

**NOTICE OF MEETING
VILLAGE OF FOX POINT
VILLAGE BOARD MEETING**

**SCHWEMER HALL – MUNICIPAL BUILDING
7200 N. SANTA MONICA BLVD
FOX POINT, WI 53217**

**TUESDAY
November 12, 2024
7:00 P.M.**

NOTE: THE VILLAGE BOARD WILL BE MEETING IN PERSON AT VILLAGE HALL, WITH A REMOTE ATTENDANCE OPTION, PER THE HYBRID MEETING PROCEDURES FURTHER DESCRIBED IN SECTION 19-32 D. OF THE VILLAGE CODE. THIS MEETING IS OPEN TO ALL CITIZENS IN PERSON AT VILLAGE HALL, OR THROUGH THE ZOOM PARTICIPANT INFORMATION SHOWN BELOW, SUBJECT TO THE FOLLOWING: NO ASSURANCE IS PROVIDED TO THOSE GOVERNING BODY MEMBERS AND CITIZENS INTENDING TO ATTEND REMOTELY THAT THE TECHNOLOGY WILL PERFORM SUFFICIENTLY TO ALLOW FOR THEIR PARTICIPATION AND THE MEETING WILL PROCEED REGARDLESS. PUBLIC OFFICIALS AND CITIZENS WISHING TO ENSURE THEY CAN PARTICIPATE ARE ENCOURAGED TO ATTEND IN PERSON. CITIZENS ARE ENCOURAGED TO SUBMIT ANY COMMENTS IN WRITING IN ADVANCE OF THE MEETING TO THE VILLAGE MANAGER AT sbotcher@villageoffoxpoint.com, HOWEVER THERE IS NO LARGER RIGHT TO COMMENT REMOTELY OR IN WRITING THAN IN PERSON.

Zoom Participant Information
<https://us02web.zoom.us/j/87335256142>

Meeting ID: 873 3525 6142

Dial: (312) 626-6799

AGENDA

- 1. Roll Call**
- 2. Persons desiring to be heard**

At this time, individuals can address the Village Board on one or more topics for up to three-minutes with time extensions at the Village President's discretion. Citizen comment when agenda items are called will be heard at the discretion of the chair, subject to the overall three-minute limit. In connection with non-agenda items, no action will be taken except for possible referrals to individuals or committees. NOTE: No comments will be heard during this agenda item concerning a pending application for a zoning code amendment or conditional use permit, as the appropriate time for such comments will be, or was, at the duly noticed public hearing, so that all interested persons can hear the comments and due process is preserved.

- 3. Committee Reports**

- a. Centennial Committee Report (written report included in packet) Page 5

- 4. Consent Agenda** – All items listed under the Consent Agenda will be approved in one motion without discussion unless any Board member requests that the item be removed for individual discussion and possible action. Any item(s) so removed shall be considered individually prior to consideration of any New Business agenda items in the same order in which they were originally listed in the Consent Agenda.

- a. Approve the minutes of the October 8, 2024 Village Board meeting, October 8, 2024 Special Village Board meeting, and the October 29, 2024 Budget Workshop minutes. Pages 6 - 13

- b. Approve agreement with WSO Grading and Excavating in an amount not to exceed \$16,000 for repairs to the storm drainage system along portions of Wye Lane and authorize the Village Manager to sign the agreement per the Director of Public Works' memorandum dated November 4, 2024. Pages 14 - 15
- c. Approve Amendment No. 2 with Baxter & Woodman in an amount not to exceed \$11,600 for design of landscaping around the Lake Drive and Bradley Road detention pond and additional construction observation during path construction and authorize the Village President and Village Clerk/Treasurer to sign the amendment per the Director of Public Works' memorandum dated November 4, 2024. Pages 16 - 19
- d. Approval of a Resolution Approving a "Single or Multi-Year Capital" Budget to Purchase Large Apparatus Equipment from 2025-2029 as requested by NSFD Pages 20 - 21
- e. Approval of a Resolution Authorizing and Exception to the Levy Limits for Charges for the North Shore Fire Department Pursuant to 2005 Wisconsin Act 484, as requested by NSFD Pages 22 - 23
- f. Approval of a Resolution Approving the 2025 North Shore Fire Department Fees for Service Schedule Pages 24 - 28
- g. Approval of an Ordinance to Create Section 375-11(F) of the Village of Fox Point Village Code to Create a New Process for Reinspection of Retail Food Establishments and Vending, as requested by the North Shore Health Department Pages 29 - 35
- h. Approval of North Shore Health Department Fee Schedule, as presented. Pages 36 - 37
- i. Approval of Amy Dean, Store Manager, as new Designated Agent for Walgreens, 8615 N Port Washington Road. No Memo Included
- j. Approve payment of the bills in the amount of \$1,081,571.19 for the period October 1-31, 2024 per the report submitted by the Village Manager. Pages 38 - 52

5. Unfinished Business

a. Consideration of St. Augustine Preparatory Academy Conditional Use Application

The Village Board may consider and act on the application of St. Augustine Preparatory Academy for a K-12 school located on the site of the former Cardinal Stritch property.
Pages 53 - 64

6. New Business

a. Consideration of an ordinance "To Amend Sections 870-4 and 870-6A of the Village of Fox Point Village Code To Add New Stop Sign Locations". Pages 65 - 67

The Village Board will consider and may act on an ordinance "To Amend Sections 870-4 and 870-6A of the Village of Fox Point Village Code to Add New Stop Sign Locations".

b. Review, Consideration and Possible Action on a Change Order from Kapur & Associates for additional design activities associated with the Beach Drive storm water jetties.

The Village Board will consider and may act on a recommendation from the Director of Public Works to approve a change order from Kapur & Associates in an amount not to exceed

\$48,782.40 for additional design activities associated with the removal of the storm sewer jetties on Beach Drive. Pages 68 - 75

c. Referral of a Draft Port Washington Overlay Zoning District (PWO) Municipal Code Amendment to the Plan Commission

The Village Board will refer, for consideration by the Plan Commission, the draft code amendment for the Port Washington Overlay Zoning District (PWO). Pages 76 - 84

7. Future Agenda Items

The Village Board will act on any Trustee requests to place additional matters on an upcoming agenda, without discussion.

8. Closed Session, if necessary

- a.** It is anticipated the Village Board will convene into closed session for the following reason(s):

Upon motion duly made and seconded, and adopted by roll call vote, the Village Board may convene into closed session pursuant to Wisconsin Statutes Section 19.85(1)(a) for deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body, and 19.85(1) (g), for conferring 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 Plan Commission's referral of a conditional use permit application for St. Augustine Prep on the former Cardinal Strich property, 6801 N Yates Road as required per Village Code Sections 745-10 and 745-20, and Wis. Stats. Section 62.23(7) (de) (3) and Wis. Stats. 61.35.

9. Reconvene into Open Session

The Village Board will reconvene into open session and may take action and may take action as it deems appropriate regarding the matter discussed in closed session.

10. Announcements

The following individuals will be given the opportunity to make announcements at the meeting in regard to (i) actions taken since the previous Village Board meeting on behalf of the Village, (ii) future Village activities and (iii) communications received from citizens. These matters will not be discussed or acted on, and Board members shall not comment on matters announced by others. Referrals may be made to committees and/or individuals.

- a.** Village President Symchych
- b.** Trustee Fonstad
- c.** Trustee Sumner
- d.** Trustee Ollman
- e.** Trustee Anderson
- f.** Trustee Aelion
- g.** Trustee Stoltz
- h.** Village Manager Botcher

11. Adjournment

NEXT REGULAR VILLAGE BOARD MEETING:**December 10, 2024 7:00 P.M.****PLEASE NOTE:**

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aids. Also, upon reasonable notice, best efforts will be used to ensure that members of the public lacking access to the virtual meeting platform are provided alternative reasonable methods to attend. For additional information or to request these services, contact the Village Clerk at (414) 351-8900. "Persons requiring an interpreter or other assistance should contact the Village Clerk's office 72 hours prior to the meeting. Notice is hereby given that a majority any other board, commission or committee may be present at the meeting to gather information about a subject in which they are interested. This constitutes a meeting of any other board, commission or committee pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis. 2d 553, 494 2d 408 (1993), and must be noticed as such, although said boards, commissions or committees will not take any formal action at this meeting."

Published and posted: Friday, November 8, 2024

Fox Point Centennial Planning Committee Updates

Committee Members:

- Emily Silverson, Chair
- Ann D'Arienzo
- Elizabeth Elser
- Marilyn Franklin
- Douglas Frazer
- Jack Hearst
- Michael West

Village Staff:

- Kevin Ausman
- Scott Brandmeier
- Sue Reynolds

Meeting #1 – October 7, 2024

- Introduction of Committee Members
- Open discussion of Centennial ideas and timeframe
- Group agreed to meet monthly

Meeting #2 – October 30, 2024

- Members met virtually and reviewed results of ideas survey for most popular choices amongst the committee
- Members proposed initial plan for centennial activities.
 - February 14-15th Weekend Event at Longacre – Sunday, February 15, 2026 is official 100th anniversary. Events may include Time Capsule, Governor Proclamation, Hot chocolate at event, Village tour(s) by bus, Coordinate with schools for 100th day, Extra bonus if ice rink is up and running
 - Weekend in June (TBD 6th, 13th or 20th) to align with Village Open House & Freedom run/walk (a variety of distances/courses to showcase key locations around Fox Point). Event to include food trucks, beer garden, concert, ceremony for centennial tree(s) planting all later in day after Open House.
 - September/October Fall Event - Open Doors Fox Point to showcase of Fox Point's architecture, history, neighborhoods and businesses. Open House style locations and exclusive/ticketed locations for smaller guided tours.
 - Promotional/Products/Keepsakes to include Logo Design Contest for all residents, all ages, Informational Fox Point Pamphlet, Self-guided village tour information, Historical information posted on Village website, Permanent display of village information (2 options: Community Place boulevard or Village Hall), Published booklet of Frazier articles &/or historical information (100 years then and now)
- Emily Silverson to draft a preliminary proposal and budget of above-mentioned activities for committee to review at December meeting. Once this proposal is approved within the committee, it will be presented to Village Board for approval.

**VILLAGE OF FOX POINT
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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, October 8, 2024 in Schwemer Hall, 7200 N. Santa Monica Boulevard. Village 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 Greg Ollman
Trustee Liz Aelion
Trustee Jennie Stoltz
Trustee Freedman
Trustee Miller

Also, present were Village Attorney Eric Larson, Village Manager Scott Botcher, Public Works Director Scott Brandmeier, Police Chief Chris Freedy, Village Clerk Treasurer Sara Bruckman.

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

Duey Stroebe 2528 Cover Bridge Road, Cedarburg; running for State Senator 28th District

Andrew Elmer, 101 E Bradley Road, Fox Point; supports the stop sign on Bradley and Regent Roads. He noted tree trimming is not sufficient, there would need to be more forestry service done.

Peter Grzechowiak, 220 E Bradley Road, Fox Point; in support of the stop sign; the road is narrow and dangerous and traffic does not go slow.

Terry Sparacino, 175 E Bradley Road, Fox Point; in support of the stop sign back would like to understand why it was taken down.

Lauren Curtis 164 E Bradley, Fox Point; is in support of stop sign; it may not reduce speed but feels safer.

Hearing no other comments, President Symchych closed public comment.

COMMITTEE REPORTS – Plan Commission

Attorney Larson the Plan Commission met before Village Board meeting this evening. The Plan Commission recommended in favor of granting a Conditional Use permit for St. Augustine Prep.

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CONSENT AGENDA

- a. Approve the minutes of the September 10, 2024 Village Board meeting.
- b. Approve Village Manager to submit letters of intent/purchase orders in the amount of \$53,706.75 to Napleton Chevrolet of Columbus for a police fleet vehicle when the order window/allocation opens for delivery in 2025.
- c. Approve payment of the bills in the amount of \$1,274,504.04 for the period September 1, 2024 to September 30, 2024 per the report submitted by the Village Manager.

Motion by President Symchych, seconded by Trustee Freedman, and carried by roll call vote (7-0), to approve the consent agenda.

Unfinished Business

Consideration of St Augustine Prep Conditional Use Permit Application

The Village Board will receive and consider the Plan Commission's referral of a conditional use permit application for St. Augustine Prep on the former Cardinal Strich property, 6801 N Yates Road as required per Village Code Sections 745-10 and 745-20, and Wis. Stats. Section 62.23(7) (de) (3) and Wis. Stats. 61.35.

The Village Board discussed this item and the motion and vote were taken after the closed session.

NEW BUSINESS

- a. **Presentation of Report on Lead and Copper Services in the Village of Fox Point.**
Scott Brandmeier and Jim Voight with City Water presented the information included in the Village Board packet.
- b. **Consideration of Request of Trustees Ollman and Miller re: Stop Sign at Bradley and Regent Roads**

Motion by President Symchych, seconded by Trustee Miller, to maintain a 2-way stop sign at Bradley and Regent Roads and direct staff to maintain visibility at that intersection. Motion was withdrawn with consent of Trustee Miller.

Motion by Trustee Fonstad, seconded by Trustee Aelion, and carried by roll call vote (7-0), to direct staff to install a 4-way stop sign at Bradley and Regent Roads and examine if the site lines need improvement at the intersection.

FUTURE AGENDA ITEMS – None

ANNOUNCEMENTS – None

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CLOSED SESSION

Motion made by President Symchych, seconded by Trustee Stoltz, to convene into closed session, at 8:12 p.m., pursuant to Wisconsin Statutes Section 19.85(1)(a) for deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body, and 19.85(1) (g), for conferring 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 Plan Commission's referral of a conditional use permit application for St. Augustine Prep on the former Cardinal Strich property, 6801 N Yates Road as required per Village Code Sections 745-10 and 745-20, and Wis. Stats. Section 62.23(7) (de) (3) and Wis. Stats. 61.35.

Trustee Fonstad	Aye
Trustee Ollman	Aye
Trustee Aelion	Aye
Trustee Stoltz	Aye
Trustee Freedman	Aye
Trustee Miller	Aye
President Symchych	Aye

Carried by roll call vote (7-0).

RECONVENE INTO OPEN SESSION

Motion made by Trustee Ollman, seconded by Trustee Stoltz and carried by roll call vote (7-0), to reconvene into open session at 8:43 p.m.

Motion by Trustee Fonstad, seconded by Trustee Freedman, and carried by roll call vote (7-0), to accept and adopt the Plan Commission recommendation and direct Attorney Larson to draft Conditional Use with recommendations as presented by St. Augustine Prep

ADJOURNMENT

Motion made by Fonstad, second by Trustee Aelion and carried by roll call vote (7-0) to adjourn the Village Board meeting at 8:43 p.m.

Respectfully submitted,

Sara A. Bruckman
Village Clerk Treasurer

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DRAFT

**SPEICAL VILLAGE OF FOX POINT
VILLAGE BOARD MEETING MINUTES
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A special 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, October 8, 2024 in Schwemer Hall, 7200 N. Santa Monica Boulevard. Village President Symchych called the meeting to order at 5:00 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 Greg Ollman
Trustee Liz Aelion
Trustee Jennie Stoltz
Trustee Freedman
Trustee Miller

Also, present were Village Attorney Eric Larson, Village Manager Scott Botcher, Public Works Director Scott Brandmeier, Police Chief Chris Freedy, Village Clerk Treasurer Sara Bruckman

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).

St. Augustine Prep Conditional Use Permit Application.

Motion by President Symchych, seconded by Trustee Fonstad, and carried by roll call vote (7-0), to open the public hearing at 5:01 p.m., regarding St. Augustine Prep Conditional Use Permit Application.

Public Comment

St. Augustine provided an overview and site review.

Lee Beitzel, 6740 N Yates Road, noted he has two major concerns; the impact sports complex will have on the neighborhood environment and traffic impact on safety. He noted he liked the serenity of Cardinal Stritch campus and the current plan profoundly changes the environment. He supports the continuation of vision of educating and developing young leaders, but the sports complex affects the site greatly. He noted he is concerned about the traffic plan and if it adequately addresses people they rent to the facilities.

Kevin Long, 7945 N Fairchild, Dan and Angela Lee, 2067 N Lake Dr, Tim and Kathy Shaw, 6917 N Barnett Lane, Mary Beth Cafaro, 7721 N Bell Road, Julie Richter 7530 N Fairchild Road, are in favor of the pending application for approval. Shared it is important to provide an education setting like this in Fox Point. We are blessed fortunate changing the community for the better, they want St. Augustine to feel welcome by Fox Point with open arms.

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Paul Grow, 6770 N Yates Road, explained he moved in 17 years ago and is concerned about traffic and noise from a large school with private sports complex. Congestion will be magnified and accidents may cause traffic to back up because of alternate routes. Gates and fencing need to be installed and closed at the time that school starts and ends but questioned sporting events. does not want to see cars coming in and out. Fencing needs to put around. He feels this will damage the quality of life and reduce property values.

Michelle Janquart, 6770 N Yates will yield her time to Larry Booth

Larry Booth, 220 E Clovernook Lane, noted his disapproval of a huge 13-acre private sports complex that is being consider to be constructed in the middle of Fox Point. Mr. Booth provided a handout outlining why it is a violation of chapter 745-10 of the Village's code. This area is surrounded by 3 sides of single-family homes, must be compatible with the neighborhood. He remarked that Cardinal Strich transformed that space into a park like area and it's being replaced with a noisy sprots complex that will be detrimental to property values of surrounding area. Not south Milwaukee or Glendale, we deserve to keep with residential character and quality of life. Fox Point residents value green spaces, safe streets, and residential character of village. For this reason, the application must be denied.

Allison Sullivan, 1832 E Clover Lane, has two small children, explained her concerns about the potential noise. She questioned if it would be difficult to drop kids off on Yates Road to avoid the drop-off line at school.

Arlene Skover, 6620 Birch Hill Court, explained she has been a resident for 51 years and has paid tens of thousands of dollars in property taxes. St. Augustine painted a beautiful picture of what school would be built, but the landscape changes will affect the ascetics of our village. She expressed her disappointment of the 67 trees that will be removed.

Jim Dunlop, 6475 N Santa Monica Blvd, explained he will be directly affected by the additional traffic and noise but most of his concerns addressed. It will be great to have the school in Fox Point. He questioned if there would be onsite security during night on the 43 acre partially wooded campus.

Patrick Peczerski, 6435 N Santa Monica, explained he believes in good school options for greater community, concerns have been addressed. He questioned if attendance projections go up, would traffic flow need to change and St. Augustine would have to open the Yates Road entrance. He is happy the Yates entrance will never be used, but noted concerns with how the school mitigate and deterrer wondering.

Motion by President Symchych, seconded by Trustee Miller, and carried by roll call vote (7-0), to close the public hearing at 6:21 p.m., regarding

ADJOURNMENT

**SPEICAL VILLAGE OF FOX POINT
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Motion made by President Symchych, second by Trustee Aelion, and carried by roll call vote (7-0) to adjourn the Village Board meeting at 6:21 p.m.

Respectfully submitted,

Sara A. Bruckman
Village Clerk Treasurer

DRAFT

**VILLAGE OF FOX POINT
VILLAGE BOARD MEETING MINUTES
OCTOBER 29, 2024**

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A meeting of the Fox Point Village Board and Budget Workshop meeting was held by a combination of in-person and virtual attendance via telephonic and video conferencing on Tuesday, October 29, 2024 in Schwemer Hall, 7200 N. Santa Monica Boulevard. President Symchych called the meeting to order at 5:00 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 Greg Ollman
Trustee Liz Aelion-Absent
Trustee Jennie Stoltz
Trustee Mark Freedman
Trustee David Miller

Also, present are Village Manager Scott Botcher, Assistant Village Manager Kevin Ausman, Public Works Director Scott Brandmeier, Police Chief Chris Freedy, Accounting Financial Manager Mary Carthell, Deputy Financial Manager Kestra Neuenschwander and Village Clerk Treasurer Sara Bruckman

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).

Budget Workshop: Review and Discussion of the 2025 Village of Fox Point Proposed Budget

Village Manager Scott Botcher presented the Village Manager's proposed FY 2025 budget.

Adjourn

On motion of President Symchych, seconded by Fonstad and carried unanimously by roll call vote, (6-0), the Village Board adjourned the Village Board meeting at 6:25 pm

Respectfully submitted,

Sara A. Bruckman
Village Clerk Treasurer



VILLAGE OF FOX POINT

MILWAUKEE COUNTY

WISCONSIN

VILLAGE HALL

7200 N. SANTA MONICA
BLVD.

FOX POINT WI 53217-3505

414-351-8900

FAX 414-351-8909

To: Village of Fox Point Village Board

From: Scott Brandmeier, Director of Public Works *SB*

Through: Scott Botcher, Village Manager *SWB*

Date: November 7, 2024

Re: Recommendation for Acceptance of Quote for Repairs to the E. Wye Lane Storm Drainage System

The Wye Lane road and utility project was completed in 2022 and, as part of the work, new storm sewers were installed along portions of the road. Earlier this year, we received complaints about a segment of storm sewer that wasn't operating properly and appeared to have stone washing down into catch basins.

Staff reached out to Whitefish Bay to ask if they could televise these sections of storm sewer and, upon televising these segments, we learned that one portion of the storm sewer was badly damaged and another section was improperly completed.

