



**MINUTES - SHOREWOOD BOARD OF TRUSTEES**  
**Village Board Meeting**  
**May 20, 2019**

1. Call to Order

President Rozek called the meeting of the Village Board to order at 7:39 p.m. in the Court Room.

2. Roll Call

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

Others Present: Village Attorney Nathan Bayer, Village Manager Rebecca Ewald, Planning and Development Director Bart Griepentrog, Public Works Director Leeann Butschlick, Assistant Public Works Director Joel Kolste.

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. Consider Resolution 2019-12 Confirming Obligation to Contribute to North Shore Fire Department's Budget to Pay Debt Service on Bonds Issued by the Village of Whitefish Bay on Behalf of the North Shore Fire Department.

Chief Whitaker, explained the following memo:

The sale of general obligation bonds by the Village of Whitefish Bay on behalf of the North Shore Fire Department for the remodel of the Whitefish Bay Fire Station has been completed. Now that the sale is complete, Brian Lanser, the Department's Bond Counsel at Quarles and Brady, has recommended that the NSFD Board reaffirm payment of the exact amount of money since the previous resolution was an estimate before bond sale. The NSFD Board took that action at its meeting this morning.

Mr. Lanser has also recommended that each governing body of the seven member municipalities pass a resolution reaffirming its commitment to the repayment. This resolution provides sufficient documentation for the State of Wisconsin in order to exempt the debt service from the levy limits. As you will note, the updated resolution includes the amount of \$655,000, whereas the pre-sale resolution indicated the amount to be estimated at \$710,000. There are no other material changes.

The municipalities have already committed to repayment of the Village of Whitefish Bay, this action simply updates the amount of the borrowing and reaffirms that commitment.

Chief Whitaker clarified the interest rate is 3%.

Tr. Amenta moved, seconded by Tr. Warren to approve Resolution 2019-12 Confirming Obligation to Contribute to North Shore Fire Department's Budget to Pay Debt Service on Bonds Issued by the Village of Whitefish Bay on Behalf of the North Shore Fire Department. Motion carried 5 – 0 by a roll call vote.

- b. Consider pedestrian alley and concept for Shorewood Fire Station CSM.

John Mann, Mann Construction and Chief Whitaker explained the following memo:

Kuenty Architects, the firm retained by the Department for design of the remodel of the fire

station in Shorewood, has proposed converting the current alley way that runs between the village hall and the fire station to a pedestrian alley. The project team feels this concept deserves further consideration and is presenting the idea to the Village Board for feedback. The concept moves the public entrance of the fire station from the west side of the building to the south side of the building. While the public entrance moves, the exterior of the west façade will generally remain unchanged. A space, in the area of the current door near the hose tower on the south facing wall, will be converted to a public entrance.

Kueny has provided the attached visual description to provide assistance in further understanding the concept. Representatives of Kueny are in attendance at the Village Board Meeting to take feedback from the Board.

The project team has discussed placing the south lot line of the newly created lot for the fire station at the north exterior wall of the Village Hall. The lot line would extend straight to the east where it would meet the newly created east property line. The team has further discussed that the Village would convert the alley space that then turns south at the lot line and runs north and south on the east side of the Village Hall into a similar pedestrian alley space that matches what is between the two buildings.

Mr. Mann explained moving the main entrance to the side of the building allows the public to enter in the most interesting part of it by the hose tower. It also allows for the exterior of the building to be maintained besides a small addition to the back of the building.

Some Village Board members questioned if this affects the easement that was agreed on in the deal? Ms. Ewald explained no.

Mr. Mann explained there will be enough room between the two buildings for maintenance purposes.

Some Village Board members inquired what will happen to the current entrance on Murray?

Mr. Mann explained the door will stay and the monument sign will be moved and point the arrow towards the new door.

Some Village Board members questioned if moving the entrance totally changes the layout of the building? Moving the door allows for cross traffic that needs to flow. This design is restoring the building more back into its original shape.

