



**MINUTES - SHOREWOOD BOARD OF TRUSTEES
Committee of the Whole Meeting
August 5, 2019**

1. Call to Order

President Rozek called the Committee of the Whole meeting of the Village Board to order at 6:45 p.m. in the Committee Room.

2. Statement of Public Notice

Clerk Bruckman stated that the meeting had been posted and noticed according to law.

3. Roll Call

President Rozek called the roll. Present: Trustees Davida Amenta, Tammy Bockhorst, Jessica Carpenter, Ann McKaig, Michael Maher, and Wesley Warren.

Others Present: Village Manager Rebecca Ewald

4. Closed Session – the Village Board will adjourn into closed session pursuant to 19.85(1)(g) to confer with legal counsel on strategy regarding pending litigation regarding Roundy’s assessment.

Tr. Amenta moved, seconded by Tr. Carpenter to adjourn into closed session pursuant to 19.85(1)(g) to confer with legal counsel on strategy regarding pending litigation regarding Roundy’s assessment at 6:46 p.m. Motion carried by a roll call vote.

Tr. Maher moved, seconded by Tr. Warren to reconvene into open session at 7:42 p.m. Motion carried by a roll call vote.

5. Tr. Maher moved, seconded by Tr. Warren to adjourn the meeting at 7:43 p.m. Motion passed 7 - 0.



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**MINUTES - SHOREWOOD BOARD OF TRUSTEES
Village Board Meeting
August 5, 2019**

1. Call to Order

President Rozek called the meeting of the Village Board to order at 7:48 p.m. in the Court Room.

2. Roll Call

President Rozek called the roll. Present: Trustees Davida Amenta, Tammy Bockhorst, Jessica Carpenter, Ann McKaig, Michael Maher, and Wesley Warren.

Others Present: Village Manager Rebecca Ewald, Assistant Village Manager Tyler Burkart, Finance Director/Treasurer Mark Emanuelson, Planning and Development Director Bart Griepentrog, Police Chief Peter Nimmer

3. Statement of Public Notice

Clerk Bruckman stated that the meeting had been posted and noticed according to law.

4. Special Order of Business

a. Riparian Land Management Plan presentation. (7:50 p.m.)

Kristin Schultheis with Oneida Total Integrated Enterprises (OTIE) went over presentation included in the August 5, 2019 Village Board packet.

The Village Board asked the following questions.

How would mechanical removal be done without causing damage? Ms. Schultheis explained they would use smaller equipment during the winter when the ground is frozen.

Ms. Schultheis explained that prescribed burns are not included.

Some Village Board members inquired would herbicide treatment be an issue given proximity to the river? Ms. Schultheis explained they use selective herbicide specific to the species can be applied in aquatic areas and DNR has specific licenses for people to apply herbicide in an aquatic zone.

Ms. Schultheis explained they will do a fall follow-up on inventory. The Milwaukee River Greenway Group sees the river district (i.e. Hubbard Park) as an important part for reestablishing fish and wildlife habitat for this stretch of the Milwaukee River.

Some Village Board members questioned if there is a listing of grants available to look into.

Ms. Schultheis explained three grants are included in the report.

Some Village Board members suggested looking at protections in place and the Village ordinance adopts some of the Milwaukee county parks ordinance, which would be the Estabrook Park area that have resource protections in place.

One Village Board member suggested a Weed Commissioner appointment.

b. Consider deed restriction to preserve the façade of the Shorewood Fire Station and Certified Survey Map (CSM) and associated easements for 3936 N. Murray Avenue, aka Shorewood fire station. (8:08 p.m.)

Chief Whitaker explained tonight the Village Board is considering a deed restriction drafted by Attorney Bayer, what has previously been referred to as a façade easement. There are two additional items up for consideration which include easements on the property for the CSM and the CSM itself.

Chief Whitaker explained there was an amendment made to the CSM. Attorney Bayer explained the Village Board needs to determine if the list of protections is conceptually what the Village Board is looking for, at this point the easements belong to a parcel that has not yet been created, it is more conducive for the Village Board to review the deed restrictions and the CSM congruently. Attorney Bayer explained tonight the question is whether all the items in the deed restrictions are acceptable to both parties and conceptually do the easements cover all the items that are of concern to the Village in terms of access for the future property that is going to be created for the North Shore Fire Department?

Chief Whitaker explained the deed restrictions deal strictly with the exterior of the property. In the packet there were 16 items in the deed restriction document that have been drafted based on input from staff and residents in the Village and reviewed with the architect and other stakeholders in the process to ensure the suggestions were achievable.

Some Village Board members clarified the Village Board is not moving to approve or deny the CSM. Ms. Ewald explained the only change that has been made to the CSM is one line that

changes one foot based upon the graded foundation, thus the Village Board could act upon the CSM tonight based upon the modification being included in the motion.

Some Village Board members questioned why the easement line was moved closer to the Village Hall instead of moving the line closer to the Fire Station?

