



MINUTES - SHOREWOOD BOARD OF TRUSTEES
Special Village Board Meeting
February 17, 2020

1. Call to Order

President Rozek called the special meeting of the Village Board to order at 6:51 p.m. in the Court Room.

2. Statement of Public Notice

Mr. Burkart 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, Michael Maher, Ann McKaig, and Wesley Warren.

Others Present: Village Manager Rebecca Ewald, Assistant Village Manager Tyler Burkart, Planning & Development Director Griepentrog, Attorney Nathan Bayer

4. Consider next steps for Affidavit of Interest and Parking Lot Agreement between Village of Shorewood, 4057 Wilson Drive, and Flexigon LLC, 4121 Wilson Drive.

Chad Griswold from RINKA, 1413 E. Elmdale Ct. was in attendance to go through details of the development's impact to the parking lot adjacent to the Police building. The access driveway for the townhomes will be on the south side of the property adjacent to the Police parking. There was discussion about feedback from the Police Department in regards to ADA parking for their building. There was additional discussion about parking accessibility to the townhomes, especially between the hours of 5:00 p.m. and 8:00 a.m. Staff stated snow removal would be performed by the developer on both properties. One inquiry from the Board asked about the impact of making the lot a public lot versus a private lot. There was discussion about parking on-street along N. Wilson Drive. The presenters expressed a good faith in the development proposal to still offer the Village access to its parking space. Staff will need to follow up on the current status of parking on N. Wilson Drive. Attorney Bayer explained Exhibit C in the agreement is recorded on the deed in regards to the public easement through the parking lot. Some Board members expressed the language needs more flexibility on the behalf of the Village to have some overnight parking options.

Tr. Amenta moves for Tr. Maher as the Public Works Chair with input from Tr. Warren as the Public Safety Chair to meet with the Village Manager to propose amendments to the agreement. Tr. Maher seconded the motion. There was some expressed concern about having assigned individual Trustees working on tasks. Some members feel the agreement should go to the Public Works Committee. Motion carries 5-2 with nays from President Rozek and Tr. Bockhorst.

President Rozek mentioned Milwaukee County's comments back in 2017 about not having a desire to develop the land north of this parcel.

5. The meeting did not go into closed session.

6. Adjournment.

Tr. McKaig moved, seconded by Tr. Warren to adjourn at 7:36 p.m. Motion carried 7 - 0.



MINUTES - SHOREWOOD BOARD OF TRUSTEES
Village Board Meeting
February 17, 2020

1. Call to Order

President Rozek called the meeting of the Village Board to order at 7:45 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, Public Works Director Leeann Butschlick, Planning Director Bart Griepentrog.

3. Statement of Public Notice

Mr. Burkart stated that the meeting had been posted and noticed according to law.

4. Special Order of Business

- a. Consider "Class A" Intoxicating Liquor and Malt Beverage License for North Shore Health Care LLC, d/b/a Thompsons Serv-U Pharmacy, 1421 E. Capitol Drive, Shorewood, WI, 53211. (7:46 p.m.)

Tr. Carpenter mentioned the JP&L Committee recommended to approve the license and summarized the reasoning in comparison to other businesses. It was inquired if one application was denied in the past year. It was clarified a license was denied at one of the gas stations. There was an expressed concern about the size of the community and how providing licenses to these types of businesses impact local restaurants and bars.

Tr. McKaig moved, seconded by Tr. Warren to approve "Class A" Intoxicating Liquor and Malt Beverage License for North Shore Health Care LLC, d/b/a Thompsons Serv-U Pharmacy, 1421 E. Capitol Drive, Shorewood, WI, 53211. Motion carried 7 – 0.

- b. Consider Application for Special Privilege Approval for an Accessible Passenger Loading Zone in the public right-of-way at Lake Bluff Elementary School, 1600 E. Lake Bluff Blvd.