Rosie Bredeck, 4248 N. Ardmore Ave., Shorewood 53211; thanked everyone who worked on this solution and commented it was an important part of the decision making process.

Tr. Warren moved, seconded by Tr. McKaig to approve the pedestrian alley concept, subject to approval of the alley design by Village staff and a permanent pedestrian and maintenance easement for Village Hall building and roof top access, with the southern property line for the fire station adjacent to the north elevation of Village Hall. Motion carried 5 – 0.

- c. Consider water meter infrastructure Request for Proposals document (meeting #4)  
Tom Nanning, P.E., City Water, explained that in the packet is the proposed RFP to the vendors for AMR and AMI to evaluate both come back with a recommendation to the Village Board. Mr. Nanning explained it is very clear the Village wants proposals for both AMR and AMI.

One of the Village Board members questioned section, 3.6 Best Informal Offer. The Village Board has been trying to pay a little more attention on how they go through these processes. Want to be careful that if the Village receives a proposal and then goes back to one proposer for clarification and they come back with a lower proposal what will the next step be. Mr. Nanning explained there will be an evaluation team that will read the proposals, then there will be a grading scale, there will be a selection of 2-3 vendors at most to interview. There will be no knowledge of other contractor's bids.

Some Village Board members commented it was one of the best RFP proposals.

Tr. Warren moved, seconded by Tr. Carpenter approval of the Shorewood Utilities Meter Reading Project Request for Proposals and direct staff to issue its release. Motion carried 5 – 0.

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
6. Consent Agenda Items
  - a. Accept Presentation of Accounts – May 20, 2019
  - b. Consider Village Board Minutes – May 6, 2019
  - c. Consider disallowance of claim re: Estate of Jonah Marciniak v Village of Shorewood – Claim #WM000401810117 (meeting #2).
  - d. Consider board, committee and commission appointments
  - e. Consider transportation and parking analysis project management and communication plan (meeting #3).
  - f. Consider manhole rehabilitation program project management and communication plan.
  - g. Consider award of contract for 2019 manhole rehabilitation program (meeting #1)
  - h. Consider Downer meter vault project management plan (meeting #3)
  - i. Consider Application for Special Event Application and Short Term Cabaret License for Surfrider Foundation Milwaukee for Surf at Atwater, Friday and Saturday, August 23 and 24, 2019.
  - j. Consider Temporary Extension of Premise request for Pints for Pups, June 23, 2019, Camp Bar, 4044 N. Oakland Ave., Shorewood, 53211.

Tr. Amenta moved, seconded by Tr. Warren to approve the consent agenda. Tr. Carpenter requested removing item 6b, Tr. McKaig requested removing item 6d, and Tr. Amenta requested removing item 6e off the consent agenda. Motion carried 5 – 0 with items 6b, 6d, 6e removed.

## 7. Items Removed from the Consent Agenda

### 6b. Consider Village Board Minutes – May 6, 2019

It was requested by Village Board to include the following in “Items for Future Consideration”

Tr. McKaig moved, seconded by Tr. Warren to have a review wrap-up session with the Village Manager. Motion carried 5 – 2 with President Rozek and Tr. Amenta voting nay.

Tr. Bockhorst noted shed did not trust the Village Manager review process between the Judiciary, Personnel & Licensing Chair and Village President.

The Village Board discussed there would be a wrap-up previously with the Village Manager and full Village Board as a standard operating procedure in human resources.

Tr. Bockhorst brought up reviewing the appointment process and standing committee assignments.

Tr. Amenta strongly requested Tr. Bockhorst to make a motion. Tr. Bockhorst requested for the process to be discussed at a later date.

President Rozek moved to review the appointment process for the standing committees' assignments at the next Village Board meeting, motion failed for lack of a seconded.

Tr. Amenta moved, seconded by Tr. Warren to approve the Village Board Minutes for May 6, 2019 with the noted changes. Motion carried 5 – 0.

