

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

A meeting of the Fox Point Village Board was held on Tuesday, February 12, 2019 in Schwemer Hall, 7200 N. Santa Monica Boulevard. President Frazer called the meeting to order at 7:00 p.m. 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 Liz Sumner
Trustee Marty Tirado
Trustee Bill Kravit
Trustee Greg Ollman

Those absent included:

Trustee Christine Symchych

Also, present are Village Attorney Eric Larson, Village Manager Scott Botcher, Assistant Village Manager Michael Pedersen, Public Works Director Scott Brandmeier, Building Inspector Michael Rakow, 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.

Andy Daykin, 7470 N. Lombardy Road

As an avid bicyclist, Mr. Daykin stated his concerns regarding the poor road conditions and potholes on Lake Drive in Fox Point.

Marty Tirado 7:02 arrived.

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

Consent Agenda

- a. Approve the minutes of the January 8, 2019 Village Board meeting.
- b. Adopt Resolution to designate International Migratory Bird Day to be on May 4, 2019, in the Village of Fox Point.

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- c. Approve the Intergovernmental Cooperation Agreement (ICA) between the Milwaukee Metropolitan Sewerage District and the Village of Fox Point to Recognize Joint TMDL Implementation Initiatives and a related side agreement in a form approved by the Village Director of Public Works, and authorize the Village President and Village Attorney to sign the ICA and related side agreement per the Director of Public Works' memorandum dated February 4, 2019.
- d. Approve the Green Infrastructure Ten-Year Maintenance Covenant for the Goodrich Lane Green Infrastructure and authorize the Village President and Village Clerk/Treasurer to sign the Maintenance Covenant per the Director of Public Works' memorandum dated February 4, 2019.
- e. Accept the bid of Terra Engineering & Construction Corporation in the amount of \$200,630 for the 2019 sanitary sewer improvements to be performed in Sanitary Sewer Basin No. 6 and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated February 4, 2019.
- f. Accept the proposal of Kapur & Associates in an amount not to exceed \$15,358 for construction management and inspection services for the 2019 sanitary sewer improvements and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated February 4, 2019.
- g. Accept the base bid and alternate bid number 2 in the amount of \$2,036,444 for the base bid and an increase of \$155,155 for alternate bid number 2 for the 2019 Road and Utility project on Calumet Road and Bergen Drive and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated February 7, 2019.
- h. Accept the proposal of Kapur & Associates in an amount not to exceed \$104,400 for construction management and inspection services for the 2019 Road and Utility project and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated February 7, 2019.
- i. Reject all bids received on February 5, 2019 for the 2019 Stormwater Improvement Project due to budgetary constraints per the Director of Public Works' memorandum dated February 7, 2019.
- j. Approve the acquisition of easements on properties located at 702 and 708 East Green Tree Road and 8304 and 8308 North Santa Monica Boulevard in a form approved by the Village Director of Public Works, subject to the property owners executing the documents the Village Attorney deems necessary; and approve the accompanying Waiver of Special Assessments as presented; and authorize the Village President and Village Clerk/Treasurer to execute the same.
- k. Accept the replacement of squad car proposal from Ewald's Hartford Ford for the squad replacement at the cost of \$35,726.00 and authorize the Village Manager to sign the purchase order and any other documentation needed for the transaction.

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- I. Approve Payment of the Bills in the amount of \$710,577.81 for the period January 1, 2019 through January 31, 2019 per the report submitted by the Village Manager.

On motion by Trustee Fonstad, seconded by Trustee Ollman, and carried unanimously, the Village Board approved the consent agenda, as presented.

Vacation Rental Housing

President Frazer gave a brief overview regarding last month's meeting on vacation rental housing.

Village Attorney Eric Larson stated there were a couple of models that came out of last month's meeting as proposed at the Village Board meeting and the models have been provided to the Village Board.

A lengthy discussion in regard to the use of vacation rental housing developed.

