



Shorewood

MINUTES - SHOREWOOD BOARD OF TRUSTEES

Village Board Meeting

January 8, 2018

1. **Call to Order**
President Johnson called the meeting of the Village Board to order at 7:34 p.m. in the Village Center.
2. **Roll Call**
President Johnson called the roll. Present: Trustees Davida Amenta, Tammy Bockhorst, Michael Maher, Ann McKaig, Allison Rozek, Paul Zovic.

Others Present: Village Attorney Nathan Bayer, Village Manager Rebecca Ewald, Assistant Village Manager Tyler Burkart, Village Clerk Sara Bruckman, Finance Director/Treasurer Mark Emanuelson, Planning and Development Director Bart Griepentrog, Public Works Director Leeann Butschlick, Public Works Assistant Director Joel Kolste, Village Engineer Mustafa Emir

3. **Statement of Public Notice**
Clerk Bruckman stated that the meeting had been posted and noticed according to law.
4. **Consent Agenda Items**
 - a. Approve Presentation of Accounts January 8, 2018

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

5. **Citizens to be heard – none**

6. **New Business**

- a. **Community and Business Relations Committee**

- i. Discuss and consider special privilege permit for permanent seating and lighting in the public right-of- way for Stone Creek Coffee, 4106 N Oakland Avenue.

Tr. Rozek introduced the topic. The Committee is recommending for approval with the understanding any lighting code compliance concerns will be addressed.

Tr. Rozek moved, seconded by Tr. McKaig to approve the special privilege permit for permanent seating and lighting in the public right-of-way for Stone Creek Coffee, 4106 N Oakland Avenue. Motion carried 7 –0.

- ii. Consider BID administration of outdoor market space on Oakland Avenue & Wood Place.

Tr. Rozek introduced the topic. About six months ago the Committee worked with staff on developing policy for space that will be an outdoor market place, which was distributed tonight. Discussion from the Committee was on the proposed program before the Board this evening. The program being

proposed would allow food vendors while the previous draft had not been permitted food vendors. The other point of discussion was liability insurance, no clause or agreement that we are signing when submitting a special privilege application; we will be presented with a certificate of liability insurance. The Committee did not reach consensus the intent of the program; it limits small businesses being able to apply, unless it's a local community organization, committee or non-profit recognized by the Village or a BID event, The Committee is recommending with a 2-1 vote.

Tr. Zovic moved, seconded by Tr. Maher to grant a Special Privilege Permit to the Shorewood BID for coordinating activities consistent with the programming objective and numerate with Wood Square Market Program Administration Guidelines subject to the completion of a special privilege permit application with the regulatory documentations.

Praise was given to BID for stepping forward to manage the space, the arrangement will be evaluated over time, but it is moving forward.

The Board questioned where and what events will be held there and what the small and large events entail.

Ericka Lang, the BID Executive Director, gave a brief description of the four larger events, but stated "there was still a lot up in the air." This would not compete with the Farmers Market and the BID would try to partner if needed. This would not compete with any existing Village events.

It came to question on what eligible and non-eligible activities are since it is a public space. The Board would like to see it limited to commercial activities, not to promote cause or conviction. Ericka Lang spoke about the original language being taken from what was proposed two years ago. Anything that is questionable would go to the Board or Village Attorney. Nonprofits organization have been placed in the space because the BID thought the Village would like to see different uses, but fully support commercial only

A concern was voiced of what is the Village's policy on the space, there is an absence of a policy and a fee structure.

The Board questioned if this is a Special Privilege for one year?
Nathan confirmed the Village would be issuing a special privilege specifically to the BID Board with terms and conditions attached and those are program objectives, eligible activities list and criteria administrated in the Wood Square Market Program Administration document.

It was questioned where the Special Privilege permit application was?
Attorney Bayer noted that Village Code Section 466.18 talks about Special Privilege and when one is granted are outlined on the special permit application are automatically part of the granting. The BID will also provide an application following the approval and also proof of liability insurance. The governing body has the right to grant the Special Privilege without an application.

Manager Ewald mentioned the Village staff does not have the time to take on a program of issuing permits on this public space.