### 6d. Consider board, committee and commission appointments

President Rozek withdrew the appointments to the CDA and BID until the June 3, 2019 meeting.

Tr. Amenta provided some updates from the JP&L Committee meeting. Some ideas for next year to consider; to strongly recommend attending a meeting before applying. Some kind of event to meet the chairs of the Committees. Invite the applicants for Human Relations Commission to attend the June 13 meeting. The staff liaison shared there would not be sufficient time for that process at the June meeting. Clerk Bruckman clarified that was the recommendation by the Judiciary, Licensing and Personnel Committee but after a discussion with the staff liaison it was suggested the chair of the Human Relations Commission, President Rozek, Tr. Amenta, and Tr. Carpenter would meet to review the applications, possibly reach out for a quick phone interview. It was noted that this process was not discussed at the JP&L meeting. Clerk Bruckman explained the process of appointments will start earlier next year, which will include input from the staff liaison ahead of time. It's the difficulty of the timeframe this year.

Tr. McKaig moved to remove Nate Cade from the Board of Appeals. Motion fails for lack of a second.

Tr. Warren moved, seconded by Tr. Amenta to approve the slate of candidates for the Board, Committees, and Commission appointments with removing the CDA and BID appointments. Motion carried 5 – 0

Geoff Davidian, 4101 N. Prospect, Shorewood 53211; questioned if the table that was being reference for appointments was included in the packet? Yes

Tr. Warren remarked his wife April Toy is listed as one of the candidates and is it ethically acceptable for him to vote. Attorney Bayer under chapter 19.59 which is the code of ethics for local government officials, there is a prohibition on voting if a family member would have a personal or financial gain, there is no pay with a volunteer committee.

6e. Consider transportation and parking analysis project management and communication plan (meeting #3).

Good plan, concerned how do people know those opportunities are there. There is only one postcard that is being sent out; concerned the word will not get out. A press release, an article in the Northshore Now, a section in the Shorewood Library promoting. Another concern about this occurring over the summer. There is concern the Village Board will have to make a difficult vote over a controversial parking issue and have someone come and say I had no idea this study was going on.

Examples of people who should receive notification:

Anyone who requested ten or more overnight parking

Anyone who has a permit for a residential congested area or parks in a Village lot

Someone should be handing out flyers at all the summer events

With Wilson Drive, there was something tangible to look at when the project was complete; it's important to be able to say we heard your concerns.

Some Village Board members are concerned the focus groups will not be taking minutes. Mr. Griepentrog clarified the technical advisory committee meetings are open to the public and someone will be selected to take minutes. Public comments would be taken at a focus group, online comment. Mr. Griepentrog clarified Village Staff and the Consultant will be creating the communication.

It was suggested that public outreach and communication be tasked to the Public Works Committee.

Donna Pollock, 4395 N. Alpine Ave, Shorewood, 53211; flyers should be placed on cars about the comprehensive traffic study occurring.

Jennifer Vulpas, 4331 N. Alpine Ave, Shorewood, 53211; signs on the street corners.

Tr. Amenta moved, seconded by Tr. Warren to approve the transportation and parking analysis project management and communication plan and direct staff to return to the Public Works Committee for further discussion about the communication plan. Motion carried 5 – 0.

The Village Board recessed at 8:58 p.m.  
The Village Board reconvened at 9:12 p.m.

President Rozek moved, seconded by Tr. Warren to move up item 11a; Consider update on health effects of 5G Communication systems and future regulation – Tr. Amenta. Motion carried 5 – 0.

The Village Board discussed item 11a

8. Public Hearing(s) - None

9. New Business

a. Consider award of contract 2019 sidewalk program (meeting #3)

Ms. Butschlick explained the following from her memo:

Bids opened April 26, 2019 are summarized below:

Forward Contractors, LLC           \$235,530.00

DC Burbach, Inc.                   \$243,825.00

The low bid as submitted by Forward Contractors, LLC, included a unit cost of \$7.60 per square foot of 5" concrete; a typical sidewalk stone in the Village is 30 SF which would equal \$228.00. As noted above, the cost of the project engineering and inspection services will be incorporated into the assessed square foot cost. Until the project area is marked and actual quantities are measured, this number can only be estimated. As of this time, we estimate the assessable engineering cost to add an approximate additional \$0.83 per square foot to the replacement cost.