On motion by President Frazer, seconded by Trustee Fonstad, the Village Board referred Vacation Rental Housing to the Plan Commission, with the suggestion that several Village Board members thought an inspection provision may be appropriate. Motion carried unanimously.

By unanimous consent, without objection, the Village Board set the Public Hearing for the April 2019 Village Board meeting.

An Ordinance to Create Section 292-5.5 of the Village of Fox Point Village Code Concerning Obstructions and Encroachments in Village Rights-of-Way - Second Draft (4b)

An Ordinance To Repeal And Re-Create 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 – First Draft (4c)

Agenda item 4b and item 4c were discussed together.

Village Attorney Eric Larson gave background regarding new regulations from the Federal Communications Commission (FCC) on agenda item 4b and agenda item 4c, mobile service facilities and small cells.

Village Attorney Eric Larson noted at some point a separate Fee Schedule Resolution should be established.

Director of Public Works Scott Brandmeier gave background on the current Right-of-Way fee schedule and answered questions.

On motion by President Frazer, seconded by Trustee Tirado, the Village Board referred both agenda items 4b and 4c to the Plan Commission and set the Public Hearing for the April 2019 Village Board meeting. Motion carried unanimously.

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Property Located at 411 E. Bradley Road

Village Manager Scott Botcher gave a brief background on the two properties, as listed for agenda item 5a and 5b, located at 411 E. Bradley Road and 139 E. Good Hope Road. He noted the concerns staff had with unresponsiveness, including concerns of nuisance, non-compliance with village code and lack of maintenance.

Village Attorney Eric Larson distributed photos of 411 E. Bradley Road and 139 E. Good Hope Road both properties to the Village Board.

Julia Goldberg, 415 E. Bradley Road

Ms. Goldberg commented on concerns of 411 E. Bradley Road property's the poor conditions over approximately four years. She noted her property had damage caused by issues associated with 411 E. Bradley Road and the property's complete state of disrepair. She declared her appreciation to the Village Board for taking the time to do something about this property.

Tony Evans, 4823 W. Anthony Drive, Representative for Infinity Funding, LLC, Owner of 411 E. Bradley Road

Mr. Evans gave background on 411 E. Bradley Road. He stated Infinity Funding, LLC just took title back in September of 2018. Infinity Funding, LLC was a lender to the prior owner Buyers Edge, LLC. The property went into foreclosure and Infinity Funding, LLC purchased the property out of foreclosure in September of 2018.

Mr. Evans reported the current status of the property. He stated they have a contract with an architect, but confirmed there is no current commitment or contract with a construction contractor.

Village Attorney Eric Larson noted there are a few options for the Village of Fox point in general; they are as follows:

- Option one is to invoke the raze or repair procedure under the state raze statute, which would include the following. The Village would give notice to the owner, with a demand for compliance within 30 days. If the building is not repaired within 30 days of that demand, the Village could seek a court order to authorize the Village to raze the building and to charge the property owner for all the Village's costs incurred.
- Option two would be to set some firm milestones and have a monthly report with the option of invoking the raze statute if at any point the milestones are not being met.

President Frazer informed the owner's representative Mr. Evans that he may wish to stay to hear any action following closed session.

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Property Located at 139 E. Good Hope Road

Village Manager Scott Botcher gave a report on 139 E. Good Hope Road. He did speak to Andrew Nagle and it is his understanding that a gentleman from WR Stelter & Sons is present to represent the Nagel Real Estate, LLC property.

Owner of WR Stelter & Sons, Will Stelter, W7672 Conservation Road, Lake Mills, WI

Mr. Stelter commented he was not able to speak on Mr. Nagle's behalf prior to today. He was contacted as a potential new general contractor, but nothing has been signed; therefore, there is no legal arrangement at the present time. Mr. Stelter reported on the current status of the property.

Village of Fox Point Building Inspector Michael Rakow

Mr. Rakow stated that it is his understanding that there was no permit and it never went before the Building Board. The home is open to the elements.

Announcements

Trustee Fonstad reported on the forester's distributed community tree map and tree representation.

