



**MINUTES - SHOREWOOD BOARD OF TRUSTEES**  
**Village Board Meeting**  
**August 16, 2021**

1. Call to Order

President McKaig called the meeting of the Village Board to order at 6:31 p.m.

2. Roll Call

Mr. Burkart called the roll. Present via teleconference: President McKaig, Trustees Jim Arndorfer, Melissa Baldauff, Tammy Bockhorst, Arthur Ircink, Kathy Stokebrand and Wesley Warren (arrived at 6:32 p.m.).

Others Present: Village Attorney Nathan Bayer, Assistant Village Manager Tyler Burkart, Police Commission Chair Richard Cole

3. Statement of Public Notice

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

4. Citizens to be Heard

Mr. Chuck Carlson (2606 E. Olive St.) mentioned the Police Commission would begin efforts to hire a new Police Chief. He expressed the Police Commission needs to be a diverse body. Mr. Carlson announced his resignation from the Police Commission and expressed his support for President McKaig to appoint Michelle Waite.

Ms. Stephanie Spicuzza (no address provided) inquired about how to increase the Police Commission oversight and explore optional powers. Mr. Burkart informed Ms. Spicuzza that she can call him at the office the following day to go through the next steps. Ms. Spicuzza also expressed interest for the Village to get more community input and add more diversity onto its committees.

Ms. Michelle Waite (no address provided) expressed a bias existed from Attorney Zach and bypassing the RFP process would be a bad idea. There was an inquiry about if the Village reached out to Senator Taylor to take her up on her offer for assistance. President McKaig mentioned she plans to follow up with the senator.

5. New Business

a. Consider Atwater Beach Lifeguard Service Agreement for 2022-2024

Mr. Burkart introduced the proposed service agreement with USA Management and thanked Mr. Eric Gietzen for his four years of service managing lifeguards for the Village. Ms. Alison Abbott was in attendance on behalf of USA Management. Mr. Burkart reported that there are still some outstanding items yet to be agreed upon with the service agreement but wants to give this opportunity for the Village Board to discuss the service agreement knowing the cost of the agreement would increase if not approved by the end of August. Ms. Abbott mentioned the Village could save \$1,545 per year if the agreement would start the fourth weekend of June instead of the third weekend of June. Ms. Abbott did not have any update to provide on what

the exact penalty would be if the Village terminated the agreement before the end of the effective date. Mr. Burkart mentioned that the need for USA Management to access a landline telephone and WiFi hotspot were two other issues the Village has currently with complying with the proposed agreement. Ms. Abbott expressed that not all sites who they provide lifeguards to are able to comply with these clauses and USA Management doesn't perform an audit to assure those clauses are met.

There was a Board inquiry about why Mr. Gietzen is ending his service with the Village. Mr. Burkart explained that Mr. Gietzen announced several months ago to the Village he had other plans to travel for future summers that wouldn't make him available to manage the lifeguards. The Board asked about why the September 1 deadline was in place for the Board to approve the contract language. Ms. Abbott explained USA Management needs to finalize their client list in advance so they can begin working on recruitment and hiring efforts. The Board expressed they would like for additional analysis to be completed on the telephone line and hotspot before a decision could be made. There was discussion about the \$150 per day additional charge if necessary for additional recruitment activities. Mr. Burkart clarified that charge only goes into effect if the Village approves it. There was also discussion about if service levels and costs would stay relatively the same between this vendor and our current one. Mr. Burkart explained service levels should remain the same but the cost will slightly increase with this vendor.

Mr. Burkart presented another option for the Board to consider, which would be authorizing staff to sign a letter of intent to enter into an agreement with USA Management pending the resolution of the outstanding items discussed. This action would help keep the rates the same past September 1 and still allow the Board to consider the service agreement during a September Board meeting. Mr. Bayer clarified what this action would mean for the Village. Mr. Bayer also addressed some of the liability concerns with the proposed contract language. It was asked if USA Management has visited the site at Atwater Beach yet, which Ms. Abbott responded they have yet to do so. There was also discussion about whether the Village should enter into a one year or shorter agreement to test out the relationship first.

