VILLAGE OF FOX POINT
VILLAGE BOARD MEETING
DECEMBER 11, 2012

A meeting of the Fox Point Village Board was held on December 11, 2012 in Schwemer Hall, 7200 N. Santa Monica Blvd., beginning at 7:00 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 Security Modifications at Fox Point Village Hall, 7200 N Santa Monica Boulevard

On motion of Trustee Warner, seconded by Trustee Dengel, and carried unanimously, the Board opened the Public Hearing regarding the proposed security modifications at Fox Point Village Hall, 7200 N Santa Monica Boulevard at 7:02 p.m.

President West announced that the Plan Commission had recommended that the Board approve the matter and find that the four tests of the Institutional Zoning Ordinance had been met, and that the matter was pending confirmation that the Ordinance on accessibility had been met.

Mr. Jack Douthitt, 7026 N Lake Drive, asked some questions about the proposed work.

On motion of Trustee Warner, seconded by Trustee Fonstad, and carried unanimously, the Board closed the Public Hearing at 7:08 p.m.

On motion of Trustee Fonstad, seconded by Trustee Warner, and carried unanimously, the Board approved the application with the finding that the four tests of the Zoning Ordinance were met.

Conditional Use Permit: Roaring Fork!, LLC d/b/a Qdoba Mexican Grill, 8789 N. Port Washington Road, RiverPoint Village. (Request for Interior Renovations)

President West reported that the Plan Commission recommended approval of the application and the Conditional Use Order.

Mr. Dan Eckerman, Venture Development, was present to provide information and answer questions.

Consent Agenda

a. Approve the Minutes of the October 29, 2012 Special Village Board meeting as drafted October 30, 2012

b. Approve the Minutes of the November 13, 2012 Regular Village Board meeting as drafted December 5, 2012

c. Approve the Minutes of the November 19, 2012 Special Village Board meeting as drafted November 20, 2012

d. Approve the Minutes of the November 29, 2012 Special Village Board meeting as drafted December 5, 2012

e. Grant a Conditional Use Permit to Roaring Fork!, LLC d/b/a Qdoba Mexican Grill, 8789 N. Port Washington Road, RiverPoint Village and authorize the Village President and Village Clerk to sign the Conditional Use Order

f. Accept Change Order No. 2 from Reesman's Excavating in the amount of $9,075 for additional hot mix asphalt placed during the construction of Green Tree Road and authorize the Village President and Village Clerk to sign the change order per the Director of Public Works' memorandum dated December 3, 2012

g. Accept the proposal of Wachtel Tree Science in the amount of $33,250 for forestry related consulting services and authorize the Village President and Village Clerk to sign the agreement per the Director of Public Works' memorandum dated December 3, 2012

h. Adopt Ordinance to Amend Chapter 40.06(17), Concerning Recycling Fees, of the Village of Fox Point Village Code per the Village Attorney's memorandum dated December 7, 2012

j. Approve Payment of the Bills in the amount of $447,854.74 for the period November 1, 2012 through November 30, 2012 per the report submitted by the Village Manager.

Trustee Fonstad asked for the removal of item 5.i.

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

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

Mr. Mort Grodsky, Vice President, Nicolet School Board, stated that Nicolet High School was part of the entire community and that it educates children from the North Shore. He asked that the Board allow the waiver and stated that he understood that finances were tight. He explained that Nicolet provided an important service to the community.

Mr. Gary Kerns, 9130 Pelham Parkway, stated that the Farmer's Market was exempt from the fee but was a for-profit event and that Nicolet was not exempt but was a not-for-profit event and explained that he did not understand the difference. He stated that fans from other teams in the North Shore area see the conditions of the facilities and wonder what was going on in the district.

Mr. Scott Kravitz, 8015 N Whitney Road, stated that the Board should take into account the actual use of the facility, which was very negligible, from his observation.

President West made a motion to waive the fees for Nicolet High School Athletic Department as requested for one year. Trustee Warner seconded the motion.