Under our contract with the contractor, they were provided with an opportunity to make the repairs but had to respond to our requests within the contractual allocated timeframe. They did not. Staff contacted WSO Grading and Excavating to provide a quote to the Village for the work. His quote is broke into three parts – two to address the damaged and improper construction and the third for replacement of the storm sewer in the rest of the yard. Given that the storm sewer in the damaged and improperly constructed areas has to be replaced, staff determined that the pipe should be downsized to provide more cover over the top of the pipe; this results in the portion through the yard needing to be replaced as well.

The quote for the work is \$16,000 of which \$10,600 will be deducted from the retainage due the Wye Lane contractor because they elected not to repair the work themselves. It is my recommendation the Village Board accept the quote from WSO Grading and Excavating in an amount not to exceed \$16,000 and authorize the Village Manager to sign the contract on behalf of the Village.



WSO Grading & Excavating LLC
1210 Beechwood Dr
WI USA
+14144291002
jdwagner28@yahoo.com

Estimate

ADDRESS

Village of Fox Point.
7200 N. Santa Monica Blvd.
Fox Point, WI 53217

ESTIMATE # 2772

DATE 10/16/2024

WORKSITE

East Wye Lane-Foxpoint

DATE	DESCRIPTION	QTY/HRS	UNIT PRICE	TOTAL
	#1	1	5,800.00	5,800.00
	Replace pipe into driveway; Saw cut asphalt and replace			
	#2	1	4,800.00	4,800.00
	Sawcut asphalt; Replace pipe to 8" sch 40			
	#3	1	5,400.00	5,400.00
	Replace pipe to 8" sch 40			
	Repair yard			

Note: Not responsible for Asbestos Abatement. Hazardous Materials or Contaminated Fill will be removed and disposed of at OWNERS expense

TOTAL

\$16,000.00

Accepted By

Accepted Date



VILLAGE OF FOX POINT

MILWAUKEE COUNTY

WISCONSIN

VILLAGE HALL

7200 N. SANTA MONICA
BLVD.

FOX POINT WI 53217-3505

414-351-8900

FAX 414-351-8909

To: Village of Fox Point Village Board

From: Scott Brandmeier, Director of Public Works 

Through: Scott Botcher, Village Manager 

Date: November 7, 2024

Re: Recommendation for Baxter & Woodman Constructing Engineering Services
Amendment No. 2 to Bradley Road agreement

Baxter & Woodman has been providing construction engineering services for the Bradley Road project. During the course of the project, they have incurred additional time associated with the work and have requested a change order/amendment related to the additional services. These include:

- Providing a landscape plan and details related to placement of a fence around the stormwater drainage basin off Lake Drive and ensuring the placement is performed relative to the property lines.
- Providing additional services related to the removal and replacement of portions of the pedestrian path. As noted in prior administrative reports, the cross slopes on portions of the path were not ADA compliant and Baxter & Woodman spent quite a bit of time documenting the out of compliance portions of the path.

Baxter & Woodman has submitted an amendment related to the additional services in the amount of \$11,600. I have reviewed the hours and fees and find the cost to be reasonable. Therefore, it is my recommendation that the Village Board approve Amendment No. 2 from Baxter & Woodman in an amount not to exceed \$11,600 and authorize the Village President and Village Clerk/Treasurer to sign the contract on behalf of the Village.



115 South 84th Street, Suite 220, Milwaukee Wisconsin 53214 • 414.257.3150 • baxterwoodman.com

October 25, 2024

Mr. Scott Brandmeier
Director of Public Works
Village of Fox Point
7200 North Santa Monica Blvd
Fox Point, WI 53217

***Subject: Village of Fox Point – Bradley Road Reconstruction Project
Construction Engineering Services – Amendment 2***

Dear Mr. Brandmeier:

Baxter & Woodman, Inc. is pleased to submit Amendment No. 2 for the construction engineering services for Bradley Road reconstruction project. Our amended scope of services and engineering fees are presented below.

LOCATION

The project is located on Bradley Road within the Village of Fox Point.

AMENDED ENGINEERING SERVICES

The scope of service is amended to include the additional design of the landscaping adjacent to the detention basin located in the Bradley Road Green Space at the east end of the project. Services amended also includes the additional need for construction observation during the construction and evaluation of path.

The original scope of the construction service contract was to provide adequate construction observations during all phases of construction; however, due to the staging and sequencing of construction, an unforeseen demand of additional staff was required to adequately inspect the work performed by contractor.

The additional landscaping plan consists of adding fence and optional landscaping to create a safety barrier from nearby residence and the detention basin.

AMENDED SCOPE OF SERVICES

1. Design services of new landscaping plan adjacent to the detention basin in the Bradley Road Green Space:
 - a. The addition of fence on the perimeter of the basin.
 - b. The installation of vegetative features.
 - c. Consideration of location in reference to property lines.



2. Construction services of construction oversight of the additional landscaping features and additional staff for construction of path:
 - a. Construction time is estimated at approximately 1 day with standard full-time construction services with construction management oversight of the fence installation.
 - b. Additional staff needed was approximately 1.5 weeks of construction observation with the multiple phases being performed simultaneously.

ENGINEERING FEE

Our amended engineering fee for the amended scope of services is estimated to total an additional **\$11,600.00** for an amended not to exceed amount of **\$269,470.00**.

The Engineer's fee for the Project shall be amended as follows:

Village of Fox Point							
Plan Number: 2326472.00 - AMENDMENT No. 2							
Plan Name: Bradley Road Reconstruction							
Level 2	Level3	Labor Category	Employee	Planned Hrs	Planned Labor Bill	Reimb Allowance	Total Compensation
Overall Project Total				91.00	\$ 11,410.00	\$ 190.00	\$ 11,600.00
Amendment 2 - Additional Services				91.00	\$ 11,410.00		
	01150 CADD				\$ 1,155.00		
		Engineer I	Alyssa Lifschitz	6.00	\$ 690.00		
		Engineer II	Ela Lodzinski	3.00	\$ 465.00		
	01230 Engineering				\$ 770.00		
		Engineer IV	Ryan Wallace	3.00	\$ 585.00		
		Enviromental Scientist V	Steve Zimmerman	1.00	\$ 185.00		
	01360 Manage Project				\$ 1,815.00		
		Construction Manager II	James Frederick	3.00	\$ 450.00	\$ -	
		Engineer IV	Ryan Wallace	7.00	\$ 1,365.00	\$ 100.00	
	1260 Inspections				\$ 7,670.00		
		Engineer I	Matthew Cerven	8.00	\$ 920.00	\$ 30.00	
		Engineer I	Alyssa Lifschitz	50.00	\$ 5,750.00	\$ 100.00	
		Engineer Tech 1	Nathan Harvey	10.00	\$ 1,000.00	\$ 30.00	

All terms and conditions of the Original Agreement dated February 15, 2024, between the Engineer and the Village of Fox Point shall apply.



If you find this Amendment acceptable, please sign and return one copy for our files.

If you have any questions or need additional information, please do not hesitate to contact me at jfrederick@baxterwoodman.com, or 815-444-3343.

Sincerely,

BAXTER & WOODMAN, INC.
CONSULTING ENGINEERS

A handwritten signature in black ink, appearing to read "Gary A. Vogel".

Gary A. Vogel, PE
Vice President

A handwritten signature in black ink, appearing to read "James T. Frederick".

James Frederick
Wisconsin Construction Manager

Attachment

VILLAGE OF FOX POINT, WI

ACCEPTED BY: _____

TITLE: _____

DATE: _____

P:\FOXPV\2326472-Bradley Road Reconst\Contracts\Work\2326472.00_Proposal_Amendmnet2_BradleyRoadConstruction.docx

NORTH SHORE FIRE/RESCUE

Office of the Fire Chief

Robert Whitaker

To: NSFD Municipalities
Date: September 6th, 2024
Subject: Resolution 24-01

The North Shore Fire Department Board of Directors has unanimously recommended Resolution 24-01, a Single or Multi-Year Capital Budget for 2025 - 2029, to the seven member communities. The North Shore Fire Services Agreement requires such Resolutions be unanimously recommended by the Board of Directors to the seven communities and for all seven communities to adopt a local resolution regarding the budget.

Amendment 6 to the North Shore Fire Services Agreement states that funding for capital improvement expenses for the Department may be funded using “Single or Multi-Year Capital Budgets”. Since 2012, the Department has utilized this method to fund replacement of major apparatus.

A Single or Multi-Year Capital Budget for replacement of major apparatus was passed by the Board in 2023 for the years 2024-2028 to fund replacement of three fire engines and three ambulances. This resolution is meant to take the place of the prior resolution ensuring funding between years 2025 – 2029. The Department intends for a new resolution to be drafted annually and to replace the prior resolution to ensure continued funding for the current Capital Improvement plan in place.

Finance Director Harrigan’s enclosed memo provides details on funding requirements. Also enclosed is a Resolution adopted by the Board of Directors and a boilerplate resolution for use by the municipal governing bodies.

STATE OF WISCONSIN: VILLAGE OF FOX POINT :MILWAUKEE COUNTY

RESOLUTION NO. - _____

**A Resolution Approving a “Single or Multi-Year
Capital” Budget To Purchase Large Apparatus
Equipment from 2025 - 2029**

WHEREAS, the Board of Directors of the North Shore Fire Department unanimously adopted Resolution No. 24-01, on September 10th, 2024 (the “NSFD Capital Budget Resolution”). The NSFD Capital Budget Resolution (a copy is attached hereto and made part of this Resolution), adopts the “Single or Multi-Year Capital” Budget to purchase Large Apparatus Equipment as identified in the current 2025-2029 North Shore Fire Department Capital Improvement Plan. The 2025-2029 NSFD Capital Improvement Plan currently includes the following Large Apparatus purchases; one ladder truck, three fire engines and four ambulances. The NSFD Board of Directors further unanimously recommends approval of the capital contribution budget as outlined in the NSFD Capital Budget Resolution by each of the member municipalities by adoption of this Resolution; and

WHEREAS, a “Single or Multi-Year Capital” Budget must be submitted to the governing bodies of the Villages of Bayside, Brown Deer, Fox Point, River Hills, Shorewood and Whitefish Bay and the City of Glendale for approval by each of the seven (7) municipalities; and

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Fox Point that the Village of Fox Point hereby approves the “Single or Multi-Year Capital Budget” for the purchase of one ladder truck, three fire engines and four ambulances and agrees to payments to the NSFD in accordance with the provisions of the Financing Formula of the Agreement (with the estimated payments and due dates as outlined in the NSFD Budget Resolution) within 30 days of receipt of a statement from the NSFD and further directs the [Village/City] Clerk to provide a certified copy of this Resolution to the NSFD.

PASSED AND ADOPTED by the Village Board of the Village of Fox Point this 12th day of November, 2024.

VILLAGE OF FOX POINT

Christine Symchych,
Village President

Countersigned:

Sara A Bruckman, Village Clerk-Treasurer

NORTH SHORE FIRE/RESCUE

Office of the Fire Chief

Robert Whitaker

To: NSFD Member City Council/Village Boards
Date: September 10, 2024
Subject: Resolution 24-03

Section 66.0602(3)(h) provides that levy limits otherwise applicable to municipalities under Chapter 66 of Wisconsin Statutes do not apply to the amount that a city or village may levy in that year to pay for charges assessed by a joint fire department to the extent that the amount levied to pay for such charges would cause the city or village to exceed the limits imposed under Section 66.0602, Wis. Stats.

The exemption applies if the total charges assessed by the Department for the budget year do not exceed the previous year's charges by a percentage that is less than or equal to the percentage change in the US Consumer Price Index for all urban consumers, US City Average, as determined by the US Department of Labor for the 12 months ending on August 31 of the year of the levy plus 2%. Additionally, the Statute requires that for the exemption to be applicable, the governing bodies of all the cities and villages served by the Department must adopt a resolution in favor of exceeding such levy limit.

The applicable CPI change is 3.2% (estimated), so under State Statute, the allowable increase is 5.2%. The Department's actual increase in charges is 3%.

It is my understanding that several member municipalities are interested in using the levy limit exemption for 2025. The North Shore Fire Department Board of Directors voted to recommend approval of this resolution to the seven member communities at its meeting on September 10, 2024. Enclosed is a resolution for consideration by each member municipality. It is important each community consider this resolution prior to November 15, 2024.

If approved, please forward a signed copy of your municipality's resolution.

**In the Matter of Authorizing an Exception to
the Levy Limits for Charges for the North
Shore Fire Department Pursuant to 2005
Wisconsin Act 484**

RESOLUTON NO. 2024-XX

WHEREAS, the Village of Fox Point is a participating member of the North Shore Fire Department under the North Shore Fire Services Agreement, and

WHEREAS, the Wisconsin Legislature has enacted 2005 Wisconsin Act 484 on May 30, 2006, published on June 13, 2006; and

WHEREAS, Act 484 creates Section 66.0602(3)(h), Wis. Stats., which statute provides that levy limits otherwise applicable do not apply to the amount that a city or village may levy in that year to pay for charges assessed by a joint fire department to the extent that the amount levied to pay for such charges would cause the city or village to exceed the limits imposed under Section 66.0602, Wis. Stats.; and

WHEREAS, the exception to the levy limit applies only if the total charges assessed by the joint fire department for the current year increase, relative to the total charges assessed for the previous year, by a percentage that is less than or equal to the percentage change in the US Consumer Price Index for all urban customers, US city average, as determined by the US Department of Labor for the 12 months ending on August 31 of the year of the levy, plus 2%; and

WHEREAS, the exception to levy limits under Act 484 further only applies if the governing body of each city and village served by the North Shore Fire Department adopts a resolution in favor of exceeding such levy limit as may be applicable;

NOW THEREFORE, BE IT RESOLVED that the Village of Fox Point hereby authorizes a levy for charges assessed by the joint fire department which exceeds the limit as described and imposed by Section 66.0602, Wis. Stats., but only to the extent as authorized by Section 66.0602(3)(h)2a, Wis. Stats., and

BE IT FURTHER RESOLVED that this resolution shall not be construed as authorizing the North Shore Fire Department to adopt any particular budget, but rather that the Act 484 budget formula shall be deemed a maximum limit on any budget increase which is duly adopted under all applicable procedures and requirements of the North Shore Fire Services Agreement.

PASSED AND ADOPTED by the City Council/Village Board of the Village of _____, this _____ day of _____ 2024.

Christine Symchych, Village President

Countersigned:

Sara A Bruckman, Village Clerk

NORTH SHORE FIRE/RESCUE

Office of the Fire Chief

Robert Whitaker

To: Village Boards/Common Council
Date: September 10, 2024
Subject: 2025 Fee Schedule

Enclosed is the proposed 2025 Fee for Service Schedule and Resolution 24-02 for your consideration.

The Fee Schedule is annually updated by the Board of Directors and requires that at least five of the seven member municipalities pass a local resolution regarding the fee schedule at the Council/Board level. There are three different types of fees charged by the Department, fees for emergency services, fees for fire prevention permits/inspections and administrative fees. The North Shore Fire Department Board recommended approval of this fee schedule to the member municipalities at its September 10, 2024 Meeting.

Fees for Emergency Services

This area primarily consists of fees for emergency medical services provided by the Department. Since 2013, the Board has recommended adjustment of EMS fees based on the average change year-to-year in the Medical Care Commodities and Medical Care Service CPI.

The average of the CPI factors referenced earlier for 2024 is 2.6%. It is my recommendation that if the Board wishes to continue to use this CPI as a barometer for the fee changes, the Board adjust EMS Fees up by 2.6%.

Fire Prevention Permits/Inspections

The fee schedule in this area has no changes from 2024.

Administrative Fees

The fee schedule in this area has no changes from 2024.

STATE OF WISCONSIN : VILLAGE OF FOX POINT : MILWAUKEE COUNTY

RESOLUTION NO.

**A Resolution Approving the 2025 North Shore Fire
Department Fees For Service Schedule.**

WHEREAS, the Board of Directors of the North Shore Fire Department has recommended that the 2025 North Shore Fire Department Fees for Services, attached to and made a part of this Resolution (hereinafter the "Service Fees"), be approved by each of the municipalities a party to the 1994 Amended and Restated North Shore Fire Department Agreement (hereinafter "the Agreement"); and

WHEREAS, the Agreement requires that all fees for service must be submitted to the governing bodies of the Villages of Bayside, Brown Deer, Fox Point, River Hills, Shorewood and Whitefish Bay and the City of Glendale for approval by not less than five (5) of these seven (7) municipalities; and

WHEREAS, upon approval by not less than five (5) of these seven (7) municipalities the appropriate North Shore Fire Department officials are authorized to charge and collect the Service Fees; and

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of _____ that the Village of _____ hereby approves the Service Fees in the form presented as attached and directs the Village Clerk to provide a certified copy of this Resolution to the North Shore Fire Department.

PASSED AND ADOPTED by the Village Board of the Village of _____ this _____ day of _____, 2024.

VILLAGE OF FOX POINT

Christine Symchych
Village President

Countersigned:

Sara A Bruckman
Clerk Treasurer

Item	2024	2025
BLS service and/or treatment without transport (Resident)	149.12	153.00
BLS service and/or treatment without transport (Non-Resident)	222.96	228.75
BLS service lift assist not in EMS High-Utilizer Program	222.20	227.98
Paramedic service and/or treatment without transport (Resident)	185.31	190.13
Paramedic service and/or treatment without transport (Non-Resident)	253.36	259.95
BLS service with transport (Resident)	901.25	924.68
BLS service with transport (Non-Resident)	1040.95	1068.01
Paramedic service with transport Level - ALS-1 (Resident)	1028.70	1055.44
Paramedic service with transport Level - ALS-2 (Resident)	1130.71	1160.11
Paramedic service with transport Level - ALS-1 (Non-Resident)	1159.66	1189.82
Paramedic service with transport Level - ALS-2 (Non-Resident)	1337.74	1372.52
Paramedic service and invasive treatment without transport (Resident)	185.31	190.13
Paramedic service and invasive treatment without transport (Non-Resident)	260.60	267.37
Defibrillation	171.40	175.86
IV and supplies	89.76	92.10
Intubation	193.73	198.77
ALS supplies	142.83	146.55
Oxygen and supplies	111.48	114.38
Mileage (rate per loaded mile)	24.00	24.62
EKG	149.12	153.00
Drugs, Group-1: Albuterol, Amioderone (30 mg), Aspirin, Atropine, Benadryl, Calcium Gluconate, D10, Duoneb, D5W, Glucose (oral), Nitroglycerin, Sodium Normal Saline (bags & carpujet), Zofran Tabs, Zofran IV, acetaminophen/Tylenol, Ketorolac/Toradol	47.78	49.02
Drugs, Group-2: Calcium Chloride, Lidocaine	55.01	56.44
Drugs, Group-3: Cardizen/Diltiazem, Fentanyl, Ketamine, Midazolam, Narcan, Noephinephrine, Epinephrine, Sodium Bicarbonate	70.94	72.79
Dexamethasone	86.87	89.13
Epinephrine by Epi-pen	141.88	145.57
Adenosine	133.19	136.66
Glucagon, up to 1 Mg	239.96	246.20
Solmedrol, 41-125 Mg	86.87	89.13
E-Z IO	178.08	182.71
Spinal Immobilization	185.31	190.13
Triage barcode wristbands	4.34	4.46
Cyano-kits	1571.17	1612.02
CPAP mask	79.99	82.07
LUCAS Suction Cup and ResQPOD	274.19	281.32

Fire Prevention Permits/Inspections:

	2024	2025
Fire Department Services for Vehicles	\$500	\$500
Occupancy Inspection	\$75.00 (\$25/multi-family unit with \$75 minimum)	\$75.00 (\$25/multi-family unit with \$75 minimum)
Work without Permit	Double normal fee	Double normal fee
Re-inspection Fee	\$75	\$75
Special Plan Review/Inspection	Subject to actual cost	Subject to actual cost
Variance Requests	\$100/code section	\$100/code section
Inspection Request (less than 72 hrs notice)	\$75/hr 2 hr. minimum	\$75/hr 2 hr. minimum
Inspection Non-Business Hours	\$100/hr 2 hr. minimum	\$100/hr 2 hr. minimum

Plan Review (Includes Site Inspection):

	2024	
Construction Compliance with Fire Code	\$.07/sq. ft. (\$75 minimum)	\$.07/sq. ft. (\$75 minimum)
Performance Based or Alternative Design	\$.07/sq. ft. (\$100 minimum)	\$.07/sq. ft. (\$100 minimum)
Fire Alarm and Detection Systems	\$.07/sq. ft. (\$75 minimum)	\$.07/sq. ft. (\$75 minimum)
Audio/Visual Annunciation Systems	\$250 up to 20 devices, \$500 over 20 devices	\$250 up to 20 devices, \$500 over 20 devices
Hood and Duct Suppression Systems	\$100 per system	\$100 per system
Other Suppression Systems (FM200, Cardox, etc.)	\$100/plan	\$100/plan
Smoke Evacuation	\$75/plan	\$75/plan
Water-based Sprinkler Systems (new or altered <20 heads)	100	100
Water-based Sprinkler Systems (new or altered >20 heads)	\$.07/sq. ft. (\$100 minimum)	\$.07/sq. ft. (\$100 minimum)
Spray Booth Operations	100	100

Acceptance Tests:

	2024	2025
Hydro-test of Sprinkler Piping (2 hr. test)	\$125	\$125
Fire Pump	\$100	\$100
Fire Alarm and Detection System	\$100	\$100
Hood and Duct Suppression System	\$100	\$100
Other Suppression	\$100	\$100
Smoke Evacuation System	\$100	\$100
Spray Booth System	\$100	\$100

Other Permit Items:

	2024	2025
--	-------------	-------------

Bonfires, Cermonial Fires, Vegetation Burns	\$50	\$50
Hot Work	\$25	\$25
Indoor Vehicle Exhibits	\$25	\$25
Building Demolition	\$250	\$250
Tents for Public Assembly >400 sq. ft.	\$50	\$50
Temporary Fuel Storage	\$50	\$50
Fireworks Displays	\$125	\$125
Code Consulting/Emergency Planning	\$75/hour	\$75/hour

Administrative/Other Fees:

	2024	2025
CPR Certification Skill Check-Off Only	\$55/student	\$55/student
CPR Certification	\$75/student	\$75/student
Open Records Requests	\$.10/page	\$.10/page
Record Locating Fees	As determined by the record custodian only if over \$50 per request.	As determined by the record custodian only if over \$50 per request.
Event Stand-by	Cost of personnel (loaded wage), vehicles/ supplies, plus 25% administrative fee.	Cost of personnel (loaded wage), vehicles/ supplies, plus 25% administrative fee.

