VILLAGE OF FOX POINT
VILLAGE BOARD MEETING
APRIL 10, 2012

A meeting of the Fox Point Village Board was held on April 10, 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 - None

Public Hearing: Proposed Interior Renovations at St. Eugene School, 7600 N Port Washington Road

On motion of Trustee Warner, seconded by Trustee Bell, and carried unanimously, the Board opened the Public Hearing at 7:03 p.m.

On motion of Trustee Warner, seconded by Trustee Symchych, and carried unanimously, the Board closed the Public Hearing at 7:05 p.m.

On motion of Trustee Fonstad, seconded by Trustee Warner, and carried unanimously, the Board approved the project as presented in the letter from St. Eugene School and found that the four requirements of the ordinance had been satisfied.

Public Hearing: An 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

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

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

On motion of Trustee Fonstad, seconded by Trustee Warner, and carried unanimously, the Board approved the 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 as presented in the Village Attorney's memo dated March 6, 2012.

Consent Agenda

a. Approve the Minutes of the March 13, 2012 Village Board meeting as drafted March 22, 2012

b. Accept Change Order No. 2 from Kapur & Associates in the amount of $8,095 for the Green Tree Road Reconstruction Design project and authorize the Village President and Village Clerk to sign the contract per the Director of Public Works' memorandum dated April 4, 2012

c. Accept the bid from Heartland Construction in the amount of $120,994 for the Base Bid and Alternate Bid combined plus an additional $7,006 for contingency costs for the Lift Station Rehabilitation project with $20,000 to come from the unassigned Sewer Fund fund balance and authorize the Village President and Village Clerk to sign the contract per the Assistant Director of Public Works' memorandum dated March 29, 2012

d. Accept the proposal from Best Painting and Restorations, LLC in the amount of $24,335 plus an additional $600 for other additional sandblasting and painting for the Pool Painting projects and authorize the Village Manager to sign the purchase order per the Assistant Director of Public Works' memorandum dated March 26, 2012

e. Accept the proposals for two new dump trucks (replacing the #5 and #11 dump truck chassis and associated body equipment), and authorize the Village Manager to sign the purchase orders and Assistant Director of Public Works to sign contracts per the Assistant Director of Public Works' memorandum dated March 30, 2012, as follows: The proposal from Lakeside International Trucks LLC in the amount of $121,842, and the proposal from Casper's Truck Equipment in the amount of $101,865; and also authorize the Assistant Director of Public Works to spend an additional $5,000 for graphics, modifications and miscellaneous small equipment related to such vehicles.

f. Accept the proposals for a new truck (replacing truck #2 truck chassis and high-velocity sewer cleaning body), and authorize the Village Manager to sign the purchase order and Assistant Director of Public Works to sign the contract per the Assistant Director of Public Works' memorandum dated April 4, 2012, as follows: The proposal from Truck Country in the amount of $58,299, and the proposal from Northern Sewer Equipment Co., Inc. in the amount of $116,042; and also authorize the Assistant Director of Public Works to spend an additional $5,659 for an extended emissions warranty, graphics, modifications and miscellaneous small equipment related to such vehicle.

g. Accept the bid from Voss' Treemendous Tree Service in the amount of $28.00 per inch diameter (DBH) and in an amount not to exceed $18,200 for the removal of diseased Dutch Elm Trees and authorize the Village President and Village Clerk to sign the contract per the Village Forester's memorandum dated March 29, 2012

h. Accept the bid of Johnson's Nursery, Inc. in the amount of $14,871.93 for the supply of trees related to the Village's 2012 Emerald Ash Borer Initiative Tree Planting and authorize the Village Manager to sign the purchase order per the Village Forester's memorandum dated March 29, 2012

i. Approve Payment of the Bills in the amount of $727,175.27 for the period March 1, 2012 through March 31, 2012 per the report prepared by the Village Manager

On motion of Trustee Bell, seconded by Trustee Warner, and carried unanimously, the Board adopted the Consent Agenda as presented in the agenda.

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

Mr. Larry Booth, 220 E Clovernook Lane, stated that he had sent a proposal to the Board on March 20th that included three pieces: that the Board support rebuilding the footbridge but not at taxpayer expense, that the Board allocate $250,000 of taxpayer money to remove the existing bridge and leave the site in a condition that allowed for the rebuilding of the bridge, and that the Board assist the footbridge advocates in raising funds for construction.

Ms. Mary Connelly, 7267 N Bridge Lane, stated that the Village needed to keep its lifestyle and amenities, such as the swimming pool, ice rink, path to the beach, and the bridge. She stated that she was opposed to a referendum and that too much groundwork had already been done. She explained that it was time for the Board to make a decision and go forward with it.