As noted above, grinding is not an assessable action. This cost, along with miscellaneous curb ramp replacement and the costs related to secondary frontages will be paid by the Village.

Some of the Village Board members expressed concern it will be \$250.00 per square.

Some Village Board members expressed they would like to see sidewalk shaving to extend the life of the sidewalks. Ms. Butschlick explained that is something DPW can look at and examine how it would fit in the current infrastructure schedule.

Ms. Butschlick reminded the Village Board this is an estimated amount. Ms. Butschlick explained there is a new Village engineer who applied the criteria very strictly and absolutely, Public Works will be reexamining the sidewalks that have been marked.

Tr. Amenta moved, seconded by Tr. Warren to award a contract for the 2019 Sidewalk Replacement Program to Forward Contractors in the amount of \$235,530.00. Motion carried 5 – 0.

b. Consider Resolution 2019-11 related to the Replacement of Sidewalks and Carriage Walks in 2019. (meeting #3)

Ms. Butschlick explained the following from her memo:

The attached resolution authorizes staff to direct the replacement of any public concrete found to meet the repair criteria and assess the cost to the adjacent property owners. As you know, the replacement of public walk is currently the only infrastructure improvement for which the Village of Shorewood assesses the abutting property owner.

Some Village Board members were concerned about the amount it may cost residents to replace their sidewalks.

Ms. Butschlick remarked, state statute requires to stay in 10% of the bid, the amount that is currently marked will not meet that threshold and will have to be reevaluated.

President Rozek remarked there has been past discussion to put sidewalks on the full tax roll.

Ms. Butschlick explained this could be looked at during the next Long Range Financial Plan discussion.

Tr. McKaig moved, seconded by Tr. Carpenter to approve Resolution 2019-11 Sidewalk Assessment. Motion carried 5 – 0 by a roll call vote.

c. Discuss Public Works organizational RFP (follow-up from COW).  
This discussion concluded at the Committee of the Whole (COW)

d. Consider Trick or Treat date/time for 2019.

Ms. Ewald explained the following from her memo:

Halloween falls on Thursday, October 31 in 2019. The Ghost Train will have their annual celebration on Halloween from 6:30 p.m. – 8:30 p.m. at Corner Bakery. The BID District will not be doing a Halloween related event this year. For reference, there is a Packer Game on Sunday, October 27 at 7:20 p.m. The ICC Resolution 01-2010 establishes 2019 trick or treat on Sunday, October 27 from 1 p.m. - 4 p.m. The Village of Whitefish Bay will be following the ICC resolution date/time.

It was noted that at the last ICC meeting, members stated they do not remember this resolution being passed.

Some Village Board members expressed concern holding trick or treat on Sunday afternoon seemed discriminatory. Some Village Board members expressed holding Trick or Treat on Sunday has been a long standing tradition.

Some Village Board members express concern for children's safety trick or treating in the dark during the time people are coming home from work.

Some Village Board members express concerned that neighborhoods are holding their own trick or treating on Halloween night, which does not make the community inclusive.

Tr. Carpenter moved, seconded by President Rozek to hold Village of Shorewood 2019 Trick or Treat on Thursday, October 31, 2019 from 4:00 to 7:00 p.m. Motion fails 2 – 3 with President Rozek and Tr. Carpenter voting Aye.

Tr. McKaig moved, seconded by Tr. Amenta to hold Village of Shorewood 2019 Trick or Treat on Sunday, October 27, 2019 from 4:00 to 6:00 p.m. and refer to the Human Relations Commission for a recommendation for future holidays. No vote was taken.

