



MINUTES - SHOREWOOD BOARD OF TRUSTEES
Village Board Meeting
November 4, 2019

1. Call to Order

President Rozek called the meeting of the Village Board to order at 7:48 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, Planning Director Bart Griepentrog, Public Works Director Leeann Butschlick, Finance Director/Treasurer Mark Emanuelson, Police Chief Peter Nimmer

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 CDA/Village Board strategic goals and priorities planning process and survey. (7:48 p.m.)

CDA Chair Peter Hammond explained the CDA and Village have hired Baker Tilley to assist with the strategic planning process. Chair Hammond explained the CDA feels it's important to reach out to other boards, committees, and commissions to get feedback and input what the CDA should be focusing on, specially to economic development and housing. Chair Hammond shared the CDA wants this to be a transparent open process to get feedback on priorities.

Some Village Board members inquired with past planning exercise presentation plans, there has been feedback from the public; is that anticipated with this process? Chair Hammond explained the public responded through community survey.

One Village Board member explained, this strategic plan for the CDA is internal whereas a comprehensive plan is more of an external process reaching out to the community. The Village has done their comprehensive planning and now it's time to evaluate what the Village should work on; the consultant suggested reaching out to our committees. There is the list of things residents want in the community but it's another thing to give them a market study of what has sustained.

Some Village Board members inquired why Shorewood Moving Forward was added, are they a board or a nonprofit? Some Village Board members explained SMF is community group that meets in person. Some Village Board members expressed they would prefer only Village Boards, Commissions and Committees that are staffed by Village or Trustee Liaisons.

The Village Board discussed the positives and negatives of having committees that are not affiliated with the Village. Some Village Board members explained there are a lot of groups not affiliated with the Village; to be fair and equal it should be open to everyone. Some outside organizations may not know about the survey unless it's sent to them.

Chair Hammond explained that Committees have a responsibility to represent their constituency, not personal agendas.

Some Village Board members questioned if the Historical Society and Shorewood Foundation

should be included.

Ms. Ewald explained the initial list was generated by her looking at Boards, Committees, and Commissions and affiliated groups. The list of affiliated groups is: Shorewood School Board, BID, Shorewood Foundation, Shorewood Historical Society, Shorewood Recreational Advisory Committee. Ms. Ewald explained the department heads and key staff are included, but were not on the initial list.

Some Village Board members expressed their agreement with no outside agencies not affiliated with the Village, unless they are all able to participate. Some Village Board members suggested to have the survey be available upon request. Some Village Board members explained they supported including Shorewood Moving Forward because the Village does not have a housing advocacy group. Some Village Board members expressed there may be a lot of overlap of similar people on some of the Village Boards, Committees and Commissions. Some Village Board members explained they like the idea of opening it up to as broad of a base as possible but do not think it's up to the Village Board to decide who the board base is. Chair Hammond explained he would like a list of other community entities for the CDA to reach out and ask if they would like to participate.

Ms. Ewald clarified she will still be sending out the survey to the staff liaison for the affiliated Boards, Committees and Commissions and making the survey available through the Village Manager's Memo, for community entities to participate if they so choose.

Tr. Bockhorst moved, seconded by Tr. Warren to approve the strategic planning survey and timeline to reflect removal of Shorewood Moving Forward and that nonaffiliated groups will contact the Village Manager to obtain the survey. Motion carried 7 – 0.

5. Consent Agenda Items (8:17 p.m.)

- a. Accept presentation of Accounts – November 4, 2019
- b. Consider Committee of the Whole and Village Board Minutes – October 21, 2019
- c. Consider authorization to hire police officer

Tr. Bockhorst moved, seconded by Tr. Maher to approve the consent agenda. Tr. Amenta requested removing item 6b from the consent agenda. Motion carried 7 – 0 with item 6b removed.

6. Items Removed from the Consent Agenda (8:17 p.m.)

6b; Consider Committee of the Whole and Village Board Minutes – October 21, 2019.
Page 12 under items for future consideration; change Village Board policy to some Village Board members prefer not to reconsider

Tr. Amenta moved, seconded by Tr. Bockhorst approval of the Committee of the Whole and Village Board minutes – October 21, 2019 with the proposed update. Motion carried 7 - 0

7. 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. – (8:21p.m.)

Susan Armour Seidman, 2412 E. Stratford Ct., Shorewood, 53211; explained she would like the dumpster and enclosure removed for safety concerns. This item is being discussed under new business.

