VILLAGE OF FOX POINT
VILLAGE BOARD MEETING
MARCH 13, 2012

A meeting of the Fox Point Village Board was held on March 13, 2012 in Schwemer Hall, 7200 N. Santa Monica Blvd., beginning at 7:02 p.m. Members of the Village Board present included:

Village President Michael A. West
Trustee Bill Warner
Trustee Eric Fonstad
Trustee Beverly Bell
Trustee F.R. Dengel III
Trustee Douglas H. Frazer
Trustee Christine Symchych

Also present were Village Manager Susan E. Robertson, Village Clerk Tanya O'Malley, and Village Attorney Eric Larson.

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 boards.

Persons desiring to be heard

Mr. Larry Booth, 220 E Clovernook, requested that the Board combine agenda items 6.a. and 6.e. and that the Board move those items up on the agenda.

Public Hearing: An Ordinance to Create Section 14.07(4)(d) of the Village of Fox Point Village Code, Regulating Use of Portable Outhouses

On motion of Trustee Warner, seconded by Trustee Bell, and carried unanimously, the Board opened the Public Hearing at 7:07 p.m.

President West stated that this item had been referred for approval by the Plan Commission with one minor change to the text.

On motion of Trustee Warner, seconded by Trustee Symchych, and carried unanimously, the Board closed the Public Hearing at 7:09 p.m.

On motion of Trustee Bell, seconded by Trustee Warner, and carried unanimously, the Board adopted the Ordinance to Create Section 14.07(4)(d) of the Village of Fox Point Village Code, Regulating Use of Portable Outhouses as referred by the Plan Commission and as attached to the Village Attorney's March 5, 2012 memorandum.

Conditional Use Permit: New Again Retail Shop, 8007 N. Port Washington Road, Bradley Place. (New Business) and Conditional Use Permit: The Fresh Market, Inc., 8705 N. Port Washington Road, RiverPoint Village (Amendment to Conditional Use Permit of 9-21-11 - Roof Top Unit, Marketing Window, and Exterior Seating (Tables, Chairs and Umbrellas)) and Conditional Use Permit: Braatz, LLC, d/b/a Red Mango Yogurt and Smoothies, 8667 N. Port Washington Road, RiverPoint Village. (New Business)

President West announced that all three items had been referred for approval by the Plan Commission.

Consent Agenda

a. Approve the Minutes of the February 14, 2012 Village Board meeting as drafted February 23, 2012

b. Grant a Conditional Use Permit to New Again Retail Shop, 8007 N. Port Washington Road, Bradley Place and authorize the Village President and Village Clerk to sign the Conditional Use Order

d. Grant a Conditional Use Permit to Braatz, LLC, d/b/a Red Mango Yogurt and Smoothies, 8667 N. Port Washington Road, RiverPoint Village and authorize the Village President and Village Clerk to sign the Conditional Use Order

e. Accept the proposal from Robert W. Baird & Co. Incorporated for financial advisory services and authorize the Village President and Village Clerk to sign the agreement per the Village Treasurer's memorandum dated March 7, 2012

f. Refer proposed interior renovations as described in the February 27, 2012 letter from James Roche, at St. Eugene School, 7600 N Port Washington Road to a Joint Plan Commission/Building Board Meeting and schedule a public hearing in this regard for the April 10, 2012 regular Village Board meeting immediately following "Persons desiring to be heard"

g. Refer proposed Ordinance to Repeal and Recreate Section 14.07(2)(c)(8)(f) of the Village of Fox Point Village Code Related to Exceptions to Fence Standards for Particular Uses to the Plan Commission and schedule a public hearing in this regard for the April 10, 2012 regular Village Board meeting immediately following the previously scheduled Public Hearing

h. Grant the Class "A" Fermented Malt Beverage and "Class A" Intoxicating Liquor License and approve Mr. Eric S. Thomas as the agent for The Fresh Market, Inc. d/b/a The Fresh Market, 8705 N Port Washington Road, subject to the payment of the prorated license fees per the Village Clerk's memorandum dated March 6, 2012

i. Approve the permit to use Village Streets for the United Performing Arts Fund Miller Lite Ride for the Arts on Sunday, June 3, 2012 subject to an appropriate Certificate of Liability Insurance being provided to the Village per the Village Clerk's memorandum dated February 27, 2012

j. Authorize making wood chips available on a limited basis at the Public Works Yard for resident pick-up per the Director of Public Works' memorandum dated March 7, 2012

n. Accept the proposal of Kapur & Associates in the amount of $15,804 for the televising of sanitary sewers in the Village and authorize the Village President and Village Clerk to sign the agreement per the Director of Public Works' memorandum dated March 7, 2012

o. Adopt the proposed Resolution Approving Fees for North Shore Fire Department Services as drafted February 17, 2012

p. Adopt the proposed Ordinance to Repeal and Recreate Section 40.01(3) and Repeal and Recreate Section 40.01(4) of the Village of Fox Point Village Code Concerning Fire Department Fees in the Village of Fox Point per the Village Attorney's letter dated March 1, 2012

q. Approve Payment of the Bills in the amount of $347,457.55 for the period February 1, 2012 through February 29, 2012 per the report prepared by the Village Manager

President West asked to remove item 5.c.