STATE OF WISCONSIN

VILLAGE OF FOX POINT

MILWAUKEE COUNTY

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RE-CREATE CERTAIN SECTIONS OF
CHAPTER 375 TO UPDATE VILLAGE FOOD INSPECTION CRITERIA AND TO
CREATE SECTION 375-11(F) OF THE VILLAGE OF FOX POINT VILLAGE
CODE TO CREATE A NEW PROCESS FOR REINSPECTION OF RETAIL
FOOD ESTABLISHMENTS AND VENDING

WHEREAS, the Village of Fox Point contracts with the North Shore Health Department for the purpose of issuing permits, making investigation or inspections, and enforcing applicable laws and regulations for the operation of retail food establishments and other similar establishments in the Village of Fox Point; and

WHEREAS, the Deputy Health Officer of the North Shore Health Department recommended that the Village update certain provisions regarding inspection criteria and revise the Village's process for reinspection to be consistent with Department of Agriculture, Trade and Consumer Protection requirements and guidance; and

WHEREAS, the Village Board of the Village of Fox Point finds that revising the Village's process for re-inspections to match the requirements of the Department of Agriculture, Trade and Consumer Protection requirements will be a benefit to the health, general welfare, and safety of the Village of Fox Point.

NOW, THEREFORE, the Village Board of the Village of Fox Point, Milwaukee County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 375 of the Village of Fox Point Village Code entitled, "Food, Lodging and Recreational Safety and Licensing," Section 375-4 entitled "Definitions," the definition for "Inspection Fee" only is hereby repealed and re-created as follows:

Inspection Fee

A fee charged for inspection services required or a fee charged for inspecting a mobile retail food establishment or ~~temporary~~ transient retail food establishment that has a valid license from another jurisdiction or the Department.

SECTION 2: Chapter 375 of the Village of Fox Point Village Code entitled, "Food, Lodging and Recreational Safety and Licensing," Section 375-4 entitled "Definitions," Subsection B for the definition of "Reinspection" only is hereby repealed and re-created as follows:

REINSPECTION

A mandatory inspection to ensure that priority, critical or recurring violations have been corrected, including:

...

B. Six or more priority (critical) violations observed and noted, whether violations were corrected or not, to verify active managerial control;

...

SECTION 3: Chapter 375 of the Village of Fox Point Village Code entitled, "Food, Lodging and Recreational Safety and Licensing," Section 375-7 entitled "Licensing" is hereby repealed and re-created as follows:

A. No person may operate or provide the services, food or other products that require a license under this chapter without first having obtained a current and valid license. This paragraph does not apply to food vendors which qualify for exemption under Sections ATCP 75.063-75.065, Wis. Adm. Code.

B. Except for Transient Retail Food Establishments, ~~No~~ permit shall be granted to any person under this chapter without a preinspection by the Department of the premises for which the permit shall be granted.

(1) A pre-licensing inspection shall not be conducted or a pre-inspection fee charged for an immediate family transfer, when at least one individual who had ownership in a newly formed business entity, a mobile retail food establishment license transfer from an agent issued license to a state issued license.

C. No permit shall be issued until all application fees have been paid.

~~D. A food vendor may be exempt from licensing if the vendor has obtained a valid mobile retail food license from the Department of Agriculture, Trade and Consumer Protection and is able to provide a copy of the license to the North Shore Health Department.~~

~~E. A food vendor may be exempt from licensing if the vendor has obtained a valid processing plant license for nonpotentially hazardous, prepackaged food which pertains specifically to the items that are to be sold and is able to provide a copy of the license to the North Shore Health Department.~~

SECTION 4: Chapter 375 of the Village of Fox Point Village Code entitled, "Food, Lodging and Recreational Safety and Licensing," Section 375-11 entitled, "Inspection and Reinspection," Subsection F entitled "Reinspection Criteria for Retail Food and Vending" is hereby created as follows:

F Reinspection Criteria for Retail Food and Vending.

A reinspection of retail food establishments and vending is a mandatory or administrative inspection to ensure that a priority, critical or recurring violation has been corrected. A reinspection shall be conducted as soon as possible, based on the scheduled date for corrections. An applicable reinspection fee may be required. The North Shore Health Department shall follow all ATCP guidelines and requirements for reinspection, including but not limited to the "Reinspection Criteria Retail Food and Vending" document, as may be revised from time to time.

SECTION 5: Chapter 375 of the Village of Fox Point Village Code entitled, "Food, Lodging and Recreational Safety and Licensing," Section 375-27 entitled "Expiration Dates," Subsection A(10) is hereby created as follows:

(10) Tourist Rooming House: June 30

SECTION 6: SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 7: EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this _____ day of _____, 2024.

VILLAGE OF FOX POINT

Christine Symchych, Village President

ATTEST:

Sara Bruckman, Village Clerk/Treasurer

Municipal LAW

& L I T I G A T I O N G R O U P

DALE W. ARENZ – 1935-2022
DONALD S. MOLTER, Jr. - Retired
JOHN P. MACY
H. STANLEY RIFFLE - Court Commissioner
ERIC J. LARSON
REMZY D. BITAR

730 N. GRAND AVENUE
WAUKESHA, WISCONSIN 53186
Telephone (262) 548-1340
Direct (262) 806-0215
Facsimile (262) 548-9211
Email: elarson@ammr.net

PAUL E. ALEXY
MATTEO REGINATO
LUKE A. MARTELL
SAMANTHA R. SCHMID
CHRISTOPHER R. SCHULTZ
LUCAS C. LOGIC
BENJAMIN T. CROCKETT
GREGORY M. PROCOPIO
ADAM J. MEYERS
SAVANNA M. GAIN

STEPHEN J. CENTINARIO, JR.
MICHAEL J. MORSE
JAMES P. WALSH

October 23, 2024

Scott Botcher, Village Manager
Village of Fox Point
7200 N Santa Monica Blvd.
Fox Point, WI 53217

**Re: North Shore Health Department Proposed Ordinance and Fee Changes
Legal Review**

Dear Mr. Botcher:

I received the above-noted proposed changes and supporting materials that you forwarded to my attention and your request that I provide my comments. I have had an opportunity to carefully consider this matter.

Based upon my research, I have the following comments, questions, concerns, and recommendations in this regard.

1. North Shore Health Department Comment. "As requested, please find the below and attached. When is a reinspection is required, per our agent contract with DATCP (Department of Agriculture, Trade and Consumer Protection) at a minimum we must follow state guidelines. Below is the definition of "Reinspection" from our agent contract. The definition refers to the attached reinspection criteria, which we are mandated. Additionally, below you will find the definition for "Active Managerial Control" from State Statute ATCP 75. I hope this helps. Which board meeting date would you like me to resubmit for? I can modify my documents to reflect that date when the time comes. Please let me know if you have any other questions."

My Response. Enclosed please find an ordinance I drafted based upon the information provided by the Deputy Health Officer. I created a new Section 375-11(F) of the Village Code, and included a reference to the criteria from the DATCP. I also noted that this reinspection process only applies to retail food and vending, because that was the title of the criteria provided.

MUNICIPAL LAW & LITIGATION GROUP, S.C.

Scott Botcher
October 23, 2024
Page 2

If you should have any questions or concerns regarding these matters, please do not hesitate to contact me.

Very truly yours,

MUNICIPAL LAW & LITIGATION GROUP, S.C.

Eric J. Larson

Eric J. Larson

EJL/BTC/em

Enclosure

cc: Brad Simerly, Deputy Health Officer



NORTH SHORE
ENVIRONMENTAL HEALTH CONSORTIUM
A Licensing and Inspection Program of the North Shore Health Department

4800 W. Green Brook Dr.
Brown Deer, WI 53223-2496
(414) 371-2980
fax (414) 371-2988
nshealthdept.org

MEMORANDUM

October 8th, 2024

To: Scott Botcher, Village Manager

From: Becky Rowland, Health Director/Health Officer
Brad Simerly, Senior Environmental Health Specialist/Deputy Health Officer

RE: Ordinance Amending Food, Lodging, And Recreational Safety and Licensing

The North Shore Environmental Health Consortium (NSEHC) is a program of the North Shore Health Department. The NSEHC conducts inspections and issues licenses for all food establishments, temporary events, farmers' markets, public pools, and hotels as an agent for the Department of Agriculture, Trade and Consumer Protection (DATCP). The NSEHC is requesting the ordinance Ch. 375-4 to Ch. 375-27 relating to Food Licensing and Regulations be amended. In an effort to keep current, the proposed ordinance amendment is to address changes made to statute which have been requested by DATCP to be added or changed in local ordinance. The revision to this ordinance is to ensure that it meets state standards.

Please call the North Shore Health Department at (414) 371-2980 if you have questions before the meeting.



ORDINANCE #	OLD	NEW
Ch. 375-4 Definitions.	"Inspection Fee" means a fee charged for inspection services required or a fee charged for inspecting a mobile food establishment or temporary food establishment that has a valid license from another jurisdiction of the Department.	"Inspection Fee" means a fee charged for inspection services required or a fee charged for inspecting mobile retail food establishments or transient retail food establishments that have a valid license from another jurisdiction or the Department.
Ch. 375-4 Definitions.	"Reinspection" means a mandatory inspection to ensure that priority, critical or recurring violations have been corrected including: b. Six or more priority (critical) violations observed and noted.	"Reinspection" means a mandatory inspection to ensure that priority, critical or recurring violations have been corrected including: b. Six or more priority (critical) violations observed and noted, whether violations were corrected or not, to verify active managerial control.
Ch. 375-7 Licensing (A)	Updated to reflect exemptions which have been added to state statutes. This change outlines when licenses are required or to be exempt. The change also allows for a pre-licensing inspection fee not to be charged under certain conditions. (A) No person may operate or provide the services, food or other products that requires a license under this article without first having obtained a current and valid license.	Updated to reflect exemptions which have been added to state statutes. This change outlines when licenses are required or to be exempt. The change also allows for a pre-licensing inspection fee not to be charged under certain conditions. No person may operate or provide the services, food or other products that requires a license under this article without first having obtained a current and valid license. This paragraph does not apply to food vendors which qualify for exemption under ATCP 75.063-75.065.
Ch. 375-7 Licensing (B)	(B) No permit shall be granted to any person under this article without a preinspection by the Department of the premises for which the permit shall be granted.	(B) Except for Transient Retail Food Establishments , no permit shall be granted to any person under this article without a preinspection by the Department or the premises for which the permit shall be granted. a. A pre-licensing inspection shall not be conducted or a pre-inspection fee charged for an immediate family transfer, when at least one individual who had an ownership in a newly formed business entity, a mobile retail food establishment license transfers from an agent issued license to a state issued license.
Ch. 375-7 Licensing (D) (E)	(D) A food vendor may be exempt from licensing if the vendor has obtained a valid Mobile Retail License from the Department of Agriculture, Trade and Consumer Protection and is able to provide a copy of the license to the North Shore Health Department. (E) A food vendor may be exempt from licensing if the vendor has obtained a valid Processing Plant License for non potentially hazardous, pre-packaged food which pertains specifically to the items that wish to be sold and is able to provide a copy of the license to the North Shore Health Department.	Remove paragraphs (D) and (E).
Ch. 375-27 Expiration Dates	d. Tourist Rooming House: December 31	d. Tourist Rooming House: June 30



NORTH SHORE
ENVIRONMENTAL HEALTH CONSORTIUM
A Licensing and Inspection Program of the North Shore Health Department

4800 W. Green Brook Dr.
Brown Deer, WI 53223-2496
(414) 371-2980
fax (414) 371-2988
nshealthdept.org

MEMORANDUM

October 8th, 2024

To: Scott Botcher, Village Manager

From: Becky Rowland, Health Director/Health Officer
Brad Simerly, Senior Environmental Health Specialist/Deputy Health Officer

RE: Fee Adjustment for Public Pool Licenses

The North Shore Environmental Health Consortium (NSEHC) is a program of the North Shore Health Department. The NSEHC conducts inspections and issues licenses for all food establishments, temporary events, farmers' markets, public pools, and hotels. The NSEHC also investigates public health-related complaints for these licensed establishments. The NSEHC is a fee-funded program and is requesting a fee structure change and adjustment to align with DATCP (Department of Agriculture, Trade and Consumer Protection). In ATCP 76, DATCP has adopted a new fee structure to compensate for the complexity of public pools. The NSEHC operates as an agent under contract for DATCP and reimburses DATCP a percentage of their fees. In 2025, the NSEHC will be required to reimburse the DATCP 12% of their license fee for each licensed pool. The NSEHC is requesting an adoption of the new fee structure in ATCP 76 and increasing the state fee for each category by 12% to account for the reimbursement. The NSEHC requests these changes to become effective November 1st, 2024.

The increase is designed to help maintain services and cover program costs. Please see the attached fee schedule for comparison.

NSEHC Pool Type	Annual	Pre-inspection	Reinspection	Plan Review	Consult	Late Fee
Simple	\$274.00	\$137.00	\$137.00	\$137.00	\$138.00	\$55.00
Simple with Features	\$385.00	\$193.00	\$137.00	\$193.00	\$138.00	\$77.00
Moderate	\$350.00	\$175.00	\$137.00	\$175.00	\$138.00	\$70.00
Moderate with Features	\$504.00	\$252.00	\$137.00	\$252.00	\$138.00	\$100.00
Complex	\$437.00	\$219.00	\$137.00	\$219.00	\$138.00	\$87.00
Complex with Features	\$590.00	\$295.00	\$137.00	\$295.00	\$138.00	\$118.00

DATCP Pool Type	Annual	Pre-inspection	Reinspection	Plan Review	Consult	Late Fee
Simple	\$208.00	\$208.00	\$100.00		\$138.00	\$42.00
Simple with Features	\$345.00	\$345.00	\$100.00		\$138.00	\$69.00
Moderate	\$312.00	\$312.00	\$100.00		\$138.00	\$62.00
Moderate with Features	\$450.00	\$450.00	\$100.00		\$138.00	\$90.00
Complex	\$390.00	\$390.00	\$100.00		\$138.00	\$78.00
Complex with Features	\$527.00	\$527.00	\$100.00		\$138.00	\$105.00

Please call the North Shore Health Department at (414) 371-2980 if you have questions before the meeting.



NORTH SHORE
ENVIRONMENTAL HEALTH CONSORTIUM
A Licensing and Inspection Program of the North Shore Health Department

4800 W. Green Brook Dr.
 Brown Deer, WI 53223-2496
 (414) 371-2980
 fax (414) 371-2988
 nshealthdept.org

North Shore Environmental Health Consortium Proposed Fee Schedule 2024-25

	Annual	Preinspection	Reinspection	Plan review	Consultation	Late fee
Serving Meals						
Simple (Includes Mobile)	\$345.00	\$181.00	\$167.00	\$172.00	\$138.00	\$68.00
Moderate	\$486.00	\$244.00	\$167.00	\$253.00	\$138.00	\$98.00
Complex	\$697.00	\$349.00	\$167.00	\$362.00	\$138.00	\$140.00
Prepackaged	\$173.00	\$87.00	\$167.00	\$90.00	\$138.00	\$36.00
Micro Market (Single)	\$40.00					\$8.00
Micro Market (Multiple)	\$60.00					\$12.00
Additional Prep Area	\$182.00	\$89.00	\$167.00	\$92.00	\$138.00	\$36.00
Mobile Service base - Prepackaged	\$173.00	\$87.00	\$167.00	\$90.00	\$138.00	\$36.00
Mobile Service Base-Simple	\$345.00	\$172.00	\$167.00	\$181.00	\$138.00	\$69.00
Mobile Service Base-Moderate	\$486.00	\$244.00	\$167.00	\$244.00	\$138.00	\$98.00
Mobile Service Base-Complex	\$697.00	\$349.00	\$167.00	\$349.00	\$138.00	\$140.00
Transient Retail TCS	\$136.00					
Transient Retail Non-TCS	\$67.00					
School Kitchen						
Satellite	\$170.00	\$85.00	\$167.00	\$85.00	\$138.00	\$34.00
Full Service	\$345.00	\$181.00	\$167.00	\$181.00	\$138.00	\$69.00
Not Serving Meals						
Prepackaged	\$90.00	\$40.00	\$167.00	\$40.00	\$138.00	\$18.00
Simple Non-TCS	\$90.00	\$45.00	\$167.00	\$45.00	\$138.00	\$18.00
Simple TCS	\$373.00	\$187.00	\$167.00	\$187.00	\$138.00	\$74.00
Moderate	\$521.00	\$261.00	\$167.00	\$261.00	\$138.00	\$104.00
Complex	\$1,339.00	\$671.00	\$167.00	\$671.00	\$138.00	\$268.00
Transient Retail TCS	\$136.00					
Transient Retail Non-TCS	\$67.00					
Hotels						
5-30 rooms	\$472.00	\$235.00	\$167.00	\$236.00	\$138.00	\$94.00
31-99 rooms	\$552.00	\$276.00	\$167.00	\$276.00	\$138.00	\$110.00
100-199 rooms	\$634.00	\$318.00	\$167.00	\$318.00	\$138.00	\$127.00
200 or more rooms	\$934.00	\$467.00	\$167.00	\$467.00	\$138.00	\$187.00
Tourist Rooming House	\$110.00	\$300.00	\$167.00			\$22.00
Bed and Breakfast						
	\$244.00	\$116.00	\$167.00	\$116.00	\$138.00	\$47.00
Pools						
Simple	\$274.00	\$137.00	\$137.00	\$137.00	\$138.00	\$55.00
Simple with Features	\$385.00	\$193.00	\$137.00	\$193.00	\$138.00	\$77.00
Moderate	\$350.00	\$175.00	\$137.00	\$175.00	\$138.00	\$70.00
Moderate with Features	\$504.00	\$252.00	\$137.00	\$252.00	\$138.00	\$100.00
Complex	\$437.00	\$219.00	\$137.00	\$219.00	\$138.00	\$87.00
Complex with Features	\$590.00	\$295.00	\$137.00	\$295.00	\$138.00	\$118.00
Additional Fees						
Operating Without A License	\$835.00					
Inspection No Processing	\$40.00					
Inspection w/Processing	\$84.00					
No Certified Food Manager	\$195.00					

This is to certify that the attached is true and correct list of bills due for a period from October 1-31, 2024, in the total amount of \$1,081,570.19. Each bill has been approved in writing by the official department head or employee authorized to incur the obligations and which bills have been audited by the undersigned pursuant to resolution of the Village Board.