Mr. Griepentrog summarized the Transportation and Parking Analysis's recommendations in regards to on-street ADA parking. There was discussion about using the loading zone and installing signs to allow ADA parking and drop-off or pick-up for the Shorewood schools. The school district requested to have a paved surface for the parking to accommodate disabled students or residents. Public Works estimates approximately \$3,000 for the paved surface. Staff will confirm and do its best to assure no trees are damaged or impacted by the paved surface. Board members asked how the unbudgeted cost will be accounted for in the budget. Staff did not have a current recommendation on where to account these funds, but it may possibly come from Capital reserves. There was discussion about whether or not the school district taking should take on these costs when considering them as a community partner and public taxing agency, but also recognizing their recent referendum funds. Mr. Bryan Davis clarified the referendum funds can't be used for this project since it is beyond the scope.

Tr. Amenta makes an amended motion to strike the language relating to the concrete and the

Village paying the \$3,000. President Rozek seconded the amended motion. The proposed new amended motion would be to approve the application for Special Privilege Approval for an Accessible Passenger Loading Zone in the public right-of-way at Lake Bluff Elementary School, 1600 E. Lake Bluff Blvd. Tr. Amenta called to question. Motion to call the question carried 4-3 with Tr. Bockhorst, Tr. McKaig, and Tr. Carpenter voting nay. Amended motion failed 5-2 with Tr. Amenta and President Rozek voting yea.

Tr. Maher moved, seconded by Tr. Bockhorst to approve the application for Special Privilege Approval for an Accessible Passenger Loading Zone in the public right-of-way (inclusive of or excluding the request to install concrete within the associated parkway) at Lake Bluff Elementary School, 1600 E. Lake Bluff Blvd. not to exceed \$3,000. Motion carried 6-1 with President Rozek voting nay.

5. Consent Agenda Items (8:22 p.m.)

- a. Accept presentation of Accounts – February 17, 2020
- b. Consider Committee of the Whole Minutes – January 30, 2020
- c. Consider Village Board minutes – February 3, 2020
- d. Consider appointment to the Elder Service Advisory Board.
- e. Consider service agreement for village attorney and prosecutor
- f. Consider Application for Special Privilege Approval for a fence within the public right-of-way at 2600 E. Olive St., property owner Steve Kroes.
- g. Consider receipt of Transportation and Parking Analysis
- h. Consider Application for Special Privilege approval for a parklet at:
 - i. Milwaukee Brat House, 4022 N. Oakland Ave.
 - ii. Camp Bar, 4044 N. Oakland Ave.
 - iii. Draft & Vessel, 4417 N. Oakland Ave.
 - iv. Three Lions Pub, 4515 N. Oakland Ave.
- i. Consider Application for Special Privilege Approval for outdoor seating in the sidewalk public right-of-way at:
 - i. Milwaukee Brat House, 4022 N. Oakland Ave.
 - ii. Camp Bar, 4044 N. Oakland Ave.
 - iii. Metro Market, 4075 N. Oakland Ave.
 - iv. MOD Pizza, 4151 N. Oakland Ave.
 - v. North Shore Boulangerie, 4401 N. Oakland Ave.
 - vi. Draft & Vessel, 4417 N. Oakland Ave.
 - vii. Cloud Red, 4488 N. Oakland Ave.
 - viii. Colectivo Coffee Roasters, 4500 N. Oakland Ave.
 - ix. Nana Fusion, 4511 N. Oakland Ave.
 - x. Three Lions Pub, 4515 N. Oakland Ave.
 - xi. Lake Effect Surf Shop, 1926 E. Capitol Dr.
- j. Consider Temporary Class “B” / “Class B” application for Men’s Club 4th of July Celebration.
- k. Consider participation in Grow Solar North Shore.

Tr. Bockhorst moved, seconded by Tr. Carpenter to approve the consent agenda, Tr. Amenta requested removing items 5h (1,2,3,4), President Rozek requested removing items 5c. Motion carried 7-0 with items 5c and 5h (1,2,3,4) removed.

