VILLAGE OF FOX POINT
VILLAGE BOARD MEETING
NOVEMBER 13, 2012

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

Absent: Trustee Bill Warner

Also present were Acting Village Manager John S. George, 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

Conditional Use Permit: Vita Fitness & Physical Therapy, LLC, d/b/a Integra Physical Therapy & Personal Training, 8677 N Port Washington Road, RiverPoint Village (Change in Ownership & Name) and Conditional Use Permit: Andare Sports, LLC, 8757 N Port Washington Road, RiverPoint Village (Change in Ownership & Name)

President West reported that both items were referred to the Village Board for approval by the Plan Commission.

Ethics Board Rules of Procedure and Ordinance to Amend Section 2.18(J) of the Village of Fox Point Village Code Related to Jurisdiction of the Ethics Board

On motion of Trustee Fonstad, seconded by Trustee Bell, with Trustees Bell, Fonstad, and Dengel and President West voting aye, and Trustees Frazer and Symchych abstaining, the Board approved the Ethics Board Rules of Procedure as presented in the Village Attorney's November 1, 2012 letter.

On motion of Trustee Fonstad, seconded by Trustee Bell, with Trustees Bell, Fonstad, and Dengel and President West voting aye, and Trustees Frazer and Symchych abstaining, the Board adopted the Ordinance to Amend Section 2.18(J) of the Village of Fox Point Village Code Related to Jurisdiction of the Ethics Board as presented in the Village Attorney's November 1, 2012 letter.

Consent Agenda

a. Approve the Minutes of the October 4, 2012 Special Village Board meeting as drafted October 8, 2012

b. Approve the Minutes of the October 9, 2012 Regular Village Board meeting as drafted October 17, 2012

c. Approve the Minutes of the October 15, 2012 Special Village Board meeting as drafted October 17, 2012

d. Approve the Minutes of the November 7, 2012 Special Village Board meeting as drafted November 9, 2012

e. Grant a Conditional Use Permit to Vita Fitness & Physical Therapy, LLC, d/b/a Integra Physical Therapy & Personal Training, 8677 N Port Washington Road, RiverPoint

Village and authorize the Village President and Village Clerk to sign the Conditional Use Order

f. Grant a Conditional Use Permit to Andare Sports, LLC, 8757 N Port Washington Road, RiverPoint Village and authorize the Village President and Village Clerk to sign the Conditional Use Order

g. Refer proposed improvements as described in the November 5, 2012 memorandum from the Director of Public Works, at Fox Point Village Hall, 7200 N Santa Monica Boulevard to a Joint Plan Commission/Building Board Meeting and schedule a public hearing in this regard for the December 11, 2012 regular Village Board meeting immediately following "Persons desiring to be heard"

h. Accept Change Order No. 2 from Kapur & Associates in the amount of $7,920 with funding to come from the Sanitary Sewer Fund unappropriated fund balance to perform additional services and incorporate additional data into the 2011 Infiltration and Inflow Report and authorize the Village President and Village Clerk to sign the change order on behalf of the Village per the Director of Public Works' memorandum dated November 5, 2012

j. Approve Payment of the Bills in the amount of $1,085,661.55 for the period October 1, 2012 through October 31, 2012 per the report submitted by the Village Manager.

President West asked for the removal of item 4.i.

On motion of Trustee Bell, seconded by Trustee Symchych, and carried unanimously, the Board approved the amended Consent Agenda.

Accept Change Order No. 1 from Visu-Sewer, Inc. in the amount of $4,295 with funding to come from savings in the Sanitary Sewer Fund to perform additional work related to the 2012 Sanitary Sewer Rehabilitation Project and authorize the Village President and Village Clerk to sign the change order on behalf of the Village per the Director of Public Works' memorandum dated November 5, 2012

President West asked for unanimous consent to table the matter as it was not ready. Without objection, the matter was tabled.