Scott Botcher
Village Manager
Village of Fox Point

This is to certify that the above listed accounts and demands have been presented and allowed and ordered paid by the Village Board at a meeting thereof held on November 12, 2024

Christine Symchych
Village President

Sara A. Bruckman
Village Clerk/Treasurer
Village of Fox Point

VILLAGE OF FOX POINT

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Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Amount Paid	Date Paid
10-13100 ACCOUNTS RECEIVABLE - SUNDRY						
919	DAVID J. FRANK LANDSCAPE C.	71381	333 W BROWN DEER	10/15/2024	874.40	10/18/2024
Total 10-13100 ACCOUNTS RECEIVABLE - SUNDRY:					874.40	
10-21520 GROUP LIFE						
18	SECURIAN FINANCIAL GROUP I	NOVEMBER 2024	LIFE INSURANCE	10/15/2024	997.46	10/18/2024
Total 10-21520 GROUP LIFE:					997.46	
10-21521 SUPPLEMENTAL PLANS						
18	SECURIAN FINANCIAL GROUP I	08/2024	ACCIDENTAL	10/15/2024	88.88	10/18/2024
18	SECURIAN FINANCIAL GROUP I	09/2024	ACCIDENTAL	10/15/2024	88.88	10/18/2024
18	SECURIAN FINANCIAL GROUP I	10/2024	ACCIDENTAL	10/15/2024	81.72	10/18/2024
1227	AFLAC	525605	ACCT #G8B41	09/30/2024	593.46	10/03/2024
1227	AFLAC	862797	ACCT #G8B41	10/24/2024	700.50	10/25/2024
Total 10-21521 SUPPLEMENTAL PLANS:					1,553.44	
10-21525 UNION DUES						
185	FOX POINT POLICE PROT. ASS	OCTOBER 2024	POLICE DUES	10/15/2024	577.50	10/18/2024
185	FOX POINT POLICE PROT. ASS	SEPTEMBER 2024	POLICE DUES	10/15/2024	577.50	10/18/2024
Total 10-21525 UNION DUES:					1,155.00	
10-21530 DEFERRED COMPENSATION						
77	MissionSquare - 303753	PR1010241	Deferred Comp ICMA-PRETAX	10/09/2024	1,160.14	10/14/2024
77	MissionSquare - 303753	PR1024241	Deferred Comp ICMA-PRETAX	10/22/2024	1,160.14	10/25/2024
375	NORTH SHORE BANK, FSB	PR1010242	Deferred Comp NORTH SHORE	10/09/2024	2,210.00	10/14/2024
375	NORTH SHORE BANK, FSB	PR1024242	Deferred Comp NORTH SHORE	10/22/2024	2,210.00	10/25/2024
814	GREAT-WEST TRUST COMPAN	PR1010241	Deferred Comp WI DEFER - PRE	10/09/2024	3,697.60	10/14/2024
814	GREAT-WEST TRUST COMPAN	PR1010241	Deferred Comp WI DEFER - RO	10/09/2024	1,240.00	10/14/2024
814	GREAT-WEST TRUST COMPAN	PR1024241	Deferred Comp WI DEFER - PRE	10/22/2024	2,197.60	10/25/2024
814	GREAT-WEST TRUST COMPAN	PR1024241	Deferred Comp WI DEFER - RO	10/22/2024	1,240.00	10/25/2024
Total 10-21530 DEFERRED COMPENSATION:					15,115.48	
10-44500 ESTATE SALES PERMIT						
444	CREAM CITY ESTATE	09/20/2024	7230 N LAKE	09/30/2024	500.00	10/03/2024
Total 10-44500 ESTATE SALES PERMIT:					500.00	
10-45100 FINES/FORFEITURES						
2140	PODD, CURTIS	BG398552-0	OVERPAYMENT	10/15/2024	35.00	10/18/2024
2143	CHAMBERS, GREGORY	BC283715-5	OVERPAYMENT	10/15/2024	.40	10/18/2024
Total 10-45100 FINES/FORFEITURES:					35.40	
10-46710 PAVILION RENTALS						
2137	NAKAMA RASQUE, MELISSA	18.000037	DEPOSIT	10/02/2024	50.00	10/03/2024
2158	JOHNSON, JIJU	16.000012	PAVILLION DEPOSIT	10/16/2024	50.00	10/18/2024
2159	MCMURTAGH, TERI	22.000011	PAVILLION DEPOSIT	10/16/2024	50.00	10/18/2024
Total 10-46710 PAVILION RENTALS:					150.00	
10-51200-395 COUNTY COURT FEES						
330	MILWAUKEE COUNTY TREASU	SEPTEMBER 2024	DRIVER SUR/JAIL FEE	10/02/2024	808.80	10/03/2024
552	WISCONSIN, STATE OF - COUR	SEPTEMBER 24	SEPTEMBER	10/02/2024	2,052.05	10/03/2024

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Total 10-51200-395 COUNTY COURT FEES:					2,660.85	
10-51300-211 LABOR ATTORNEY						
1692	VON BRIESEN & ROPER, S. C.	473319	CPI LANGUAGE	10/24/2024	655.50	10/25/2024
Total 10-51300-211 LABOR ATTORNEY:					655.50	
10-51300-218 VILLAGE ATTORNEY						
535	MUNICIPAL LAW & LITIGATION	13027	VILLAGE ATTORNEY	10/24/2024	17,091.60	10/25/2024
Total 10-51300-218 VILLAGE ATTORNEY:					17,091.60	
10-51300-219 VILLAGE PROSECUTOR						
965	PADWAY & PADWAY LTD	10/22/2024	PROSECUTOR	10/24/2024	2,032.50	10/25/2024
Total 10-51300-219 VILLAGE PROSECUTOR:					2,032.50	
10-51410-310 SUPPLIES/ MISC EXPENSES						
57	JPMORGAN CHASE BANK NA	10/11/2024	CLERK	10/15/2024	59.48	10/18/2024
57	JPMORGAN CHASE BANK NA	10/11/2024	CLERK	10/15/2024	62.64	10/18/2024
Total 10-51410-310 SUPPLIES/ MISC EXPENSES:					122.12	
10-51420-310 SUPPLIES/EXPENSES						
5645	CNA SURETY	67215536N 2024-20	RENEWAL BRUCKMAN	10/15/2024	30.00	10/18/2024
5645	CNA SURETY	67215545N 2024-20	RENEWAL REPINS	10/15/2024	30.00	10/18/2024
Total 10-51420-310 SUPPLIES/EXPENSES:					60.00	
10-51420-322 TRAINING						
57	JPMORGAN CHASE BANK NA	10/11/2024	CLERK	10/15/2024	262.00	10/18/2024
57	JPMORGAN CHASE BANK NA	10/11/2024	CLERK	10/15/2024	131.00	10/18/2024
Total 10-51420-322 TRAINING:					393.00	
10-51440-310 SUPPLIES/EXPENSES						
57	JPMORGAN CHASE BANK NA	10/11/2024	CLERK	10/15/2024	149.78	10/18/2024
57	JPMORGAN CHASE BANK NA	10/11/2024	CLERK	10/15/2024	24.06	10/18/2024
1766	CONFLUENCE GRAPHICS	82460	ENVELOPES	10/15/2024	489.51	10/18/2024
Total 10-51440-310 SUPPLIES/EXPENSES:					663.35	
10-51520-321 PROFESSIONAL DUES/MEETINGS						
5645	CNA SURETY	67215532N 2024-20	RENEWAL NEUENSCHWANDER	10/15/2024	30.00	10/18/2024
Total 10-51520-321 PROFESSIONAL DUES/MEETINGS:					30.00	
10-51530-210 CONTRACT SERVICES						
2706	ASSOCIATED APPRAISAL CON	176574	PROFESSION SERV/ INTERNET	10/02/2024	2,850.15	10/03/2024
Total 10-51530-210 CONTRACT SERVICES:					2,850.15	
10-51600-210 CONTRACT SERVICES						
57	JPMORGAN CHASE BANK NA	10/11/2024	FINANCE CHARGE	10/15/2024	21.05	10/18/2024
57	JPMORGAN CHASE BANK NA	10/11/2024	ZOOM	10/15/2024	889.90	10/18/2024
194	BAKER TILLY VIRCHOW KRAUS	BT2893422	PROGRESS BILLING	10/02/2024	1,750.00	10/03/2024
194	BAKER TILLY VIRCHOW KRAUS	BT2929312	FINAL	10/02/2024	5,250.00	10/03/2024

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265	GREATAMERICAN FINANCIAL S	37456586	MONTHLY COPIER	09/30/2024	232.00	10/03/2024
265	GREATAMERICAN FINANCIAL S	37671167	MONTHLY COPIER	10/21/2024	232.00	10/25/2024
477	TAYLOR COMPUTER SERVICES	26930	MANAGED SERVICES	10/21/2024	1,159.25	10/25/2024
789	DO IT NOW CLEANING LLC	821	MONTHLY CLEANING	09/30/2024	1,583.37	10/03/2024
1353	FORWARD TS, LTD	AR238104	MONTHLY COPIES	10/21/2024	975.15	10/25/2024
Total 10-51600-210 CONTRACT SERVICES:					12,092.72	
10-51600-220 GAS-HEAT						
536	WE-ENERGIES	9/25/24	0702787382-00002	10/01/2024	19.88	10/03/2024
Total 10-51600-220 GAS-HEAT:					19.88	
10-51600-221 ELECTRIC UTILITIES						
536	WE-ENERGIES	10/07/2024	0702787382-00009	10/15/2024	20.41	10/18/2024
536	WE-ENERGIES	9/25/24	0702787382-00002	10/01/2024	1,381.63	10/03/2024
Total 10-51600-221 ELECTRIC UTILITIES:					1,402.04	
10-51600-222 TELEPHONE UTILITIES						
2691	CENTURYLINK-BUSINESS SVC.	708285843	ACCOUNT #87619173	10/15/2024	.24	10/18/2024
5312	AT & T- VILLAGE	09/22/2024	414 351-8900 758 7	10/02/2024	63.50	10/03/2024
Total 10-51600-222 TELEPHONE UTILITIES:					63.74	
10-51600-231 ELEVATOR MAINTENANCE						
2156	GUETZKE AND ASSOCIATES	4035324-IN	ELEVATOR PHONE	10/22/2024	1,545.00	10/25/2024
Total 10-51600-231 ELEVATOR MAINTENANCE:					1,545.00	
10-51600-234 VILLAGE HALL MAINTENANCE						
57	JPMORGAN CHASE BANK NA	10/11/2024	VILLAGE	10/15/2024	104.84	10/18/2024
360	NASSCO INC.	6467058/*	PAPER PRODUCTS	10/02/2024	335.61	10/03/2024
502	VILLAGE HARDWARE - VH	242577/1	CLEANING	09/26/2024	20.24	10/03/2024
502	VILLAGE HARDWARE - VH	243295/1	BULB	10/24/2024	10.65	10/25/2024
651	AUTOMATED LOGIC CONTR S	535781	REPAIR	10/08/2024	175.00	10/18/2024
892	SPECTRUM	10/7/2024	8348 10 012 0042231 VLG	10/16/2024	14.62	10/18/2024
1235	J.M. BRENNAN, INC.	110012479	REPAIR	10/08/2024	1,755.00	10/18/2024
1412	CONDITIONED AIR DESIGNED I	46908	REPAIR	10/11/2024	1,278.53	10/18/2024
1710	UP NORTH SERVICES	4605	PEST CONTROL VLG	10/08/2024	55.00	10/18/2024
Total 10-51600-234 VILLAGE HALL MAINTENANCE:					3,749.49	
10-51600-310 SUPPLIES/MISC EXPENSES						
57	JPMORGAN CHASE BANK NA	10/11/2024	AMAZON	10/15/2024	23.20	10/18/2024
57	JPMORGAN CHASE BANK NA	10/11/2024	AMAZON	10/15/2024	79.99	10/18/2024
57	JPMORGAN CHASE BANK NA	10/11/2024	AMAZON	10/15/2024	11.39	10/18/2024
57	JPMORGAN CHASE BANK NA	10/11/2024	AMAZON	10/15/2024	25.60	10/18/2024
57	JPMORGAN CHASE BANK NA	10/11/2024	AMAZON	10/15/2024	6.95	10/18/2024
57	JPMORGAN CHASE BANK NA	10/11/2024	AMAZON	10/15/2024	59.98	10/18/2024
57	JPMORGAN CHASE BANK NA	10/11/2024	AMAZON	10/15/2024	26.99	10/18/2024
57	JPMORGAN CHASE BANK NA	10/11/2024	AMAZON	10/15/2024	24.98	10/18/2024
57	JPMORGAN CHASE BANK NA	10/11/2024	AMAZON	10/15/2024	70.84	10/18/2024
57	JPMORGAN CHASE BANK NA	10/11/2024	AMAZON	10/15/2024	14.99	10/18/2024
451	SCHWAAB, INC.	4609598	STAMP	09/30/2024	40.00	10/03/2024
451	SCHWAAB, INC.	4617396	STAMP	10/02/2024	34.50	10/03/2024
451	SCHWAAB, INC.	4617423	STAMP	10/16/2024	38.45	10/18/2024
1344	WISCONSIN LABOR LAW POST	2581777	CUSTOMER ID 13385638	10/02/2024	238.50	10/03/2024

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Total 10-51600-310 SUPPLIES/MISC EXPENSES:					696.36	
10-51700-511 GROUP HEALTH - RETIREES						
433	RESNICK, AMY	57	HEALTH INSURANCE REIMBUR	10/01/2024	313.50	10/03/2024
435	RIES, DANIEL	73	HEALTH	10/01/2024	466.80	10/03/2024
520	WICHMAN, MICHELLE	18	MONTHLY	10/01/2024	386.76	10/03/2024
1227	AFLAC	525605	ACCT #G8B41	09/30/2024	166.98	10/03/2024
1227	AFLAC	862797	ACCT #G8B41	10/24/2024	166.98	10/25/2024
2194	OBREMSKI, DANIEL	22	SUPPLEMENTAL PAY	10/01/2024	386.76	10/03/2024
Total 10-51700-511 GROUP HEALTH - RETIREES:					1,887.78	
10-52100-210 POLICE MAINTENANCE CONTRACTS						
1412	CONDITIONED AIR DESIGNED I	46845	PREVENTATIVE MAINTENANCE	09/27/2024	618.00	10/03/2024
5152	JAMES IMAGING SYSTEMS, IN	1491114	MONTHLY COPIES	10/16/2024	118.36	10/18/2024
5839	LEXISNEXIS	1100030995	MONTHLY 1246411	10/16/2024	200.50	10/18/2024
Total 10-52100-210 POLICE MAINTENANCE CONTRACTS:					936.86	
10-52100-217 DISPATCHING CONTRACT SERVICES						
61	BAYSIDE, VILLAGE OF	2400001953	DISPATCH	10/15/2024	79,194.82	10/18/2024
Total 10-52100-217 DISPATCHING CONTRACT SERVICES:					79,194.82	
10-52100-220 GAS UTILITIES						
536	WE-ENERGIES	09/25/2024	0702787382-00008	09/30/2024	127.20	10/03/2024
Total 10-52100-220 GAS UTILITIES:					127.20	
10-52100-221 ELECTRIC UTILITIES						
536	WE-ENERGIES	09/25/2024	0702787382-00015	09/30/2024	33.48	10/03/2024
536	WE-ENERGIES	09/25/2024	0702787382-00006	09/30/2024	2,244.55	10/03/2024
Total 10-52100-221 ELECTRIC UTILITIES:					2,278.03	
10-52100-222 TELEPHONE UTILITIES						
892	SPECTRUM	10102024OTA	8348 10 012 0041845 POLICE	10/11/2024	14.65	10/18/2024
892	SPECTRUM	238770901100124	238770901	10/07/2024	599.00	10/18/2024
2101	IPITOMY COMMUNICATIONS LL	46787	SIP TRUNK 85995	10/01/2024	235.88	10/03/2024
2691	CENTURYLINK-BUSINESS SVC	708285843	ACCOUNT #87619173	10/15/2024	.23	10/18/2024
5312	AT & T- VILLAGE	09/22/2024	414 351-8900 758 7	10/02/2024	39.69	10/03/2024
5312	AT & T- VILLAGE	28732944759x1015	287329447591-PD	10/24/2024	408.53	10/25/2024
Total 10-52100-222 TELEPHONE UTILITIES:					1,297.98	
10-52100-232 VEHICLE MAINTENANCE						
503	VILLAGE HARDWARE - DPS	242984	OIL	10/14/2024	11.69	10/18/2024
102081	GOODYEAR AUTO SERVICE CE	59800	TIRES	09/27/2024	584.00	10/03/2024
Total 10-52100-232 VEHICLE MAINTENANCE:					595.69	
10-52100-233 EQUIPMENT MAINTENANCE						
57	JPMORGAN CHASE BANK NA	10/11/2024	POLICE	10/15/2024	38.93	10/18/2024
57	JPMORGAN CHASE BANK NA	10/11/2024	POLICE	10/15/2024	20.40	10/18/2024
57	JPMORGAN CHASE BANK NA	10/11/2024	POLICE	10/15/2024	30.02	10/18/2024
57	JPMORGAN CHASE BANK NA	10/11/2024	POLICE	10/15/2024	25.00	10/18/2024

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Total 10-52100-233 EQUIPMENT MAINTENANCE:					114.35	
10-52100-234 BUILDING MAINTENANCE						
57	JPMORGAN CHASE BANK NA	10/11/2024	CREDIT	10/15/2024	189.00	10/18/2024
57	JPMORGAN CHASE BANK NA	10/11/2024	POLICE	10/15/2024	190.00	10/18/2024
57	JPMORGAN CHASE BANK NA	10/11/2024	POLICE	10/15/2024	48.27	10/18/2024
57	JPMORGAN CHASE BANK NA	10/11/2024	POLICE	10/15/2024	19.94	10/18/2024
503	VILLAGE HARDWARE - DPS	242417	MISC	09/24/2024	6.29	10/03/2024
503	VILLAGE HARDWARE - DPS	242693	MISC	10/07/2024	20.67	10/18/2024
503	VILLAGE HARDWARE - DPS	242835	MISC	10/07/2024	14.56	10/18/2024
503	VILLAGE HARDWARE - DPS	242943	MISC	10/11/2024	2.33	10/18/2024
503	VILLAGE HARDWARE - DPS	242951	MISC	10/11/2024	10.31	10/18/2024
1412	CONDITIONED AIR DESIGNED I	46964	BOILER REPAIRS & CLEAN	10/11/2024	1,874.00	10/18/2024
Total 10-52100-234 BUILDING MAINTENANCE:					1,997.37	
10-52100-310 SUPPLIES/EXPENSES						
57	JPMORGAN CHASE BANK NA	10/11/2024	POLICE	10/15/2024	242.24	10/18/2024
1344	WISCONSIN LABOR LAW POST	2581777	CUSTOMER ID 13385638	10/02/2024	238.50	10/03/2024
Total 10-52100-310 SUPPLIES/EXPENSES:					480.74	
10-52100-330 CLOTHING ALLOWANCE						
473	STREICHER'S	1717980	DUBNICKA	10/07/2024	122.68	10/18/2024
473	STREICHER'S	1720009	ADAMAITIS	10/07/2024	44.99	10/18/2024
473	STREICHER'S	1721043	HUBER	10/01/2024	79.47	10/03/2024
473	STREICHER'S	1721044	ADAMAITIS	10/01/2024	45.00	10/03/2024
473	STREICHER'S	1722439	ADAMAITIS	10/07/2024	121.97	10/18/2024
473	STREICHER'S	1724614	MEMO BOOKS	10/24/2024	49.90	10/25/2024
Total 10-52100-330 CLOTHING ALLOWANCE:					464.01	
10-52100-334 JANITORIAL SUPPLIES						
57	JPMORGAN CHASE BANK NA	10/11/2024	POLICE	10/15/2024	47.49	10/18/2024
57	JPMORGAN CHASE BANK NA	10/11/2024	POLICE	10/15/2024	62.62	10/18/2024
393	PACKERLAND RENT-A-MAT INC.	3147504	POLICE 10586-10586	10/07/2024	161.22	10/18/2024
393	PACKERLAND RENT-A-MAT INC.	3152652	POLICE 10586-10586	10/24/2024	224.92	10/25/2024
1585	QUILL CORPORATION	40492690	PAPER TOWELS	09/27/2024	78.27	10/03/2024
Total 10-52100-334 JANITORIAL SUPPLIES:					574.52	
10-52100-335 SCHOOL EXPENSES						
511	WAUKESHA COUNT TECH. COL	0841511	SCHOOL	10/07/2024	334.05	10/18/2024
Total 10-52100-335 SCHOOL EXPENSES:					334.05	
10-52520-400 MATERIALS						
625	MICHAEL BAKER INTERNATION	1226235	PROFESSIONAL	10/16/2024	5,345.00	10/18/2024
102241	CROWLEY CONSTRUCTION CO	13538	3100 PER QUOTE	10/03/2024	6,185.00	10/18/2024
Total 10-52520-400 MATERIALS:					11,530.00	
10-53200-400 MATERIALS						
327	MENARD'S - MILWAUKEE	95143	MISC	10/14/2024	8.97	10/18/2024
327	MENARD'S - MILWAUKEE	95145	MISC	10/14/2024	53.57	10/18/2024
502	VILLAGE HARDWARE - VH	242577/1	CLEANING	09/26/2024	20.24	10/03/2024
1800	MENARD'S - GERMANTOWN	73197	MISC GENERAL	10/07/2024	761.52	10/18/2024

