



VILLAGE OF FOX POINT

MILWAUKEE COUNTY

WISCONSIN

VILLAGE HALL

7200 N. SANTA MONICA BLVD.

FOX POINT WI 53217-3505

414-351-8900

FAX 414-351-8909

**To:** Village Board

**From:** Kevin Ausman, Assistant Village Manager

**cc:** Scott Botcher, Village Manager; Scott Brandmeier, Director of Public Works

**Date:** June 20, 2023

**Re:** 2023 Pool Closure

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**Introduction:**

Last week the unfortunate decision was forced to be made to close the Fox Point Municipal Pool for the 2023 season. This decision was not made lightly, or without significant investment of time and energy from Staff, partners, and contracted services. Staff have received assertions in writing and in-person over the last week that Village employees had intentionally allowed the pool to expire due to underhanded tactics, which I hope to dispel. This memorandum intends to clarify how this decision was made, demonstrate the efforts that went into preparation for 2023, and provide context for a future policy decision by the Village Board.

The municipal pool opened in 1968 and has undergone a number of public studies, surveys, and analyses. Barrientos Engineering evaluated the facility in 2007 and determined the pool had an eleven-year predicted lifespan based on the condition of the pool's sanitary, storm and water utilities. In 2017, the UW-Milwaukee pool study reviewed the condition of the existing pool and gave alternatives for new facility options. In 2019, Ayres and Associates prepared their aquatic facilities study determining cost of aquatics facilities based on size and location (Note: Assistant Village Manager asked the study authors return and provide updated numbers for the Village Board in February 2023). In 2020, the Pool Committee completed their report ultimately recommending a multi-use facility at Longacre to serve as a central "community heart" with a public fundraising component. The age and status of the facility has been well-documented and presented during public meetings, with plenty of community input.

With the age and status of the facility in mind, preparation for the following year's season begins immediately following the closure of the current season. At the end of the 2022 season, pool staff clean the facility, DPW staff begin to drain the water and winterize the facility, computers/phones are put in storage, document future repairs, and mechanical services are shut down. Since at least 2016, the Assistant Village Manager had provided the Village Board with an end-of-season pool overview memo immediately following the pool season detailing repairs, programs, and revenue/expenditures for the operation of the roughly eight-week season and are permanently recorded as part of Village Board agenda packets. For reference, I have included the 2021 and 2022 overviews as attachment to this document. Specifically in 2022, at the request of Village management, the DPW Foreman put together a list of the known repairs for the facility, both major and minor, along with associated cost.

## **2023 Preseason and Repair Timeline:**

As early as September, 2022, DPW staff began contacting companies for quotes to assist with ever-increasing maintenance requirements at the pool. Ultimately, Horizon Pool Supply was chosen and the Village Board approved the maintenance contract in April 2023. In November of 2022, a new circulating pump motor was ordered, acknowledging that costs would be higher than previous years and there would likely be supply chain delays stemming from pandemic factory closures. The pump motor is absolutely necessary to the operations of the pool and was therefore ordered in December 2022 with an expected delivery date of just a few weeks in early January. It was not delivered until mid-March 2023, and ultimately arrived without an impeller.

Preseason repairs usually begin in early spring once the thaw is completed. In February, Horizon Pool Supply identified a number of safety concerns with the mechanical area known as "the pit," which is located underground. DPW Staff begin researching and implementing fall protection to access the mechanical area. During preseason walkthroughs, the DPW Foreman and mechanical contractors identified replacement of the main pool valves, maintenance of the two main pool heaters, and repair of the auto-fill system of the wading pool as priorities. The backup pump motor from 2022, which saved operations last year when the main pump failed, was rebuilt in case of another motor failure. Repairs were authorized and parts were ordered in April for delivery in May for the known issues. Advertisements for pool staff began in early February with two months of time planned for first consideration.

In April, the diving board was permanently eliminated by DPW Staff at the approval of Village management due to liability and safety concerns. Repairs could not be performed as the diving well and board are not up to code and no repair business was willing to take on the liability of any repairs. Chemical lines (identified in 2022) were also replaced, the pool shell was painted in some places, and the safety equipment in the pit were installed at this time. Four weeks of rolling interviews for pool staff were held in April and offers were made the first week of May. Ultimately, 13 lifeguards and 4 front box staff were hired at an expectation of 25-30+ hours per week.

During start up activities between May 15-19, more issues were found that needed to be addressed (see below). Parts that had been ordered with plenty of time had been delayed. DPW Staff described the problems as a perfect storm; the pool infrastructure is falling apart rapidly at a time when there are severe product shortages in the pool industry on certain items.