Ms. Ewald explained they wanted a straight-line for the easement since there are a couple of things happening in that easement: first there is a building restriction to ensure there would be no building per specified number of feet between the south side of the fire station and the north side of Village Hall per building code requirements, second to accommodate for a utility easement based upon our electrical system, which is not running in a straight line. Some Village Board members were still uncertain the purpose of the easement. Ms. Ewald explained the Village needs to do an easement for purposes of restricting development between both buildings because building code requirements are more prohibitive when structures are less than 10 feet apart from each other. Some Village Board members questioned if the building code already states you cannot build in this area, why is the easement required. Ms. Ewald explained the easement is to mandate the restriction because of future ownership of the property and to allow vehicle access to perform maintenance. Chief Whitaker explained the easement allows access to the area to perform maintenance. The CSM is to solidify where the property line is drawn.

Some Village Board members inquired why the CSM line is closer to the Village Hall and not the Fire Station. Ms. Ewald explained the fire department is proposing to switch their main entrance from the front of the building to the south side of the building.

One Village Board member questioned what is the benefit of approving a deed restriction over an easement? Attorney Bayer explained the Village is not maintaining the Fire Station, the responsibility under the Deed Restriction would be to North Shore Fire. One Village Board member asked the attorney to clarify if the Village could remove the deed restriction. Attorney Bayer replied yes.

One of the Village Board members questioned when the Design Review Board reviewed the plans. Chief Whitaker explained the Design Review Board reviewed plans about two weeks ago. Attorney Bayer clarified the Village Board can set the deed restrictions and they cannot be overruled in any way and approvals set by the Design Review Board would have to follow the parameters set by the Village Board; the Design Review Board can only make a recommendation.

A Village Board member inquired as to what would happen under Sections 4 and 5 if the Village and North Shore Fire Department disagreed on whether restoration was feasible following any casualty damage or destruction. The Village Attorney indicated that the Review process outlined in Section 2 would be utilized, wherein the Design Review Board would make a recommendation to the Village Board, which would retain final say on the matter.

Rosie Bredeck, 4248 N. Ardmore Ave, Shorewood, 53211; Thought the document describing the deed restrictions from Attorney Bayer was a great document. Ms. Bredeck would like to add in item two (2) decorative colored brickwork, add brick coursing as well as the step pattern gable accent. In item four (4) add limestone/ keystones, sills and accents. Add in keystones and accents in item 13.

Tr. Amenta moved, seconded by Tr. Maher to approved the Declaration of Deed Restriction with the inclusion of specific additional language to ensure protection of the following architectural features of the Fire Station:

- decorative colored brickwork
- brick coursing
- the step pattern gable accents
- limestone/ keystone sills and accents.

And, the amended Deed Restriction be forwarded to the North Shore Fire Department Board for approval pursuant to the Memorandum of Understanding for the renovation of Shorewood Station No. 83 and contingent upon a real estate closing of the subject property.

Some Village Board members questioned why it was pending on the real estate transaction. Some Village Board members echoed it constrains the Village if the sale falls apart. Attorney Bayer explained it's a policy decision the Village Board can decide on.

Tr. Warren moved a friendly amendment in section five (5) with direction from Attorney Bayer to make clear that if both parties do not agree in section five (5) that the review process outlined in the agreement would be followed if the Declarant and Owner cannot agree on questions related to restoration or reconstruction. Tr. Amenta agreed to the friendly amendment.

Tr. Amenta moved to call to question. Motion to call to question carried 7 – 0.

Vote was taken on the motion: approved the Declaration of Deed Restriction with the inclusion of specific additional language to ensure protection of the following architectural features of the Fire Station:

- decorative colored brickwork
- brick coursing
- the step pattern gable accents
- limestone/ keystone sills and accents.

In addition, language shall be added to Section 5 of the Deed Restriction further clarifying the process outlined in the agreement to be followed if the Declarant and Owner cannot agree on questions related to restoration or reconstruction following casualty damage or destruction.

Further, the amended Deed Restriction be forwarded to the North Shore Fire Department Board for approval pursuant to the Memorandum of Understanding for the renovation of Shorewood Station No. 83. Additionally, this approval is contingent upon a real estate closing of the subject property with the North Shore Fire Department. Motion carried 7 – 0.

Tr. Amenta moved, seconded by Tr. McKaig to approve the CSM with the proposed changes and associated easements for 3936 N. Murray Avenue and forward to the North Shore Fire Department Board for approval pursuant to the Memorandum of Understanding for the renovation of Shorewood Station No. 83 and contingent upon a real estate closing of the subject property. Motion carried 7 – 0.

c. Review of Long Range Financial Plan. (8:40 p.m.)

Mr. Emanuelson reviewed and took questions on the Long Range Financial Plan included in the packet. It was noted to put the Long Range Financial Plan on a future meeting for consideration and approval.