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Total 10-53200-400 MATERIALS:					844.30	
10-53300-221 STREET LIGHTS - ELECTRIC						
536	WE-ENERGIES	10/07/2024	0702787382-00001	10/15/2024	205.62	10/18/2024
536	WE-ENERGIES	10/10/2024	0702787382-00013	10/16/2024	15.86	10/18/2024
Total 10-53300-221 STREET LIGHTS - ELECTRIC:					221.48	
10-53300-405 STREET MATERIALS						
458	SHERWIN INDUSTRIES, INC.	SC053067	ROADSAVER	10/08/2024	2,900.00	10/18/2024
458	SHERWIN INDUSTRIES, INC.	SS104516	RENTAL	10/08/2024	5,369.94	10/18/2024
458	SHERWIN INDUSTRIES, INC.	SS104646	RENTAL	10/16/2024	2,300.00	10/18/2024
1074	MATHESON TRI-GAS, INC	0030440088	CYLINDERS	10/22/2024	61.37	10/25/2024
Total 10-53300-405 STREET MATERIALS:					10,631.31	
10-53300-485 BRIDGE MATERIALS						
57	JPMORGAN CHASE BANK NA	10/11/2024	STATE CHEMIC	10/15/2024	418.80	10/18/2024
Total 10-53300-485 BRIDGE MATERIALS:					418.80	
10-53400-221 BUS STOP-ELECTRIC						
536	WE-ENERGIES	10/10/2024	0702787382-00005	10/16/2024	14.73	10/18/2024
536	WE-ENERGIES	10/10/2024	0702787382-00016	10/16/2024	14.73	10/18/2024
536	WE-ENERGIES	10/11/24	0702787382-00003	10/17/2024	16.51	10/18/2024
Total 10-53400-221 BUS STOP-ELECTRIC:					45.97	
10-53630-370 LANDFILL FEES						
57	JPMORGAN CHASE BANK NA	10/11/2024	DNR	10/15/2024	69.67	10/18/2024
57	JPMORGAN CHASE BANK NA	10/11/2024	DNR	10/15/2024	1.39	10/18/2024
1298	WASTE MANAGEMENT OF WI-M	0001032-1996-0	MSW	10/15/2024	7,607.52	10/18/2024
Total 10-53630-370 LANDFILL FEES:					7,678.58	
10-53642-400 MATERIALS						
57	JPMORGAN CHASE BANK NA	10/11/2024	DNR	10/15/2024	69.67	10/18/2024
57	JPMORGAN CHASE BANK NA	10/11/2024	DNR	10/15/2024	1.39	10/18/2024
1298	WASTE MANAGEMENT OF WI-M	0070970-2286-2	YARDWASTE	09/30/2024	652.95	10/03/2024
1298	WASTE MANAGEMENT OF WI-M	0071076-2286-7	YARDWASTE	10/15/2024	769.11	10/18/2024
1298	WASTE MANAGEMENT OF WI-M	0071203-2286-7	YARDWASTE	10/21/2024	924.49	10/25/2024
Total 10-53642-400 MATERIALS:					2,417.61	
10-53700-300 MISCELLANEOUS EXPENSE						
1074	MATHESON TRI-GAS, INC	52413032	ACETYLENE	10/08/2024	71.19	10/18/2024
2241	ITU ABSORB TECH, INC	8415104	SHOP	10/08/2024	12.20	10/18/2024
2241	ITU ABSORB TECH, INC	8422868	SHOP	10/22/2024	12.20	10/25/2024
2241	ITU ABSORB TECH, INC	A000084505	SOAP/IND CLEANER	10/08/2024	203.28	10/18/2024
3292	OSI ENVIROMENTAL INC.	1068777	FILTERS	10/22/2024	45.00	10/25/2024
Total 10-53700-300 MISCELLANEOUS EXPENSE:					343.87	
10-53700-341 REPAIR PARTS						
57	JPMORGAN CHASE BANK NA	10/11/2024	STATE CHEMIC	10/15/2024	1,299.79	10/18/2024
57	JPMORGAN CHASE BANK NA	10/11/2024	SHOP	10/15/2024	314.95	10/18/2024
89	FABICK CAT	PIMK0362233	MISC	10/23/2024	4.90	10/25/2024

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547	ROLAND MACHINERY	40130360	LUBE SPIN	10/23/2024	230.71	10/25/2024
591	CUMMINS INC.	F6-241081773	PARTS	10/08/2024	3,175.92	10/18/2024
631	FACTORY MOTOR PARTS	160-223029	MISC	10/08/2024	45.90	10/18/2024
631	FACTORY MOTOR PARTS	160-224139	MISC	10/08/2024	58.22	10/18/2024
631	FACTORY MOTOR PARTS	160-224729	BATTERY LESS CORE	10/22/2024	130.03	10/25/2024
631	FACTORY MOTOR PARTS	160-225743	FILTER	10/22/2024	7.35	10/25/2024
631	FACTORY MOTOR PARTS	50-5621503	BATTERY LESS CORE	10/08/2024	99.53	10/18/2024
631	FACTORY MOTOR PARTS	50-5622803	MISC	10/08/2024	1.01	10/18/2024
1042	EJ EQUIPMENT INC	P14056	MISC	10/22/2024	1,986.24	10/25/2024
1042	EJ EQUIPMENT INC	P14144	MISC	10/23/2024	340.41	10/25/2024
1261	INTERSTATE POWER SYSTEMS	R041049262.01	REPAIR	10/23/2024	2,529.90	10/25/2024
1293	SERWE IMPLEMENT CO., INC	11534	PARTS	10/08/2024	12.60	10/18/2024
2157	SUPERIOR LIFTING SPECIALIS	32524	CROSBY	10/22/2024	206.44	10/25/2024
4194	JOHN M. ELLSWORTH CO., INC.	1135676-IN	PART	10/22/2024	73.96	10/25/2024
101685	FASTENAL COMPANY	WIGOV6902	MISC PARTS	10/22/2024	147.99	10/25/2024
Total 10-53700-341 REPAIR PARTS:					10,665.85	
10-53700-343 FUEL						
631	FACTORY MOTOR PARTS	160-223029	DEF	10/08/2024	49.44	10/18/2024
631	FACTORY MOTOR PARTS	160-225743	DEF	10/22/2024	98.88	10/25/2024
2179	EDWARD H. WOLF & SON'S INC	957741	FUEL	10/08/2024	2,627.81	10/18/2024
2179	EDWARD H. WOLF & SON'S INC	957763	FUEL	10/08/2024	1,465.65	10/18/2024
2179	EDWARD H. WOLF & SON'S INC	971736	FUEL	10/22/2024	1,297.98	10/25/2024
2179	EDWARD H. WOLF & SON'S INC	971752	FUEL	10/22/2024	1,279.80	10/25/2024
Total 10-53700-343 FUEL:					6,819.56	
10-53700-346 MISC DPW SHOP TOOLS						
776	GRAINGER, INC.	9258096347	PART	10/08/2024	268.67	10/18/2024
5528	TODD A GAULKE AUTHORIZE D	100824123440	SMALL TOOLS	10/23/2024	808.74	10/25/2024
5528	TODD A GAULKE AUTHORIZE D	102224124101	SMALL TOOLS	10/23/2024	89.75	10/25/2024
Total 10-53700-346 MISC DPW SHOP TOOLS:					1,167.16	
10-53800-220 GAS UTILITIES						
536	WE-ENERGIES	9/25/24	0702787382-00002	10/01/2024	19.88	10/03/2024
Total 10-53800-220 GAS UTILITIES:					19.88	
10-53800-221 ELECTRIC UTILITIES						
536	WE-ENERGIES	9/25/24	0702787382-00002	10/01/2024	1,381.62	10/03/2024
Total 10-53800-221 ELECTRIC UTILITIES:					1,381.62	
10-53800-222 TELEPHONE UTILITIES						
5312	AT & T- VILLAGE	09/22/2024	414 351-8900 758 7	10/02/2024	55.57	10/03/2024
Total 10-53800-222 TELEPHONE UTILITIES:					55.57	
10-53800-224 CELL PHONES						
57	JPMORGAN CHASE BANK NA	10/11/2024	APPLE	10/15/2024	.99	10/18/2024
2136	VERIZON WIRELESS	61320	10000018646	10/08/2024	47.85	10/18/2024
2136	VERIZON WIRELESS	61348	10000018646	10/08/2024	47.85	10/18/2024
2136	VERIZON WIRELESS	61991	10000018646	10/08/2024	47.85	10/18/2024
2136	VERIZON WIRELESS	9975262082	787000169-00001	10/15/2024	17.62	10/18/2024
5312	AT & T- VILLAGE	09152024	287334403697 VLG	09/24/2024	111.76	10/03/2024

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Total 10-53800-224 CELL PHONES:					273.92	
10-53800-300 MISCELLANEOUS EXPENSE						
727	WI DEPT. OF JUSTICE	CWPWDCCB	BACKGROUND CHECK DPW	10/15/2024	7.00	10/18/2024
727	WI DEPT. OF JUSTICE	YPQM8FZA	BACKGROUND CHECK DPW	10/15/2024	7.00	10/18/2024
1344	WISCONSIN LABOR LAW POST	2581777	CUSTOMER ID 13385638	10/02/2024	238.50	10/03/2024
2241	ITU ABSORB TECH, INC	8415106	DPW	10/08/2024	36.18	10/18/2024
2241	ITU ABSORB TECH, INC	8422870	TOWELS/MATS	10/22/2024	231.66	10/25/2024
Total 10-53800-300 MISCELLANEOUS EXPENSE:					520.34	
10-53800-333 SAFETY PROGRAM						
671	AIRGAS	9153990617	GLOVES	10/02/2024	290.33	10/03/2024
3240	FEHR GRAHAM ENGINEERING	126377	ANNUAL SAFETY	10/14/2024	3,250.00	10/18/2024
Total 10-53800-333 SAFETY PROGRAM:					3,540.33	
10-54100-214 HUMANE SOCIETY/MADACC						
619	MADACC	2266	DEBT SERVICE	10/16/2024	2,857.07	10/18/2024
619	MADACC	2266	4TH QTR OPERATING	10/16/2024	861.62	10/18/2024
Total 10-54100-214 HUMANE SOCIETY/MADACC:					3,718.69	
10-54100-215 CONTRACT - HEALTH						
2091	NORTH SHORE HEALTH DEPT	24-0001565	4TH QTR	10/15/2024	13,959.00	10/18/2024
Total 10-54100-215 CONTRACT - HEALTH:					13,959.00	
10-55100-210 CONTRACT SERVICES						
61	BAYSIDE, VILLAGE OF	2400001953	LIBRARY OPERATIONS	10/15/2024	64,185.11	10/18/2024
Total 10-55100-210 CONTRACT SERVICES:					64,185.11	
10-55200-435 PLAYGROUND MATERIALS						
57	JPMORGAN CHASE BANK NA	10/11/2024	STATE CHEMIC	10/15/2024	418.80	10/18/2024
Total 10-55200-435 PLAYGROUND MATERIALS:					418.80	
10-55200-440 FOOT/BIKE PATH MAINTENANCE						
458	SHERWIN INDUSTRIES, INC.	SC053067	ROADSAVER	10/08/2024	250.00	10/18/2024
Total 10-55200-440 FOOT/BIKE PATH MAINTENANCE:					250.00	
10-55400-430 LX CLUB MATERIALS						
890	FOX POINT BAYSIDE LX CLUB	10.18.2024	LX CLUB FEES	10/23/2024	350.00	10/25/2024
890	FOX POINT BAYSIDE LX CLUB	10.9.24	LX CLUB FEES	10/14/2024	375.00	10/18/2024
Total 10-55400-430 LX CLUB MATERIALS:					725.00	
10-55440-220 GAS UTILITIES						
536	WE-ENERGIES	10/10/2024	0702787382-00011	10/16/2024	25.50	10/18/2024
Total 10-55440-220 GAS UTILITIES:					25.50	
10-55440-221 ELECTRIC UTILITIES						
536	WE-ENERGIES	10/10/2024	0702787382-00010	10/16/2024	119.36	10/18/2024

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Total 10-55440-221 ELECTRIC UTILITIES:					119.36	
10-55440-450 SKATE RINK MATERIALS						
360	NASSCO INC.	6467058/*	PAPER PRODUCTS	10/02/2024	335.61	10/03/2024
502	VILLAGE HARDWARE - VH	243295/1	BULB	10/24/2024	10.65	10/25/2024
776	GRAINGER, INC.	9273842261	BAGS	10/17/2024	33.88	10/18/2024
Total 10-55440-450 SKATE RINK MATERIALS:					380.14	
10-56100-125 FORESTRY CONSULTANT						
5933	WACHTEL TREE SCIENCE & SE	143089	FORESTRY REQUESTS	10/01/2024	4,056.25	10/03/2024
Total 10-56100-125 FORESTRY CONSULTANT:					4,056.25	
10-56100-465 TREE MAINTENANCE						
2192	EGLHOFF LAWN MOWER SER	328308	SAW PARTS	10/03/2024	63.60	10/18/2024
4591	VERMEER-WISCONSIN, INC.	20286223	STUMP CUTTER	10/23/2024	2,220.00	10/25/2024
5933	WACHTEL TREE SCIENCE & SE	143440	FUNGICIDE	10/16/2024	175.00	10/18/2024
Total 10-56100-465 TREE MAINTENANCE:					2,458.60	
21-71000-400 MATERIALS						
281	LINCOLN CONTRACTORS SUP	J16927	ASPHALT PAINT	08/29/2024	9.32	10/03/2024
281	LINCOLN CONTRACTORS SUP	R35923	MISC	10/08/2024	708.50	10/18/2024
535	MUNICIPAL LAW & LITIGATION	13027	VILLAGE ATTORNEY	10/24/2024	30.00	10/25/2024
1179	MILWAUKEE RUBBER PRODUC	0120707-IN	HOSE	10/23/2024	516.75	10/25/2024
2260	PORT A JOHN	1375055	PORT A JOHN	09/27/2024	113.00	10/03/2024
Total 21-71000-400 MATERIALS:					1,377.57	
21-72000-220 GAS UTILITIES						
536	WE-ENERGIES	10/10/2024	0702787382-00004	10/16/2024	11.23	10/18/2024
Total 21-72000-220 GAS UTILITIES:					11.23	
21-72000-221 ELECTRIC UTILITIES						
536	WE-ENERGIES	10/10/2024	0702787382-00004	10/16/2024	70.97	10/18/2024
536	WE-ENERGIES	10/10/2024	0702787382-00007	10/16/2024	19.94	10/18/2024
Total 21-72000-221 ELECTRIC UTILITIES:					90.91	
21-73000-310 SUPPLIES/EXPENSES						
57	JPMORGAN CHASE BANK NA	10/11/2024	CONFLUENCE	10/15/2024	461.96	10/18/2024
Total 21-73000-310 SUPPLIES/EXPENSES:					461.96	
21-73000-400 MATERIALS						
50	BADGER METER, INC.	80173694	ORION	09/30/2024	88.39	10/03/2024
2136	VERIZON WIRELESS	61320	10000018646	10/08/2024	47.85	10/18/2024
2136	VERIZON WIRELESS	61348	10000018646	10/08/2024	47.85	10/18/2024
2136	VERIZON WIRELESS	61991	10000018646	10/08/2024	47.85	10/18/2024
5312	AT & T- VILLAGE	09152024	287334403697 VLG	09/24/2024	70.21	10/03/2024
Total 21-73000-400 MATERIALS:					302.15	
21-91000-871 TELEVISION						
256	KAPUR & ASSOCIATES, INC.	127977	SANITARY	09/27/2024	375.00	10/03/2024

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1247	VISU-SEWER, INC.	10.2.24	TELEVISION	10/16/2024	1,125.00	10/18/2024
Total 21-91000-871 TELEVISION:					1,500.00	
21-91000-888 SEWER SYSTEM IMPROVEMENTS						
256	KAPUR & ASSOCIATES, INC.	127978	SANITARY	09/27/2024	3,868.60	10/03/2024
256	KAPUR & ASSOCIATES, INC.	127980	SANITARY	09/27/2024	2,847.50	10/03/2024
1247	VISU-SEWER, INC.	pay app 2/ 2024	SANITARY SEWER REHAB	10/16/2024	195,905.87	10/18/2024
1247	VISU-SEWER, INC.	pay no 1	SANITARY SEWER REHAB	09/27/2024	93,784.00	10/03/2024
1247	VISU-SEWER, INC.	pay no 4	SANITARY SEWER REHAB	09/24/2024	6,266.84	10/03/2024
2121	STRUCTURED SOLUTIONS, LL	pay app 3	SANITARY MANHOLE REHAB	10/02/2024	120,865.00	10/22/2024
Total 21-91000-888 SEWER SYSTEM IMPROVEMENTS:					423,537.81	
22-53650-210 CONTRACT SERVICES						
1299	WASTE MANAGEMENT OF WI-M	IAC5987682	RECYCLING	10/17/2024	2,529.71	10/18/2024
Total 22-53650-210 CONTRACT SERVICES:					2,529.71	
22-53650-310 SUPPLIES/EXPENSES						
57	JPMORGAN CHASE BANK NA	10/11/2024	DNR	10/15/2024	69.66	10/18/2024
57	JPMORGAN CHASE BANK NA	10/11/2024	DNR	10/15/2024	1.40	10/18/2024
1296	BUSCH SYSTEMS	S024-005906	RECYCLE BUCKETS	09/27/2024	2,905.77	10/03/2024
Total 22-53650-310 SUPPLIES/EXPENSES:					2,976.83	
22-53800-210 CONTRACT SERVICES						
5312	AT & T- VILLAGE	09152024	287334403697 VLG	09/24/2024	39.85	10/03/2024
Total 22-53800-210 CONTRACT SERVICES:					39.85	
22-53800-310 SUPPLIES/EXPENSES						
2136	VERIZON WIRELESS	61320	10000018646	10/08/2024	47.85	10/18/2024
2136	VERIZON WIRELESS	61348	10000018646	10/08/2024	47.85	10/18/2024
2136	VERIZON WIRELESS	61991	10000018646	10/08/2024	47.85	10/18/2024
Total 22-53800-310 SUPPLIES/EXPENSES:					143.55	
23-55420-220 GAS UTILITIES						
536	WE-ENERGIES	10/10/2024	0702787382-00012	10/16/2024	9.57	10/18/2024
Total 23-55420-220 GAS UTILITIES:					9.57	
23-55420-221 ELECTRIC UTILITIES						
536	WE-ENERGIES	10/10/2024	0702787382-00012	10/16/2024	40.81	10/18/2024
Total 23-55420-221 ELECTRIC UTILITIES:					40.81	
24-44460 BUILDING PERMIT						
2135	ADVANTAGE DESIGN & REMOD	1.060461	310 E DAPHNE	09/30/2024	200.00	10/03/2024
2139	LP ADVANCED CONSTRUCTION	1.060707	8664 N MANOR	10/02/2024	70.00	10/03/2024
Total 24-44460 BUILDING PERMIT:					270.00	
24-52400-224 CELL PHONES						
5312	AT & T- VILLAGE	09152024	287334403697 VLG	09/24/2024	29.92	10/03/2024

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Total 24-52400-224 CELL PHONES:					29.92	
24-52400-310 SUPPLIES/EXPENSES						
57	JPMORGAN CHASE BANK NA	10/11/2024	INSPECTOR	10/15/2024	73.60	10/18/2024
Total 24-52400-310 SUPPLIES/EXPENSES:					73.60	
25-53410-400 MATERIALS						
281	LINCOLN CONTRACTORS SUP	J16927	ASPHALT PAINT	08/29/2024	9.32	10/03/2024
Total 25-53410-400 MATERIALS:					9.32	
25-53420-400 MATERIALS						
280	LIESENER SOILS INC	0224958	SOIL	10/02/2024	840.00	10/03/2024
Total 25-53420-400 MATERIALS:					840.00	
25-53420-415 MAINTENANCE						
959	ETNA SUPPLY	s105920015.001	COUPLINGS	10/10/2024	354.00	10/18/2024
Total 25-53420-415 MAINTENANCE:					354.00	
25-53420-483 LANDSCAPING						
327	MENARD'S - MILWAUKEE	95064	MISC	10/14/2024	565.27	10/18/2024
Total 25-53420-483 LANDSCAPING:					565.27	
25-53800-210 CONTRACT SERVICES						
2136	VERIZON WIRELESS	61320	10000018646	10/08/2024	47.85	10/18/2024
2136	VERIZON WIRELESS	61348	10000018646	10/08/2024	47.85	10/18/2024
2136	VERIZON WIRELESS	61991	10000018646	10/08/2024	47.85	10/18/2024
2824	MAREK LANDSCAPING	5733	MIXED INVASIVES	10/16/2024	2,990.00	10/18/2024
5312	AT & T- VILLAGE	09152024	287334403697 VLG	09/24/2024	70.21	10/03/2024
Total 25-53800-210 CONTRACT SERVICES:					3,203.76	
25-55410-310 SUPPLIES/EXPENSES						
57	JPMORGAN CHASE BANK NA	10/11/2024	CONFLUENCE	10/15/2024	461.96	10/18/2024
Total 25-55410-310 SUPPLIES/EXPENSES:					461.96	
25-91500-800 WPDES COMPLIANCE PROGRAM						
221	PROPET DISTRIBUTORS INC.	147207	DOG BAGS	10/03/2024	124.60	10/18/2024
776	GRAINGER, INC.	9260628764	PET WASTE BAGS	10/03/2024	285.27	10/18/2024
Total 25-91500-800 WPDES COMPLIANCE PROGRAM:					409.87	
25-91500-833 STORM SEWER SYSTEM IMPROVE.						
535	MUNICIPAL LAW & LITIGATION	13027	VILLAGE ATTORNEY	10/24/2024	1,602.60	10/25/2024
Total 25-91500-833 STORM SEWER SYSTEM IMPROVE.:					1,602.60	
40-91100-818 TELEPHONE SYSTEM						
1602	EXPAND COMMUNICATIONS LL	VFP1203	SETUP MAILBOXES	10/15/2024	1,200.00	10/18/2024
Total 40-91100-818 TELEPHONE SYSTEM:					1,200.00	

