

VILLAGE OF FOX POINT
VILLAGE BOARD MEETING
SEPTEMBER 11, 2012

A meeting of the Fox Point Village Board was held on September 11, 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 Eric Fonstad
Trustee Beverly Bell
Trustee F.R. Dengel III
Trustee Douglas H. Frazer
Trustee Christine Symchych

Absent: Trustee Bill Warner

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.

Moment of Silence in Remembrance of Those Who Lost Their Lives on Tuesday, September 11, 2001

President West asked that there be a moment of silence to remember those who perished on September 11, 2001.

Persons desiring to be heard

Mr. Larry Booth, 221 E Clovernook Lane, addressed the Board regarding his estimates of the footbridge costs and stated that he estimated that removal would cost \$339,000 and that removal and replacement would cost \$2,662,000. He also stated that he felt that there were ethical concerns with Trustee Frazer's and Trustee Symchych's involvement with the Footbridge Friends and/or with participation in any Village Board actions related to the Bridge. He requested that Trustee Frazer and Trustee Symchych voluntarily abstain from participating in and voting on any matter related to the Bridge Lane project.

Public Hearing: Ordinance to Repeal and Recreate Sections 14.07(5)(b) and 14.12(2) of the Village of Fox Point Village Code Related to Unenclosed Storage and for Correction of Missing Text

On motion of Trustee Fonstad, seconded by Trustee Bell, and carried unanimously, the Board opened the Public Hearing at 7:14 p.m.

There were no citizens desiring to be heard on this matter.

On motion of Trustee Fonstad, seconded by Trustee Bell, and carried unanimously, the Board closed the Public Hearing at 7:15 p.m.

On motion of Trustee Fonstad, seconded by Trustee Bell, and carried unanimously, the Board adopted the Ordinance to Repeal and Recreate Sections 14.07(5)(b) and 14.12(2) of the Village of Fox Point Village Code Related to Unenclosed Storage and for Correction of Missing Text as set forth in the Village Attorney's letter dated September 5, 2012.

Consent Agenda

- a. Approve the Minutes of the August 14, 2012 Village Board meeting as drafted August 16, 2012

VILLAGE OF FOX POINT
VILLAGE BOARD MEETING
SEPTEMBER 11, 2012

- d. Accept the proposal of Kapur & Associates in the amount of \$28,639 for engineering services related to storm water improvements to the North Beach Drive (Beach Hill) storm water drainage system and authorize the Village President and Village Clerk to sign the contract per the Director of Public Works' memorandum dated September 5, 2012
- e. Approve the permit to use Village Streets for the Lakefront Marathon on Sunday, October 7, 2012 per the Village Clerk's memorandum dated September 5, 2012
- f. Approve Payment of the Bills in the amount of \$452,585.02 for the period August 1, 2012 through August 31, 2012 per the report prepared by the Village Manager

Trustee Fonstad requested the removal of items 5.b. and 5.c.

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

Resolution Approving Amendment No. 7 to the North Shore Fire Department Agreement to Provide that Each Participating Municipality's Financial Contribution Be Set As a Fixed Percentage of the Fire Department's Budgets

Chief Whitaker, North Shore Fire Department, was present to provide information and answer questions.

On motion of President West, seconded by Trustee Fonstad, with Trustees Frazer, Bell, Fonstad, and Symchych and President West voting aye, and Trustee Dengel voting nay, the Board adopted the Resolution on Amendment No. 7 to the North Shore Fire Department Agreement including the three year freeze.

Approve the Minutes of the August 20, 2012 Special Village Board meeting as drafted August 24, 2012

President West asked for unanimous consent to amend the minutes on page 1, lines 32 and 33 to read "... fundraising effort. Any payments received in payment of invoices would be disbursed through her to their subcontractor, per their agreement; Clear Verve Marketing, who would lead the marketing and design elements." Without objection, the minutes were amended.

On motion of Trustee Fonstad, seconded by Trustee Dengel, and carried unanimously, the Board approved the minutes of the August 20, 2012 Special Village Board meeting as amended.

Accept the amendment of AECOM in the amount of \$16,725 for additional design activities associated with the water main, roadside ditches, and culverts related to the Whitney, Regent, and Willow Road reconstruction project and authorize the Village President and Village Clerk to sign the contract per the Director of Public Works' memorandum dated September 5, 2012

On motion of Trustee Fonstad, seconded by Trustee Symchych, and carried unanimously, the Board approved the amendment for the design contract as set forth in the Director of Public Works' memo dated September 5, 2012.