Trustee Fonstad asked to remove items 5.k., 5.l., and 5.m.

On motion of Trustee Warner, seconded by Trustee Dengel, and carried unanimously, the Board approved the Consent Agenda as amended.

Grant a Conditional Use Permit to The Fresh Market, Inc., 8705 N. Port Washington Road, RiverPoint Village and authorize the Village President and Village Clerk to sign the Conditional Use Order

On motion of Trustee Dengel, seconded by Trustee Symchych, and carried unanimously, the Board approved the Conditional Use Order of Fresh Market and authorized the Village President and Village Clerk to sign the Conditional Use Order with the proviso that the sign had to be placed in conformance to the Village Ordinances.

Accept the bid of Argo Contracting, Inc. in the amount of $23,490 for the Beach Court Drainage Improvement Project and authorize the Village President and Village Clerk to sign the contract per the Director of Public Works' memorandum dated March 7, 2012 and Accept Amendment No. 1 from AECOM in the amount of $2,000 for additional design work performed on the Beach Court Drainage Improvement Project and authorize the Village President and Village Clerk to sign the amendment per the Director of Public Works' memorandum dated March 7, 2012 and Accept the proposal of AECOM in the amount of $11,450 for construction inspection activities related to the Beach Court Drainage Improvement Project and authorize the Village President and Village Clerk to sign the agreement per the Director of Public Works' memorandum dated March 7, 2012

Trustee Fonstad recused himself from all three items.

On motion of Trustee Warner, seconded by Trustee Dengel, and carried unanimously (6-0), the Board approved agenda items 5.k., 5.l., and 5.m. consistent with the agenda notice.

President West asked for unanimous consent to suspend the rules to take up agenda items 6.a. and 6.e. together. Without objection, the rules were suspended.

Discussion and Possible Action Regarding the Bridge Lane Ravine Footbridge and Discussion on Referendum or Survey Regarding the Bridge Lane Ravine Footbridge

Mr. Steve Ford and Mr. Marvin Rivers of The Boldt Company, presented the Construction Logistics Study Report on the Bridge Lane Ravine Footbridge. Mr. Ford stated that after their study, they had come up with four construction/installation methods that would be feasible for the project: the Pick and Swing Method, the Pick and Carry Method, the Cable Launch Method, and the Roller Launch Method. Mr. Rivers outlined the logistics of each method. Mr. Ford outlined some probably cost estimates, which ranged from $1,450,000 to $1,750,000. Mr. Rivers stated that his preferred method would be the Pick and Swing Method but indicated that different contractors may prefer different options. Mr. Ford estimated that the labor and construction aspect of a demolition would be approximately $150,000 and that the cost of cranes, temporary items, and general conditions would add approximately $50,000 to $100,000.

Mr. Larry Booth, 220 E Clovernook, stated that the costs being discussed were more than the amount that the Village had already borrowed. He asked if the Board was willing to go beyond $1.1 million. He stated that the Board had not voted on whether $1.1 million was a wise use of taxpayer money. He stated that he wanted that question to be answered and he wanted the Board to take a vote immediately.

Mr. Richard Stanislawski, 214 E Clovernook, stated that he had never been on the bridge and that it only benefited a few people in the community. He stated that he would like the issue brought to referendum for the whole community to decide. He suggested demolishing the bridge and going back to nature.

Ms. Cissy Bryson, 7272 N Bridge Lane, commended The Boldt Company for a good presentation. She stated that the rehabilitation, as presented by Conor Nelan, was still the lowest cost. She explained that she loved the bridge and she would like it to be saved. She requested that the Board consider rehabilitating the bridge and restoring all the bad parts

Ms. Mary Connelly, 7267 N Bridge Lane, stated that hundreds of people use the bridge and that it was a sense of the quality of life in Fox Point.

Ms. Maureen Daly, 7100 N Lake Drive, stated that she was in favor of the bridge, that it was a fabulous amenity, and that many people used the bridge. She stated that a referendum was a really stupid idea and a waste of money. She explained that the Trustees were elected to make these types of decisions.