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40-91200-801 SQUAD CARS						
2006	10-33 VEHICLE SERVICES LLC	3457	SET UP	10/07/2024	12,729.23	10/18/2024
Total 40-91200-801 SQUAD CARS:					12,729.23	
40-91500-801 STREET RESURFACING						
256	KAPUR & ASSOCIATES, INC.	127973	LAKE DR	09/27/2024	670.00	10/03/2024
256	KAPUR & ASSOCIATES, INC.	127981	BEACH	09/27/2024	1,155.56	10/03/2024
1073	WI DEPT. OF TRANSPORTATIO	368768	DESIGN	10/16/2024	7,721.53	10/18/2024
Total 40-91500-801 STREET RESURFACING:					9,547.09	
40-91500-825 PROJECT MANAGEMENT						
256	KAPUR & ASSOCIATES, INC.	127974	GENERAL PROF	09/27/2024	720.00	10/03/2024
Total 40-91500-825 PROJECT MANAGEMENT:					720.00	
40-91600-800 STORMWATER ROAD PROJECT						
256	KAPUR & ASSOCIATES, INC.	127979	LAKE DR	09/27/2024	875.00	10/03/2024
256	KAPUR & ASSOCIATES, INC.	127980	SANITARY	09/27/2024	1,402.50	10/03/2024
256	KAPUR & ASSOCIATES, INC.	127981	BEACH	09/27/2024	1,155.57	10/03/2024
1247	VISU-SEWER, INC.	pay app 2/ 2024	SANITARY SEWER REHAB	10/16/2024	260,173.00	10/18/2024
Total 40-91600-800 STORMWATER ROAD PROJECT:					263,606.07	
40-91600-823 REINVENTORY VILLAGE TREES						
5933	WACHTEL TREE SCIENCE & SE	143643	CONSULTING	10/17/2024	2,600.00	10/18/2024
Total 40-91600-823 REINVENTORY VILLAGE TREES:					2,600.00	
40-91600-833 TREE REPLACEMENT						
5933	WACHTEL TREE SCIENCE & SE	143088	EAB	09/27/2024	4,553.75	10/03/2024
Total 40-91600-833 TREE REPLACEMENT:					4,553.75	
50-81000-601 SOURCE OF WATER SUPPLY						
378	NORTH SHORE WATER COMMI	102	MONTHLY	10/01/2024	22,939.74	10/03/2024
Total 50-81000-601 SOURCE OF WATER SUPPLY:					22,939.74	
50-81000-640 OPERATIONS LABOR WATER MAINS						
2839	CITY WATER LLC	1136	ON CALL	10/15/2024	195.00	10/18/2024
2839	CITY WATER LLC	1136	MONTHLY MANAGEMENT FEE	10/15/2024	6,300.00	10/18/2024
Total 50-81000-640 OPERATIONS LABOR WATER MAINS:					6,495.00	
50-81000-651 MAINTENANCE OF MAINS						
281	LINCOLN CONTRACTORS SUP	J16927	ASPHALT PAINT	08/29/2024	9.32	10/03/2024
474	CORE & MAIN LP	V752197	PARTS	10/03/2024	409.65	10/18/2024
918	E.H. WACHS COMPANY, INC.	INV229360	VAC PARTS	09/19/2024	541.26	10/03/2024
2241	ITU ABSORB TECH, INC.	8415105	WATER DEPT	10/08/2024	8.80	10/18/2024
2241	ITU ABSORB TECH, INC.	8422869	WATER	10/22/2024	47.87	10/25/2024
Total 50-81000-651 MAINTENANCE OF MAINS:					1,016.90	
50-81000-654 MAINTENANCE OF HYDRANTS						
908	WISCONSIN HYDRANT REPAIR	24274	REPAIR	10/09/2024	285.00	10/18/2024

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Total 50-81000-654 MAINTENANCE OF HYDRANTS					285.00	
50-81000-800 CAPITAL OUTLAY						
256	KAPUR & ASSOCIATES, INC.	127981	BEACH	09/27/2024	1,155.57	10/03/2024
535	MUNICIPAL LAW & LITIGATION	13027	VILLAGE ATTORNEY	10/24/2024	30.00	10/25/2024
983	MSA PROFESSIONAL SVCS, IN	8798	BEACH DR WATERMAIN	10/16/2024	1,167.50	10/18/2024
Total 50-81000-800 CAPITAL OUTLAY:					2,353.07	
50-81000-844 NSWC CAPITAL PROJECTS						
378	NORTH SHORE WATER COMMI	10/09/24 BASIN	BASIN	10/15/2024	3,105.79	10/18/2024
378	NORTH SHORE WATER COMMI	10/9/2024 KLODE	KLODE	10/15/2024	270.08	10/18/2024
Total 50-81000-844 NSWC CAPITAL PROJECTS:					3,375.87	
50-81000-903 SUPPLIES AND EXPENSE						
50	BADGER METER, INC.	80173694	ORION	09/30/2024	88.39	10/03/2024
Total 50-81000-903 SUPPLIES AND EXPENSE:					88.39	
50-81000-921 OFFICE SUPPLIES AND EXPENSE						
57	JPMORGAN CHASE BANK NA	10/11/2024	APPLE	10/15/2024	.99	10/18/2024
57	JPMORGAN CHASE BANK NA	10/11/2024	CONFLUENCE	10/15/2024	461.97	10/18/2024
2136	VERIZON WIRELESS	61320	10000018646	10/08/2024	47.85	10/18/2024
2136	VERIZON WIRELESS	61348	10000018646	10/08/2024	47.85	10/18/2024
2136	VERIZON WIRELESS	61991	10000018646	10/08/2024	47.85	10/18/2024
2136	VERIZON WIRELESS	9975262082	787000169-00001	10/15/2024	17.62	10/18/2024
5312	AT & T- VILLAGE	09152024	287334403697 VLG	09/24/2024	132.73	10/03/2024
Total 50-81000-921 OFFICE SUPPLIES AND EXPENSE:					756.86	
50-81000-928 REGULATORY COMMISSION EXPENSE						
175	PUBLIC SERVICE COMM. OF WI	RA25-1-02090	ADVANCED ASSESSMENT	10/02/2024	2,685.49	10/03/2024
Total 50-81000-928 REGULATORY COMMISSION EXPENSE:					2,685.49	
50-81000-930 MISC GENERAL EXPENSE						
2385	WISCONSIN RURAL WATER AS	10/30/2024	TRAINING	09/30/2024	110.00	10/03/2024
Total 50-81000-930 MISC GENERAL EXPENSE:					110.00	
Grand Totals:					1,081,570.1	

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Date Approved: _____

Village Manager: _____

Village Board: _____

Municipal LAW

& LITIGATION GROUP

DALE W. ARENZ – 1935-2022
DONALD S. MOLTER, Jr. - Retired
JOHN P. MACY
H. STANLEY RIFFLE - Court Commissioner
ERIC J. LARSON
REMZY D. BITAR

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GREGORY M. PROCOPIO
ADAM J. MEYERS
SAVANNA M. GAIN

STEPHEN J. CENTINARIO, JR.
MICHAEL J. MORSE
JAMES P. WALSH

October 28, 2024

Scott Botcher, Village Manager
Village of Fox Point
7200 N Santa Monica Blvd.
Fox Point, WI 53217

**Re: St. Augustine Property
Conditional Use Order
First Draft**

Dear Mr. Botcher:

I received your direction to prepare a draft conditional use order for the above-noted property. I have had an opportunity to carefully consider this matter.

Enclosed please find a first draft of a conditional use order that I prepared for your consideration. I note the following comments, questions, concerns, and recommendations in this regard.

1. We will need to locate the last name of the resident with the first name "Arlene." I was unable to write her name down in my notes during the hearing. You will see there is a blank in the draft CUP.
2. It is my understanding that the Village Board discussed, but did not require there to be overnight and weekend security on the property. However, I wanted to raise this point to ensure my understanding is correct.

If you have any questions or concerns regarding this matter, please do not hesitate to contact me.

Very truly yours,
MUNICIPAL LAW & LITIGATION GROUP, S.C.

Eric J. Larson

Eric J. Larson

EJL/BTC/em
Enclosure

cc: Sara Bruckman, Village Clerk

MUNICIPAL LAW & LITIGATION GROUP, S.C.
ARENZ, MOLTER, MACY, RIFFLE, LARSON & BITAR

Document Number	Document Title
Village of Fox Point 7200 N. Santa Monica Boulevard Fox Point, WI 53217 CONDITIONAL USE ORDER: GRANT Outdoor Recreational Facilities October 8, 2024 Petitioner: Cardinal Academy Inc. FINDINGS OF FACT¹ 1. On or about September 11, 2024, the Petitioner submitted an F Institutional District application for a conditional use permit to the Plan Commission to construct outdoor recreational facilities pursuant to Sections 745-10 and 745-20 of the Village Code. 2. Pursuant to Sections 745-10(F) and 745-20(B)(1) of the Village of Fox Point Zoning Code, the Petitioner's application included all required materials, and the filing fee required by Chapter 63 of the Village of Fox Point Code was paid at the time of filing the application. 3. At its October 8, 2024 meeting, the Plan Commission studied the Petitioner's application, and considered the four standards in Section 745-20(B)(2) of the Village of Fox Point Zoning Code, which are as follows: (a) Appropriate in the location proposed; (b) Compatible with the neighborhood; (c) Not detrimental to the property values of surrounding property; and (d) In keeping with the residential character and quality of the Village. 4. Based on information presented at the October 8, 2024 meeting of the Plan Commission, the Plan Commission found that the standards of Section 745-20(B)(2) of the Village of Fox Point Zoning Code have been met, and pursuant to Section 745-20(B)(7) of the Village of Fox Point Zoning Code, recommended the Village Board conditionally approve the conditional use permit.	
Recording Area Name and Return Address: Eric J. Larson Municipal Law & Litigation Group, S.C. 730 N. Grand Avenue Waukesha, WI 53186 Tax Identification Number:	

¹ To the extent that findings of fact shown herein represent conclusions of law, these shall be deemed to be conclusions of law. To the extent that conclusions of law shown herein represent findings of fact, these shall be deemed to be findings of fact. The heading under which the statements are made shall not be controlling.

5. Pursuant to Section 745-20(B)(4), the Village Board scheduled a public hearing on the Petitioner's application.
6. Upon publication of the required "Notice of Public Hearing" and mailing of said "Notice of Public Hearing" to all parties-in-interest as required by Section 745-20(B)(5) of the Village of Fox Point Zoning Code, & Wisconsin Statutes Sections 61.35 & 62.23(7)(de), the Village Board held a public hearing on October 8, 2024, as required by Section 745-20(B)(4) of the Village of Fox Point Zoning Code.
7. The purpose of the scheduled Public Hearing was to consider said application.
8. Abby Andrietsch, the Chief Executive Officer of St. Augustine Prep, provided general information about the existing school, including that there are currently 2,200 students, there is a 96% retention rate among students, it is rated between 4 and 5 stars by the U.S. Department of Education, and that the school is successful in placing its students in colleges with scholarships.
9. Charlie Robertson, architect for St. Augustine Prep, outlined how Petitioner has received approval from the City of Glendale, has proposed a drop off and pick up plan, that the traffic impact analysis shows that the traffic is relatively the same as other residential areas, that Petitioner will construct a 7-foot berm to shield the Property, that Petitioner complies with 100-foot buffer of Section 745-10(F)(2) of the Village Code, and that Petitioner will upgrade the lighting of the Property.
10. Matt Miller, President of St. Augustine Prep, spoke on behalf of Petitioner and noted the following:
 - (a) The Petitioner does not have plans to construct lights on the athletic facilities.
 - (b) There will be no sound amplification system, or construction of a scoreboard.
 - (c) The grass field that will be constructed will not be rented to any other entities. This is the 2nd field and renting of this field is not anticipated.
 - (d) Students arrive at 7:20am during the summer.
 - (e) The Petitioner will install driveway gates on N. Yates Road for security and safety reasons of the Property. The driveway gates will be closed during drop off and pick up time of students.
 - (f) The Petitioner will construct a berm along the edge of the property. This berm will be up to 7-feet tall relative to N. Yates Road.
 - (g) There are lights installed in the parking lots for safety and security concerns. These are safety lights that dim when they are not used, and they are motion activated.

- (h) Petitioner has designated drop off and pick up spots for students, and those are shown on the Petitioner's plans, which are incorporated herein by reference and made a part of the record.
- (i) The parking lot has 64 parking stalls, there are 120 spots, and the entire property has a capacity for 550 vehicles.
- (j) The Petitioner will not park any vehicles of the Petitioner on N. Yates Road.
- (k) There will be no football played at the athletic facilities.

11. Several residents spoke at the Public Hearing, with some expressing support and others expressing concerns about the proposed use.

- (a) Lee Beitzel spoke in opposition of the Petition and had two major concerns. The Petitioner is proposing to construct a sports complex, and the impact the increased traffic will have on safety. Mr. Beitzel noted that the previous Cardinal Stritch campus was very safe. Concerned that this use will change the environment of the surrounding neighborhood. While the mission of education will continue, the construction of a sports complex affects that mission. Mr. Beitzel noted he is happy there were gates being constructed to secure the property, but is not satisfied that will completely address rentals and safety concerns that may come with rentals. He lastly noted that the neighbors of the Petitioner feel as if the Petitioner is not listening to them.
- (b) Kevin Long spoke in favor of the Petition, on behalf of himself and several others. He believes the Petitioner is taking important next steps, and this will allow for the continued viability of the educational programs. Mr. Long stated he is blessed and fortunate to be able to support this application.
- (c) Paul Grow spoke in opposition of the Petition, and noted he is concerned about traffic and noise from the use. He stated that traffic congestion in the area will be magnified. This use will exacerbate existing problems, and when there are accidents on Port Washington Road or on I-43, this will cause backups in other areas of the Village. Mr. Grow noted that commuters will have to look for alternative travel routes, and that this use will damage the quality of life and reduce property values. Mr. Grow stated that there are fencing needs of the Property, and while he is glad that there are plans, the gates need to be closed during sporting events.
- (d) Michelle Janker yielded her time to Larry Booth.
- (e) Larry Booth, speaking in opposition of the Petition, stated that having 4 private sports complexes in 13 acres is generally inappropriate and violates Village ordinances. He stated that Cardinal Stritch had transformed this area into a beautiful park, and it will be replaced with a noisy sports complex, which will ultimately damage the visual appeal and have detrimental effects on property values in the surrounding area. It is immaterial if Glendale approved the use, the

Village of Fox Point deserves to keep with the residential character and quality of the Village, and this proposed use violates every standard in the Village Code.

- (f) Allison Sullivan spoke in favor of the proposed use. She noted that it is a benefit to have a school being constructed in the area. She is able to hear Nicolet football games on in her house. She also stated that if people are running late, there may be some concern about increased traffic.
 - (g) Arlene Skover spoke in opposition of the proposed use. She is concerned about the impact of the landscaping, and the removal of 67 trees and how this will impact the surrounding properties.
 - (h) Jim Dunlop spoke in opposition of the Petition. He stated that he will be affected by the increased traffic. He was happy to hear that the gates will be closed on N. Yates Road. He is concerned the Village noise ordinance will be violated. He also noted that this campus is different than the other St. Augustine Prep campus, as there needs to be on-site security here, especially on weekends and evenings. He is also concerned that there is an absence of demarcation between the school and the surrounding streets.
 - (i) Patuzk Bizuskel spoke in opposition of the Petition. While he is in favor of having school options, he is concerned about the effects this will have on traffic flow and traffic safety. Typically, the local vehicles are not the ones speeding, and adding this many new vehicles will increase these safety concerns. He is also concerned with security of the facility, and the noise that will result from the construction of the athletic facilities.
12. Ultimately, upon consideration of all of the information provided at the public hearing, the Village Board finds that the Petitioner has shown by substantial evidence that all standards of the Village of Fox Point Zoning Ordinance would be met, and substantial evidence to the contrary has not been provided.

CONCLUSIONS OF LAW²

1. Section 745-20(B)(2)(a) of the Village of Fox Point Zoning Code states the following standard the Village Board must consider in determining whether to approve this use in this District: Whether the proposed use is appropriate in the location proposed. Upon the substantial evidence presented and the foregoing Findings of Fact, the Village Board concludes that the Petitioner has met this standard. The previous use of this property was for an educational purpose, and the property will continue to be used for educational purposes, and the construction of athletic facilities is consistent with that use.
2. Section 745-20(B)(2)(b) of the Village of Fox Point Zoning Code states the following standard the Village Board must consider in determining whether to approve this use in this District: Whether the proposed use is compatible with the neighborhood. Upon the substantial evidence presented and the foregoing Findings of Fact, the Village Board concludes that the

² See footnote 1.

Petitioner has met this standard. This use is consistent with the previous use, which was compatible with the neighborhood. The construction of athletic facilities is consistent with the use of the property, and with the surrounding neighborhood, provided the conditions noted below are met.

3. Section 745-20(B)(2)(c) of the Village of Fox Point Zoning Code states the following standard the Village Board must consider in determining whether to approve this use in this District: That the proposed use is not detrimental to the property values of surrounding property. Upon the substantial evidence presented and the foregoing Findings of Fact, the Village Board concludes that the Petitioner has met this standard. The use is compatible with the surrounding neighborhood and will be a benefit to the Village of Fox Point, and thus will not be detrimental to surrounding property values.
4. Section 745-20(B)(2)(d) of the Village of Fox Point Zoning Code states the following standard the Village Board must consider in determining whether to approve this use in this District: That the proposed use is consistent in keeping with the residential character and quality of the Village. Upon the substantial evidence presented and the foregoing Findings of Fact, the Village Board concludes that the Petitioner has met this standard. The Petitioner's use will provide further recreational activities to its property and residents of the Village, these recreational activities increase the desirability of the Village and are ultimately a benefit to the quality of the Village.
5. Wisconsin Statutes Section 62.23(7)(de)2.b., states, in part: "The applicant must demonstrate that the application and all requirements and conditions established by the [village] relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence." The Village Board finds that the Petitioner made the required demonstration in support of the application.
6. This application has also been considered under Section 745-10 of the Village of Fox Point Village Code, concerning outdoor recreational areas and facilities. The Village Board makes the following conclusions in this regard:
 - a. The athletic facilities are not located closer than 100 feet to an adjoining property line of a property in a residence district.
 - b. Section 745-10(A)(1) of the Village Code states: "No such use shall be permitted in any case where it shall create a nuisance, a hazard, or otherwise result in a substantial adverse effect on the surrounding property values or on the enjoyment of such property, or be in any other way detrimental to the general public welfare. Every reasonable effort shall be made to prevent such effect through control of lighting, attractive design and maintenance of structures, use of planting screens or attractive fences, careful placement on the site, and sensible regulation of use." The Village Board finds that substantial evidence has been presented to demonstrate compliance with this standard, and insufficient substantial evidence has been presented to the contrary, subject to ongoing compliance with the conditions stated herein. The Village's conditions will ensure that the use does not create a nuisance, hazard, or otherwise result in

substantial adverse effect on the surrounding property values or on the enjoyment of property, or be detrimental to the general welfare.

- c. Section 745-10(F)(4) of the Village Code states: “In acting on a request ... the Plan Commission shall ... also consider whether or not the proposed use is compatible with the area, is in keeping with the unique residential character of the community, and would result in substantial adverse effect upon surrounding properties.” The Village Board also must apply this standard per Section 745-10(F)(5)(a) of the Village Code. The Plan Commission considered this at their meeting of October 8, 2024 and recommended that the Village Board find these standards to be met. The Village Board finds that substantial evidence has been presented to demonstrate compliance with this standard, and insufficient substantial evidence has been presented to the contrary, subject to compliance with the conditions stated herein. The conditions imposed by the Village will ensure the proposed use is compatible with the area, and in keeping with the unique residential character of the community.

THEREFORE, IT IS ORDERED AS FOLLOWS:

CONDITIONS

Commencing on the date hereof, a Conditional Use Order for the Subject Property is hereby granted, and the outdoor recreational facility use is approved. The Conditional Use granted applies only to the use of the Subject Property as described below and shall continue in existence only so long as the conditional use is operated in compliance with these conditions. The Conditional Use is subject to initial and continued compliance with each and every one of the following conditions, restrictions and limitations.

1. The Conditional Use approval is (including Site Plan/Plan of Operation (SPPO) approval) limited to the Petitioner for the property located at 6801 N. Yates Road, Fox Point, Wisconsin 53217 for the following uses: construction and creation of athletic facilities, including a track and field facility, and all other currently lawfully existing uses on the subject property, in accordance with plans, documents, and specifications presented to the Village of Fox Point on October 8, 2024, which must comply with the Village Recreational Facilities Ordinance.
2. The Petitioner shall not install lights, a sound amplification system, or a scoreboard on the Property. The only lights on the Property shall be with the parking lot, and shall be safety lights that dim when people or vehicles are not present, with motion activation.
3. The athletic facilities are limited to the hours of 7:00 am to sunset or 8:00 pm, whichever is earlier, unless additional hours are approved by the Village Manager.
4. In their application and during their presentation at the October 8, 2024 Village Board meeting, the Petitioner indicated that there will be a one-way flow of traffic through the Property for drop-off and pick-up of students. The Petitioner shall ensure the traffic flow will proceed as described.

5. There shall be no parking of vehicles associated with use of the Property on N. Yates Road.
6. The driveway gates installed on N. Yates Road must be closed during drop off and pick up time of students at St. Augustine Prep. The gates must also be closed during any athletic events that are using the athletic facilities.
7. Petitioner must assign staff to aid in the drop off and pick up of students and to ensure that traffic flows smoothly and efficiently to and from the Property.
8. Petitioner shall use all reasonable measures to ensure there are no traffic backups during student drop-off and pick-up, which may include requiring parents or other individuals picking-up or dropping-off students to use an app to aid in the process.
9. If the Petitioner's operations require Village of Fox Point Police Department assistance at any time, and if the Police Department agrees to provide the assistance, the Petitioner shall reimburse the Village for all costs and expenses of the assistance, including reimbursing the Village for the hourly wage and benefits of all Village personnel providing the assistance..
10. With the exception of emergencies (such as storm warnings), there will be no sound amplification system used on or near the athletic facilities.
11. The Petitioner shall remove the buckthorn and other invasive vegetation on the Property and surrounding the proposed location of the athletic facilities. The Petitioner shall replace the removed buckthorn and other invasive vegetation with a vegetative screen approved by the Village Forester to shield the athletic facilities from the surrounding properties.
12. This approval is granted for the express conditions stated herein. Changes or alterations including, but not limited to, a change in use, premises, lands, or ownership of the property in question shall require a new Site Plan/Plan of Operation permit with all the zoning procedures at the time being followed. The allowed uses of the property must at no time be hazardous, harmful, obnoxious, offensive, or a nuisance by reasons of appearance, sound, dust, smoke, odor, or other similar factors. Any use not specifically listed, as permitted, shall be considered to be prohibited, except as may be otherwise specified herein.
13. The Petitioner shall keep the exterior condition of the premises in a neat and orderly condition at all times so the premises will not detract from neighboring premises. There shall be no outside storage of junk, debris, or other refuse materials within the property and all such materials shall be disposed of promptly and properly.
14. The Petitioner shall allow Village of Fox Point representatives to inspect the premises upon reasonable notice for the purposes of determining compliance with this approval.
15. The Petitioner shall obtain all required permits from the Village of Fox Point prior to commencing the athletic facilities construction work.

