



MINUTES - SHOREWOOD BOARD OF TRUSTEES
Village Board Meeting
April 2, 2018

DRAFT

1. Call to Order
President Johnson called the meeting of the Village Board to order at 7:30 p.m. in the Village Center.
2. Roll Call
President Johnson called the roll. Present: Trustees Davida Amenta, Tammy Bockhorst, Ann McKaig. Trustees Maher, Rozek and Zovic were absent.

Others Present: Village Attorney Nathan Bayer, Assistant Village Manager Tyler Burkart, and Planning and Development Director Bart Griepentrog.
3. Statement of Public Notice
Mr. Burkart stated that the meeting had been posted and noticed according to law.
4. Consent Agenda Items
 - a. Approve Presentation of Accounts April 2, 2018.
 - b. Approve Village Board Minutes of March 19, 2018.
 - c. Consider approval of capital items from Public Works Department:
 - i. Village Center mats
 - ii. Fuel management system
 - iii. MT repairs
 - d. Consider a Certified Survey Map for the separation of the existing residential lot at 2106 E. Wood Place into two separate lots
 - e. Consider appointment of Jon Krouse to CDA.

Tr. Amenta requested item b and e be removed from the consent agenda.

Tr. Bockhorst moved, seconded by Tr. McKaig to approve the consent agenda with items b and e be removed. Motion carried 4 – 0.
5. Citizens to be heard
There were no citizens to be heard.
6. New Business
There is no new business on the agenda.
7. Items removed from the Consent Agenda
 - b. Approve Village Board

Tr. Amenta requested to include in the minutes that resident Rod Dow spoke for 23 minutes. Resident Jamison Bryant (3724 N. Morris Blvd.) informed the Board his thoughts on having the minutes provide detail description of actions and comments. The Village Board discussed the necessity of having details, such as length of time, included in the minutes. Resident Jessica Laing (2502 E. Wood Pl.) expressed her thoughts on the availability of the meeting's recent video as well as mentioning her concerns of not having a time length on public comments. Tr. Amenta moved to approve the minutes

with including the word lengthy in the portion of Rod Dow's comments. There was no second to the motion. Tr. McKaig moved to approve the minutes as stated. Tr. Bockhorst seconded. Motion passed by 3-1 vote. Nay: Tr. Amenta.

e. Consider appointment of Jon Krouse to CDA

Tr. Amenta stated her comments wanting to wait for the new President to appoint the CDA member. President Johnson expressed his reasons for recommending the appointing of Jon Krouse to CDA. Tr. McKaig moved, seconded by Tr. Bockhorst to appoint Jon Krouse to CDA. Motion passed by 3-1 vote. Nay: Tr. Amenta.

8. Reports of Village Officials

a. Village President

President Johnson encouraged residents to vote April 3.

b. Village Trustees

Tr. Bockhorst updated the Village Board on a legislative event she attended.

c. Village Manager

Assistant Village Manager Tyler Burkart deferred to Planning and Development Director Bart Griepentrog who updated the Village Board on the Plan Commission meeting and discussion on the potential sale of the old Police building (the current Fire Station). In addition the Mr. Griepentrog provided a summary on the last Design Review Board.

9. Items for Future Consideration

Tr. Bockhorst asked for the Village Board to discuss a time limit for public comments. Tr. Amenta mentioned she contacted staff about the construction related to North Shore Bank due to some residents' concerns for noise. Tr. Bockhorst mentioned the item of passing a resolution against conversion therapy. Tr. Bockhorst also mentioned the desire for discussion around finding common ground for gun control.

10. The Village Board will adjourn into closed session pursuant to Wisconsin Statute 19.85 [e] Deliberating or negotiating the purchasing of the public properties, the investment 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. Bockhorst moved, seconded by Tr. Amenta to adjourn into closed session pursuant to Wisconsin Statute 19.85 [e] Deliberating or negotiating the purchasing of the public properties, the investment 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 at 8:04 p.m. Motion carried with a roll call vote 4 – 0.

Tr. McKaig moved and Tr. Bockhorst seconded to reconvene into open session at 8:28 p.m. Motion carried 3-1. Nay: Tr. Amenta.

Tr. Bockhorst left the meeting.