On motion of Trustee Fonstad, seconded by Trustee Dengel, with Trustees Warner, Fonstad, and Dengel, and President West voting aye, and Trustees Frazer, Bell, and Symchych voting nay, the motion was amended to provide for a partial waiver of $25 per event for a total fee of $50 per event.

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

Adopt the Resolution Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing as drafted December 5, 2012

President West made a motion to adopt the Resolution Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing. Trustee Warner seconded the motion.

Trustee Fonstad made a motion to amend the motion to amend the draft Resolution to change line three of paragraph one to read “improvements, reconstruction or removal, stormwater system improvements, and related capital”. Trustee Dengel seconded the motion.

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

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

On motion of President West, seconded by Trustee Dengel, with Trustees Frazer, Bell, Warner, Dengel, and Symchych and President West voting aye, and Trustee Fonstad voting nay, the Board reconsidered the vote on the Resolution.

President West made a motion to adopt the Resolution with the following change: the third line of paragraph one shall read, “improvements, reconstruction or removal, stormwater system improvements, and related capital”, subject to the following: the Village Manager is directed to refer this change to Bond Counsel and in the event Bond Counsel, in light of the Village Board’s desire not to bind itself to any particular course of action with respect to the footbridge, finds this change to be inadvisable, the Resolution is adopted as originally drafted, which advice shall be provided to the Village Manager in writing prior to execution of the Resolution. Trustee Warner seconded the motion.

With Trustees Warner, Fonstad, and Dengel, and President West voting aye, and Trustees Frazer, Bell, and Symchych voting nay, the Resolution was adopted.

2013 Insurance Renewals

Ms. Jill Sherman, TE Brennan, was present to provide information and answer questions.

On motion of Trustee Fonstad, seconded by Trustee Warner, and carried unanimously, the Board voted to continue the property coverage with the LGPIF and place the balance of the coverage with R&R and the LWMMI insurance plan.

Consideration of Resolution of Commendation

President West asked for unanimous consent to amend the draft Resolution to change the word “Chair” to “Vice President”. Without objection, the draft was amended.

On motion of President West, seconded by Trustee Bell, and carried unanimously, the Board adopted the Resolution of Commendation as amended.

Future Agenda Items - None

Announcements

Manager Robertson announced that she had enjoyed her work at the Village of Fox Point and that she appreciated working with such a great group of elected officials and appointed staff.

Closed Session

On motion of Trustee Warner, seconded by Trustee Fonstad, with all Trustees voting aye, the Board convened into Closed Session at 8:48 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 and 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 chargeback determinations of the Wisconsin Department of Revenue dated November 15, 2012 and pursuant to State Statutes 19.85(1)(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the Village Board has jurisdiction or exercises authority, more specifically, to discuss proposed salary adjustments for full-time and part-time permanent employees of the Village who are not members of a recognized collective bargaining unit, including the Village Manager.

Reconvene and Possible Action on Closed Session Items

On motion of Trustee Fonstad, seconded by Trustee Bell, and carried unanimously, the Board reconvened into Open Session at 9:24 p.m.

On motion of Trustee Symchych, seconded by Trustee Warner, and carried unanimously, the Board authorized commencement of litigation concerning Asset Development Group's delinquent personal property tax.

On motion of Trustee Dengel, seconded by Trustee Warner, and carried unanimously, the Board authorized commencement of litigation to appeal the determination of the State of Wisconsin Department of Revenue dated November 15, 2012 concerning chargeback issued.

On motion of President West, seconded by Trustee Symchych, and carried unanimously, the Board authorized a 3.01% wage increase for permanent non-represented employees except the Village Manager position, effective January 1, 2013.

Adjourn

On motion of Trustee Fonstad, seconded by Trustee Bell, and carried unanimously, the Board adjourned at 9:26 p.m.

Respectfully submitted,

Tanya O'Malley, WCMC
Village Clerk