6. Items Removed from the Consent Agenda (8:23 p.m.) –

5c. Consider Village Board minutes – February 3, 2020

President Rozek inquired about the vote to come out of closed session and if any action was taken. Other Trustees clarified that no action was taken during that meeting. Next steps were for the JP&L Chair to work with the Village President on updates to the Village Manager’s evaluation. There was discussion about making notes once out of closed session if necessary. The vote should be included as 6-0 to come out of closed session.

Tr. Bockhorst moved, seconded by Tr. Warren to approve the February 3, 2020 Village Board minutes with the addition of a 6-0 vote to come out of closed session for item 12. Motion carried by a 7-0 vote.

5h. Consider Application for Special Privilege approval for a parklet at:

- i. Milwaukee Brat House, 4022 N. Oakland Ave.
- ii. Camp Bar, 4044 N. Oakland Ave.
- iii. Draft & Vessel, 4417 N. Oakland Ave.
- iv. Three Lions Pub, 4515 N. Oakland Ave.

Tr. Bockhorst moved to approve the applications for Special Privilege approval for a parklet at Milwaukee Brat House, 4022 N. Oakland Ave., Camp Bar, 4044 N. Oakland Ave., Draft & Vessel, 4417 N. Oakland Ave., and Three Lions Pub, 4515 N. Oakland Ave. Tr. McKaig seconded the motion. Tr. Amenta has concerns about not having the public access the parklets since they are on public property, even if they aren't customers. Tr. Amenta expressed a desire to vote separately. Tr. Maher has some concerns about requests for outside lighting. Motion approved 5-2 with Tr. Amenta and Tr. Carpenter voting nay.

7. Public Hearing(s) (8:33 p.m.) - None

8. 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. – (8:33 p.m.)

Sarah McEneany – 2616 E. Jarvis Street. Ms. McEneany read a previous e-mail sent to the Village Board about whether the Village has a current policy when reviewing the conduct of current Board members.

Tr. Bockhorst moves to suspend the rules and use this time only for public comments not on the agenda except for items previously discussed on the agenda. Tr. Carpenter seconded the motion. Motion carries 5-2 with Tr. Amenta and President Rozek voting nay.

Jim Arndorfer – 2524 E. Shorewood Boulevard. Mr. Arndorfer summarized a car accident on school property. Mr. Arndorfer hopes the school district and the resident can reach an agreement that doesn't negatively impact the taxpayers.

Kathleen Andersen Paslowski – 1221 E. Kensington Boulevard. Ms. Anderson Paslowski spoke in support of President Rozek for her actions and emphasized the items being discussed are personal. She shared a personal example of how President Rozek supported her during a difficult time.

Alfred Roth – 4209 N. Larkin Street. Mr. Roth shared his concerns about parklets being in the right-of-way for those with disabilities or young families with strollers.

9. New Business

a. Consider award of contract for 2020 Street Reconstruction Program. (8:50 p.m.)

Ms. Butschlick presented the recommended award of contract for the 2020 Street Reconstruction Program. A Board member inquired about the costs for the lead replacement program. This is a unit priced contract, identifying the quantity and price for every item involved in the reconstruction and the Village will pay for the amount it receives. Staff stated the cost is lower than the amount included in the Long-Range Financial Plan. The Board also had an inquiry about what happens if the costs go over, which Ms. Butschlick outlined the change order process to the Board. There was a question from a Board member about the cost and participation for private lead replacement for the Woodburn project compared to other years and the current Larkin project. There was an inquiry from the Board about

attaching the fiscal note versus including in the memo. Tr. Maher called the question. Motion to call the question carried 7-0.

Tr. Bockhorst moved, seconded by Tr. Warren to approve award of a unit price contract to Stark Pavement Corporation for the 2020 Road Reconstruction Project as follows: Base bid in the amount of two million five hundred fifty-nine thousand three hundred thirty-eight dollars and fourteen cents (\$2,559,338.14); and Alternate 1 in the amount of one hundred and two thousand two hundred dollars and no cents and for a total contract award of two million six hundred sixty-one thousand five hundred thirty-eight dollars and fourteen cents (\$2,661,538.14). Motion carried 7-0.

b. Consider 2020 Lead Service Line Replacement program terms. (9:07 p.m.)