11. Adjournment.

Tr. McKaig moved and Tr. Amenta seconded to adjourn at 8:28 p.m. Motion carried 3-0.

Respectfully submitted,
Sara Bruckman
Village Clerk

Sara Bruckman

From: Rebecca Ewald
Sent: Friday, March 30, 2018 2:45 PM
To: _Trustees
Cc: Tyler Burkart; Sara Bruckman
Subject: FW: CDA Appointment on Board Meeting Agenda

Please see the message below.

Rebecca Ewald
Village Manager
Village of Shorewood
3930 N. Murray Avenue
Shorewood, WI 53211
414.847.2701
rewald@villageofshorewood.org

From: Barbara Kiely Miller [bkm@wi.rr.com]
Sent: Friday, March 30, 2018 2:13 PM
To: Rebecca Ewald
Subject: CDA Appointment on Board Meeting Agenda

Good afternoon, Rebecca. It was so nice to meet you on Tuesday night at the Plan Commission. I was looking over the agenda for Monday's Board Meeting and noticed that a member of the CDA has resigned and the appointment for his replacement is being rushed through for approval.

All appointments to committees, commissions, and other citizen groups are always made in the spring after our local election and the new Village Board is seated. Considering that terms to the CDA last four years, a replacement to a vacant seat on the CDA should rightly be made by our next president, whichever candidate that may be. I can only assume that this premature vote is being taken for political purposes.

I respectfully request that this item be pulled from the meeting agenda. There is no valid reason to fill Mr. Petrie's position so urgently. The other CDA members have served together for enough time to continue the work on goal setting that is underway with all committees.

I appreciate your consideration.

Best regards,
Barbara Kiely Miller

Sent from my iPhone

Sara Bruckman

From: Rebecca Ewald
Sent: Friday, March 30, 2018 12:43 PM
To: Sara Bruckman
Subject: Fwd: Sale of Firehouse

Sent from my iPhone

Begin forwarded message:

From: Carol Carr <ccarr8125@gmail.com>
Date: March 30, 2018 at 10:28:17 AM CDT
To: Trustee Zovic <TrusteeZovic@villageofshorewood.org>
Cc: <Trusteeamenta@villageofshorewood.org>, <TrusteeMaher@villageofshorewood.org>, Trustee Bockhorst <TrusteeBockhorst@villageofshorewood.org>, Trustee McCullough McKaig <TrusteeMcKaig@villageofshorewood.org>, <rewald@villageofshorewood.org>
Subject: Sale of Firehouse

Good morning,

This email is to express my opposition to the sale of the Shorewood Fire House.

The thought of losing another historic, charming building so that it can be replaced with another building like the Metro Market or the new NorthShore Bank is deplorable and shows a lack of consideration to the past and future of this Village.

It is becoming very apparent that what this Village looks like 25 to 30 years from now is of no concern to the people making the decisions of what we are building in this community.

You all have the opportunity to be considerate of the past and considerate of adding architecture and buildings that will speak to what everyone was thinking about in the year 2018! The only thing with charm, character and sustainability will be the old beautiful homes that were built that thank goodness, no one in a position to make decisions can touch many of our old homes that will stand the test of time!

When people come to Milwaukee and Shorewood they drive down Lake Drive and always comment about the beauty of the structures and the character and the charm of the old homes that were built years and years ago.

No one will ever be able to drive down Oakland Avenue and make the same comments 50 years from now!

And unfortunately, that will fall on the shoulders of those making decisions in the past 5 years and in the near future.

I hope that you will reconsider saving one of our Treasures!

Have a good design background and being very invested in architecture and enjoying my travels to cities that were built hundreds of years ago, I so appreciate the value of Village/city decision makers where they have chosen to invest in the past and save and honor what has been given to them as they build for the future.

I am hoping that eventually someone will stop the decisions to continue to put up buildings that, I am sure in a very short time, will be viewed as being built cheaply, ugly and given very little thought. Just because they're trendy doesn't make them good.

Thank you.

Carol Carr

Sara Bruckman

From: Rebecca Ewald
Sent: Friday, March 30, 2018 2:46 PM
To: _Trustees
Cc: Tyler Burkart; Sara Bruckman
Subject: FW: April 2nd Village Board Agenda

Please see the email below.