Some Village Board members expressed concern with Whitefish Bay doing it from 1:00-4:00 p.m. and then Shorewood holding it from 4:00 p.m. to 6:00 p.m.

Tr. Carpenter moved to amend, seconded by President Rozek to hold trick or treating from 1:00 to 4:00 p.m. on Sunday, October 27, 2019. Amendment carries 3 – 2 with Tr. Amenta and Warren voting nay.

Motion as amended: to hold Village of Shorewood 2019 Trick or Treat on Sunday, October 27, 2019 from 1:00 to 4:00 p.m. and refer to the Human Relations Commission for a recommendation for future holidays. Motion carries 5 – 0.

e. Consider timeline for prioritization

The memo below was included in the packet for discussion:

process that concludes with the budget. The Board asked to start discussions earlier in the year to allow sufficient time. Some trustees have expressed the desire to not have special meetings.

- Monday, May 20, 5:00 p.m. (light dinner provided) – Regular Village Board Meeting - COW: DPW Tour, Org-Service Overview

- Last year the Board requested to review the DPW facility and do an organizational analysis. Earlier this year the Board re-directed staff to not complete an organizational analysis and have a consultant do an analysis next year on DPW. The Board further requested staff to do a DPW organization inventory and educate the Board on the existing facility, services and personnel in 2019. This meeting is in response to this request. Following the meeting staff will draft an RFP for DPW organizational analysis, an item staff intends to include in the 2020 budget. In July the Board will review a vehicle replacement policy for the Village and assist

DPW in meeting the objectives set forth by the Village Board for vehicle replacement. In August the Board will discuss next steps for evaluation the DPW facility.

- Monday, June 3 – Regular Board Meeting – Annual Audit/CAFR presentation by Sikich
- Monday, June 17 – Regular Board Meeting – COW on LRP prioritization (meeting #2).
  - This COW was requested in follow-up to the 5/20 special meeting on the LRP.
- Monday, June 24 – Special Village Board Meeting – Village Board reviews proposed VB initiatives. Last year the Board requested a special meeting to review their initiatives.
- Monday, July 1 – Regular Board Meeting – Discuss COW Equipment & Vehicle Maintenance Policy
  - This COW was requested last year by the Board in advance of the budget.
- Monday, July 8 – Special Village Board Meeting – Village Board approves initiatives. Last year the Board requested to vote on their prioritized initiatives on a different night that when the initiatives were initially discussed.
- Monday, July 15 – Regular Board Meeting – Budget & Finance Committee reviews fee schedule for 2020. Last year staff proposed annual update of the fee schedule. In 2018 this was done in the COW; however, in 2019 the initial review will be completed by the Budget & Finance Committee.
- Monday, August 6 – Regular Board Meeting – COW – Discuss options for future DPW facility.
- Monday, August 19 – NO MEETING – the second meeting is proposed for cancellation, unless needed.

Ms. Ewald explained two of the most resounding points from last year is the Village Board wanted to focus on Village Board initiatives and have time to discuss them and hold a separate meeting to take action on them.

Ms. Ewald explained she will be providing a spreadsheet with the other volunteer committees initiatives and where staff resources can take place.

Some Village Board members expressed there is definition in the Committee of the Whole minutes about statutory and non-statutory committees and being able to prioritize their initiatives.

Some Village Board members expressed that at the June 24 meeting the Village Board needs to look at not only the Board initiatives but all the initiatives; then to have a separate meeting to decide and vote.

Some Board members voiced concern on only having 3-5 minutes to discuss the Village Board initiatives.

Some Village Board members express they would like to see what was proposed in 2018 and what was accomplished, what is being proposed for 2019 and the Village Board limit to five things each Village Board member would like to move forward without all the initiatives.

Ms. Ewald explained she will provide all the initiatives along with her opinion on what staff can reasonably accomplish. It doesn't mean if something doesn't get done, it's not important.

Ms. Ewald recapped:

No meeting July 8, 2019.

