

VILLAGE OF FOX POINT
VILLAGE BOARD PUBLIC HEARING AND MEETING
TUESDAY, MAY 10, 2016

A meeting of the Fox Point Village Board was held on May 10, 2016 in Schwemer Hall, 7200 N. Santa Monica Blvd., beginning at 7:00 p.m. President West commented there is a quorum; 7 trustees are present. The meeting is called to order; without objection, roll call is suspended.

Members of the Village Board present included:

Village President Michael A. West
Trustee Bill Kravit
Trustee Marty Tirado
Trustee Liz Sumner
Trustee Christine Symchych
Trustee Eric Fonstad
Trustee Terry McGauran

Also present were Village Manager Scott Botcher, Director of Public Works Scott Brandmeier, Village Attorney Eric Larson and Village Clerk/Treasurer Kelly Meyer.

Notice of the meeting was provided to the North Shore Now and to all others as required by State open meetings laws and posted on the official bulletin board at 7200 N Santa Monica Boulevard, as well as the village website at www.villageoffoxpoint.com, as per 2015 Wisconsin Act 79 and as described in Village Ordinance Chapter 116-2, 116-2(C).

Oaths of Office

Village Clerk/Treasurer Kelly Meyer administered the oath of office for returning elected Village Trustee Eric Fonstad and newly elected Village Trustee William (Bill) Kravit. Officials Oaths were given prior to the ceremonial oaths given today.

Persons Desiring To Be Heard

Jan Singer, 8426 North Regent Road

Ms. Singer commented on her concerns of absence of burn notices and health department immunization schedules not being posted to the village website, in addition to concerns more crossings at Lake Drive in the village.

Jim LaCharite, 8049 North Santa Monica Blvd

Mr. Lacharite inquired on the status of the Dunnwood School property and future public information on the property.

Mary LaCharite, 8049 North Santa Monica Blvd

Mrs. LaCharite had concerns of the Dunwood School property presentation at Nicolet High School cafeteria on Thursday, May 12, 2016 from 5:30 p.m. until 7:30 p.m., hosted by the Mandel Group being noticed on the village website.

Greg Ollman, 7525 North Fairchild Road

Mr. Ollmann noted it is his understanding, per the village attorney, the Village Board cannot make comments on the status at this time or at the time of the application until the public hearings are held, so as not to be biased in the future when things come up.

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Village Attorney Eric Larson commented on the quasi-judicial nature of an application of this sort of application, should one be received by the village and the role of trustees with respect to considering and acting on an application; you have to be unbiased. It is important the trustee maintain an unbiased stance towards this as it proceeds.

Elizabeth Aelion, 210 West Bergen Court

Ms. Aelion noted her concerns with appropriate postings for the village website and the determinations of the policy.

Hearing no other comments, President West closed public comment.

Consent Agenda – All items listed under the Consent Agenda will be approved in one motion without discussion unless any Board member requests that the item be removed for individual discussion and possible action. Any item(s) so removed shall be considered individually prior to consideration of any New Business agenda items in the same order in which they were originally listed in the Consent Agenda.

President West opened public comment on consent agenda items; hearing none, public comment was closed on consent agenda items.

Elizabeth Aelion, 210 West Bergen Court

Ms. Aelion inquired on item 4e, designating the American Deposit Management Company as a village depository. The cost for ADM and comparisons with what the village is currently using and to other depositories.

President West stated the Village Board will remove 4e from the agenda to answer questions.

- a. Approve the Minutes of the April 12, 2016 Village Board Meeting, as drafted April 12, 2016.
- c. Accept the total expenditure of an amount not-to-exceed \$280,000.00 from Fabick Cat of Milwaukee for one (1) 2016 Caterpillar Model# M320F Wheeled Excavator. Authorize the Village Manager to sign the purchase order.
- d. Adopt Resolution to approve an amendment to Exhibit C of the Milwaukee Area Domestic Animal Control Commission.
- f. Authorize the Village Manager to purchase a replacement computer server for the Police Department, as included in the 2016 Capital Budget, including executing all necessary documents to do so, for an amount not to exceed \$10,376.00.
- h. Approve Payment of the Bills in the amount of \$ 258, 270.41 for the period April 1, 2016 through April 30, 2016 per the report submitted by the Village Manager.