Rebecca Ewald
Village Manager
Village of Shorewood
3930 N. Murray Avenue
Shorewood, WI 53211
414.847.2701
rewald@villageofshorewood.org

From: Donna Pollock [depollock47@gmail.com]
Sent: Friday, March 30, 2018 1:16 PM
To: Rebecca Ewald
Subject: April 2nd Village Board Agenda

Dear Ms. Ewald,

I just had an opportunity to review the April 2, 2018 Village Board agenda and have a concern and request. The proposed appointment to the CDA is on this agenda.

I have been involved for many years in the board meetings and watched many appointments to the committees and commissions. I am concerned that this appointment is being considered one day before our election. We will have a new Village President and Board of Trustees and would ask that this appointment be removed from this agenda until the community has a new board in place. As our new Village Manager I would hope you can understand how some residents are concerned by this appointment being pushed to the agenda on the eve of our election.

Thank you for your time and consideration on this matter.

Donna Pollock

Sent from my iPhone



Plan Commission Meeting Minutes

March 27, 2018

3930 N. Murray Ave Village of Shorewood, WI 53211

DRAFT

1. Call to order.

The meeting was called to order at 6:30 p.m.

2. Roll call.

Chair Tr. Guy Johnson	No
Acting Chair Tr. Michael Maher	Aye
Tim Hansmann	Aye
Eric Couto	Aye
Chris Gallagher	No
Barbara Kiely Miller	Aye
Nate Piotrowski	No
Leah Blankenship	Aye
Dan Wycklendt	Aye

3. Approval of February 27, 2017 meeting minutes.

Ms. Kiely Miller moved to approve the minutes, seconded by Mr. Hansmann. Vote 6-0 to approve.

4. Statement of Public Notice.

Staff posted and publicly noticed according to local and state regulations.

5. Discussion and recommendation of certified survey map for the separation of existing lot into two separate lots at residential property 2106 E. Wood Place, property owners David and Gretchen Keating.

Property owner Gretchen Keating and general contractor Robert Nash (Sawfish General Contracting) were present.

Planning Director Bart Griepentrog introduced the item stating Sawfish General Contracting on behalf of the property owners submitted a Certified Survey Map proposing the split of the lot currently located at 2106 E. Wood Place into two lots of record for review/recommendation. Mr. Griepentrog stated that per Chapter 470 Subdivision and Land Divisions of the Shorewood Village Code, the Plan Commission had 60 days from the date of application to provide a recommendation to the Village Board to approve, approve conditionally or reject the map. The certified survey map was reviewed by Village Staff, the Village Engineer and the Milwaukee County Register of Deeds.

Mr. Griepentrog explained that the lot is currently zoned R-6 and the proposed split conforms to the minimum lot width of 40 feet and minimum lot area of 4,500 square feet. The front yard setback of the existing house, which will remain, is 22.8 feet and does not conform to the required 25 foot setback of the district, yet staff did not believe requiring conformance of the required front yard setback would be "reasonably practicable," which was also confirmed with the Village Attorney. The existing house would conform to the required side yard setbacks of three feet. Mr. Griepentrog confirmed that additional

standards within the Wisconsin Certified Survey Map Checklist were reviewed and found to be in conformance.

The Milwaukee County Register of Deeds review generated minor notes/changes. The Register of Deeds comments were provided to the applicant on March 19th and all changes were made to the survey document prior to the meeting. Mr. Griepentrog further explained that upon the Plan Commission's recommendation the Village Board would consider the certified survey map at the Board meeting on April 2, 2018.

Mr. Hansmann asked if the lot originally had been two lots and combined. Ms. Keating confirmed it had never been two lots just a single lot.

Ms. Kiely Miller commented that the survey shows the existing driveway to the west of the existing house and asked if a new driveway would be installed on the east side of the existing house. Mr. Nash stated a new driveway would be installed on the east side of the existing house. Ms. Kiely Miller asked about the average width of the lots on the block as a whole in comparison to the widths of the two proposed lots. Mr. Griepentrog stated that the lots being proposed generally conform to the lot widths of the other properties on the block.