Attorney Bayer clarified the Village Board would be inundated with multiple applications. The proposed solution is to get help from the BID Board; procedurally since it's in the right-of-way the Village Board needs to grant the special privilege based upon the terms and conditions the Board agrees upon.

Tr. Zovic withdrew his original motion

Tr. Zovic moved, seconded by Tr. Maher to grant a Special Privilege Permit to the Shorewood BID for coordinating activities consistent with the programming objective and numerated with Wood Square Market Program Administration Guidelines subject to the completion of a special privilege permit application with the requested documentations requirements. Motion carried 5-2 with Amenta and Rozek voting Nay

b. Public Works Committee

- i. Consideration of professional services agreement for 2018 Lake Drive Resurfacing project engineering and construction inspection.

Tr. Zovic introduced topic which was not discussed in Committee.

Tr. Zovic moved, seconded by Tr. Maher to award the professional services agreement for 2018 Lake Drive Resurfacing project engineering and construction inspection contract to Clark Dietz in the amount of \$13,000.00.

It was mentioned that several bids were received by the Village with different ranges and staff worked on equalizing the hours (see packet for information). Clark Dietz came in at the lowest cost.

Leeann Butschlick noted in the memo, that staff feels most comfortable with an onsite construction inspection, given the magnitude of the project. The project is not highly technical but very visible. Would like an inspector to be there full time for every working hour that is contracted; which would be about 50 hours each week. The Board is being asked to approve the engineering and inspection agreement that includes 100-hours of inspection. In attempt to compare, hours for engineering based on rate schedule given from the contractors and bumped field inspector to 100 hours up to hourly rate for just inspection hours. The lowest proposal would be by Clark Dietz in the amount of \$15,240.00 or an amount not to exceed. This is process inspection more than a product inspection.

Tr. Zovic withdrew his original motion.

Some of the Board members raised concerns about engineering and inspection costs.

Tr. Amenta moved, seconded by Tr. Maher to award the professional services agreement for 2018 Lake Drive Resurfacing project engineering and construction inspection contract to Clark Dietz not to exceed in the amount of \$13,000.00.

The Board inquired if Leeann Butschlick was recommending Clark Dietz, since it is the only proposal in the packet.

The recommendation was not made for a certain consultant, but to include at

least 100 hours of inspection.

The Village Engineer Mustafa Emir briefly shared that staff's concern is the day to day oversight of the project in those 6-7 days making sure residents can move in and out of their driveways; get in and get out as quickly as we can plus proper traffic controls are maintained.

The Board raised the question was raised of why the proposals varied so much. Leeann Butschlick remarked, engineering hours and different approaches to the project.

The Board questioned whether staff had the legal authority to adjust hours and dollar amounts unilaterally after professional service proposals are received.

Tr. Zovic moved, seconded by Tr. McKaig to amend the motion not to exceed \$15,000. Amendment carried 5-2 with Amenta and Rozek voting Nay.

Tr. Zovic moved, seconded by Tr. Maher to approve the professional services agreement for 2018 Lake Drive resurfacing project engineering and construction inspection to Clark Dietz not to exceed in the amount of \$15,000. Motion carried 5 – 2 with Amenta and Rozek voting Nay.

Tr. Bockhorst requested break at 8:57 p.m.
9:04 p.m. back in session

- ii. Consideration of professional services agreement with City Water for 2018 water utility general engineering/consulting.

Tr. Zovic moved, seconded by Tr. Amenta to approve the professional services agreement with City Water for 2018 water utility general engineering/consulting not to exceed \$15,000 a year. Motion carried 7 –0.

Manager Ewald informed the Board that the Village is not looking to get proposals on this because the agreement is only needed for one year and we are not aware of another group that performs operations for utilities.

The board confirmed the amount was for \$15,000 for the year.

Tr. Zovic moved, seconded by Tr. Rozek to amend the original motion not to exceed \$15,000.00 per year. Amendment carried 7 - 0

- iii. Consider easement agreement at 4121 N. Wilson Drive (American Legion, North Shore Post 331) for Oak Trail connection to Wilson Drive.

Tr. Zovic introduced the topic. This would authorize Leeann Butschlick to communicate with Legion and negotiate with them on the easement agreement.

Tr. Zovic moved, seconded by Tr. Maher to direct staff to present the proposed 'Oak Leaf Trail Easement Agreement' to the North Shore Post 311 of the American Legion for consideration and execution. Motion carried 7 –0.

