

**VILLAGE OF FOX POINT
VILLAGE BOARD MEETING MINUTES
MARCH 12, 2019**

A meeting of the Fox Point Village Board was held on Tuesday, March 12, 2019 in Schwemer Hall, 7200 N. Santa Monica Boulevard. President Frazer called the meeting to order at 7:00 p.m., noting there is a quorum and asked the Village Clerk-Treasurer to take roll call. Roll Call of the Village Board present included:

Village President Douglas H. Frazer
Trustee Eric Fonstad
Trustee Christine Symchych
Trustee Liz Sumner (Arrival at 7:05 p.m.)
Trustee Bill Kravit
Trustee Greg Ollman

Those absent included:

Trustee Marty Tirado

Also, present are Village Attorney Eric Larson, Village Manager Scott Botcher, Assistant Village Manager Michael Pedersen, Public Works Director Scott Brandmeier, and Village Clerk Treasurer Kelly Meyer.

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 board at 7200 N Santa Monica Boulevard, as well as the village website at www.villageoffoxpoint.com, as per 2015 Wisconsin Act 79 and as described in Village Ordinance Chapter 116-2, 116-2(C).

Persons desiring to be heard

President Frazer opened public comment with a brief synopsis.

Larry Cohn, 200 W Dunwood Road

Mr. Cohn commented expressed his concern regarding the noise and disruption from the Chiswick project.

President Frazer, hearing no other comment, closed public comment period.

Committee Reports-Plan Commission

The Village Board received a report from the Trustee Fonstad concerning the proposed Ordinance to Create Section 292-5.5 of the Village of Fox Point Village Code Concerning Obstructions and Encroachments in Village Rights-of-Way and the proposed Ordinance to Repeal and Re-Crete Sections 745-23 A., B., C. (Intro), and D. (Intro) and Create Section 745-23 C.(4)(E) of the Village of Fox Point Village Code Concerning Wireless Telecommunications Mobile Service Facilities. Trustee Fonstad noted the Plan Commission did review both proposed ordinances with supporting materials provided and recommended the Village Board adopt the two draft ordinances.

Liz Sumner arrived at 7:05 p.m.

**VILLAGE OF FOX POINT
VILLAGE BOARD MEETING MINUTES
MARCH 12, 2019**

Trustee Fonstad reported that the Plan Commission was presented with information on vacation rentals, in response to limitations on the Village's ability to regulate vacation rentals. Those limitations were adopted by the state legislature. This issue was discussed at the February 12, 2019 Village Board meeting. The Plan Commission deferred action until its meeting on April 1, 2019.

Consent Agenda

- a. Approve the minutes of the February 12, 2019 Village Board meeting.
- b. Approve the North Shore Environmental Health Consortium 2019 Fee Schedule.
- c. Accept the proposal from Baycom Communications for the mobile computer replacement in the amount of \$15,076.00 and authorize the Village Manager to sign the purchase order.
- d. Approve the Resolution Establishing a Comprehensive Plan Special Committee, per the Village Manager's memorandum dated March 6, 2019.
- e. Approve the appointment of new agent, Patrick T. McDonald, GM, CCM for The Town Club, per the Village Clerk Treasurer's memorandum dated March 5, 2019.
- f. Accept the bid of Highway Landscapers in the amount of \$189,997.63 for the rehabilitation of the Green Tree Road/Lake Drive/Bridge Lane Ravine retaining wall and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated March 7, 2019.
- g. Accept the proposal of Kapur & Associates in the amount of \$27,930 for construction inspection activities associated with the Green Tree Road/Lake Drive/Bridge Lane Ravine retaining wall rehabilitation and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated March 7, 2019.
- h. Adopt the Resolution of Relocation Order and of Necessity for Stormwater Improvement Work on Lot Seven (7) In Block Three (3), In Fox Point Terrace, being a Subdivision of Part of the Southwest 1/4 of Section 9, Township 8 North, Range 22 East, in the Village of Fox Point, County of Milwaukee.
- i. Approve the 2018 Annual NR 216 Stormwater Report and authorize the Director of Public Works to submit the final report to the Department of Natural Resources.
- j. Adopt Resolution Confirming Obligation to Contribute to North Shore Fire Department's Budget to Pay Debt Service on Bonds Issued by the Village of Whitefish Bay on Behalf of the North Shore Fire Department.
- k. *Adopt Resolution Approving the "Single or Multi-Year Capital" Budget to Remodel the Whitefish Bay Fire Station in 2019.
- l. Approve Payment of the Bills in the amount of \$470,611.80 for the period February 1, 2019 through February 28, 2019 per the report submitted by the Village Manager.

Trustee Fonstad asked for the removal of items 4a and 4d. President Frazer requested removal of item 4h and Trustee Sumner requested the withdrawal of item 4j.

**VILLAGE OF FOX POINT
VILLAGE BOARD MEETING MINUTES
MARCH 12, 2019**

On motion by President Frazer, seconded by Trustee Ollman, and carried unanimously, the Village Board approved the consent agenda, as presented with the removal of items 4a, 4d, 4h, 4j.