8. Public Hearing(s) (8:21p.m.) – None

9. New Business

- a. Consider Application for Special Privilege to allow a refuse cart and enclosure within the right of way at 3554 N. Prospect Avenue. (8:25 p.m.)
Joel Pech, 4000 N. Richland Ct., Shorewood, 53211; is the owner of the building at 3554 N. Prospect Ave for 17 years; the dumpster has always been in the current location. Mr. Pech explained the dumpster is for the nine-unit complex at this address and there is not a convenient alternative location for the dumpster because the disposal company wants it placed by the alley for easy access. Mr. Pech explained about 5 years ago, the Planning Director requested an enclosure be constructed around the dumpster and shrubbery be placed around the enclosure. Mr. Pech explained he has limited parking with eight spaces and more than eight tenants living in the building; he prefers not to eliminate the parking space next to the garage to place the dumpster. Mr. Pech explained he is willing to remove the enclosure around the dumpster.

Some Village Board members expressed concern about the aesthetics of the dumpster without the enclosure. Some Village Board members expressed if an alternative spot for the dumpster is considered, the Village Board should keep in the mind the owner has been instructed by past Village staff to maintain the location as the owner is currently doing. Some Village Board members expressed they are concerned about the owner losing a parking spot.

One Village Board member asked if staff is recommending removal because of a safety concern. Mr. Griepentrog explained the request was generated by a complaint. Mr. Griepentrog explained in his professional opinion he would not approve the dumpster to be placed in this location because it is within a 10-foot vision triangle and he would not recommend something over three feet in height. Some Village Board members inquired if mirrors could be installed similar to the alley off of Lake Bluff Blvd. Mr. Griepentrog explained if sight issues were alleviated that may be something to consider.

Some Village Board members asked if Mr. Pech is asked to remove a parking spot to place the dumpster on, would the Village grant a spot on the street.

One Village Board member reminded the Village Board the memo states the Special Privilege Permit was granted by a past staff person without Village Board approval and that person did not have authority to grant that Special Privilege.

Some Village Board members expressed they are very sensitive to the safety and concerns of pedestrians walking past this area. Mr. Pech explained he has removed the shrubbery to help improve the sight issues.

Susan Armour Seidman, 2412 E. Stratford Ct., Shorewood, 53211; stated she has been living on the block for 21 years and does not recall the garbage dumpster being in the current location when she moved in and the fence has only been up a few years. Ms. Armour Seidman was against the construction of the enclosure. The debate if a parking space is more important than someone's physical wellbeing is disappointing.

One Village Board member inquired if there are any accident reports on record. Mr. Griepentrog and Chief Nimmer did not have that information on hand.

Some Village Board members shared the enclosure should be removed or lowered if the dumpster stays in the current location. One Village Board member shared the average height of a dumpster is about three feet high. Some Village Board members shared the removal of a parking space would be difficult for a landlord; street parking does not provide a dedicated space.

One Village Board member shared the picture showing the existing fence is blocking part of the stop sign and does not support the dumpster out in the public way. One Village Board

member does not support the dumpster in the location for safety concerns.

Patricia Krieger, 1416 E. Lake Bluff Blvd., Shorewood, 53211; was on the pedestrian and bicycle safety committee and was involved with the installment of the mirrors in the alley off of Lake Bluff Blvd. Ms. Krieger shared the mirrors have been very helpful for drivers and pedestrians.

Susan Armour Seidman, 2412 E. Stratford Ct., Shorewood, 53211; stated the estimate that the dumpster is three feet high does not seem accurate and it is very wide. Taking down the fence would be an improvement but there would still be a visibility issue.

Ms. Butschlick explained the mirrors work very well in certain locations under certain circumstances. She is not sure the mirrors could be configured at this particular location to be as effective to provide the protection as they are in the Lake Bluff alley. Ms. Butschlick explained DPW could evaluate the area, but this should not be the first line of defense.

Tr. McKaig moved, seconded by Tr. Carpenter to approve the Application for Special Privilege to allow a refuse cart and enclosure within the right of way at 3554 N. Prospect Ave and direct the building owner to alter the enclosure so that it does not extend higher than the level of the dumpster.

Tr. Warren moved to amend, seconded by Tr. Amenta to direct the property owner to work with Public Works to evaluate the feasibility of placing fish eye mirrors.