Ms. Eve Sylvester, 7536 N Seneca Road, stated that with an expenditure of this size, all of the residents of Fox Point should be consulted.

Mr. Bill Wilkening, 7536 N Seneca Road, stated that he did not know the bridge existed until recently. He stated that he was in favor of some sort of referendum.

Mr. Carl Schwartz, 7239 N Barnett, read excerpts from a letter written by Whitney Gould that had been submitted to the Village.

Mr. Peter Richardson, 720 E Green Tree, stated that many people use the bridge, including people from surrounding communities. He stated that the Board was elected to make this type of decision. He stated that he was in support of either repairing or replacing the bridge.

Mr. Ned Brickman, 727 E Daisy Lane, stated that he was in favor of the bridge and that it was a cultural and aesthetic amenity of the Village. He explained that the bridge was part of the Comprehensive Plan of the community. He stated that he had worked with the Village to determine what this project would cost each taxpayer and explained that if the bridge cost $1.1 million, the taxes would be an increase of $25.30 per year for a $300,000 home.

Ms. Barbara Schwartz, 7239 N Barnett, stated that there was a great deal of support in the Village for the bridge. She explained that the Board needed to make a decision and not decided by an informal referendum, which would cost additional dollars. She stated that she was a member of the Committee that the Village had formed to look into fundraising issues.

Mr. Booth stated that the bridge was lovely and if there was plenty of money, it would be a good thing to have. He stated that a referendum was the democratic way to give citizens a voice. He stated that he was baffled by the Board's silence on the issue. He stated that at the last two Board meetings, the other Board members sat in silence, while President West did all the talking.

Mr. Mike O'Connor, 6913 N View Place, stated that he would pay Mr. Booth's share of the cost in perpetuity if he would drop his opposition. He explained that it was that important to him and his family to have the bridge. He stated that there were many people who had positive opinions of the bridge.

Ms. Kathe Lake, 7471 N Beach Court, stated that she had a limited income and would like to take advantage of Mr. O'Connor's offer and that many others would like to, as well. She stated that she was not against the bridge but that she was against spending that kind of money on a new bridge.

Ms. Sarah Worthman, Fox Point Patch, stated that it seemed people from both sides of the issue were confused as to why the Board was not taking a vote. She explained that she wondered if any Trustee was willing to make a motion or could explain why they did not make a motion.

Ms. Erica Segal, 7433 N Beach Court, stated that none of the Board members had spoken and that she was curious why the other Board members, who represented the residents, were not answering the questions.

Ms. Ann Sachse, 7801 N Santa Monica Blvd, stated that the Village should send out a survey that included questions about donations.

Initial Resolution Authorizing the Borrowing of Not to Exceed $2,500,000 and Providing for the Issuance and Sale of General Obligation Bonds and Initial Resolution Authorizing the Borrowing of Not to Exceed $2,550,000 and Providing for the Issuance and Sale of General Obligation Refunding Bonds

Mr. Steve Kornetzke, Baird, was present to provide information and answer questions. He outlined the 2012 Financing Plan.

On motion of Trustee Fonstad, seconded by Trustee Warner, with all members voting aye, the Board adopted the Resolution Authorizing the Borrowing of Not to Exceed $2,500,000 and Providing for the Issuance and Sale of General Obligation Bonds.

On motion of Trustee Symchych, seconded by Trustee Dengel, with all members voting aye, the Board adopted the Initial Resolution Authorizing the Borrowing of Not to Exceed $2,550,000 and Providing for the Issuance and Sale of General Obligation Refunding Bonds.

Resolution Amending the 2011 Village Budget

President West asked for unanimous consent to amend the draft Resolution to change $5,200 to $5,300 in two places. Without objection, the draft was amended.

On motion of Trustee Bell, seconded by Trustee Symchych, and carried unanimously, the Board adopted the Resolution Amending the 2011 Village Budget as amended.

Future Agenda Items - None

Announcements

Trustee Bell announced that she appreciated receiving the Annual Report from the North Shore Health Department.

Trustee Frazer announced that President West had been selected as Chair of the Milwaukee Metropolitan Sewerage District (MMSD) and offered his congratulations.

Trustee Symchych announced that she had attended a seminar on pharmaceutical recycling in municipalities. She stated that she was pleased to hear that the Village participated in a program.

Manager Robertson announced that there would be collection of pharmaceuticals by MMSD at the end of April and that the Police Department collected pharmaceuticals from residents anytime the building was open.

Adjourn

On motion of Trustee Warner, seconded by Trustee Bell, and carried unanimously, the Board adjourned at 9:42 p.m.

Respectfully submitted,

Tanya O'Malley, WCMC
Village Clerk