16. This conditional use permit is subject to the Petitioner acknowledging receipt of this Conditional Use Order and agreeing to comply with all conditions imposed in writing, prior to the conditional use permit being effective.
17. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of Fox Point for all costs and expenses of any type incurred by the Village of Fox Point in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village of Fox Point for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions. Additionally, any unpaid bills owed to the Village of Fox Point by the Subject Property Owner and/or Agent, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees or forfeitures owed to the Village of Fox Point must be paid on demand and prior to issuance of any permits and shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of the billing by the Village of Fox Point, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to Village of Fox Point, including possible cause for termination of the conditional approval.
18. Other Conditions.
 - a. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the municipal governing body, the County of Milwaukee, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village of Fox Point ordinance or other law.
 - b. This Conditional Use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Village of Fox Point Plan Commission as being in compliance with all pertinent ordinances.
 - c. Should the permitted Conditional Use be abandoned in any manner, or discontinued in use for eighteen (18) months, or continued other than in strict conformity with the conditions of the original approval, or should the Petitioner be delinquent in payment of any monies due and owing to Village, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the Conditional Use may be terminated by action of the Village of Fox Point Plan Commission, pursuant to the enforcement provisions of this Conditional Use Order.

- d. Any change, addition, modification, alteration and/or amendment of any aspect of this Conditional Use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises, structures, lands or owners, other than as specifically authorized herein, shall require a permit amendment or restated permit as set forth below and all procedures in place at the time must be followed.
- e. Unless this Conditional Use Permit expressly states otherwise, plans that are specifically required by this Conditional Use Order may be amended upon the prior approval of the Village of Fox Point Plan Commission if the Village of Fox Point Plan Commission finds the plan amendment to be minor and consistent with the Conditional Use Permit. Any change in any plan that the Village of Fox Point Plan Commission feels, in its sole discretion, to be substantial, shall require a restated permit, and all procedures in place at the time must be followed.
- f. Should any paragraph or phrase of this Conditional Use Permit be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the Conditional Use and the remainder shall continue in full force and effect.
- g. If any aspect of this Conditional Use Permit or any aspect of any plan contemplated and approved under this Conditional Use is in conflict with any other aspect of the Conditional Use or any aspect of any plan of the Conditional Use, the more restrictive provision shall be controlling as determined by the Village of Fox Point Plan Commission.

The Petitioner provided substantial evidence of meeting or agreeing to meet these conditions. There was insufficient substantial evidence from opponents to the contrary.

Petitioner hereby acknowledges the conditions imposed by the Conditional Use Order and agrees to comply with all such conditions.

Dated this _____ day of _____, 20____.

CARDINAL ACADEMY INC.

(signature)

(print name and title)

STATE OF WISCONSIN)
) ss.
COUNTY OF MILWAUKEE)

Personally came before me on this _____ day of _____, 20____, the above-named,
_____, executed the foregoing instrument and
acknowledged the same.

NOTARY PUBLIC, STATE OF WI
Print Name: _____
My Commission Expires: _____

Dated this ____ day of _____, 20 ____.

VILLAGE OF FOX POINT

Christine Symchych, Village President

Attest:

Sara A. Bruckman, Village Clerk

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

Personally came before me on this this ____ day of _____, 20 _____, the above-named, Christine Symchych, Village President and Sara A. Bruckman, Village Clerk, executed the foregoing instrument and acknowledged the same

NOTARY PUBLIC, STATE OF WI
Print Name: _____
My Commission Expires: _____

This instrument was drafted by
Attorney Eric J. Larson
Municipal Law & Litigation Group, S.C.
730 N. Grand Avenue
Waukesha, WI 53186

Municipal LAW

& L I T I G A T I O N G R O U P

DALE W. ARENZ – 1935-2022
DONALD S. MOLTER, Jr. - Retired
JOHN P. MACY
H. STANLEY RIFFLE - Court Commissioner
ERIC J. LARSON
REMZY D. BITAR

730 N. GRAND AVENUE
WAUKESHA, WISCONSIN 53186
Telephone (262) 548-1340
Direct (262) 806-0215
Facsimile (262) 548-9211
Email: elarson@ammr.net

PAUL E. ALEXY
MATTEO REGINATO
LUKE A. MARTELL
SAMANTHA R. SCHMID
CHRISTOPHER R. SCHULTZ
LUCAS C. LOGIC
BENJAMIN T. CROCKETT
GREGORY M. PROCOPIO
ADAM J. MEYERS
SAVANNA M. GAIN

STEPHEN J. CENTINARIO, JR.
MICHAEL J. MORSE
JAMES P. WALSH

October 22, 2024

Scott Botcher, Village Manager
Village of Fox Point
7200 N Santa Monica Blvd.
Fox Point, WI 53217

**Re: Ordinance to Add Stop Sign Location to Village Code Section 870-6
First Draft / Revised**

Dear Mr. Botcher:

I received your direction to propose an ordinance to add a stop sign location at the intersection of Bradley and Regent Roads. I have had an opportunity to carefully consider this matter.

Enclosed please find a first draft ordinance that I prepared for your consideration. I note the following comments, questions, concerns and recommendations in this regard.

1. This Ordinance is necessary to implement the decision of the Village Board from the October 8, 2024 meeting. This can be added to an upcoming Village Board agenda as part of the consent agenda.
2. Please note that I also recommend the Village remove language in Section 870-4 related to the designation of East Bradley Road as a through street. With the installation of this stop sign, this will no longer be a through street, and should be removed to reduce any potential confusion.

If you should have any questions or concerns regarding these matters, please do not hesitate to contact me.

Very truly yours,

MUNICIPAL LAW & LITIGATION GROUP, S.C.

Eric J. Larson

Eric J. Larson

EJL/BTC/em
Enclosure

cc: Sara Bruckman, Village Clerk

STATE OF WISCONSIN

VILLAGE OF FOX POINT

MILWAUKEE COUNTY

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 870-4 AND 870-6 A. OF THE
VILLAGE OF FOX POINT VILLAGE CODE TO ADD NEW STOP SIGN
LOCATIONS

WHEREAS, the Village of Fox Point lists the locations of all stop signs throughout the Village of Fox Point in Section 870-6 of the Village of Fox Point Village Code; and

WHEREAS, the Village Board of the Village of Fox Point recently approved the installation of new stop signs at the intersection of Bradley Road and Regent Road; and

WHEREAS, the Village of Fox Point also lists designated through streets in the Village of Fox Point in Section 870-4 of the Village of Fox Point Village Code; and

WHEREAS, due to the installation of the new stop signs at the intersection of Bradley Road and Regent Road, the designation of East Bradley Road as a through street needs to be removed from the Village of Fox Point Village Code; and

WHEREAS, the Village Board finds that the installation of these stop signs will improve the health, general welfare, and safety of Village of Fox Point residents as they will decrease the speed of drivers, and require drivers to come to a complete stop at a busy intersection.

NOW, THEREFORE, the Village Board of the Village of Fox Point, Milwaukee County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 870 of the Village of Fox Point Village Code entitled, "Vehicles and Traffic," Section 870-4 entitled "Through Streets Designated" is hereby amended to remove the following through street as follows:

Name of Street	Location
East Bradley Road	From a point 100 feet east of North Regent Road to a point 100 feet west of Regent Road

SECTION 2: Chapter 870 of the Village of Fox Point Village Code entitled, "Vehicles and Traffic," Section 870-6 entitled, "Traffic Regulated," Subsection A. entitled, "Stop Signs; location" is hereby amended by adding the following in alphabetical order:

Stop Sign On	Direction of Travel	At Intersection of
<u>Bradley Road</u>	<u>East</u>	<u>Regent Road</u>
<u>Bradley Road</u>	<u>West</u>	<u>Regent Road</u>

SECTION 3: CONTINUATION OF EXISTING PROVISIONS.

The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.

SECTION 4: SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 5: EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this _____ day of _____, 2024.

Village of Fox Point

Christine Symchych, Village President

ATTEST:

Sara Bruckman, Village Clerk/Treasurer



VILLAGE OF FOX POINT

MILWAUKEE COUNTY

WISCONSIN

VILLAGE HALL

7200 N. SANTA MONICA
BLVD.

FOX POINT WI 53217-3505

414-351-8900

FAX 414-351-8909

To: Village of Fox Point Village Board

From: Scott Brandmeier, Director of Public Works 

Through: Scott Botcher, Village Manager 

Date: November 7, 2024

Re: Change Order No. 2 from Kapur & Associates for additional design associated with Beach Drive Storm Jetties

At the budget hearing on October 29, 2024, members of the Village Board inquired whether it would be more cost effective to remove the two storm sewer jetties/groins that extend into Lake Michigan. I noted that the Village would have to undertake a detailed sediment transport analysis to determine the impacts of removal and that removal could certainly be a possibility.

Based on that conversation, staff discussed obtaining a change order from Kapur & Associates to address the different design impacts associated with removal of the jetties/groins. It is anticipated that we will perform the analysis and include removal of the jetties/groins in the bid documents along with replacement of the north jetty/groin so that, upon receipt of the bids, the Village Board may make a reasoned decision whether to keep the jetties/groins in place or remove them.

Kapur & Associates has submitted a change order for the additional design work on the Beach Drive Storm Jetties in the amount of \$48,782.40. I have reviewed the hours and fees associated with the work and find them to be reasonable. Considering the discussion at the Village Board Budget Hearing on October 29, 2024 and the desire to evaluate the removal of the jetties/groins as a cost saving measure, this change order is submitted to you for your consideration and approval. Based on my discussions with the consultants, removal of the jetties/groins will cost less than rehabilitation/reconstruction of the structures. Therefore, this change order is before the Board for their review, consideration and approval and, if approved, please authorize the Village President and Village Clerk/Treasurer to sign the change order on behalf of the Village.

CONTRACT CHANGE ORDER NO. 2

BEACH DRIVE TWO JETTIES REPAIR, BEACH HILL STORM SEWER IMPROVEMENT AND ROAD RECONSTRUCTION VILLAGE OF FOX POINT, WI

Contract Document made and entered into by and between the Village of Fox Point and Kapur & Associates, Inc., dated April 12, 2023, is hereby amended as set forth as follows, which is annexed and made a part of the original Contracts.

Additional scope of work for the explore the possibility of removing the outfall concrete structures. This will include an implement of technical computer modeling study focused on sediment transport and beach morphology for the following tasks:

- Permitting coordination, meetings and plans
- Coastal consideration and data collection
- Water levels and offshore waves
- Ice considerations
- Numerical analysis and report
- Design development
- The Contract documents will include alternate bid items for rehabilitation and removal of the structures.

Our fees for the additional services are \$48,782.40:

- GZA - \$45,662.40 (See attached detailed engineering services)
- K&A - \$3,120 (See attached spreadsheet)

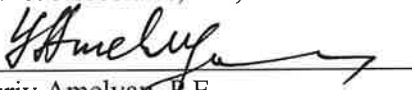
Contract Amount

The following is a summary of the revised contract amount:

Original Contract Amount	\$ 100,097.00
Additional Fees (Contract Change Order No. 1).....	\$ 3,195.00
<u>Additional Fees (Contract Change Order No. 2).....</u>	<u>\$ 48,782.40</u>
Revised Contract Amount	\$ 152,074.40

Receipt of a signed copy of this document will constitute an executed agreement.

For Kapur & Associates, Inc.,

By: 
Yuriy Amelyan, P.E.,
Associate/Project Manager

Date: 11-08-2024

For the Village of Fox Point,

By: _____
Christine Symchych
Village President

Date: _____

By: _____
Sara Bruckman
Village Clerk/Treasurer

Date: _____



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17975 West Sarah Lane
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Brookfield, WI 53045
T: 262.754.2560
F: 262.923.7758
www.gza.com

November 7, 2024
File No. 20.P000441.25

Mr. Aaron Groh, P.E.
Kapur Inc.
7711 North Port Washington Road
Milwaukee, Wisconsin 53217-3130

Subject: Contract Addendum No. 2
Coastal Engineering Services
Village of Fox Point, Wisconsin

Dear Mr. Groh:

GZA GeoEnvironmental, Inc. (GZA) is pleased to provide this Contract Addendum No. 2 to our April 11, 2023 Proposal for Services, GZA File No. 20.P000565.23, to Kapur Inc. (Kapur/"Client") for additional coastal engineering services at the two Village of Fox Point ("Village"/"Owner") stormwater outfall structures. Discussions of our additional scope of work were held with the Client and the Village on October 15 and 31, 2024.

PROPOSED SCOPE OF SERVICES

During the regulatory coordination meetings with the Wisconsin Department of Natural Resources (WDNR) and the United States Army Corps of Engineers (USACE), GZA was asked to prepare a full set of plans for both outfall structures, including the alternatives formulated and evaluated, design details, and other supporting information. As this was not included in the approved scope, this contract addendum covers the preparation of the detailed plan and follow-up responses, and information after the submittal of the plans to the regulatory agencies.

Based on the information presented, the feedback received by the regulatory agencies, and our discussion with the Village, we understand that new concrete, cast-in-place structures were selected as the Preferred Plan. GZA is now preparing permit applications for the Preferred Plan.

The Village would like to explore the possibility of removing the outfall concrete structures. For this to be implemented, a technical computer modeling study focused on sediment transport and beach morphology needs to be performed. A few alternatives may be feasible after the completion of the computer modeling task, which will be presented for the Village review and approval.

1. Permitting Coordination, Meetings, and Plans

During the regulatory coordination meetings with the WDNR and the USACE, GZA was asked to prepare a full set of plans for both outfall structures, including the alternatives formulated and evaluated, design details, and other supporting information. As this was not included in the approved scope, this contract addendum covers the preparation of the detailed plan and follow-up responses, and information after the submittal of the plans to the regulatory agencies.

Based on the information presented, the feedback received by the regulatory agencies, and our discussion with the Village, we understand that new concrete, cast-in-place structures were selected as the Preferred Plan. GZA is now preparing permit applications for the Preferred Plan.



2. Coastal Considerations and Data Collection

The net movement of sediment in the project area is from the north (updrift direction) to the south (downdrift direction). Long Shore Sediment Transport (LST) is the transport of sediment in the littoral zone parallel shoreline due to obliquely approaching waves and induced currents. Storm waves can move significant annual volumes of sediment along the shoreline.

Various coastal structures (groins, jetties, detached breakwaters) can impact this process by trapping a portion of the LST. The two stormwater outfall structures are perpendicular to the shoreline and, therefore, act as groins. Typically, these structures are provided for stabilizing the beaches and counteract the shoreline erosion. By design, a groin maintains the updrift (north) beach stable, and a series of groins (called a groin field) are required to protect both sides. When only one groin is provided, there will be a difference between the shoreline positioning north versus south of the groin (40 feet for the south structure and 25 feet for the north outfall, respectively, as recorded during our survey).

Cross-shore sediment transport (CST), is the transport of sediment in the littoral zone perpendicular to the shoreline. The intensity of the LST and CST increases with larger waves and more intense storms. In an ideal situation, the sediment budget is in balance (the beach profile is stable) and the sediment volume in (positive) and out (negative) of the project area are equal. Balanced sediment transfer is rarely the case and a net negative imbalance results in beach and bluff erosion. The LST annual rates vary as a result of variable water levels and a reduction in the sediment supply. In recent years, man-made armoring of the shoreline and bluffs resulted in a significant reduction of the eroded material entering the lake that used to be a positive source of sediment to the regional LST.

As recently reported by the USACE (*Sediment Budget for the North Illinois Shore from the Wisconsin Border to Wilmette Harbor*, 2019), at the border between Wisconsin and Illinois, approximately 60,000 to 90,000 cubic yards per year was the calculated range of the LST net rate before 1986. The most recent 2019 calculation, reported based on monitoring results, was approximately 16,000 cubic yards per year. Therefore, the LST has significantly reduced, likely due to the decrease in natural sediment supply/shoreline armoring. In the absence of sediment sources from natural erosion, the surficial erosion of sediment in the near-shore area is frequently documented. This will result in deepening of the nearshore water depths, potentially exposing the underlying clay bed and allowing more wave energy to impact the shoreline. This process is called downcutting. While the annual downcutting rates are small, it might represent a long-term concern for the project area.

The stability of the beach in the project area depends on the presence of groins and the type of beach sediments. As coarse materials exist at the location of groins, they are more stable than medium or fine sand and achieve a steeper stable side slope. When a groin is removed, the beach profiles will adjust, with erosion starting to occur on the north side. However, it is important to note that the erosion is controlled by the beach material sizes and that sometimes, a periodic beach nourishment program is provided to maintain the shoreline, counteracting the effects of structure removal and the sediment volumes lost.

GZA will collect sediment samples from both sides of the structures for mechanical size analysis/grain sizes. The locations will be selected as follows: offshore end of the structures, near-shore (shallow water), water's edge, and upper beach.

GZA collected topographic and limited bathymetric survey data on March 20, 2023. The survey extended from the top of the beach to the offshore end of the outfall structures, and 30 feet north and south, respectively, of the structures. GZA will collect new data in the same survey project area sometime in November/December 2024.

3. Water Levels and Offshore Waves

Wave and ice conditions are the primary forces that coastal structures must withstand. The Lake Michigan waves are limited in height by the depth of shallow water at the toe of a structure ("depth-limited" condition). Therefore, the water



levels, which change the depth of water at the toe of a structure during a significant storm, are the single most important item for the coastal protection design.

GZA performed an independent coastal analysis for the water levels, as summarized in the Design Alternatives Report (May 31, 2023). This included a long-term historic average of 579.3 feet International Great Lakes Datum 1985 (IGLD 85) and a 50-year level of 583.0 feet. For reference, a 50-year level has a 2% chance of annual occurrence. This data will be used in the computer modeling task.

The offshore waves data were derived the USACE Wave Information Studies (WIS) hindcast modeling. A 20-year offshore wave of 17.4 feet was selected with the 50-year water level as design criteria. Other wave magnitudes and directions might be used in the computer modeling task.

4. Ice Considerations

The ice load forces are considered in the coastal protection structures, with a revetment design methodology based on ice thickness. The National Snow & Ice Data Center, Great Lakes Ice Charts were reviewed. The maximum ice thickness recorded in the Milwaukee Harbor area was 3 feet in January 1978, with typical ice thickness less than 1 foot. Most Wisconsin Department of Natural Resources (WDNR) reports show up to 8 inches of ice in protected harbors. Considering the typical ice thickness of less than 1 foot for design, the shoreline protection structures will be governed by the wave loads and will not have a significant impact on beach stability.

5. Numerical Analysis and Report

Wave modeling of the existing and proposed conditions at the project site will be performed using the GenCade numerical model by the USACE Coastal Inlets Research Program (CRIP). GenCade is used to calculate shoreline change, morphology changes, and cross-shore and littoral sediment transport over long time scales. GenCade also simulates shorelines changes due to adding or removing coastal structures such as groins and jetties.

GZA will utilize available LiDAR and topo-bathy data, as well as measured sediment transport rates to calibrate the model to the site and ensure that sediment transport output is realistic when compared to historical trends. Once the model is calibrated to the site, the existing conditions will be modeled under three water level scenarios, as follows: 1) 50-year water level (583.0 feet); 2) long-term average water level (579.3 feet); and 3) a low water level (576.0 feet). The same three water levels will be modeled for up to three different proposed condition scenarios. Offshore WIS stations will be employed for the wave forcing of the GenCade simulations.

The GenCade model will simulate the shoreline's response to the existing and proposed structures in the nearshore and sand bypassing around and through the jetty structures. Model output will include shoreline change, littoral sand transport, and volumetric sediment change to inform design and for planning and engineering purposes.

The study will be able to quantify the shoreline response after the outfall structures are removed, with sand lost volumes calculated. A report will be prepared detailing and findings, results, and recommendations.

6. Meeting and Presentations

GZA included the following meetings:

- In-person or remote meeting/presentation with the Village of Fox Point to discuss the study's proposed methodology, discuss expectations, and answer questions;
- Interim presentation of draft computer modeling results and alternatives that might be feasible with potential advantages, disadvantages, and estimated construction costs. One main concern is the north beach erosion and the anticipated reaction from the property owners, which may ask for mitigation (such as a periodic beach nourishment).



The computer modeling task will approximate beach losses and beach nourishment can be recommended (cubic yards and timing for planning budgetary purposes); and

- Final presentation and recommendation of the preferred alternative, from the Design Development tasks described below.