Trustee Fonstad reported the President of the North Shore Library Foundation told the North Shore Library Board that the North Shore Library Foundation was not prepared to do any fund raising for the North Shore Library renovations; a professional fundraising effort will be necessary. The Library Board requested the Village and City Managers meet to coordinate what is needed for the various Boards to approve the North Shore Library project.

Village Manager Scott Botcher reported on the Public Open House Pool Information Meeting. Responses varied. Trustee Tirado and Trustee Symchych, along with the Pool Advisory Committee will continue to push things along.

Village Manager Scott Botcher commented that Dominican High School leased the village south tennis courts last fall; they will again be leasing the tennis courts from March 25 through the end of May, 2019.

Manager Botcher conveyed The Grand Avenue Rummage Sale will be held again in 2019 at the North Shore Bistro site for their annual support of an annually chosen non-profit; this year they have chosen the Friendship Circle.

Manager Botcher stated the official Office Outlook 365 e-mails have been distributed to the Village Board with temporary passwords. These e-mails will become the official Village Board e-mails for constituents to separate personal e-mails. Recently received unwanted spam is supposed to be corrected.

Village Manager Scott Botcher lastly noted the village staff has found a payment solution company, GovPayNet to be used by citizens for credit cards and electronic check payments. This will not cost the village any money, as this is a pilot program integrated between Civic Systems and GovPayNet. The Village Clerk Treasurer Kelly Meyer and Deputy Clerk Treasurer Jeanne O'Brien are taking this project on. Once launched, the Village Board will be informed.

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Village President Frazer attended the February Intergovernmental Cooperation Council (ICC) meeting of chief elected officials. At the January meeting, which Village Manager Scott Botcher attended in President Frazer's place, the Governor attended. Local and county concerns were discussed directly, including the ICC's wish to revisit the state aid funding formula. The Governor received these concerns.

President Frazer reported the Wisconsin State Assembly Speaker Robin Vos attended the February ICC meeting. Again ICC members expressed concerns about the state aid funding formula. The fact that state elected officials were showing up to ICC meetings was, according to President Frazer, a new and positive development.

Closed Session

On motion by President Frazer with all members voting aye, (6-0), the Board convened into Closed Session at 8:38 p.m., 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 pursuant to State Statutes Section 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.

Reconvene and Possible Action on Closed Session Items

On motion by President Frazer, seconded by Trustee Tirado, and carried unanimously, to reconvene to open session at 9:20 p.m.

President Frazer reported that the Village Attorney and the Village Building Inspector were present in the closed session.

President Frazer conveyed the Village Board has and will take no action on agenda item 8a.

President Frazer stated in regard to agenda item 8b, the Village Board has and will take no action.

President Frazer further stated, the Village Board will place this item on the March 2019 Village Board meeting agenda and the Village Board will ask the property owners at that time to satisfy the Board that their plan of action on their respective properties is reasonable and workable with time tables, specific milestones, and documents. Village Manager Scott Botcher will explain in more detail what the Village expects the property owners to bring forward next month. The Board is not suggesting that it will not take legal action; the Board is suggesting it will not take legal action tonight.

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Village Manager Scott Botcher stated an action plan for each property be in writing with specific milestones. The Village Board does want to see contracts, architectural renderings, estimates of costs and completion dates. Additionally the Board will want a report on every bit of progress that has been made since 9:25 p.m. tonight. As President Frazer said, all that notwithstanding, the village is not at all saying that it will not take legal action. The village is just not taking legal action tonight. Manager Botcher stated he will write the property owners a letter that states all of the above information; the letter will be placed in the property file. This agenda item will be on the Village Board meeting agenda next month, Tuesday, March 12, 2019.

Adjourn

On motion by Trustee Fonstad, seconded by Trustee Tirado, and carried unanimously, the Village Board adjourned the Village Board meeting at 9:23 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kelly A. Meyer". The signature is written in a cursive, flowing style with large loops.

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