Mr. Peter Richardson, 720 E Green Tree, stated that he was in support of the bridge and that it was an amenity that was used by many people. He explained that taxes often supported amenities that not everyone used such as the pool or the schools. He stated that it was up to the Board to decide the matter and that the Board had been elected to make the decisions. He stated that he was opposed to a referendum and was in favor of representative democracy.

Mr. Mark Drewek, 7100 N Lake Drive, stated that the concept of a community was that the disparate interests of everybody would be embraced. He explained that as a group, the varied interests should be respected, appreciated, and supported. He stated that he supported the bridge.

Ms. Barbara Schwartz, 7239 N Barnett Lane, stated that she did not support a referendum. She stated that the bridge was worth spending money on, particularly given the small amount of dollars that would be asked of each individual. She stated that she missed the bridge and looked forward to having something again.

Ms. Robin Barker, 7401 N Mohawk Road, stated that it was a great idea to get half the money by fundraising. She explained that the issue needed to go to referendum so that everyone would have a say.

Mr. Bob Cory, 7740 N Santa Monica Blvd, stated that taxes did not go down and that there were a lot of capital improvement demands on the tax money. He stated that the burdens, such as schools, the Police Department building, the North Shore Central Dispatch project, and the garbage trucks, were all worthwhile capital improvements. He explained that the cost of the bridge would be a burden on some residents. He suggested that the Village put out an informational flyer to every resident and to hold a referendum.

Mr. Terry McGauran, 308 E Willow Road, stated that he enjoyed using the bridge for running and biking and that the bridge was an asset that should be part of the community.

Ms. Dorothy Meyer, 7505 N Seneca Road, stated that she would rather see the streets in better condition. She explained that the bridge was nice but not for that amount of money.

Mr. Frank Reed, 7751 N Santa Monica Blvd, stated that he was retired, on a fixed income, and that the taxes went up every year. He stated that the Board could be more careful about spending money and that the bridge would not be for the good of most of the people.

President West made the following motion: I move that the Board hereby advises staff to direct our consultant, Ayers Associates, to proceed with preparation of design and bidding/construction documents for a replacement bridge at the Bridge Lane ravine subject to the following limitations:

- The design shall not preclude any construction/erection options in the Boldt Company report.
- The primary structural elements shall be steel trusses or steel wide flange beams. If trusses extend above the bridge deck, the tops of all the trusses shall be at the same distance above the deck. All the trusses shall have parallel, horizontal top chords.
- The vertical supports shall be structural steel.
- The design shall not require painting; weathering steel shall be used.
- Except for aesthetic features inherent in the design of necessary elements of the structure, the design shall be devoid of decorative elements or features.
- The clear width of the bridge shall be 9-feet.
- The deck walking surface, and the deck sub-structure, shall be designed to be constructed

of durable, low or minimal maintenance materials. The material selections shall be made considering both initial and life cycle costs.

- The uniform design live load shall be 90-psf. The design will also accommodate the live load associated with a single maintenance vehicle; i.e. AASHTO H5 Truck live loading.
- The design of the bridge shall minimize the removal of trees as was illustrated in the Boldt Company report.
- Finally, in the event that the consultant finds that the specifications outlined herein cannot be achieved in compliance with applicable laws, or that the Village can achieve the same or more beneficial results at the same or less cost than the replacement bridge results that would be achieved by the specifications outlined therein, in other words if we can get a better deal at same or less cost, then the consultant shall present these recommendations to the Director of Public Works who may approve such changes upon written notice to the Village Board.

Trustee Frazer seconded the motion.

President West asked for unanimous consent to amend the motion to insert the word "authorizes" as opposed to "advises". Without objection, the motion was amended.

Trustee Bell made a motion to amend the first paragraph of the motion to insert the phrase "or a repaired bridge" following "replacement bridge". Trustee Warner seconded the motion.

With Trustees Bell and Warner voting aye, and Trustees Frazer, Fonstad, Dengel, and Symchych and President West voting nay, the motion failed.

On the amended main motion, the motion carried unanimously.

Trustee Frazer made a motion that the replacement of the Bridge Lane Ravine Footbridge project must be funded, at least in part, by at least $625,000 of donated private funds; and any construction contract shall not be entered unless and until such donated funds are secured; and the Village Board reserves to itself the right to reconsider its actions in this matter if this private funding goal is not reached on or before January 31, 2013. Trustee Warner seconded the motion.

