

**VILLAGE OF FOX POINT
VILLAGE BOARD MEETING MINUTES
DECEMBER 12, 2023**

A meeting and public hearing of the Fox Point Village Board was held by a combination of in-person and virtual attendance via telephonic and video conferencing on Tuesday, December 12, 2023 in Schwemer Hall, 7200 N. Santa Monica Boulevard. President Symchych 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 Christine Symchych
Trustee Eric Fonstad
Trustee Liz Sumner (via Zoom)
Trustee Greg Ollman
Trustee Catie Anderson
Trustee Liz Aelion
Trustee Jennie Stoltz

Also, present were Village Attorney Eric Larson, Village Manager Scott Botcher, Public Works Director Scott Brandmeier, Assistant Village Manager Kevin Ausman 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

Jason Anderson, 7350 N Iroquois Rd

Mr. Anderson inquired if the Longacre Pavilion roof work had been completed.

Hearing no other comments, President Symchych closed public comment.

COMMITTEE REPORTS

a. PLAN COMMISSION

The Village Board received a report from Trustee Fonstad, acting chair in the absence of Commissioner Symchych, with a total of four members attending. The newest Commissioner, Ted Durant was welcomed. The Plan Commissions' review and recommendation at the December 4, 2023 meeting, included the following:

1. The Conditional Use Permit for Good Land Fitness, LLC d/b/a, CrossFit Good Land, 8797 N. Port Washington Road. The applicant was present and answered questions from the Plan Commission regarding noise issues specifically with the CrossFit training; three-inch-thick rubber mats will mitigate the noise and loud music will not be played. Based on that information, Plan Commission recommended the Village Board approve the conditional use order.
2. The Town Club 7950 N Santa Monica Blvd., convert some of their tennis courts to pickle ball courts. A representative of The Town Club Board of Directors was present. Plan Commission recommended approval to the Board on the condition that The Town Club install screening design to reduce the pickleball noise by approximately 50 percent.

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3. A land combination for the Town Club, 7950 N Santa Monica Blvd., tax key 092-9991-000 and tax key 092-9980-000. This was cleanup due to the two owned lots. The Town Club owns two parcels of land along Santa Monica Boulevard. Therefore, the Plan Commission recommended to the Board that they approve the land combination and accept the preliminary CSM as final. The Town Club will also provide the village with a map of the two separate parcels, the combined CSM map was the only submittal.

b. POOL COMMITTEE

President Symchych announced the Pool Committee met and there is a report submitted by Chair Tirado; it is included in the Village Board packet.

PUBLIC HEARINGS

President Symchych noted that the Board will be delaying agenda item 4b, the Conditional User Permit per F-Institutional District Requirements for The Town Club, d/b/a, The Town Club, 7950 N Santa Monica Boulevard.

Village Attorney Eric Larson noted, as in the Plan Commission report in the F-Institutional District, there are additional notice requirements for the public hearing. Those notices need to go out prior to the public hearing. Once the notices go out, this item will come back to the Village Board in January.

Conditional Use Permit per D-Business District Requirements for Good Land Fitness, LLC, d/b/a, CrossFit Good Land, 8797 N Port Washington Road

Open Public Hearing

Motion by Trustee Fonstad, seconded by Trustee Anderson, and carried by roll call vote (7-0), to open the public hearing at 7:11 p.m., regarding the consideration of Good Land Fitness, LLC, d/b/a, CrossFit Good Land, 8797 N Port Washington Road.

Public Comment

There were no public comments.

Close Public Hearing

Motion by Trustee Fonstad, seconded by Trustee Anderson, and carried by roll call vote (7-0), to close the public hearing at 7:12 p.m., regarding the consideration of Good Land Fitness, LLC, d/b/a, CrossFit Good Land, 8797 N Port Washington Road.

Conditional Use Permit per F-Institutional District Requirements for The Town Club, d/b/a, The Town Club, 7950 N Santa Monica Blvd.

No action was taken. This item will be taken up in January due to the F-Institutional notice requirement.

CONSENT AGENDA

President Symchych noted there is a revised resolution regarding the Storm Water Utility Rate Increase, as well as a revised set of minutes for the November 14, 2023.

- a. Approve the minutes of the November 14, 2023 Village Board and Public Hearing meeting.