June 24 is a Special Board Meeting to review proposed Village Board, staff and resident committee initiatives. There will not be a formal presentation by staff or resident committees.

July 1, 2019, Committee of the Whole will be used to review each Village Board member's five top initiatives.

#### 10. Reports of Village Officials

- a. Village President – None
- b. Village Trustees – Tr. Amenta attended Shorewood Moving Forward visiting the student union in Cedarburg
- c. Village Manager – Conversion Therapy will be coming on the June 3, 2019 Village Board agenda

#### 11. Items for future consideration –

- a. Consider update on health effects of 5G Communication systems and future regulation – Tr. Amenta.

Mr. Griepentrog reviewed the following memo:

In 2013, the State of Wisconsin enacted [66.0404](#) "Mobile tower siting regulations" via Wisconsin Act 20. Those regulations detail review procedures for mobile service facilities, defined as "the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure." [66.0404\(4\)](#) specifically details limitations on what a political subdivision may enforce. Of note, a political subdivision may not:

(h) Enact or enforce an ordinance related to radio frequency signal strength or the adequacy of mobile service quality.

In addition to State limitations on various aspects of local review and regulation, the Federal Communication Commissions released a *2018 Small Cell Order*, which largely went into effect on January 14, 2019 and further imposed significant limitations on a municipality's ability to regulate wireless facilities in local rights-of-way.

These regulations have been questioned and brought to the attention of various residents over recent months in response to the installation of five "small cell" mobile wireless facilities currently being installed at: 4006 N Woodburn St, 4102 N Wilson Ave, 3833 N Oakland Ave, 1513 E Capitol Dr and 4106 N Oakland Ave. As their name implies, "small cell" installations are reduced in size from their full-sized cell tower counterparts and are most often deployed in urban locations. Due to their smaller size, increased quantities are often required to provide adequate geographic coverage.

Regulations pertaining to "mobile wireless towers" are located within the Village of Shorewood's Zoning Chapter [500-30](#). Applications are reviewed and approved by the Plan Commission via a Conditional Use Permit.

Residents have voiced concern over the possible health effects this equipment may pose within their neighborhood, particularly in relation to whether or not these installations have or will deploy 5<sup>th</sup> Generation (5G) technology. Per the installer:

The technology to be deployed in Shorewood are low-power 4G deployments. The use of the small cell transistors is intended to bring that 4G technology closer to people's cell phones, and to avoid the construction of a huge cellular tower which most citizens object to because they mar the landscape.

"5G" is a term that is thrown around a lot. It is short-hand for "5th Generation," which

(obviously) exceeds 4G and 3G. The term is intended by advertising execs to conjure in the mind of the consumer clearer telephone calls and faster download times. However, the non-Madison Avenue reality is that 5G is still in development and is not ready for a national roll-out in the United States.

The above notwithstanding, when 5G is ready for deployment, it will support mobile download speeds that are 100 times as fast as current technology. It's low-lag properties will enable new applications that need a constant connection, such as self-driving cars and remote medicine applications.

Some of the Village Board members inquired if the Plan Commission approves the towers and if the Plan Commission could deny the installation? Mr. Griepentrog explained under the current zoning code, approval takes place at the Plan Commission and they would not be able to deny the application. It is a way of informing residents and allowing them to publically comment.

Some Village Board members suggested residents contact their County and State Legislature.

It was noted to include information pertaining to mobile wireless facility regulation and the health effects of 5G on the Village website.

- b. Consider review of penalties on late property tax payments and general process for notification of same – Tr. Amenta

Tr. Amenta moved, seconded by Tr. Warren to refer the Budget and Finance Committee review penalties on late property tax payments and general process for notification of same. Motion carried 5 – 0.

## 12. Adjournment

Tr. McKaig moved and Tr. Warren seconded to adjourn at 10:35 p.m. Motion carried 5 - 0.

Respectfully submitted,

Sara Bruckman, CMC/WCMC  
Village Clerk