Some Village Board members expressed the fish eye mirrors should be staff directed. Ms. Butschlick explained if the mirrors were to be installed, they would be installed in the public right of way and would not require staff to work with the property owner. Ms. Ewald requested if the mirrors are installed, the property owner is responsible for paying for the improvement.

Amendment: direct the property owner to work with Public Works to evaluate the feasibility of placing fish eye mirrors and for the property owner to bear the cost if the improvement is made. Amendment carries 6 – 1 with Tr. McKaig voting nay.

One Village Board member questioned if the intent behind the amendment is the approval of the Special Privilege request and if it is contingent upon if mirrors are found feasible they must be installed at the owner's expense. Tr. Warren explained that was the intent behind the amendment. Some Village Board members expressed they do not feel it's the Village Board's place to decide for staff the remedy for a safety situation. Some Village Board members shared there are alleys all over the Village and this could be an unintended policy consequence. Some Village Board members shared if there are other obstructions in the public right way, those should be removed.

Tr. Amenta moved to call to question, seconded by President Rozek. Call to question carries 7 – 0.

Motion as amended: to approve the Application for Special Privilege to allow a refuse cart and enclosure within the right of way at 3554 N. Prospect Ave and direct the building owner to alter the enclosure so that it does not extend higher than the level of the dumpster and direct the property owner to work with Public Works to evaluate the feasibility of placing fish eye mirrors and for the property owner to bear the cost if the improvement is made. Motion fails 0 – 7 with all Village Board members voting nay.

Tr. McKaig moved, to approve the Application for Special Privilege to allow a refuse cart and enclosure within the right of way at 3554 N. Prospect Ave and direct the building owner to alter the enclosure so that it does not extend higher than the level of the dumpster and direct staff to return with an assessment of improved conditions once completed. Motion fails for lack of a second.

President Rozek moved, seconded by Tr. McKaig to approve the Application for Special Privilege to allow a refuse cart and enclosure within the right of way at 3554 N. Prospect Ave and to direct DPW and the Planning Department to work with the property owner to adjust the enclosure proportions to make it as safe as possible.

Tr. Warren moved to amend to direct DPW to return with any additional safety recommendations if any. Fails for lack of a second.

One Village Board member remarked staff has made a recommendation in their memo.

Motion: approve the Application for Special Privilege to allow a refuse cart and enclosure within the right of way at 3554 N. Prospect Ave and to direct DPW and the Planning Department to work with the property owner to adjust the enclosure proportions to make it as safe as possible. Motion carries 4 – 3 with Tr. Amenta, Bockhorst and Maher voting nay.

Tr. Bockhorst moved, seconded by Tr. Maher to suspend the rules and take up item 9e; Consider Resolution 2019-20 Amending Fees in the Village Fee Schedule. Motion carried 7 – 0.

The Village Board recessed at 9:25 p.m.

The Village Board reconvened at 9:34 p.m.

The Village Board took up item 9e.

- a. Consider professional services agreement for 2020 Road Reconstruction Project construction inspection. (9:40 p.m.)

DPW Leeann Butschlick presented. Village typically schedules major infrastructure projects in even calendar years. 2020 Road Reconstruction Program is basically the area south of Lake Bluff school north of Capitol Dr. was scheduled to be done in 2018 but was deferred by Village Board due to the Wilson Drive project. The contract for engineering was awarded in March 2017. In June 2017, the Board approved the final revision to the purchasing and accounts payable policy which requires any contract for professional services greater than \$10,000 must be put to an RFP process. Staff has discussed with the Board their general preference that infrastructure be inspected by the firm that did the design work. Because this contract was issued prior to the 2017 purchasing policy, it did not include the inspection contract. Since the approval of the 2017 purchasing policy, every RFP issued by DPW for design has also included the construction management and inspection services.

Requesting that the Board consider an exception to the 2017 purchasing policy so that DPW can enter into professional services with Strand for that construction management and inspection services. The proposal is in the packet. The contract amount is \$207,000; the percentage of that, as it relates to the anticipated construction value, falls well within industry standards per percentage of construction value. Currently a \$2.3-\$2.5M contract, we are under 10%, and industry standard is 6-12% depending on the type of project.

DPW Director Butschlick pointed out that the Purchasing Policy provides examples of certain cases that would be an exception; this is not one of those cases/examples cited.