President West asked for unanimous consent to suspend the rules to allow public comment. Without objection, the rules were suspended.

Mr. Booth stated that the cost of a replacement bridge would be $1.9 million, including construction, consultants, legal advice, and staff time, and that if a fundraising goal was to be set, it should be much higher. He stated that if the Board set a fundraising goal of 50% and the funds did not come in, then the taxpayers would be stuck with the rest of the tab.

Mr. Cory stated that if the project came in at a higher cost, the citizens would have to take up the slack.

Ms. Schwartz stated that the Citizens Committee could not raise funds until the Board took action.

Trustee Fonstad made a motion to amend the motion to insert "(which is approximately 50% of the current estimated cost of a replacement bridge)" after the words "donated private funds". Trustee Dengel seconded the motion.

President West asked for unanimous consent to amend the motion to amend the motion to add the phrase "net of the cost of removing the existing bridge". Without objection, the motion to amend was amended.

On the amended motion to amend, the motion carried unanimously.

On the amended main motion, the motion carried unanimously.

On motion of Trustee Frazer, seconded by Trustee Fonstad, and carried unanimously, the Board authorized the Bridge Lane Ravine Footbridge Citizens Committee to spend up to $1,500 of Village funds, for document preparation, filing fees, and similar expenses, to assist private citizens to create a non-profit corporation or foundation entity that will raise funds regarding the Bridge Lane Ravine Footbridge issue; with such expenses to be paid either directly by the Village, per Village disbursement procedures, or by the Committee or its members and then reimbursed per Village reimbursement procedures.

It was the consensus of the Board that the Bridge Lane Ravine Footbridge Citizens Committee should work with all deliberate and appropriate speed to meet to bring forth suggestions as to professional fundraising and to consult with the Village Manager to tap into her expertise on this matter. The Village Manager was requested to cooperate with the Citizens Committee.

Consideration of Resolution Awarding the Sale of General Obligation Refunding Bonds, Series 2012A in an Amount not to exceed $2,550,000

Village Treasurer John George and Mr. Steve Kornetzke, Robert W. Baird and Co., were present to provide information and answer questions.

On motion of Trustee Symchych, seconded by Trustee Bell, with all members voting aye, the Board adopted the Resolution Awarding the Sale $2,540,000 General Obligation Refunding Bonds, Series 2012A.

Consideration of Resolution Awarding the Sale of General Obligation Corporate Bonds, Series 2012B in an Amount not to exceed $2,500,000

Village Treasurer John George and Mr. Steve Kornetzke, Robert W. Baird and Co., were present to provide information and answer questions.

On motion of Trustee Symchych, seconded by Trustee Warner, with all members voting aye, the Board adopted the Resolution Awarding the Sale of $2,500,000 General Obligation Corporate Bonds, Series 2012B.

Presentation by Friends of Doctors Park

President West announced that this agenda item was intended for the May agenda and would be taken up at that time.

Request from Nicolet High School – Fee Waiver for Use of Longacre Pavilion

Mr. Jason Grodsky, Nicolet High School, was present to provide information and answer questions.

On motion of Trustee Symchych, seconded by Trustee Fonstad, with Trustees Bell, Warner, Fonstad, Dengel, and Symchych and President West voting aye, and Trustee Frazer voting nay, the Board granted a partial fee waiver to Nicolet to use the restrooms on the dates asked for with the exception of the dates that the Clerk mentioned at the rate of $25 per day as was done last year.

Future Agenda Items

On motion of Trustee Dengel, seconded by Trustee Symchych, and carried unanimously, the Board agendaed discussion and possible action to direct staff to liaise with the Village of Bayside regarding cooperating on their Spring Clean-up Days.

Announcements

Trustee Bell announced that the Village had been granted Bird City Wisconsin status, thanked the people and entities involved, and announced that the first International Migratory Bird Day would be celebrated on May 5, 2012 at Indian Creek Woods. She announced that the Village had received a letter from WE Energies regarding damages at Indian Creek Woods and suggested that the Village get information regarding the contract, supervision, and the possibility of funding for what was damaged. She announced that she had received a letter from former County Supervisor Rice and suggested that the Board send letters to former Supervisor Rice and current Supervisor Lipscomb. She announced that the North Shore Library was involved in the Gill Lecture Series and that one would be held on April 11, 2012 at Nicolet High School at 6:30 p.m.

Adjourn

On motion of Trustee Bell, seconded by Trustee Warner, and carried unanimously, the Board adjourned at 9:48 p.m.

Respectfully submitted,

Tanya O'Malley, WCMC
Village Clerk