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- b.** Approve the minutes of November 20, 2023 Village Board and Budget Workshop meeting.
- c.** Appoint Election Inspectors for the two-year term of January 1, 2024 through December 31, 2025, per the Village Clerk's memorandum updated November 27, 2023.
- d.** Accept the proposal of Wachtel Tree Science in an amount not to exceed \$51,000 for the 2024 Forestry Services and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated December 7, 2023.
- e.** Accept the proposal of Wachtel Tree Science in an amount not to exceed \$15,000 for the administration of the 2024 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 7, 2023.
- f.** Accept the proposal of Ruekert Mielke in an amount not to exceed \$46,240 for the performance of continuing work within the GIS database for activities performed throughout the year and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated December 7, 2023.
- g.** Accept the proposal of Kapur & Associates in an amount not to exceed \$24,845 to design the rehabilitation of sanitary sewers in Basin Nos. 1 and 2 and storm sewer CIPP along Lake Drive and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated December 7, 2023.
- h.** Accept the proposal of Kapur & Associates in an amount not to exceed \$32,720 for the televising of approximately 22,000 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 7, 2023.
- i.** Accept the proposal of Marek Landscaping in the amount of \$17,185.00 for control of invasive species, native planting and monitoring for Indian Creek and authorize the Village President and Village Clerk/Treasurer to sign the proposal pursuant to the Director of Public Works' memorandum dated December 7, 2023.
- j.** Accept the proposal of Marek Landscaping in the amount of \$5,349.28 for control of invasive species, native planting and monitoring for Indian Creek Woods Stewardship and authorize the Village Manager to sign the proposal pursuant to the Director of Public Works' memorandum dated December 7, 2023.
- k.** Accept the proposal of Kapur & Associates in the amount of \$16,500 for the 2024 and 2025 monitoring and inspection of the Manor Lane retaining wall and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated December 7, 2023.
- l.** Approve the contract with Waste Management for waste, yard waste and recycling disposal and processing services, subject to final revisions being made to address concerns raised by the Village Attorney to the satisfaction of the Village Director of Public Works and Village Manager, and authorize the Village President and Village Clerk to sign the final form of the contract.
- m.** Approve Resolution 2023-XX, A Resolution to Approve a Sewer Rate Increase.
- n.** Approve Resolution 2023-XX, A Resolution to Approve a Storm Water Utility Rate Increase.

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- o.** Grant Conditional Use Permit per D-Business District Requirements for Good Land Fitness, LLC, d/b/a, CrossFit Good Land, 8797 N Port Washington Road, as recommended by the Plan Commission.
- p.** Grant Conditional Use Permit per F-Institutional District Requirements for The Town Club, d/b/a, The Town Club, 7950 N Santa Monica Blvd., as recommended by the Plan Commission, including acceptance of the Plan Commission's recommendation to find the ordinance standards are met.
- q.** Approve the Land Combination and Certified Survey Map submitted by Applicant The Town Club at 7950 N Santa Monica Blvd., Fox Point, tax key #092-9991-000 & tax key #092-9980-0007250 N Beach Drive, Fox Point, and accept the CSM as the final, upon all terms and conditions recommended by Plan Commission.
- r.** Approve payment of the bills in the amount of \$536,821.68 for the period November 1, 2023 through November 30, 2023 per the report submitted by the Village Manager.

The following consent agenda items were withdrawn by the Village Board of Trustees: 5g, 5h, 5k, 5l, 5o, and 5p.

Motion by Trustee Fonstad, seconded by Trustee Anderson, and carried by roll call vote (7-0), to approve the consent agenda, with removal of consent agenda items 5g, 5h, 5k, 5l, 5o, and 5p.

KAPUR & ASSOCIATED IN AN AMOUNT NOT TO EXCEED \$24,845 TO DESIGN THE REHABILITATION OF SANITARY SEWERS IN BASIN NOS. 1 AND 2 AND STORM SEWER CIPP ALONG LAKE DRIVE

(Consent Agenda Item 5g):

Motion by Trustee Stoltz, seconded by President Symchych, and carried by roll call vote (7-0), to accept the proposal of Kapur & Associates in an amount not to exceed \$24,845 to design the rehabilitation of sanitary sewers in Basin Nos. 1 and 2 and storm sewer CIPP along Lake Drive and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated December 7, 2023.