- iv. Consider Resolution 2018-01 authorizing Urban Nonpoint Source & Stormwater Management Grant local share funding.

Tr. Zovic introduced the topic.

Tr. Zovic moved, seconded by Tr. Amenta to approve Resolution 2018-01 authorizing Urban Nonpoint to Source & Stormwater Management Grant local share funding. Motion carried by roll call vote 7 –0.

Manager Ewald clarified In addition to the resolution authorize staff to negotiate a professional services Agreement.

The amount of the grant was clarified in the amount up to \$26,750.00. The cost of the project submitted in the grant application was \$53,500.00 and the grant is a 50% match by the WDNR. The Village would accept the full amount because of the concern it was not stated in the resolution.

Tr. Zovic remarked in addition to the resolution the Village Board needs to authorize to negotiate a professional service agreement with Clark Dietz.

The question arose if we need to go for through an RFP process or if the Village can enter into the agreement with Clark Dietz?

Tr. Zovic moved, seconded by Tr. McKaig to direct staff to negotiate a contract with Clark Dietz not to exceed the grant amount.

The question arose if there was a term sheet and if staff would be bringing it back with a proposal and terms?

Tr. Zovic withdrew original motion.

The Wisconsin DNR grant award states the Village need to get proposals for professional services.

Tr. Zovic moved, seconded by Tr. Rozek to direct staff to get proposals according to the wording in the grant. Motion carried 7-0

Staff would work on that agreement and bring it back to the Village Board for approve.

- v. Consider Parklet Policy
Deferred to January 22 Village Board meeting.
- vi. Consider Resolution 2018-02 proclaiming May 12, 2018 as International Migratory Bird Day

Tr. Maher moved, seconded by Tr. McKaig to approve Resolution 2018-02 proclaiming May 12, 2018 as International Migratory Bird Day. Motion carried by roll call vote 7 –0.

c. Public Safety Committee

- i. Consider Ordinance #2090 – Right Turns Prohibited on Red Signals

Tr. Bockhorst moved, seconded by Tr. McKaig to approve Ordinance #2090 – Right Turn Prohibited on Red Signals. Motion carried by roll call vote 6 –1 with Tr. Maher voting Nay.

- d. Review of conceptual timeline to discuss possible fire station sale and budgetary impacts.

Mark Emanuelson went over document.

7. Items removed from the Consent Agenda - None
8. The Village Board will adjourn into closed session pursuant to Wisconsin Statute 19.85 (e) 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 to discuss possible sale of the Village's fire station.

Tr. Zovic moved, seconded by Tr. Maher at 10:15 p.m. to move into closed session pursuant of Wisconsin State Statute 19.85(e) 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 to discuss possible sale of the Village's fire station. Motion carried by roll call 7 – 0.

Tr. McKaig moved, Tr. Maher seconded to reconvene into open session by roll call vote at 11:32 p.m.: Motion carried by roll call 7-0

8. Reports of Village Officials
 - a. Village President - no report
 - b. Village Trustees
 - i. Tr. Amenta updated that the Conservation Committee is launching its second Environmental Film Festival in February with its first screening on February 9 at 7 p.m. in the Village Center.
 - ii. Tr. Rozek updated that she has filed papers for Village President and she is honored to join the race with Paul Zovic.
 - iii. Tr. Zovic noted the recent resident commendations provide to the Public Works Department for their work on a water main break over the weekend and recent lighting issues.
 - c. Village Manager - reminder of the Lake Drive Public Meeting regarding lane reconfiguration on Wednesday January 17 at 6 p.m. at the Village Center.
9. Items for Future Consideration
 - i. Tr. Rozek requested to review the Village's tree removal policy.
 - ii. Tr. Bockhorst requested to consider possible changes to the Board committee structure and timing prior to Village Board meetings.
 - iii. Tr. Maher requested additional review and possibly more time allocated to the Board committee meetings prior to Village Board meetings.
10. Adjournment
Tr. Maher moved, seconded by Tr. Bockhorst to adjourn at 11:36 p.m. Motion carried 7 - 0.

Respectfully submitted,
Sara Bruckman

Sara Beuckman

Village Clerk