Tr. Amenta moved, seconded by Tr. Warren to approve the 2020 Lead Service Line Replacement Program as defined in the 2020 Lead Service Replacement Program document. Motion carried 7-0.

c. Consider award of contract for Downer Avenue Meter Pit Replacement. (9:07 p.m.)

Ms. Butschlick presented the award of contract for Downer Avenue Meter Pit replacement. The project was deferred in 2019 due to the permitting process with the DNR. UPI, LLC is recommended to be awarded the contract.

Tr. Amenta moved, seconded by Tr. Warren to award of contract for the Downer Avenue Meter Pit Replacement to UPI in the amount of \$244,624. Motion carried 7-0.

d. Consider emergency water supply Memorandum of Understanding. (9:10 p.m.)

Ms. Butschlick presented the MOU for emergency water supply. The Village has been working with neighboring municipalities to provide emergency water supply, which will be needed for projects this year. Ms. Butschlick summarized the emergency water supply locations that gives Shorewood water access.

Tr. Maher moved, seconded by Tr. Amenta for approval of the emergency water supply Memorandum of Understanding with the North Shore Water Commission communities. Motion carried 7-0.

e. Consider award of contract for 2020 Sewer Lining Program. (9:13 p.m.)

Ms. Butschlick presented the award of contract for 2020 Sewer Lining Program. It was clarified this is in the operations budget and not capital.

Tr. Amenta moved, seconded by Tr. Carpenter to award of a unit price contract to Visu-Sewer, Inc. for the 2020 Sanitary Sewer Lining project in the amount of \$132,052.50. Motion carried 7-0. Tr. Bockhorst moved to reconsider the vote, seconded by Tr. Warren. Motion carried 7-0.

President Rozek announced a break at 9:15 p.m. Meeting called back to order at 9:25 p.m.

Tr. Warren moved to amend the motion, seconded by Tr. Carpenter to change the amount awarded from \$132,052.50 to \$139,637.50. The amendment was approved by a 7-0 vote. Tr. Bockhorst moved, seconded by Tr. Warren to award of a unit price contract to Visu-Sewer, Inc. for the 2020 Sanitary Sewer Lining project in the amount of \$139,637.50. Motion carried 7-0.

f. Consider award of contract for 2020 Manhole Rehabilitation Program. (9:27 p.m.)

Ms. Butschlick presented the award of contract for the 2020 Manhole Rehabilitation Program. Mr. Emanuelson explained how the funding is reflected in the budget and Long-Range

Financial Plan. The manhole rehabilitation program started last year.

Tr. Maher moved, seconded by Tr. Warren to award a unit price contract for the 2020 Manhole Rehabilitation Project to Redina Construction in the amount of \$42,605.50. Motion carried 7-0.

- g. Consider Resolution 2020-04 Providing for the Sale of Approximately \$3,590,000 General Obligation Refunding Bonds, Series 2020 A. (9:29 p.m.)

Mr. Emanuelson presented the sale of G.O. bonds that are callable and the potential interest savings. This will change the master debt level service schedule to be presented at a later date. Staff clarified savings will first be seen from this action in the 2021 budget.

Tr. Amenta moved, seconded by Tr. Maher to approve Resolution 2020-04 Providing for the Sale of Approximately \$3,590,000 General Obligation Refunding Bonds, Series 2020 A. Motion carried 7-0 by a roll call vote.

- h. Consider Resolution 2020-05 Providing for the Sale of Approximately \$835,000 Taxable General Obligation Refunding Bonds, Series, 2020B. (9:33 p.m.)

Mr. Emanuelson presented the resolution for the sale of \$835,000 taxable G.O refunding bonds.