Some Village Board members questioned if there would be interim patching before the Oakland Avenue 2028 full reconstruction. Ms. Butschlick explained we are still working on process and procedure on how that can be effectively done. The pavement is not in the condition we would like it to be, concrete construction and heavy traffic flow poses some challenges of doing in sections.

One Village Board member suggested to include in the Long Range Financial Plan the Village

Board is looking at alternatives and interim solutions.

Some Village Board members questioned if the sidewalk program cost with the new adopted standards would cover the amount of needed work? Ms. Butschlick explained it will cover the work identified with the new standards.

One Village Board member shared they were opposed to the money removed for phase 2 of Wilson Drive.

Mr. Emanuelson explained manhole replacements are funded by the sewer utility. Scheduled to be a self-funded capital maintenance project, not through bond funds.

Ms. Butschlick explained the change in scope of the Edgewood sewer project would be an MMSD cost.

One Village Board member questioned the water capital projects on the first page are they levy or bonds? Mr. Emanuelson explained those will be general obligation bonds.

One Village Board member questioned item 13, Village Hall is that just a place holder for future maintenance? Mr. Emanuelson explained yes as well as the contemplation of replacing HVAC system at the Village Center.

One Village Board member questioned if the street lighting boxes will be compatible with any LED system. Ms. Butschlick explained she has asked Strand before the Village goes any further if the street light box component would be compatible with an LED system.

5. Citizens to be heard – This item is for matters not on the agenda. Discussion may follow comment on non-agenda items or discussion and action may come at future meetings. – None 9:24 p.m.

The Village Board recessed at 9:25 p.m.

The Village Board reconvened at 9:34 p.m.

6. Consent Agenda Items (9:34 p.m.)
 - a. Accept presentation of Accounts – August 5, 2019
 - b. Consider Committee of the Whole and Village Board Minutes – July 15, 2019
 - c. Consider award of contract for 2019 Sanitary Sewer Lining Project.
 - d. Consider Application for Special Privilege for an awning projecting over the public right of way at Stage Pharmacy, 4001 N. Oakland Ave.
 - e. Consideration of Extension of Premise for Blue's Egg for the Feast.
 - f. Consider RFP for Shorewood Connects Facilitator.

Tr. Bockhorst moved, seconded by Tr. Warren to approve the consent agenda. Motion carried 7 – 0.

7. Items Removed from the Consent Agenda (9:35 p.m.) – None

8. Public Hearing(s) (9:35 p.m.) – None

9. New Business

- a. Consider professional services agreement for Milwaukee Water Works Wholesale Customer Group PSC intervention assistance. (9:35 p.m.)

Ms. Butschlick reviewed her memo included in the August 5 packet. Mrs. Butschlick explained the Public Service Commission (PSC) clearing house people appeal rates to

infrastructure. Ms. Butschlick explained there are wholesale and retail customers, the PSC regulates those classes differently.

Tr. Amenta moved, seconded by Tr. Maher approval of the Baxter & Woodman professional services agreement for the Milwaukee Water Works Wholesale Customer Group Public Service Commission Intervention Assistance. Motion carried 7 – 0.

- b. Consider Ordinance 3003 – Repealing and Replacing Section 10” Smoking Prohibited in Certain Places” of Chapter 319 “Health and Sanitation,” of the Shorewood Municipal Code.

One Village Board member raised the question as to whether the existing smoking ordinance reflected in the official Shorewood code book (319-10) was consistent with what was actually passed by the Village Board back in September of 2010. Attorney Bayer will check and follow-up.

Tr. Warren moved, seconded by Tr. Carpenter to approved Ordinance 3003 – Repealing and Replacing Section 10” Smoking Prohibited in Certain Places” of Chapter 319 “Health and Sanitation,” of the Shorewood Municipal Code. Motion carried 5 – 2 by a roll call vote with President Rozek and Tr. Maher voting nay.

10. Reports of Village Officials

- a. Village President - None

- b. Village Trustees

Tr. Bockhorst – Reminded everyone about the League of Wisconsin Municipalities Annual Conference in Green Bay. Racine and Sheboygan passed a Conversion Therapy Ban Ordinance.

Tr. Carpenter – Shared she and Tr. Maher were ice cream scoopers at the summer library celebration party.

Tr. Maher – Shared the second Town Hall Transportation Meeting took place on July 30. July 27 was the river clean-up. The next river clean-up will be October 5.

Tr. McKaig – Shared she will not be seeking re-election for another term in 2020.

- c. Village Manager - None

11. Items for future consideration

- a. Consider regulation of scooters – Tr. Carpenter

Tr. Carpenter moved, seconded by President Rozek to refer the regulation of scooters to the Pedestrian and Bicycle Safety Committee for a recommendation. Motion carried 7 – 0.

12. Adjournment.

Tr. Bockhorst moved, seconded by Tr. Maher to adjourn at 10:03 p.m. Motion carried 7 - 0.

Respectfully submitted,

Sara Bruckman, CMC/WCMC
Village Clerk