Request for Use of Village Streets and Waiver of Associated Fees for the 5k Run/Walk in Support of Audrey Parrott

Trustee Dengel made a motion to approve the use of Village Streets with the amended map. Trustee Fonstad seconded the motion.

President West asked for unanimous consent to amend the motion that the approval was contingent upon all appropriate fees and costs being paid to the Village. Without objection, the motion was amended.

The amended motion carried unanimously.

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

Mr. Kirk Krychowiak, Nicolet Director of Athletics and Recreation, addressed the Board and outlined the points in his letter that was presented to the Board.

Mr. Mort Grodsky, Nicolet School Board, stated that Nicolet allowed other municipal entities to use their facilities at no charge. He outlined how other municipalities cooperated with local baseball teams. He asked that the Village give Nicolet the courtesy that Nicolet hoped to give to Fox Point and the rest of the community.

Mr. Lon Masters, 511 E MacArthur Road, stated that he was in support of the request to waive fees. He explained that funding for the Athletic Department at Nicolet was always a challenge and that additional fees add stress on the entire program.

Ms. Theresa Braun, 8022 Gray Log Lane, encouraged the Board to approve the fee waiver.

Mr. Gary Kerns, 9130 N Pelham Parkway, asked questions about the skating rink and the Public Works employees.

Mr. Scott Kravitz, 8015 N Whitney Road, stated that many family members and friends attend the games and requested that the Board approve the fee waiver.

President West asked for unanimous consent to lay the matter over and re-agenda it after getting a written opinion from the Village Attorney on the interpretation of the Ordinance. Without objection, the matter was laid over.

Discussion and Possible Action Regarding Asset Development Group Delinquent Tax

Mr. Jim McKevitt, Asset Development Group Chief Financial Officer, and Mr. Dirk Housman, Asset Development Group Vice President, were present to provide information and answer questions. They indicated that they were not trying to get out of paying taxes but rather were trying to keep the business going. They explained that they were looking for some type of resolution.

President West asked for unanimous consent to suspend the rules to move to agenda item 7.b. Without objection, the rules were suspended.

Closed Session

On motion of Trustee Bell, seconded by Trustee Symchych, with all members voting aye, the Board convened into Closed Session at 8:45 p.m. pursuant to 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 possible litigation to recover delinquent personal property taxes from Asset Development Group.

Reconvene and Possible Action on Closed Session Items

On motion of Trustee Bell, seconded by Trustee Fonstad, and carried unanimously, the Board reconvened into Open Session at 9:17 p.m.

Acceptance of Proposal for 2012-2014 Village Audit

On motion of Trustee Symchych, seconded by Trustee Frazer, and carried unanimously, the Board accepted the proposal of Baker Tilly Virchow Krause, LLP to conduct the 2012-2014 Village Audits and authorize the Village President and Village Clerk to sign the engagement letter per the Village Treasurer's memorandum dated October 3, 2012.

Future Agenda Items - None

Announcements

President West complimented the Clerk and thanked her for her efforts, along with other Election Officials, in conducting the November Election.

Trustee Frazer announced that November was Buckthorn Awareness Month.

Closed Session

On motion of Trustee Fonstad, seconded by Trustee Bell, and carried unanimously, the Board convened into Closed Session at 9:38 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 pending litigation against the Village brought by John Washburn.

Reconvene and Possible Action on Closed Session Items

On motion of Trustee Bell, seconded by Trustee Fonstad, and carried unanimously, the Board reconvened into Open Session at 9:45 p.m.

On motion of President West, seconded by Trustee Fonstad, and carried unanimously, the Board authorized settlement along the lines recommended by Insurance Counsel in the matter of John Washburn v. Village of Fox Point.

Adjourn

On motion of Trustee Bell, seconded by Trustee Symchych, and carried unanimously, the Board adjourned at 9:46 p.m.

Respectfully submitted,

Tanya O'Malley, WCMC
Village Clerk