Class A” Beer and Intoxicating liquor licenses and renewals for 4 “Class B” Beer and Intoxicating Liquor licenses, per the Village Clerk/Treasurer's memo dated May 27, 2020, subject to any conditions as noted.

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- c. Grant the Cigarette and Tobacco Product Retail license to the establishment Walgreen Co, d/b/a, Walgreens #03125, located at 8615 North Port Washington Road-agent Tammy Marie Kachelmeier per the Village Clerk/Treasurer's memo dated May 27, 2020 and subject to any conditions as noted.
- d. Approve the Change Order of Miller Engineers and Scientists in the amount of \$6,200 for additional evaluation of the shoreline along North Beach Drive and authorize the Village President and Village Clerk/Treasurer to sign the change order per the Director of Public Works' memorandum dated June 2, 2020.
- e. Accept the bid of Bark River Tree and Landscape, Inc. in an amount not to exceed \$20,000 for the removal of diseased elm trees and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Village Forester's memorandum dated May 28, 2020.
- f. Approve Change Order No. 1 from Kapur & Associates for additional design and investigative activities associated with the Barnett Lane storm water improvement project and authorize the Village President and Village Clerk/Treasurer to sign the change order per the Director of Public Works' memorandum dated June 2, 2020.
- g. Approve the Agreement from Short Elliott Hendrickson in an amount not to exceed \$95,188 for the evaluation of the water main along Lake Drive and authorize the Village President and Village Clerk/Treasurer to sign the agreement per the Director of Public Works' memorandum dated June 2, 2020.
- h. Adopt a Resolution Approving of and Authorizing Submittal of the Compliance Maintenance Annual Report (CMAR) to the Department of Natural Resources for the 2019 Sanitary Sewer Activities.
- i. Schedule a Public Hearing for the July 14, 2020 regular Board meeting to receive comments and input on the proposed 2021 Community Development Block Grant (CDBG) program project list immediately following "Persons desiring to be heard" per the Director of Public Works' memorandum dated June 2, 2020.
- j. Confirm President Frazer's list of appointments to Building Board.
- k. Approve payment of the bills in the amount of \$545,921.78 for the period May 1, 2020 through May 31, 2020 per the report submitted by the Village Manager.

Trustee Ollman requested removal of Consent Agenda items 4g.

Motion made by President Frazer, seconded by Trustee Sumner, and passed by roll call vote, 6-0, the Village Board approved the consent agenda, as modified with the removal of item 4g. [Trustee Tirado, abstained due to audio difficulties.]

Comprehensive Plan Special Committee Report

Assistant Village Manager and Comprehensive Plan Special Committee Chair Michael Pedersen gave an update on the Comprehensive Plan Special Committee. The Committee continues to review the last four elements of the Comprehensive Plan. Once the draft is put

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together, the committee will meet to review the draft and discuss the second public input participation meeting. It is hopeful the committee will be able to meet late June or early July.

Consideration of Fox Point Lutheran Church

Pastor Knapp of Fox Point Lutheran Church gave a brief presentation.

Motion made by Trustee Fonstad, seconded by Trustee Ollman, by roll call vote (6-0), to approve the Fox Point Lutheran Church 's reduction in their proposed modifications, subsequent to Plan Commission's recommendations of June 1, 2020 and meets the four findings specified in per Village Code Section 745-20 (B)(2). [Trustee Tirado, abstained due to audio difficulties.]

Without objection and by unanimous consent, President Frazer suspended the rules to take up agenda item 6e, the presentation by Glendale Administrator Rachel Safstrom concerning North Shore Library alternative site.

Presentation by Glendale Administrator Rachel Safstrom concerning North Shore Library alternative site [6e]

Glendale Administrator Rachel Stafstrom gave a brief presentation concerning the North Shore Library lease agreement and a potential alternative site. The alternative site proposed by the City of Glendale is located at 7545 North Port Washington Road and the current building is owned by City of Glendale.

By unanimous consent and without objection, President Frazer called for an approximate 10-minutes recess of the Village Board to resume at approximately 8:15 p.m.

President Frazer reconvened the June 9, 2020 Village Board meeting at 8:15 p.m.

The Village Board had a lengthy discussion on the matter following Rachel's presentation. The discussion included the North Shore Library Lease Agreement, the purchased 1,000 square feet of space approximately four years ago, the possibility of a new space, the details of what an agreement might look like with the new space, the North Shore Library's resolution not to consider a new space several years prior, and North Shore Library Board's view on a potential new space.

Both Village of Fox Point North Shore Library Board Representatives, Eric Fonstad and Terry Rindt, did state that the new space matter was not initiated by the North Shore Library Board. The North Shore Library Board has tried to move forward with the renovation of the current space.

Agreement from Short Elliott Hendrickson- Consent Agenda Item 4g

Motion by Trustee Fonstad, seconded by Trustee Kravit, and carried unanimously by roll call vote (7-0) to approve the Agreement from Short Elliott Hendrickson in an amount not to exceed \$95,188 for the evaluation of the water main along Lake Drive and authorize the Village President and Village Clerk/Treasurer to sign the agreement per the Director of Public Works' memorandum dated June 2, 2020.