One Village Board member noted that the purpose of the policy is it's easier to go with something we know and we can work with. As a government agency using public funds we bid out any professional service over \$10,000, unless it is a proprietary service or some other outstanding reason. Important to consider not necessary lowest bidder, and equal opportunity

purposes, but best competitive pricing, even with the benefits of staying with the same contractor.

Tr. Maher moved, seconded by Tr. McKaig to approve a sole service professional services agreement, in accordance with the Purchasing Policy and Accounts Payable Policy, with Strand Associates for construction inspection for the 2020 Larkin Road Reconstruction Program. Motion carried 4 – 3 with President Rozek, Tr. Carpenter and Tr. Warren voting nay.

- b. Consider Ordinance 3004 Repealing and Replacing Chapter 462 “Street Festivals,” of the Shorewood Municipal Code, otherwise referred to as the Special Events Policy. (C&BR, meeting 7). (9:46 p.m.)

Tr. McKaig presented the agenda item. Staff and the Board have been working on this for some time. A draft of the ordinance was developed several months ago which was approved by the CBR Committee and subsequent questions brought it back to committee. Those questions were reviewed and considered and there were no changes made to the ordinance after consideration of those questions.

Tr. Maher moved, seconded by Tr. Bockhorst to approve Ordinance 3004 Repealing and Replacing Chapter 462 “Street Festivals,” of the Shorewood Municipal Code, otherwise referred to as the Special Events Policy until the next Village Board meeting.

Concern about the number of events and street closures are increasing every year. Not sure how this relates to our public purpose as a government agency to be encouraging and sponsoring a number of street closure events. Request better planning between the public and private entities earlier in the year to help the Board make better decisions regarding street closures. People with hardships shared their concerns with a Trustee about access issues when Oakland Ave. is closed for events. The bus is re-routed to Ardmore which is quite a distance from Oakland. Not opposed to limiting the number of closures on Oakland to 3-4 per year because many businesses do not benefit from the street closures, i.e. Curves, Shorewood Coin Shop, etc.

Two questions: flat fee permit? Shouldn't we be charging for work and time? The flat fee is for the permit, but additional fees are charged if Village services are needed, i.e. Police, DPW. Events at Atwater Park? The Special Event Permit would not apply to the park because it does not involve a street closure. Any event in Atwater Park would require an Atwater Park permit and any other related permits, i.e. cabaret, etc. Concerned about getting some type of application from park users to know who are in our parks, for emergency planning purposes and budget. How do you regulate who is in the park? Hosting a birthday party or small wedding? Then it becomes a matter of park scheduling (5 parks) which is another level. Atwater Park permit applies to vendors selling in the park not groups gathering in the park.

It was noted that the BID had discussed a calendar of special events. These events help make Shorewood special, but it is difficult to have the street closed for multiple days. Would like the ability to space out events, so it is important to see some sort of planning calendar. It was also noted that events are annual and some come about organically; don't want to prevent some events from happening by being too restrictive. The policy does not mandate the calendar, however, it was an internal procedure recommendation.

It was noted that the proposed ordinance says “include public ways and public premises for the sale or vend of merchandise” and the definition of “public premises is any premise owned or controlled by the village or any board or agency thereof . . . and includes premises appurtenant to public buildings.” Does this include parks? Atty. Bayer noted that this came

from Chapter 462 old Street Festival. In trying to keep it consistent with previous language. Based on the language of the ordinance, it includes parks, so then we are requiring a permit to vend from parks.

If police presence, barricades are required—Chicken BBQ, Memorial Day, Ghost Train—requires some support from staff. If it is a Special Events Permit should be for events on public premises, not necessarily the street.

It was noted that given the definition of public premises, staff is going to have to require permits now to use at any public park and any event defined in the ordinance. It was noted that the intent was not to over permit by requiring the Special Event Permit, Cabaret License and Temporary Class “B.”

Trustee Bockhorst withdrew her second.

The Special Event definition language was not updated per the last meeting. Atty. Bayer noted that §400-2(b) which relates specifically to Atwater Park that “it shall be unlawful for any groups, organizations or businesses to use Atwater Park, or any of its facilities or improvements. . .without having procured a valid permit for such usage from the Village of Shorewood and paid the required fee as set forth in the Fee Schedule.”

Asked that if the motion is withdrawn and this item goes back to committee that the committee pull that ordinance and Fee Schedule to make sure it is incorporated and that there is no conflict or inconsistency.