Property Located at 411 E. Bradley Road

The Board heard a status report from Village Manager Scott Botcher in regard to the property located at 411 E. Bradley Road, including the e-mails and materials found in the Village Board packet. The last communication that was received from Infinity Funding, LLC Tony Adams was to move ahead with the demolition of the property; a quote for demolition was also e-mailed to the Village Board members.

Infinity Funding, LLC Tony Adams, 4823 W. Anthony Drive, Milwaukee

Mr. Adams owner Infinity Funding, LLC of 411 E. Bradley Road was available to present information. Great Lakes Excavating will be handling the demolition work. A form has to be filled out for WE Energies to handle the disconnect service. They currently have a phone call into WE Energies. It will be six to eight weeks from the time the letter reaches WE Energies to do the disconnect. Following the disconnect service, Great Lakes should take about one to two days to complete the demolition.

Village Manager Scott Botcher asked that Mr. Adams continue to stay in contact with the Village Building Inspector Michael Rakow about the demolition. The village will notify the neighbors in advance of the demolition date.

No action was taken.

Property Located at 139 E. Good Hope Road

Village Manager Scott Botcher gave a brief status report of 139 E. Good Hope Road, noting this was on the agenda last month, as well. The information the Manager received on 139 E Good Hope Road was provided to the Village Board.

Nagel Real Estate, LLC Andrew Nagel, 121 Michelle Drive, Johnson Creek, WI

The Board was given a status report by owner Andrew Nagel of Nagel Real Estate, LLC regarding the submittals to the Village Board for the property located at 139 E. Good Hope Road. Nagel stated that architectural plans should be completed next week and he has remained in contact with the Village of Fox Point Building Inspector.

Manager Scott Botcher commented that the staff recommendation is to continue to work with the property owner—who appears willing to renovate the property—on a time table that is realistic, which is in everyone’s best interest. If the building is salvageable and will create housing for someone in the village, then the staff is in favor of it. The property owner’s time table and budget, however, may not be reachable. Mr. Nagel will be held accountable to the time table. If there is any deviation, the matter will be brought back before the Village Board.

Manager Scott Botcher stated just to be clear, the Village Board reserves the right to pursue a raze order at any time; they will reserve that right until the project is completed.

**VILLAGE OF FOX POINT
VILLAGE BOARD MEETING MINUTES
MARCH 12, 2019**

Village Attorney Eric Larson noted that the property is in violation of the Village of Fox Point Code. To this point, the Village has been lenient in an effort to allow the property owner to complete the renovation. This leniency might not continue. All rights are reserved.

Village Board Minutes of the February 12, 2019 (Item 4a)

On motion by President Frazer, seconded by Trustee Kravit, and carried unanimously, the Village Board approved the village board minutes of February 12, 2019, with Trustee Fonstad's recommended changes on line 219 striking the words "Foundation will not be doing" and insert new language "The President of the North Shore Library Foundation told the North Shore Library Board that the North Shore Library Foundation was not prepare to do any fundraising".

Resolution Establishing a Comprehensive Plan Special Committee (Item 4d)

Trustee Fonstad spoke to, and the Board discussed, amending the Resolution.

On motion of Trustee Fonstad, seconded by Trustee Ollman to adopt the Resolution Establishing a Comprehensive Plan Special Committee, amending the language in the second line from one (1) Village Board Trustee to two (2) Village Board Trustees, and at the end of the paragraph change the majority from five (5) members to six (6) members. Motion Failed, 4-2 (In Favor-Trustee Fonstad, Trustee Ollman).

On motion by President Frazer, seconded by Trustee Sumner, and carried unanimously, the Village Board approved the Resolution Establishing a Comprehensive Plan Special Committee per the Village Manager's memorandum dated March 6, 2019.

Resolution of Relocation Order and of Necessity for Stormwater Improvement Work on Lot Seven (7) In Block Three (3), In Fox Point Terrace, being a Subdivision of Part of the Southwest 1/4 of Section 9, Township 8 North, Range 22 East, in the Village of Fox Point, County of Milwaukee (Item 4h).

President Frazer observed that this item was going to be discussed in the closed session and suggested the Board take this matter out of order—after the closed session.

By unanimous consent, the Village Board will hear this matter out of order, following closed session.

Adopt Resolution Approving the "Single or Multi-Year Capital" Budget to Remodel the Whitefish Bay Fire Station in 2019. (4j)

On motion by Trustee Sumner, seconded by Trustee Kravit, and carried unanimously, the Village Board adopted the Resolution Approving the "Single or Multi-Year Capital" Budget to Remodel the Whitefish Bay Fire Station in 2019.

Keeping of Bees in the Village of Fox Point

**VILLAGE OF FOX POINT
VILLAGE BOARD MEETING MINUTES
MARCH 12, 2019**

Trustee Symchych provided information and shared her thoughts concerning the potential of allowing the keeping of bees within the Village of Fox Point; the Village Board briefly discussed the sample Keeping of Bees ordinances, and noted the benefits, the care, and the investiture of time involved in or arising from residential bee keeping

No action was taken.