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Resolution of Appreciation – Del Wilson

Motion made by President Frazer, seconded by Trustee Fonstad, and carried unanimously by roll call vote (7-0), to adopt Resolution of Appreciation for Building Board member Del Wilson.

Resolution of Appreciation – Christel Maass

Motion made by President Frazer, seconded by Trustee Fonstad, and carried unanimously by roll call vote (7-0) to adopt Resolution of Appreciation for Historic Preservation Commission member Christel Maass, with the correction to the spelling to Christel Maass' last name.

Resolution of Appreciation – Michael A. West

Motion made by President Frazer, seconded by Trustee Fonstad, and carried unanimously by roll call vote (7-0), to adopt Resolution of Appreciation for Building Board member Michael A. West.

Resolution of Appreciation – Donald Zien

Motion made by President Frazer, seconded by Trustee Kravit, and carried unanimously by roll call vote (7-0), to adopt Resolution of Appreciation for Board of Appeals Chair and Plan Commission member Donald Zien.

Ordinance to Repeal and Re-create Chapter 770, Electrical Standards

Motion made by President Frazer, seconded by Trustee Ollman, and carried unanimously by roll call vote (7-0), to adopt Ordinance to Repeal and Re-create Chapter 770, Electrical Standards.

Ordinance to Create Section 19-32 D. Entitled “Remote Meetings” Related to Remote Meetings of Village Boards, Commissions and Committees

The Village Board had a lengthy discussion regarding potential revisions to the draft ordinance.

By unanimous consent and without objection, President Frazer postponed consideration of Ordinance to Create Section 19-32 D. Entitled “Remote Meetings”, related to remote meetings of Village Boards, Commissions and Committees and directed Village Attorney Eric Larson to draft a revised Ordinance.

Ordinance regarding the Bylaws of the Village Board of Village of Fox Point to Allow Alternative Regular Meeting Dates

Motion made by Trustee Kravit, seconded by Trustee Ollman, and carried unanimously by roll call vote, to adopt Ordinance regarding the Bylaws of the Village Board of Village of Fox Point to Allow Alternative Regular Meeting Dates.

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Discussion and possible action regarding absentee ballot marketing and report on Wisconsin Election Commission (WEC) updates

A brief presentation was given by Village Clerk Treasurer Kelly Meyer.

Without objection and by consensus of the Village Board, President Frazer directed staff to move forward on the proposed absentee ballot guidance door hangers.

Review of 2021-2025 Capital Plan

Without objection and by consensus of the Village Board, the 2021-2025 Capital Plan was postponed until July. No discussion or action was taken.

Discussion and possible action regarding Green Tree Road Trail

Scott Brandmeier gave a presentation to the Village Board regarding Green Tree Road Trail and the approximate cost to improve the trail, including easements on nearby properties.

Motion made by Trustee Tirado, seconded by Trustee Ollman, to postpone this agenda item indefinitely.

Discussion ensued.

Motion failed by roll call vote, 3-4 (Trustee Fonstad, Trustee Symchych, Trustee Kravit, President Frazer-Nay)

By unanimous consent and without objection, President Frazer directed staff to look into feasibility and cost for Green Tree Road Trail, but cautioned staff to limit its time and village resources to a minimum.

Future Agenda Items - None

Announcements – No announcements

Closed Session

Motion made by President Frazer, seconded by Greg Ollman, and carried unanimously by roll call vote (7-0), Village Board convened into closed session at 10:05 p.m., as follows:

1. Pursuant to Wisconsin 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: Specifically, to review and discuss the potential acquisition of a property located at 7545 North Port Washington Road for use as a North Shore Library. Participating in the closed session will be the Village Board, Village Manager, Assistant Village Manager, Library Board member Terry Rindt, Village Clerk, and Village Attorney.

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2. Pursuant to Wisconsin 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. Specifically, to review and discuss the impacts on the Village of Fox Point of a certified survey map recorded in the City of Glendale for property located at 6300 North Port Washington Road that is being developed for Landmark Credit Union, including an existing Village easement for a 16 inch water main and rights granted for such water main, and available legal options. Participating in the closed session will be the Village Board, Village Manager, Assistant Village Manager, Village Director of Public Works, Village Clerk, and Village Attorney.

Reconvene and Possible Action on Closed Session Items

Motion made by President Frazer, seconded by Trustee Ollman, and carried unanimously by roll call vote (7-0) to reconvene into open session at 10:31 p.m.

By unanimous consent and without objection, the village board authorized President Frazer to state that the Village Board does not support pursuit of a new alternative site and does support renovations of the current site. (Closed agenda item 9a).

Motion by President Frazer, seconded by Trustee Fonstad, and carried unanimously by roll call vote (7-0), the village board approves the second amendment to Watermain Easement, as presented and authorizes the Village President and Village Clerk Treasurer to sign the Easement. (Closed agenda item 9b).

Adjourn

Motion made by President Frazer, seconded by Trustee Sumner, and carried unanimously by roll call vote (7-0); the Village Board adjourned the Village Board meeting at 10:33 p.m.

Respectfully submitted,



Kelly A. Meyer
Village Clerk
Village of Fox Point