Mr. Hansmann moved to recommend approval by the Village Board of the proposed Certified Survey Map for the separation of the existing lot at residential property 2106 E. Wood Place into two separate lots. Seconded by Mr. Wycklendt. Vote 6-0.

6. Public Hearing: Consideration of conditional use application for the construction of the River District Riparian Trail to be located at existing Milwaukee County-owned park land at the southwest intersection of E. Capitol Dr. and N. Estabrook Pkwy. and existing Village of Shorewood-owned properties at 3905 N. Estabrook Pkwy., 3907 N. Estabrook Pkwy. and 3565 N. Morris Blvd.

Mr. Griepentrog provided a brief history of the project that began in 2006 as a part of the Central District Master Plan and then as a separate proposed project in 2009. Public outreach efforts were completed during the preparation of the conceptual plan to gather feedback on concepts and to collaboratively discuss the trail and restoration efforts. The project was also incorporated into the Village's Comprehensive Plan 2030 which was adopted in 2011. The Village applied for and received a DNR Stewardship grant to implement the plan but was unable to execute the grant agreement at the time because the Village did not own the bluff portion of the area. Since that time, the Village has been transferred ownership of the bluff area through developer agreements with Harbor Chase and The Oaks projects. The Village contracted out for engineering design services for the project via a Request for Proposals (RFP) in 2016. Another RFP was issued in 2017 for the construction of the trail. Construction and trail completion is taking place now in 2018.

The project's Land Use Permit was approved by Planning and Development in March 2017. As the project progressed, the Planning and Development Department was made aware of the work, and noted that despite the lengthy history, public review and numerous Village approvals of the project, it had yet to receive formal approval of a Conditional Use Permit to perform work within the River shoreland area. As required by 535-9(7) all work shall be certified by a professional engineer, and the Village's engineer Mustafa Emir of Clark Dietz has provided such. The Wisconsin DNR and Army Corps of Engineers as also been involved with the review and approval.

Attorney Nathan Bayer informed the commissioners of two recent changes in the law pertaining to conditional use permits and their approvals. He stated that the first change states that the decision to grant or deny a conditional use permit has to be based on substantial evidence. Substantial evidence is defined in the statutes as “facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of the conclusion”. The other change to the law states that “if an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the Village Ordinance or those imposed by the Plan Commission, the Village shall grant the conditional use permit”.

Attorney Bayer further explained that his interpretation is that it is permissible for a municipality to refer and rely upon those conditions enumerated in the ordinance but a decision to grant or deny has to be based on substantial evidence and if the applicant does agree to meet all the conditions set by the Plan Commission that the granting of the conditional use permit is warranted. There is still a comprehensive review of the conditional use code being done at the time as well.

Ms. Kiely Miller asked whether village resident opinion counts as substantial evidence. Attorney Bayer said no and explained that he believes the change in the law specifically was undertaken because of a Court of Appeals case dealing with whether or not it was appropriate for a municipality to deny a conditional use permit based on resident opinion.

Acting Chair Maher opened the public hearing at 6:45 p.m., hearing no comments the public hearing was closed at 6:45 p.m.

Mr. Wycklendt asked if the new law change meant that if a conditional use permit has no conflict with the seven conditions within the code then the application has to be approved. Attorney Bayer said that was an accurate interpretation.

Mr. Hansmann asked when the project was to be completed. Mr. Griepentrog stated late spring or early summer.

Ms. Kiely Miller asked about the comment on the plan stating wetland disturbances. Mr. Griepentrog did not have an exact explanation about the wetland disturbances, but explained that plan had been approved by the Village engineer and all other entities before it moved forward. Acting Chair Maher added that the wetland disturbance areas will have fill/gravel and stepping stones added so it remains wetland, but is maintained.

Mr. Hansmann moved to approve the Conditional Use Permit application for the construction of the River District Riparian Trail to be located at existing Milwaukee County-owned park land at the southwest intersection of E. Capitol Dr. and N. Estabrook Pkwy. and existing Village of Shorewood-owned properties at 3905 N. Estabrook Pkwy., 3907 N. Estabrook Pkwy. and 3565 N. Morris Blvd., based on substantial evidence and criteria 1-7 of Zoning Code 535-25C. Seconded by Mr. Cuoto. Vote 6-0.