Tr. Maher moved, seconded by Tr. Amenta to approve Resolution 2020-05 Providing for the Sale of Approximately \$835,000 Taxable General Obligation Refunding Bonds, Series, 2020B. Motion carried 7-0 by a roll call vote.

- i. Consider Reimbursement Resolution 2020-06 declaring official intent to reimburse expenditures from proceeds of borrowing. (9:35 p.m.)

Mr. Emanuelson presented the resolution declaring official intent to reimburse expenditures from proceeds of borrowing. These are 2020 projects approved in the recent budget cycle and the Long-Range Financial Plan.

Tr. Maher moved, seconded by Tr. McKaig to approve Reimbursement Resolution 2020-06 declaring official intent to reimburse expenditures from proceeds of borrowing. Motion carried 7-0 by a roll call vote.

- j. Consider Policy #37 – Signs, Objects, and Communicative Structures on Public Property. (9:38 p.m.)

Tr. McKaig presented policy #37 and the discussion in the Community and Business Relations Committee. The policy attaches the policy position letter from the Human Relations Commission. The policy also asks for any changes to holiday decoration changes to be communicated to the Village Board. There was a question from the Board about Christmas trees and if they would be allowed. Mr. Burkart stated that federal case law does support Christmas trees on public property, which is included in the policy. There were expressed concerns from some Board members about still allowing Christmas trees on public property. Tr. Amenta read clauses stated in the Justice and Dignity resolution passed in previous years, which encourages Shorewood to be an inclusive community.

President Rozek moves to defer the item to the next Village Board agenda and President Rozek will meet with staff on questions. Tr. Amenta seconded the motion. Motion carried 7-0.

10. Reports of Village Officials (9:53 p.m.)

- a. Village President – Thank you to Tr. Warren for chairing the previous meeting. There was the request to insert in standing committee notes the vote (or no vote) at the committee level.
- b. Village Trustees – Tr. Bockhorst announced the recent League of WI Municipalities board meeting. There was discussion about shifting away from property taxes for local municipalities. Wauwatosa received recognition at the recent ICC meeting for their Dark Store litigation.
- c. Village Manager
 - i. Update on League of Wisconsin Municipalities educational session. – There was a request from community and Board members about proceeding on a Code of Conduct with the Board. Members from the League of WI Municipalities will be in attendance on Monday, April 20 at 5:00 p.m. Dinner will be provided. There was an inquiry about doing additional training on open meetings law and other resources for elected officials. Another question related to the reason for not using the Wisconsin State Ethics Commission for assistance.
 - ii. Reminder: final day for submission of CDA/Village Board responses to strategic planning survey on economic development and housing. – Trustees are asked to fill out the survey right away on economic development and housing.

11. Items for future consideration (10:05 p.m.)

Tr. Carpenter moved to discuss D&RB design requirements and guidelines for new residential buildings. President Rozek seconded the motion. There was discussion about the process to have this discussion at the Board level and ways to involve the D&RB in the discussion. Tr. Bockhorst called to question. The motion to call to question carried 7-0. Motion carried 4-3 with Tr. Bockhorst, Tr. McKaig, and Tr. Maher voting nay.

President Rozek moves for Committee to discuss recipients for RFPs and RFQs. Tr. Warren seconded the motion. Motion carried 4-3 with Tr. Bockhorst, Tr. McKaig, and Tr. Maher voting nay.

Tr. Maher moved for information about who the Police Chief reports to and the Police organization structure. Tr. Bockhorst seconded the motion. It was clarified a memo to be provided to a Committee of the Whole. Motion carried 7-0.

12. Closed Session – The Village Board will adjourn into closed session pursuant to 19.85(1)(c) to discuss the annual performance evaluation of the village manager.

Tr. Maher moved to defer the closed session to the next meeting. Tr. Warren seconded the motion. Motion carried 5-2 with Tr. Amenta and Tr. Carpenter voting nay.

13. Adjournment.

Tr. Warren moved, seconded by Tr. Maher to adjourn at 10:19 p.m. Motion carried 7 - 0.

Respectfully submitted,

Tyler Burkart