### **The Pavilion:**

- A pipe was broken in the wall between the men's bathroom and the men's shower. (Note: there is asbestos in the walls of the pavilion)
- The ADA shower on the men's side was broken. Water was coming out from behind the wall plate.
- The drinking fountain had another leak.
- A toilet and valve in the women's bathroom were bad, and needed to be replaced.

### **The Pool:**

- A third valve in the mechanical area was bad, and needed to be replaced.
- The large tent was found to be no longer usable. Replacement tent coverings were ordered and fitted.

Most parts finally arrived the week of May 22. These included two large valves for the main pool, parts for the wading pool auto-fill system, and parts for both pool heaters. Unfortunately, the pool cannot be prepped for the season without making these necessary repairs first. Pool staff attended training on May 31, schedules were handed out, and computer/internet was set up along with phone lines.

By this point in May, usually the pool has completed preseason maintenance, been filled, chemicals been added and regulated, and staff has been trained. The usual process is as follows: necessary repairs are completed in April/May, then the pool is scrubbed and cleaned, before the basin is filled with water (roughly 24 hours), and finally chemicals are added which take roughly 7-10 days to settle into acceptable ranges. The Village Board was notified on June 2 of these developments and that the delay of opening was possible.

Fehr Graham (safety compliance) performed a walk-through of all Village facilities, including the pool, on June 6. An eye wash station was recommended for the pit. If someone were to get chemicals in their eyes, it would be very difficult for that person to get out of the mechanical area since it is underground and only accessible by ladder. Due to the age of the infrastructure, location of mechanicals underground, and narrow space, it would be expensive and difficult to install. A few hours later, United Heartland (Workers Comp) performed an annual visit with the Village, and was inside the pool facility for the first time. Their representative was a little surprised by the pit, the duties Staff is expected to perform down there, and how Staff are expected to enter and exit. He strongly advised installation of a more permanent fall protection system. However, because of the uniqueness of the mechanical area, we would have to hire a company to come in and fabricate an entirely unique fall protection which would likely be very expensive. There should also be a carbon monoxide detector and a chlorine detector down in the pit due to the chemical storage.

### **Closure of the Facility:**

On June 5, the Village Board was provided with a status report confirming the delay in opening from June 10 to June 17, and notifications were sent to the community. As of June 5, the plumber had almost completed the repairs in the pavilion. The pipe leak in the wall between the men's bathroom and shower was cleverly addressed without cutting a hole in the concrete wall (and therefore dealing with the asbestos-wrapped pipes). The toilet was repaired in the women's changing room with significantly more work. DPW maintained hope that the remaining repairs in the pit would be completed that same day, or at least be close enough to finishing that they could scrub the pool and start to fill the basin, and then turn the pump on. This would still have provided the 7-10 day window required for chemicals to balance for a June 17 opening.

During this same notification to the Village Board, the DPW Foreman also raised concerns regarding the pool heaters since there have been issues with them the last two seasons given their age. The heaters are all higher-end units but they have to work harder given the age of the rest of the facility. The wading pool heater sits outside, so it is exposed to the elements year round. The two heaters for the main pool are in a shed, but it sits on top of the pit which is a horrible environment for anything metal. There are holes in the floor for piping so the heaters are exposed to all the dampness and moisture from down there year round. Pool water is corrosive, which makes the situation worse.

As pavilion repairs were completed on June 7, the Village's mechanical contractor determined that the main pool valves were the wrong size by  $\frac{1}{4}$ ". This was determined not to be an error of staff, rather it was an error on the supplier's end. DPW was able to race against the clock and expedite the acquisition of the proper valves but would not arrive for repair until Monday, June

12. Assuming these parts were correct, staff had begun internal preparations to make a delay of the already delayed June 17 opening, to just a few days later as soon as possible (assuming the repairs would take).

Ultimately, on June 13 the replacement valves which had just arrived were also the wrong size. After drilling deeper into the situation with the supplier, it was determined that the valve size we need simply are no longer fabricated. These valves hold back so much water pressure that this is not a case of welding parts, 3D printing them, or other creative plumbing solutions. No company would take on the safety or liability of “creative solutions,” the Village’s insurer would not either, and Village staff will only open a facility if it is safe to do so.