Tr. Warren moved to authorize staff to enter into a letter of intent with USA Management subject to resolution of the issues around a telephone line and the WiFi hotspot and return with a completed agreement for the September Board meeting along with the vendor performing a site visit. President McKaig seconded the motion. The motion was approved by a 7-0 roll call vote.

- b. Consider Ordinance 3027 or Resolution 2021-22 – Face Covering Requirements during the COVID-19 Pandemic

President McKaig and Mr. Burkart introduced options and the differences between them for the Board to consider.

Tr. Stokebrand moved to strongly encourage the community to follow CDC guidance. Tr. Bockhorst seconded the motion.

Ms. Alissa Evans from Mask Up Shorewood thought the motion was weak. She mentioned business communication to patrons currently doesn't reflect the CDC guidelines. She discussed the high transmission definition and the need for all to mask up indoors. Ms. Evans expressed that time is crucial now with school starting soon.

There was discussion by the Board about how children under the age of 12 are still ineligible for the vaccine. Tr. Warren, Tr. Ircink, and Tr. Arndorfer all made comments expressing support for a resolution instead of the current motion as they felt it was a stronger response. There was discussion about incorporating methods of a complaint process in the Village communication. Mr. Burkart responded to a question about what the difference would be between the current motion and a resolution, which he proclaimed the Village could use the resolution to include in their communications and even provide a copy to businesses and community groups.

Tr. Stokebrand and Tr. Bockhorst withdrew their original motion.

Tr. Warren moved to adopt Resolution 2021-22 as reflected in the proposed language and work with the BID to promote the resolution with businesses. Tr. Ircink seconded the motion. Motion approved by a 7-0 roll call vote.

- c. Consider waiving purchasing policy and agreement to hire legal counsel for Police Commission.

President McKaig introduced and presented this item. There was an inquiry about the process last time for the Police Chief vacancy, which President McKaig explained the circumstances now are different than the last time when the Police Chief was retiring and provided longer notice. There was discussion about what happens if this item would not be approved tonight. It was clarified by Mr. Burkart that the Board could still approve Mr. Zach as the temporary legal counsel until the Village fully completes an RFP process for the long-term service agreement. Mr. Richard Cole was in attendance to summarize the need for the Police Commission to have legal counsel.

During public comment, Ms. Waite questioned why when it was stated back in October 2020 there was a need for legal counsel for the Police Commission but nothing has been done to fulfill that need until now. Ms. Spicuzza spoke agreeing to Ms. Waite's comments.

There was continued discussion of the impacts if the Police Commission didn't meet until the RFP process was completed, which would delay multiple Police hirings and the Police Chief recruitment.

During additional public comment, Ms. Donna Pollock expressed her concerns of Mr. Zach and the importance of conducting an RFP process.

Tr. Bockhorst moved to waive the purchasing policy temporarily to approve a legal agreement with Attorney Zach for the Police Commission and direct staff to prepare an RFP process. Tr. Warren seconded the motion. Mr. Burkart clarified that he interprets this motion to allow staff to temporarily use Mr. Zach's services until the Village performs an RFP process for Police Commission legal counsel services, which it intends to initiate that process as soon as possible. The Board conveyed that was an accurate interpretation. The motion was approved by a 6-0 roll call vote with one abstention from Ms. Baldauff due to not hearing Attorney Zach's presentation on August 2.

- d. Consider amendment to Policy No. 32 Video Recording Public Meetings.

President McKaig introduced and presented the desire to record Police Commission meetings. The proposed amendment would change the policy to make this possible. Mr. Cole expressed

support for this amendment.

Tr. Stokebrand moved to amend Policy 32 Video Recording Public Meetings to include recording the Police Commission and provide minutes reflecting motions and results thereof for the Police Commission. Tr. Ircink seconded the motion. Motion was approved by a 7-0 roll call vote.

6. Adjournment.

Tr. Bockhorst moved and Tr. Ircink seconded to adjourn at 8:43 p.m. Motion carried 7 - 0.

Respectfully submitted,

Tyler Burkart  
Assistant Village Manager