Announcements

Trustee Fonstad noted that at the North Shore Library meeting last month the Glendale City Administrator attended and made a challenge of raising a million dollars privately toward the estimated four million dollars plus of costs for renovating the Library. With that target met, Trustee Fonstad suggested that Glendale was prepared to commit to the renovation. Trustee Fonstad also included the North Shore Library newsletter in the materials he distributed to the Board. Mr. Fonstad noted the Library book sale was scheduled for March 14th through March 17th. Finally, Mr. Fonstad noted the Library Director Susan Draeger-Anderson met with the Village Managers and Glendale City Administrator on March 12.

Village Manager Scott Botcher commented on the March 12 meeting with the Library Director, other area Managers [and the City of Glendale Administrator], and himself. The Library Board has given Ms. Draeger-Anderson the directive for such meetings. They have been meeting on a monthly basis to work out the framework for a “cleaned-up” lease. (The current lease is from 1984.) The basic framework for a new lease was established at the March 12 meeting.

Village Manager Scott Botcher reported on the Fox Point Open House scheduled for Saturday, June 8, 2019. He noted the Village is open to suggestions for programs or activities in connection with the Open House.

Village President Frazer reported that the North Shore Fire Rescue Board of Directors met on March 12, 2019 at the Fox Point Village Hall. He noted that Fox Point was the last community to take up the two Resolutions that were on the agenda tonight.

In connection with the Library, President Frazer noted the challenge to raise funds for the renovation. He thanked Library board member Trustee Fonstad and former Library board member Trustee Symchych for their hard work in moving the Library project forward. He noted that this has been a slow process but the Library is an important asset and Mr. Fonstad and Ms. Symchych have done a very good, thorough, and comprehensive job representing the Village Board.

President Frazer also announced his appointment of Katie Corcoran to the Comprehensive Plan Special Committee. He welcomed Ms. Corcoran to the Committee and thanked her for coming to the Village Board meeting

Closed Session

On motion by President Frazer, Seconded by Trustee Sumner, with all members voting aye, (6-0), the Board convened into Closed Session at 7:53 p.m., pursuant to State Statutes 19.85(1)(g), to confer with counsel who is rendering legal advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved involving properties located at 411 E. Bradley Road and 139 E. Good Hope Road, pursuant to State Statutes Section 19.85(1)(e), for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, involving the possible acquisition of land for drainage and stormwater retention purposes, and

**VILLAGE OF FOX POINT
VILLAGE BOARD MEETING MINUTES
MARCH 12, 2019**

Pursuant to State Statutes Section 19.85(1)(g), and to confer with counsel who is rendering legal advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved involving properties located along the former Milwaukee Electric Railway and Light Company. Participating in the closed sessions will be the Village Board, Village Manager, Village Attorney, Village Assistant Manager, Public Works Director, and Village Clerk Treasurer.

President Frazer stated that the Village Board would reconvene following closed session and that members of the public were welcome to wait in the chairs outside the Village Board room until the Board reconvened.

Reconvene and Possible Action on Closed Session Items:

On motion by President Frazer, seconded by Trustee Kravit, and carried unanimously, to reconvene to open session at 8:39 p.m.

Property Located at 139 E. Good Hope Road (Item 9a)

On motion by Trustee Symchych, seconded by Trustee Kravit, and carried unanimously, the Village Board directs that at its meeting on April 9, 2019 property owner Nagel Real Estate, LLC (Andrew Nagel) report to the Board concerning the renovation or repair of 139 E Good Hope Road, specifically reporting back what has been completed in his list of proposed work that was going to be happening to the house, what is underway, and if and what any expenditures have been outlaid towards the project.

Land for Drainage and Stormwater Retention Purposes (Item 9b)

Thomas Weichardt, 412 E Jefferson Street, Oconomowoc, WI

Mr. Weichardt reported he was surprised about this agenda item. He found out about the matter from the Real Estate Agent, including the points listed on page 23 of the Village Board agenda packet. He asked for a better understanding of the position of the Village in regard to the property that he owns on Greenvale Road. He inquired on the position of the Village. Mr. Weichardt stated he recently put the lot up for sale and he has an accepted offer for \$70,000. He would be willing to entertain anything that the Village wants to put forth as far as the purchase of the property.

On motion by President Frazer, seconded by Trustee Fonstad and carried unanimously, the Village Board adopted the Resolution of the Relocation Order and of Necessity for Stormwater Improvement Work on Lot Seven (7) In Block Three (3), In Fox Point Terrace, being a Subdivision of Part of the Southwest ¼ of Section 9, Township 8n North, Range 22 East, in the Village of Fox Point, County of Milwaukee, consistent with the resolution drafted by the Village Attorney found on page 23 of the agenda packet.

Properties Located Along the Former Milwaukee Electric Railway and Light Company (Item 9c)

The Village Board will take no action.

VILLAGE OF FOX POINT
VILLAGE BOARD MEETING MINUTES
MARCH 12, 2019

Adjourn

On motion by Trustee Fonstad, seconded by Trustee Kravit, and carried unanimously, the Village Board adjourned the Village Board meeting at 8:43 p.m.

Respectfully submitted,



*Kelly A. Meyer, CMC/WCMC
Village Clerk Treasurer*