7. Discussion and recommendation on sale of public land, Fire Station No. 83, to the North Shore Fire Department.

Village Manager Ewald and North Shore Fire Department Chief Whitaker were present.

Village Manager Ewald explained the memo provides background on the topic leading up to the present. Ms. Ewald explained that the Village has evaluated the fire department building for nearly the last decade for purposes of its Village police services. Based in

part on those evaluations, two years ago the Village purchased a new building and relocated its police operations. At the same time the North Shore Fire Department has been very proactive and diligent about their long range financial planning. With the police having vacated the building, the North Shore Fire Department is looking to acquire the property for purpose of construction a new fire station. Per state statute, the Plan Commission is offered the ability to weigh in on the use of the property moving forward. The fire department has reviewed other site options around and within the community as well, but noted that it is a challenge for a municipality to move a fire station and maintain services. Moving a fire station also poses a challenge as it could have a negative impact on new neighborhoods because of noise etc.

Acting Chair Maher asked if there was any analysis done of response times in comparison to various sites. Chief Whitaker stated that about a year and a half ago an evaluation was completed for the current site and others that where to be made available or potentially available in the future. The Shorewood site is a good location as far as service to Shorewood and the other communities being served.

Mr. Griepentrog brought attention to language in the memo explaining the Commission's role in what they are to evaluate. In the memo it is stated that the Plan Commission is requested to state whether they have an objection to the sale of the station based upon the goals and objectives of the North Shore Fire Department and the Village. The recommendation relates to the ownership of the fire station, not its land use aspect, which is not under consideration to change. The Plan Commission should consider whether or not a change in ownership would have any impact on provided service levels and reference the Village's Comprehensive Plan, which states a desire to "provide well-maintained public buildings appropriate for service needs."

Acting Chair Maher asked if this topic would be before the Plan Commission again in the future. Mr. Griepentrog explained that yes it would have to come back for any changes to the existing facility as part of a new or revised Planned Development District, as well as for evaluation a new certified survey map to split off the parcel. The architecture of the new construction would go before the Design Review Board as well.

Mr. Hansmann asked if the building had any historic protections. Mr. Griepentrog stated that none presently exist, although the building is noted to be potentially eligible.

Ms. Kiely Miller asked if the Village Board has approved the sale already. Acting Chair Maher stated that a decision has not been made on the sale yet. She asked if the building or the land and building would be sold. Mr. Griepentrog stated the land and building would be sold together. She asked if the footprint of a replacement would be similar. Chief Whitaker stated the ground floor footprint would be similar. He explained the current building is roughly 18,000 square feet. The first floor is about 9,000 square feet, which is what the fire department would need so the footprint would be similar to the existing footprint.

Ms. Kiely Miller asked about how much thought has been put into the sale of the site. She asked about what consideration has been given to renovating the unneeded space present for use by other village departments like the senior center or historical society who lack space. Acting Chair Maher explained that the building has been studied for about a decade regarding cost analysis, ongoing substantial maintenance and ADA accessibility. Chief Whitaker added that to make the new building a two-story building for public use on a second floor an elevator would be required, which would drive the cost of the project up significantly. Village Manager Ewald added that the new police department building has a large amount of space currently not being used, and the Village Board has

not committed to funds to update this space and with the absence of funds it would be a challenging discussion to add a second floor to a new fire department.

Ms. Kiely Miller asked where the fire department would be located during construction. Chief Whitaker explained that there are 3-4 options being discussed including staying on site during a phased construction, temporarily moving to the Village police department building and working out of another fire house close by in Whitefish Bay or Milwaukee.

Mr. Cuoto asked if the sale is approved what the timeline for the project would be. Chief Whitaker stated that if financing and other aspects go well and get approval, they could start in fall of 2018 and the project would take roughly a year to complete.

Mr. Hansmann asked whether the land would revert back to the Village if the makeup of the North Shore Fire Department would change to not include Shorewood. Chief Whitaker explained that a number of things could happen to offset the change, including reverting the land back to Shorewood. He also explained that if the Fire Department ever wished to vacate the community the Village Board has the right to veto that move.

Acting Chair Maher asked if there had been any discussion about preserving some of the historical aspects, if the building has to be removed. Chief Whitaker noted that the cost to renovate was significantly higher than to build a new facility, and confirmed that the architects have been asked to model a new building using aspects similar to the original to preserve the look.