7. Design Development

We understand that the outfall structure removal needs to be studied, with a variety of structural alternatives that appear to be feasible:

- Full structure removal or partial (retain approximately 10 feet) with an outfall directly on the beach. The sub-grade will need armoring for the outfall eroding velocities during the design storm. A structure (which can be a simple excavated line of armor stone excavated in the beach) will reduce the flow velocity.
- Full structure removal or partial with the above-listed items, and a row of stone excavated below the beach grade. This row of stone will sit at a low grade and act as a groin that will help with beach stability. The minimum length will be selected based on the computer modeling tasks. Based on the input provided by the regulatory agencies, we need to remain within the footprints of the existing outfall structure (width and length). For structure removal (full or partial), the work on top of the beach grade will be above the Ordinary High Water Mark (OHWM) of 581.5 feet IGLD 85 (adopted for the Village revetment permit application). This includes a built structure used for reducing the outfall velocity above the OHWM, not subject to State/Federal permitting. Due to the risk of clogging from floating debris in the outfall pipe, we will propose building a structure with easy access for maintenance.

The alternatives developed will be presented with construction cost estimates. After the selection of the Preferred Plan, GZA will proceed with regulatory permitting (approved in the original contract).

BASIS OF BILLING

Billings for GZA's professional services will be on a time and materials basis for the above scope of work in accordance with the rates provided in the April 11, 2023 Proposal for Services, GZA File No. 20.P000565.23, and as shown in Table 1. Based on the proposed scope of work outlined above, we estimate the cost to execute this scope of work to be \$45,662.40.

Table 1. Hourly Rates by Task

		Estimated Personnel Hours By Personnel Category							TOTAL HOURS	TOTAL LABOR	TOTAL EXPENSES	TOTAL COSTS BY TASK
		Principal Consultant Reviewer	Associate Principal	Senior Project Manager	Project Manager	Engineer I	Associate Engineer	Cost Engineer	Clerical Admin.			
Fixed Hourly Rates Calendar Year 2024		\$216.00	\$198.00	\$180.00	\$148.50	\$117.00			\$99.00			
Task No.	Description											
1	Permitting Coordination/Meetings/Plans	1	5			11			1	18	\$2,592.00	\$2,592.00
2	Data Collection	1	1			40				42	\$5,094.00	\$5,094.00
3	Water Levels and Offshore Waves	1	2							3	\$612.00	\$612.00
4	Ice Considerations	1	2							3	\$612.00	\$612.00
5	Computer Modeling and Report	1	4		45	110			4	164	\$20,956.50	\$20,956.50
6	Meetings and Presentations	1	20			8				29	\$5,112.00	\$5,112.00
7	Design Development	1	16			60			1	78	\$10,503.00	\$10,503.00
Total Estimated Hours		7	50		45	229			6	337		
Total Estimated Labor Cost By Category		\$1,512.00	\$9,900.00	\$0.00	\$6,682.50	\$26,793.00	\$0.00	\$0.00	\$594.00		\$45,481.50	\$45,481.50
Travel Miles (\$0.67/Mile)			147.4			33.5					180.9	
Travel Miles (\$0.67/Mile)											Estimated Total	\$45,662.40

CONDITIONS OF ENGAGEMENTS

The conditions of engagement are described in the Terms and Conditions for Professional Services ("Terms and Conditions") provided in our April 11, 2023 Proposal for Services, GZA File No. 20.P000565.23.



ACCEPTANCE

This agreement may be accepted by signing in the appropriate space below and returning one copy to us. This contract addendum is valid for a period of 30 days from the date of issue.

We appreciate the opportunity to submit this contract addendum. Please feel free to contact the undersigned with questions or if you require additional information.

Very truly yours,

GZA GeoEnvironmental, Inc.

Dan Veriotti, P.E.

Associate Principal/Coastal Engineer

(224) 275-2123 / dan.veriotti@gza.com

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This Contract Addendum No. 2 and the rates and Terms and Conditions provided in our April 11, 2023 Proposal for Services, GZA File No. 20.P000565.23, are hereby accepted and executed by a duly authorized signatory, who by execution hereof warrants that he/she has full authority to act for, in the name, and on behalf of Kapur Inc.

KAPUR INC.

By:

Title: PROJECT MANAGER

Printed/Typed Name: YURIY AMELYAN

Date: 11-08-2024

This Contract Addendum No. 2 and the rates and Terms and Conditions provided in our April 11, 2023 Proposal for Services, GZA File No. 20.P000565.23, may be executed in two or more counterparts, each of which together shall be deemed an original, but all of which together shall constitute one and the same instrument. In the event that any signature is delivered by facsimile transmission or by an e-mail delivery of a document in ".pdf" format, each such signature shall create a valid and binding obligation of the party executing the document, or on whose behalf each document is executed, with the same force and effect as if each such facsimile or ".pdf" signature were an original thereof.

ESTIMATED ADDITIONAL K&A HOURS FOR CCO#2
BEACH DRIVE TWO JETTIES REPAIR , BEACH HILL STORM SEWER IMPROVEMENT AND ROAD RECONSTRUCTION
VILLAGE OF FOX POINT, WISCONSIN

TASK	Project Manager	Project Engineer III	Project Engineer II	Staff Engineer I	Project Surveyor	Survey Crew	Tech II	Total Task Hours	Total Task Cost
	\$180.00	\$160.00	\$130.00	\$105.00	\$150.00	\$140.00	\$100.00		
1. Contract documents that includes alternate bid items for rehabilitation and removal of the structures	8	8					4	20	\$ 3,120.00
Total Additional Hours for K&A:	8	8	0	0	0	0	4	20	\$ 3,120.00



VILLAGE OF FOX POINT

MILWAUKEE COUNTY

WISCONSIN

VILLAGE HALL

7200 N. SANTA MONICA BLVD.

FOX POINT WI 53217-3505

414-351-8900

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To: Village Board

From: Kevin Ausman, Assistant Village Manager

cc: Scott Botcher, Village Manager

Date: November 12, 2024

Re: Referral of Conceptual Zoning District to Plan Commission

Overview

Following the high-level conceptual presentation at the August 6, 2024 Village Board meeting detailing the need for a new zoning tool, Staff reviewed the Port Washington Overlay (PWO) code amendment for consideration and adoption. This zoning tool is an overlay district designed to assist revitalization of the Port Washington Road commercial corridor while also proactively incentivizing, through design flexibility, future development as a realization of current market factors. Staff undertook this project guided by implementation goals of the 2021 Fox Point Comprehensive Plan.

The draft code amendment is attached to this memo, and, following the process for a code amendment, is only for referral of the item to the next meeting of the Plan Commission. The existing zoning code, along with development barriers specific to individual parcels create obstacles to redevelopment. A community history of non-development and a “wait-and-see” approach have yet to yield positive results. Staff proactively drafted a zoning district overlay as a way to provide a tool for the Village to redevelop its commercial heart. Without making a change to the Village’s current zoning code, it is likely that some of the parcels along this corridor will remain abandoned, blighted, or otherwise underutilized.

Background and Determination of Need

The direction given to staff at the August 6, 2024 Village Board meeting unanimously approved of the concept of a new targeted zoning tool. Port Washington Road is both the commercial heart of the Village and unofficial entryway to Fox Point. While the Village of Fox Point is a majority residential community, it does contain a small number of highly visible commercial parcels. Some of these commercial properties are abandoned, blighted, or otherwise underutilized. A number of these properties have sat vacant or blighted in excess of a decade.

[The Comprehensive Plan, adopted in 2021, after significant public input and public hearings, specifically identifies the Port Washington commercial corridor as requiring of attention to remediate these issues \(DOC LINK\).](#) The Comprehensive Plan (or Land Use) is the long-range guiding document and vision for every community in Wisconsin. State law requires an update every 10 years and requires both public input and adoption by the Village Board. The document itself identifies issues within the community and

opportunities to address those issues, along with goals and timelines for implementation. The Port Washington Road corridor was specifically identified in this adopted plan by members of the community and the Village Board.

There are seven topics within a Comprehensive Plan document, and the redevelopment of Port Washington is explicitly stated within two topic areas: Economic Development and Land Use. Goals are stated for the alleviation of blighted/abandoned properties, supporting economic development in the Village's commercial areas, and support for mixed-use development.

Zoning

If Land Use is the long-range vision for the community, Zoning is the tool for implementation of that vision. Port Washington Road is the primary commercial corridor of the Village, with some residential uses included. The base zoning district along this corridor is the D Business District. The district regulates use, procedures, and area requirements such as height or setbacks for the Village's businesses.

An overlay district adds unique conditions, requirements, or triggers on top of the base district. It can be used to place additional limitations on parcels or allow for flexibility from requirements in the base district. The Village does currently have an existing overlay, the Planned Development Overlay District (PDO). However, whereas the PDO can be applied across the Village and focuses on residential uses, the PWO intends to specifically target the Port Washington commercial corridor.

What is the PWO?

The PWO intends to promote vibrant commercial activity along the Port Washington Road corridor while preserving the unique residential character of Fox Point. In the 2021 Comprehensive Plan, the community specifically identified mixed-use projects along Port Washington Road. Mixed-Use projects are currently not allowed in the Village (except for a very specific trigger within the PDO). Adding flexibility in use through this code amendment will create opportunity for mixed-use environment along the Port Washington Road corridor and encourage developers to propose a mix of commercial, retail, office, residential, and mixed-use developments.

Residents in the community are aware of blighted or abandoned properties in the Village along the Port Washington Road corridor. The PWO aims to non-financially incentivize the revitalization and redevelopment of these underutilized or blighted properties. A significant discouragement of development opportunities exists on parcels along Port Washington due to the strict area requirements of the D Business District coupled with utility easements or other right-of-way concerns. Draft language within the PWO orients buildings towards Port Washington road, relaxes both rear and side yard setbacks, and mandates a two-story height minimum. In order to remain sensitive to the residential nature of the community, height of new construction is limited when abutting residential.

Adoption Process

Adoption requires referral from the Village Board to the Plan Commission for review. At the next meeting of the Plan Commission, the code amendment will be reviewed and considered for recommendation back to the Village Board. Following a public hearing at the Village Board, a decision for adoption may be made.

Recommendation

Staff recommends that the Village Board refer the draft Port Washington Overlay district code amendment to the Plan Commission for review and consideration.

STATE OF WISCONSIN

VILLAGE OF FOX POINT

MILWAUKEE COUNTY

**AN ORDINANCE TO CREATE SECTION 745-22.5 OF THE VILLAGE OF FOX
POINT VILLAGE CODE TO CREATE A PORT WASHINGTON OVERLAY
DISTRICT IN THE VILLAGE OF FOX POINT**

WHEREAS, Village Staff recommended the Village of Fox Point Village Board create a new overlay district, the Port Washington Overlay District, to promote commercial activity while preserving the semi-urban rural residential character of the Village of Fox Point; and

WHEREAS, the Village Board has initiated this proposed Zoning Code amendment and has referred the matter to the Village Plan Commission for report and recommendation pursuant to Wisconsin Statutes Section 62.23(7)(d)(2); and

WHEREAS, the Village of Fox Point Village Board held a public hearing regarding the proposed ordinance on or about _____, upon due notice as required by Wisconsin Statutes Section 62.23(7)(d)(1)b; and

WHEREAS, the Village Board received a report and recommendation from the Village Plan Commission in favor of adopting the ordinance to create the Port Washington Overlay District in the Village of Fox Point; and

WHEREAS, the Village Board finds that this change to the Village Zoning Code is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, further the Village Board of the Village of Fox Point having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such amendment on the health, safety and welfare of the community, hereby determine that the amendment will not violate the spirit or intent of the Zoning Code for the Village of Fox Point, will not be contrary to the public health, safety or general welfare of the Village of Fox Point, and the amendment is consistent with the Village of Fox Point Comprehensive Plan.

NOW, THEREFORE, the Village Board of the Village of Fox Point, Milwaukee County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 745 of the Village of Fox Point Municipal Code entitled "Zoning," Section 745-22.5 entitled "PWO Port Washington Overlay District" is hereby created as follows:

§ 745-22.5 PWO Port Washington Overlay District.

- A. Intent. The Port Washington Overlay District (PWO) is established to promote vibrant commercial activity while preserving the unique semi-urban rural residential character of the community. The intent of the PWO is to create a dynamic, mixed-use environment along the Port Washington Road corridor that enhances economic vitality; and permits greater flexibility in site orientation and use than the base district may allow.

- (1) Flexibility in Use. The PWO encourages a diverse mix of commercial, retail, office, residential, and mixed-use developments that contribute to the vibrancy and vitality of the areas adjacent to Port Washington Road. Flexibility in land use regulations within the PWO is intended to accommodate a variety of building types and sizes, fostering innovation, entrepreneurship, and economic growth.
- (2) Promoting Redevelopment. The PWO encourages the revitalization and redevelopment of underutilized or blighted properties along the Port Washington Road corridor. Redevelopment efforts may reuse existing structures where feasible, as well as the creation of new developments that complement the scale, character, and aesthetics of the surrounding built environment.
- (3) Residential Sensitivity. While promoting commercial activity and redevelopment, the PWO is mindful of its residential context and seeks to minimize adverse impacts on nearby neighborhoods. Redevelopment projects within the district should incorporate design features and site layouts that mitigate noise, traffic congestion, and other potential nuisances, while also respecting the scale and character of adjacent residential properties.

B. Application of regulations.

- (1) The PDO may be added to property in the D Business District that abuts Port Washington Road.
- (2) Upon adoption of a PWO rezoning ordinance, the underlying zoning regulations continue to apply, except as may be modified in this Section 745-22.5 and the PWO rezoning ordinance. The Village Board may modify provisions of the underlying zoning ordinance within the PWO rezoning ordinances, as the Village Board deems appropriate, to accomplish the intent of the PWO overlay, for any particular project, case by case.
- (3) Permitted Uses.
 - (a) Any use permitted in the underlying zoning District shall be permitted in the PWO, except the Prohibited Uses described in Subsection (4) below.
 - (b) Attached single-family and multi-family dwellings with appropriate quality and character may be permitted in a PWO.
 - i. When the planned development consists in whole or in part of residential units, each residential unit shall be occupied by only one family.
 - (c) Mixed-use development consisting of both commercial and residential with appropriate quality and character may be permitted in a PWO.
- (4) Prohibited Uses.
 - (a) Automobile sales and leasing, Automobile storage services, Automobile body/auto repair
 - (b) Gas/Convenience Stores
 - (c) Convenient cash businesses

- (d) Gun shops
- (e) Light/Heavy Industrial uses
- (f) Outdoor storage of materials
- (g) Pawnbrokers
- (h) Retail sales of tobacco, electronic smoking devices and related products
- (i) Any use found by the Village Board to be detrimental to the surrounding area or to the community as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance or other similar factors.

C. Procedure.

- (1) Petition. Petition may be made to the Village Board by the owner/agent of the property. The applicant shall pay a fee as described in Chapter 63 of this Code. Such petition shall be accompanied by the following information:
 - (a) A detailed narrative statement describing the general character of the intended development, a general development plan, and other information pertinent to a determination as to the suitability and desirability for granting the proposed PWO project on the particular site. The applicant shall also provide the following:
 - i. An accurate map of the project area, including its relationship to surrounding properties.
 - ii. Statistical data on total size of project area, area of open space, density computation and proposed number of residential units (if applicable), proposed use, impact upon municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
 - iii. The pattern of public and private roads, driveways, and parking facilities, and intended design standards.
 - iv. The size, arrangement, and location of lots and/or of proposed structures.
 - v. The location of sewer and water facilities, drainage facilities, stormwater retention or detention basins, and any and all plans to control or reduce flooding on the subject site, and from the subject site to any and all areas on or off the site, whether within or outside the corporate limits of the Village.
 - vi. Architectural renderings illustrating the design and character of proposed structures, including schematic cross-sectional drawings related to neighboring structures.
 - vii. General landscape treatment.
 - viii. Existing topography and storm drainage pattern and proposed storm drainage system showing basic topographic changes.

- ix. Garbage, recyclable materials, yard waste, or hazardous material collection, storage and pickup facility plans.
- (b) A general summary of financial factors such as value of structures, estimated improvement costs, amount proposed for landscaping and special features, estimated sale or rental price, and total anticipated development cost of the project.
- (2) Referral to Plan Commission. Such petition shall be referred to the Plan Commission for study and investigation. The Plan Commission shall make its recommendation to the Village Board as to the appropriateness and desirability of the proposed development plans, and any changes or additional conditions applicable to such plans which it may feel necessary or appropriate.
- (3) Public hearing. Upon receipt of the Plan Commission's recommendation, the Village Board shall before taking action to approve such petition hold a public hearing on the proposal, following class 2 notice as described in Wisconsin Statutes Chapter 985. Notice for such hearing shall include reference to the consideration of the specific proposed project development plans.

D. Setbacks, Height, Area, & Parking.

- (1) Build-to Line. No more than 50% of the front façade of any new principal structure may be set back more than 10 feet from the Port Washington Road property line.
 - (a) Landmark buildings. A building which is located at a street intersection or shall be considered a landmark building subject to this subsection (a) and (b). Such buildings shall incorporate architectural features which emphasize the importance of such a location. Features may include a tower element, unique patterning of facade, bay or bow window element, building element with a height variation from the rest of the building, as well as other solutions.
 - (b) Landmark orientation. Landmark buildings located at a street intersection shall orient construction to the corner most near the identified street intersection. The building setback from the street corner may not exceed 5 feet from the property line. The construction may deviate from the Build-to Line requirement if determined by the Plan Commission that requirement may be reduced.
 - (c) Allowance for Multiple Principal Structures. Where multiple principal structures are proposed on a single development parcel, only the primary structure is required to align with the build-to line. Additional structures may be set back from Port Washington Road, provided they are located on a parcel greater than 1 Acre in size and meet the following standards:
 - i. Site Design and Orientation: Structures set back from the build-to line must be arranged to allow for site circulation, pedestrian pathways, parking, and meet all other requirements of this chapter.
 - ii. Use Compatibility: All principal structures set back from the build-to line must present proposed uses during the approval process that are complementary to those of the primary structure oriented

at Port Washington Road and are consistent with the goals of the PWO.

- (2) Minimum Side and Rear Setbacks. New principal structures are allowed 5-foot side and rear setbacks for those properties not abutting Single-Family Residential-zoned property. When abutting Single-Family Residential-zoned property, the minimum side and rear setback is 15-feet.
 - (3) Height. Structures must be constructed with a minimum of two stories and may not exceed 60ft in height. Structures which abut a Single-Family Residential-zoned property may not exceed 35 feet in height.
 - (4) Parking. Parking spaces and driveways must be clearly defined, constructed, and maintained. Grass, landscaped areas, and bare earth areas are prohibited for any driveway or parking spaces. Parking spaces shall not be used for the storage or sale of merchandise, vehicle storage, vehicles for sale, or vehicle repair.
 - (a) Automobile parking requirements may adhere to the minimum number and dimensions of the D Business District, unless the Plan Commission determines that these minimums may be reduced. Applicants for parking reductions must present data determining number of stalls and their dimensions, turning radii of vehicles, number of employees, housing units, building square footage, customers, or any further justification for the reduction in parking minimums.
- E. Basis for approval. The Plan Commission in making its recommendations and the Village Board in making its determination shall give consideration and satisfy themselves to the following:
- (1) In the case of proposed residential developments:
 - (a) That such development will create an attractive residential environment of sustained desirability and economic stability, compatible with the character of the Village and where the economic impact of the development in terms of income levels, property values, and service demands is substantially as beneficial to the community as that which could be anticipated under the underlying zoning.
 - (2) In case of proposed commercial developments:
 - (a) That the proposed development will be adequately served by off-street parking and truck service facilities.
 - (b) That the locations for entrances and exits have been designed to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets.
 - (c) That the architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with the surrounding neighborhood.
- F. Determination.

- (1) The Village Board, after due consideration, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions. Such approval shall constitute approval of the specific project development plan.
- (2) The approval of a PWO project shall be based on and include as conditions thereto the building, site, and operational plans for the development as approved, as well as all other commitments offered or required as regard to project value, character, or other factors pertinent to an assurance the proposed development will be carried out basically as presented in the official submittal plan. Detailed construction and engineering need not necessarily be completed at the time the project is approved but the approval of such preliminary plans is conditioned upon the subsequent submittal and approval of more specific and detailed plans as the development progresses.
- (3) The developer shall enter into an appropriate development agreement, in recordable form, with the Village to guarantee the implementation and continued maintenance of the development according to the terms of the conditions established as part of the development plan approval. Any change or modifications to such approvals or the development itself shall be accompanied by an amendment to the development agreement in recordable form, which amendment shall leave in full force and effect all prior development contract terms not specifically amended. Such contracts shall be binding upon the developer's successors and assigns and shall run with the land.
- (4) Any subsequent change or addition to an approved plan shall first be submitted for approval to the Plan Commission, and if in the Commission's opinion such change or addition is not substantial, it may recommend approval to the Village Board. If such change or addition is construed to be substantial, a public hearing shall be held prior to affirmative action by the Village Board on such recommendation.
- (5) Failure to comply with the conditions and regulations as herein established and as specifically made applicable to a specific project development shall be cause for termination of the approval for said project. At least 15 days' notice shall be given to the developer to appear before the Plan Commission and answer any such charge of noncompliance. If the Plan Commission finds the charges substantiated, they shall then submit to the Village Board recommendations as to specific steps to be taken to terminate the development as rapidly as possible if the situation is not satisfactorily adjusted within a specific period. Such a termination should be in a manner which will achieve the maximum degree of the intended development objectives consistent with environmental compatibility with the neighborhood and with the general welfare of the community.

SECTION 2. SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3. EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this _____ day of _____, 2024.

Village of Fox Point

Christine Symchych, Village President

ATTEST:

Sara Bruckman, Village Clerk/Treasurer