President West requested item 4e and 4g be removed from the agenda; Trustee Tirado requested 4b be removed from the consent agenda.

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On motion of Trustee Tirado, seconded by Trustee Symchych, and carried unanimously, the Village Board approved the amended consent agenda with the removal of 4b, 4e, and 4g.

Adopt the Resolution approving of and authorizing submittal of Fund for Lake Michigan Grant Application for the Goodrich Lane Ravines Regenerative Stormwater Conveyance project (4b)

On motion of Trustee Fonstad, seconded by Trustee Symchych, and carried unanimously, the Village Board approved and authorized submittal on agenda item 4b, of the Resolution relating to Goodrich Lane Ravines Regenerative Stormwater Conveyance project.

Adopt a Resolution designating American Deposit Management Company, Delafield, WI as a Village public depository (4e)

Village Attorney Eric Larson noted the Village of Fox Point does have an investment policy in place from a number of years ago, possibly prior to 2009 with prudent standards of care (Article V-Chapter 67).

President West noted without objection, the Village Board will lay over this matter to the next meeting with Mr. Botcher in the interim to, 1) Consult with Finance Director Lynn Burton of the North Shore Fire Department to check on the Fire Departments investments currently. 2) All trustees familiarize themselves with the Village of Fox Point investment policy. 3) Perhaps Mr. Botcher could tentatively suggest the total funds and how the funds might be distributed.

Approve contract with City Water, LLC for water utility management and operation services (4g)

Village Attorney Eric Larson noted a change was made to the agreement and inadvertently not included. In the agreement Mr. Larson wanted to include the standard public records requirements in the contract. It is attachment F. The agreement begins on page 39, insert attachment F.

President West stated without objection, the standard form agreement is amended to include Attachment F. Hearing no objection, the agreement is so amended.

Attorney Larson noted the reason for the inclusion of Attachment F of the contract.

Trustee Fonstad moved, seconded by Trustee McGauran, and carried unanimously, to approve the contract with City Water, LLC as amended by the addition of attachment F and as otherwise presented in the material for this meeting. The contract will be executed with the signatures of the Village President and the Village Clerk as on page 39 of the packet.

Resolution of Commendation and Dedication – Former Village President F.R. Dengel

On motion of Trustee Tirado, seconded by Trustee Fonstad, and carried unanimously, the Village Board approved the amended consent agenda.

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Resolution of Commendation of Appreciation – Former Trustee Douglas Frazer

On motion of Trustee Fonstad, seconded by Trustee Sumner, and carried unanimously, the Village Board adopted the Resolution of Commendation of Appreciation to Former Trustee Douglas Frazer.

Appointment to Various Boards, Committees, and Commissions

President West reviewed with village trustees, the proposed appointments to boards, committees and commissions, as distributed. It is noted and the Building Board requires confirmation with a resolution.

President West directed Village Clerk/Treasurer Kelly Meyer to distribute the Board, Committee and Commission List to the village board of trustees as soon as possible.

On motion of Trustee Fonstad, seconded by Trustee Kravit, and passed 6-1 (Nay -Trustee Tirado), the Village Board confirms the appointments as presented by President West and as amended with the memorandum date to be May 10, 2016, the Village Board.

2016 Financing Presentation by Robert W. Baird and Consideration of Initial Borrowing Resolution

Robert W. Baird & Company Public Finance Managing Director Bradley Viegut made a brief presentation on the issuance of the promissory notes and refunding bonds; Mr. Viegut was on hand to answer all questions.

Elizabeth Aelion, 210 West Bergen Court

Ms. Aelion commented on the refinancing callable debt, inconsistency in numbers on page 76 of the packet, the issuance fees, and duration of the debt.

President West hearing no other comments, closed public comment.

On motion of Trustee Fonstad, seconded by Trustee McGauran to adopt the Initial Resolution Authorizing the Borrowing of Not to Exceed \$2,605,000 and Providing for the Issuance and Sale of General Obligation Promissory Notes. Village Board had a brief discussion. Motion carried unanimously by roll call vote.