Ms. Kiely Miller asked what the main reason was to build new and not keep the historic building. Chief Whitaker explained that the cost to remodel the existing building would be substantial and the whole building would need to be gutted along with its HVAC system. The building is also known to have electrical and water issues. It is also more efficient to go to a 9,000 square foot building versus an 18,000 square foot building.

Ms. Kiely Miller asked who is currently responsible to maintain the building. Acting Chair Maher explained that the Village has already put a large amount of money into maintaining the building, including annual maintenance each year. Chief Whitaker added that the Village has a dedicated facility maintenance manager they work with as well.

Attorney Bayer mentioned that the state statute requiring consultation with the Plan Commission on the sale of village property is to determine if the sale would negatively impact the village. The purpose and intent is for the Plan Commission's recommendation is to tell the Village Board if they feel the sale would negatively impact the Village.

Mr. Wycklendt asked if because the proposed sale of the site is not impacting the service of the fire department it is more of a simple discussion and recommendation. Attorney Bayer stated this is a fair analysis.

Acting Chair Maher added that the Village Board is to be the one to discuss the things such as cost, historic resources, etc.

Mr. Cuoto stated his only pause was the guarantee of the fire department remaining.

Attorney Bayer explained again that the Plan Commission is to consider and recommend to the Village Board and cannot block a decision and that the Village Board decides ultimately.

Acting Chair Maher opened the floor for a comment. Village resident Dawn Blackmore, 4240 N. Ardmore Avenue, asked about doing more work to find out the cost of remodeling versus building new, and commented that the Village could be a bit more

creative with keeping the 18,000 square foot building. Ms. Blackmore asked if the Village would have any rights to the building once the site would be sold.

Acting Chair Maher explained that a new building would be before the Village for multiple reviews.

Ms. Blankenship asked if after the sale there would be any developer's agreement. Attorney Bayer confirmed that the zoning of the space is PDD. There would be no developer's agreement, but changes to the PDD zoning would come before the Plan Commission.

Mr. Wycklendt moved to recommend to the Village Board the sale of the public land, Fire Station No. 83, to the North Shore Fire Department. Seconded by Ms. Blankenship. Vote 5-1 in favor.

8. Identification of Plan Commission accomplishments and future initiatives.

Mr. Griepentrog provided a brief background of the Village's upcoming Vision Planning Process. He read the Village's 2025 Vision Statement and reminded Plan Commissioners that current services and proposed initiatives should correspond to that vision. He noted the 2017 accomplishments of the Plan Commission, which included 5 meetings, 7 Conditional Use Permit considerations and 4 discussion topics. It was noted that 2017 was a light year in comparison to previous years, due in part to staff transition.

In terms of moving forward, Mr. Griepentrog proposed existing service levels relating to land use reviews by the Plan Commission to remain the same. He also listed several initiatives or projects that have been discussed or noted since his arrival, including: Conditional Use Permit regulations; revisions to the Sign Code; modifications to parking requirements; discussion of regulating tourist rooming houses, such as AirBnB; and, noted that the Village's Comprehensive Plan will need to be updated by January 2021.

Ms. Kiely Miller added several suggested initiatives, including; porch regulations in the front yard setback; rezoning of land near Wilson Dr. and on Capitol Dr. east of Oakland; increasing public outreach; improving traffic and parking studies; and, identifying, designating and protecting buildings and places of historical significance.

Mr. Griepentrog mentioned looking at the zoning code as a whole might not be a bad idea. He noted that thinking big wasn't discouraged. Tr. Maher mentioned that green-friendly zoning aspects could be researched. The concept of discussing a Complete Streets Policy, regulating discount stores and outdoor sales and display were also mentioned.

Mr. Griepentrog noted that this item would be placed onto the April 24 agenda as well, with the hope of finalizing the Plan Commission's submission to the Village Board, which is due to the Village Manager on May 1.

9. Adjournment.

Mr. Couto moved to adjourn the meeting at 8:00 p.m., seconded by Mr. Hansmann. Vote to adjourn 6-0.

Recorded by,



Crystal Kopydlowski
Planning Department Administrative Clerk