The only solution to repair the valves would be for the Village to spend, at a minimum, \$25,000-\$30,000 more for a significant plumbing reconstruction of the entire pit area. In a best case scenario, this reconstruction might get the pool operational by the end of July at the earliest, leaving the pool operational maybe for two or three weeks.

Additionally, as previously mentioned there are still many unknowns associated with the pool that may cause more delays. It is still unknown if the pool heaters work, if the sand filters will function properly, or if the pipes in the pool itself need repairs. Further, asking the young adults that staff the facility to wait an additional month or more to get to work would prohibit their ability to fill their summer, learn life skills, or make money for school.

The Village Board was notified on June 13, the same afternoon that Staff was made aware of the unfortunate conditions at the pool, and an announcement was made at the Village Board meeting that same evening. Aquatics staff were also notified at this time so they they were made aware by their employer and not from hearsay, the media, or social media. Notifications were sent through Village listservs to also immediately inform the community as directed by the Village Manager during that same meeting.

### **Further Reading:**

Pool memberships purchased as of June 13, 2023: (\*note\* numbers updated as of 7/5/2023)

- 18 non-resident family passes
- 34 resident family passes
- 4 single adult resident passes
- 27 swim lessons

For comparison during the the exact same timeframe in 2022:

- 27 non-resident family passes
- 21 resident family passes
- 1 single adult resident passes
- 29 swim lessons

Immediately on the morning of June 14, the Assistant Village Manager began making preparations for refunds and to assist with aquatics staff transitioning summer employment to other facilities. Direct contact was made with representatives of the Jewish Community Center, Wisconsin Athletic Club, Milwaukee County, and Metro YMCA. Outreach was also made to a number of other organizations. We are aware of roughly half the staff confirmed to be in conversations with other facilities regarding expedited employment. The news media also picked up on the pool closure the morning of June 14. To date, only one local media outlet

called the Village and one local outlet sent written inquiry via email. Village Staff were briefly quoted by email by one outlet.

Closure of the facility also affected Village partnerships. Staff was forced to inform affected partners such as Master's Swim, the Wisconsin Athletic Club, Pete's Pops, and New Barons Brewing Company of the closure. Master's Swim had large interest, had planned to access the pool as soon as possible, and would be forced to find alternate plans for their members. The Assistant Village Manager had begun to implement a sponsorship program at the pool in 2023 and had received a number of inquiries from interested businesses. The Wisconsin Athletic Club was the first company to commit sponsorship funds in addition to providing free programming for Village residents and pool members. Pete's Pops had planned to return to the concession stand again in 2023. The pool was chosen specifically for the location of the beer garden partnership with New Barons for a number of reasons; adding additional value to a community amenity where customers would already be located, facility access to bathrooms, parking, and not impacting single family residences. The beer garden will continue and bathrooms are operational for this year, thanks to repairs completed on the pavilion, but the location may be rediscussed for 2024. Further, Village staff had worked with AT&T to offer a public WiFi option in 2023 after a number of pool guests had expressed an interest in "working from home from the pool."

### **Looking Forward:**

Staff expects the Village Board to deliberate on the facility and possibly take action at upcoming meetings, possibly as early as next month. The [pool webpage](#) has relocated all available studies, surveys, and supplemental information. More information will be added here as time progresses. It will benefit the Board and community locating these reference documents centrally so that all parties are operating from the same set of shared facts. We do not expect any future decisions or any solutions to be easy, but we hope to provide professional advice to questions that arise over the coming weeks and months.

There was no good time or manner to deliver this unfortunate news. DPW staff has done everything within their ability to maintain the facility for the last 55 years. Staff has spent every day of the last four months including weekends and evenings preparing programs and partnerships, performing preseason maintenance, making necessary replacements, hiring and training aquatics staff, maintaining applicable permits, undergoing safety improvements, and even contracting additional maintenance assistance. Staff did not let the pool expire.

The men and women in DPW are exceptionally hard-working individuals who have attempted to find every solution to known problems and to deal with the unknowns as they arise. A facility of this age has new unknown problems every year when preseason maintenance is performed in early spring or during startup procedures. There have been a number of public studies done which indicate that the pool had long exceeded its useful life. We have notified the public through Village listservs at every opportunity when new developments with the facility have occurred. Staff received the unfortunate news regarding repairs forcing closure of the facility, and we immediately informed the Village Board and community that same day. All Village Board meetings are recorded and available on the Village website along with every pool study and survey.

Hopefully the information contained within this memorandum has given the Board and members of the community increased understanding of the work required to address the challenges encountered just in the last nine months, and provides context for policy decisions moving forward.