Staff will update the definitions accordingly to meet the intent of the committee which was not to include the parks and to focus on street closures.

Trustee Maher withdrew his motion.

Committee to review the Atwater Park ordinance as well. (It was meant to be a vendor permit, not an event permit.) Would like the committee to review that ordinance as well.

It was noted that there is also Policy #26 that relates to Atwater Beach that needs to be included in that comprehensive review.

Tr. Bockhorst moved, seconded by Tr. Warren to this item back to the Community Business Relations Committee. Motion carried 6-1 with Tr. Amenta.

- c. Consider public comments and recommendations on regulations for electric dockless scooters.

Tr. Bockhorst moved, seconded by President Rozek to defer consideration of public comments and recommendations on regulations for electric dockless scooters until next available time. Motion carried 7 – 0.

- d. Consider Resolution 2019-20 Amending Fees in the Village Fee Schedule. (9:35 p.m.)
Some Village Board members questioned if this was what was discussed at budget time. Mr. Emanuelson said yes.
Some Village Board members expressed and Ms. Ewald confirmed the Village’s Design Review Board fee is lower than the surrounding municipalities.

Tr. Maher moved, seconded by Tr. McKaig to approve Resolution 2019-20 Amending Fees in the Village Fee Schedule.

Tr. Carpenter moved to amend, seconded by President Rozek to adjust the fee schedule to \$60 for Design Review Board Residential. Amendment carries 5 – 2 with Tr. Amenta and Maher voting nay.

Motion as amended; approve Resolution 2019-20 Amending Fees in the Village Fee Schedule adjust the fee schedule to \$60 for Design Review Board Residential. Motion carried 7 – 0 by a roll call vote.

The Village Board went back to item 9b.

2. Reports of Village Officials (10:09 p.m.)

a. Village President – None

b. Village Trustees –

Tr. Carpenter - annual Fall Clean-up this weekend

Tr. Amenta – November 20 – School District is holding an equity training in conjunction with their update of their Vision Plan – might be an opportunity for Village Board to participate. It's headed by Sam Coleman, SHS Director of Equity. Conflicts with Parking and Transportation Report meeting scheduled for November 20.

Tuesday, November 7- State legislature hearing on red flag laws, background checks, etc. March scheduled for 1 p.m. at the State Capitol.

Bi-Board meeting canceled.

Tr. McKaig – CB&R Committee began discussion regulating signs, symbols and structures. Staff will be doing a search of comparable policies in comparable communities and bring it to the committee in January 2020.

Tr Bockhorst – Girls won State Cross-Country championship; Boys did well despite illness; Shorewood student won overall State Division 2 Boys League of Wisconsin Municipalities conference in Green Bay had record attendance. Tr. McKaig and Tr. Warren attended part of the conference.

Lobby Day is this Wednesday in Madison.

Tr. Maher – November 12 @ 7 p.m. presentation of Shorewood Terracotta @ Village Center

c. Village Manager – Bi-Board Meeting is cancelled. Will need to reschedule for December or January. VM Ewald will send a doodle with proposed the dates tomorrow and would appreciate a response this week.

d. If you have an updated address, please provide as it is needed so the audit can be mailed to your home address. Let VM Ewald know by Wednesday.

e. Tr. Maher requested a calendar of 2020 Board meeting dates.

3. Items for future consideration (10:16 p.m.)

a. Tr. Bockhorst moved, seconded by Tr. Warren seconded consideration for rules surrounding Citizens to be Heard to be referred to the Committee of the Whole. Motion carries.

b. Adopt Robert Rules of Orders.

c. Tr. Amenta moved, seconded by Tr. Carpenter to discuss waiving the Special Privilege fee for anyone wishing to put up a symbol at Atwater Park this holiday season. Tr. Maher called to question. Motion carries 4-3 with President Rozek, Tr. Bockhorst, and Tr. Warren voting nay. Pres. Rozek moved, seconded by to defer 11c to Plan Commission where this is also being discussed—when to charge and not charge, including penalty fees. Motion failed for lack of a second.

d. Pres. Rozek moved, seconded by Tr. Bockhorst to discuss meeting minutes/format. Motion carries 7-0.

4. Adjournment.

Tr. Bockhorst moved, seconded by Tr. McKaig to adjourn at 10:29 p.m. Motion carried 7 - 0.

Respectfully submitted,

Sara Bruckman, CMC/WCMC
Village Clerk