Presentation of the Forestry Report

Village Forester John Gall presented the 8-Year Emerald Ash Borer Implementation Plan for the Village of Fox Point, WI and answered questions.

VILLAGE OF FOX POINT
VILLAGE BOARD MEETING
SEPTEMBER 11, 2012

Ms. Louise Petering, 7229 N Santa Monica Blvd, stated that she supported the Forester's recommendation and suggested that the Village could find money by moving to roadside pickup of trash and recycling. She stated that she would be willing to volunteer to work with the Board to promote the idea of roadside pickup in order to keep an aesthetic tree canopy.

Resolution Approving Borrowing of \$2,306,383 from State Trust Fund

On motion of Trustee Fonstad, seconded by Trustee Dengel, with all members voting aye, the Board adopted the Resolution Approving Borrowing of \$2,306,383 from State Trust Fund.

Discussion of Possible Survey Regarding the Footbridge Funding

Mr. Larry Booth, 221 E Clovernook Lane, stated that the footbridge had no useful purpose and would be the second most costly municipal structure in the Village. He stated that the Board had not asked the residents if they wanted to spend money on a non-essential footbridge. He stated that the Board needed to be loyal to the electorate and seek the opinion of the residents.

Mr. Bob Cory, 7740 N Santa Monica Boulevard, stated that the City of Delafield had a policy that any project over \$1 million dollars had to go to referendum. He suggested that if the Village did a survey, that it be postage paid return. He stated that the Village should consider having a referendum for any project over \$1 million dollars.

Ms. Dorothy Meyers, 7505 N Seneca Road, stated that she was against the bridge and that it was a waste of money.

Ms. Kathe Lake, 7471 N Beach Court, asked the Board to consider what was more important for Fox Point: saving trees or building a bridge. She stated that she was against spending money on the bridge. She suggested that the Board use the money to take care of the trees.

Mr. Booth stated that even if the \$625,000 was raised, the Village would still be paying \$2 million dollars. He stated that the Board needed to start thinking rationally and that they worked for the residents, not the Bridge Committee.

Mr. Cory stated that residents had a right to know what was happening and that right now, they were in the dark.

Mr. Booth volunteered to work with the President of the Footbridge Friends, Inc., Barbara Schwartz, to develop a questionnaire that would be fair and balanced.

Future Agenda Items

Trustee Fonstad made a motion to agenda discussion and action on expanding the scope of the design contract of the bridge to include a wooden structure, in addition to a steel structure. The motion died for lack of a second.

Announcements - None

Closed Session

On motion of Trustee Bell, seconded by Trustee Symchych, with all members voting aye, the Board convened into Closed Session at 10:06 p.m. pursuant to State Statutes 19.85(1)(g) to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, more specifically concerning possible actions against person(s) responsible for entering and damaging the Village-owned property located near the intersection of Green Bay Avenue and Green Tree Road in Glendale and pursuant to

VILLAGE OF FOX POINT
VILLAGE BOARD MEETING
SEPTEMBER 11, 2012

Wisconsin Statutes Section 19.85(1)(g) to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, more specifically concerning pending litigation against the Village in two cases, one brought by Craig and Lisa Zetley, and another brought by Beach Drive Trust, each challenging their property tax assessments.

Trustee Fonstad recused himself from the matter of the case of Beach Drive Trust, by leaving the room during discussion of such item.

Trustee Frazer recused himself from the matter of the case of Craig and Lisa Zetley, by leaving the room during discussion of such item.

Reconvene and Possible Action on Closed Session Items

On motion of Trustee Frazer, seconded by Trustee Bell, and carried unanimously, the Board reconvened into Open Session at 10:52 p.m. Trustee Fonstad was out of the room during the vote.

On motion of President West, seconded by Trustee Bell, and carried unanimously with one abstention, the Board accepted the mediated settlement, setting the 2010 and 2011 assessed value for the Zetley property at \$1,250,000. Trustee Frazer recused himself and abstained from the vote.

On motion of President West, seconded by Trustee Frazer, and carried unanimously with one abstention, the Board accepted the mediated settlement, setting the 2010 and 2011 assessed value for the Beach Drive Trust property at \$2,800,000. Trustee Fonstad recused himself and abstained from the vote.

Adjourn

On motion of Trustee Bell, seconded by Trustee Symchych, and carried unanimously, the Board adjourned at 10:55 p.m.

Respectfully submitted,

Tanya O'Malley, WCMC
Village Clerk