KAPUR & ASSOCIATES IN AN AMOUNT NOT TO EXCEED \$32,720 FOR THE TELEVISIONING OF APPROXIMATELY 22,000 LINEAR FEET OF SANITARY SEWERS (Consent Agenda Item 5h)

Motion by Trustee Stoltz, seconded by President Symchych, and carried by roll call vote (7-0), to accept the proposal of Kapur & Associates in an amount not to exceed \$32,720 for the televising of approximately 22,000 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 7, 2023.

KAPUR & ASSOCIATES IN THE AMOUNT OF \$16,500 FOR THE 2024 AND 2025 MONITORING AND INSPECTION OF THE MANOR LANE RETAINING WALL (Consent Agenda Item 5k)

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Motion by President Symchych, seconded by Trustee Fonstad, and carried by roll call vote (7-0), to accept the proposal of Kapur & Associates in the amount of \$16,500 for the 2024 and 2025 monitoring and inspection of the Manor Lane retaining wall and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated December 7, 2023.

CONTRACT WITH WASTE MANAGEMENT FOR WASTE, YARD WASTE AND RECYCLING DISPOSAL AND PROCESSING SERVICES

(Consent Item 5l)

There was no action taken on consent agenda item 5l.

CONDITIONAL USE PERMIT PER D-BUSINESS DISTRICT REQUIREMENT FOR GOOD LAND FITNESS, LLC, D/B/A, CROSSFIT GOOD LAND, 8797 N PORT WASHINGTON ROAD

(Consent Agenda Item 5o)

Motion by Trustee Sumner, seconded by Trustee Fonstad, and carried by roll call vote (7-0), to Grant Conditional Use Permit per D-Business District Requirements for Good Land Fitness, LLC, d/b/a, CrossFit Good Land, 8797 N Port Washington Road, as recommended by the Plan Commission.

CONDITIONAL USE PERMIT PER F-INSTITUTIONAL DISTRICT REQUIREMENTS FOR THE TOWN CLUB, D/B/A, THE TOWN CLUB, 7950 N SANTA MONICA BLVD (Consent Agenda Item 5p)

No action was taken on consent agenda item 5p.

AGENDA AND BOARD PACKET AVAILABILITY

Village Board discussed the agenda and Board packet timeline for availability to the public; no action was taken.

FUTURE AGENDA ITEMS – None

ANNOUNCEMENTS

President Symchych

- I. Announced attendance at ICC yesterday; a woman from MADACC spoke. They are having a difficult problem retaining staff. It is becoming a crisis. Community assistance may be discussed in the future.
- II. Today a Fire Department meeting was held regarding the new fire station in Glendale. It will be the fire station, the Health Department, and other space that will be cooperatively used for multiple emergency services should they need to be shared spaces. It will be a joint center with plan to be open this spring. It will be state of the art and the pride of the North Shore.

Trustee Fonstad had no announcements.

Trustee Sumner had no announcements.

Trustee Ollman had no announcements.

Trustee Anderson had no announcements.

Trustee Aelion had no announcements.

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Trustee Stoltz had no announcements.

Manager Botcher

- I. Reporting on the Munson, Inc. Change Order No. 1, as is consistent will the Village Code and within his authority to sign, but he also is required to report to the Board. The Indian Creek tennis courts, when Munson went out to work on them, were in far worse shape underneath the surface then they anticipated. It did take additional labor costs of \$14,954.
- II. The pool 501(C)(3) committee application deadline is 12/22/2023. To date, the village has three applications. Contact Kevin to get your application in.
- III. Village Clerk Treasurer Kelly Meyer is retiring; notice of a recognition event will be released when it has been established.
- IV. Advertisements have been out for a Village Clerk for about two weeks. There are currently 3 candidates. Village Manager Scott Botcher will make the recommendation to the Village Board, as under the state statutes.

ADJOURNMENT

Motion made by Trustee Ollman, second by Trustee Fonstad, and carried by roll call vote (7-0) to adjourn the Village Board meeting at 8:33 p.m.

Respectfully submitted,


Kelly A. Meyer, WCMC/CMC/CMTW
Village Clerk Treasurer