On motion of Trustee Fonstad, seconded by Trustee McGauran and carried unanimously by roll call vote, adoption of the Resolution Authorizing the Borrowing of Not to Exceed \$2,045,000 and Providing for the Issuance and Sale of Taxable General Obligation Refunding Bonds.

Future Agenda Items

On motion of Trustee Tirado, seconded by Trustee Sumner and passed 6-1 (Nay-President West) to place on the agenda the consideration of a Fox Point Pool Systems Advisory Committee.

Trustee Tirado moved to place on the agenda the consideration of upgrading the current meeting space at Schwemer Hall to include furniture and cosmetic improvements. Motion failed. 1-6.

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Announcements

Trustee Symchych reminded everyone the library is having its 30th birthday party. The main festivities are on Saturday, May 21, 2016 from 10:00 a.m. until 3:00 p.m. This is an age groups friendly event. The event will include everything from birthday cake, pony rides and a jump house to a beer garden. Trustee Symchych noted, additionally around the birthday event, an MPTV star, Alamelu will have a cooking demonstration about healthy Indian cooking on Tuesday May 17 at 7:00 p.m. an MPTV Star. Thursday, May 19, 2016, there is a dinner at 5:30 p.m. at the library and a performance at 6:00 p.m. in the community room. There will be a presentation in period style and the dinner will be a Depression style dinner.

Village Manager Scott Botcher recognized Mary Carthell for her renewed CMTW certification. He briefly reported on the notification of ACT 391 and its impact; information on ACT 391 will be posted on the village website. A pool update was given, noting UWM has been unable to deliver the students for a study. An update will be presented at next month's meeting. Manager Botcher noted as in the past by the Village Board's direction, minutes have been action minutes with citizen comments and minutes will be condensed. Notification was given to the Village Board that the August and November Village Board meetings coincide with the Tuesday fall elections. Also, he noted in regard to moving the Village Board meeting, a response will be prepared as part of his manager's report next Village Board meeting and a decision can be made. The Saturday, June 11, 2016, Community Open House from 10:00 a.m. until 1:00 p.m., including the police department, the pool and the public works department was mentioned. The North Shore Fire Department Audit and Finance report has been received by the Village of Fox Point; Manager Botcher is happy to share the report, if needed.

Closed Session

On motion of Trustee Symchych, seconded by Trustee Fonstad with all members voting aye, 7-0, the Board convened into Closed Session at 8:55 p.m., Pursuant to State Statutes Section 19.85(1)(g), to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted with respect to litigation in which it is involved or likely to become involved, related to a 2014 assessment challenge brought by Beach Drive Trust and Pursuant to State Statutes Section 19.85(1)(g), to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted with respect to litigation in which it is involved or likely to become involved, related to personal property assessment issues raised by Time Warner Cable. Participating in this closed session will be the Village Board, Village Attorney, Village Manager, and Village Clerk/Treasurer.

Trustee Fonstad recused himself from the closed session item 8a; he returned to closed session after closed session agenda item 8a.

During the Closed Session, the Village Board discussed the agenda item 8a, 2014 assessment challenge brought by Beach Drive Trust and agenda item 8b, as related to personal property assessment issues raised by Time Warner Cable.

Reconvene and Possible Action on Closed Session Items

On motion of Trustee Symchych, seconded by Trustee Sumner, and carried unanimously, to reconvene to open session at 9:17 p.m.

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Motion of Trustee Kravit, seconded by Trustee Symchych, and carried unanimously, to authorize the Village Insurance Counsel to enter a stipulation per Nicholas Boerke's settlement offer shown in his email message dated March 16, 2016. 6-0 (Fonstad – Abstained)

Motion of President West, seconded by Trustee Fonstad, and carried unanimously, to deny Time Warner's purported claim as stated in their letter dated January 15, 2016, because the letter was mailed to the assessor, not served on the clerk, as required by Wisconsin State Statutes 74.35(2)(b)(5), and further was untimely and made in error.

Adjourn

On motion of Trustee Sumner, seconded by Trustee Symchych and carried unanimously, the Village Board adjourned at 9:19 p.m.

Respectfully submitted,

Kelly A. Meyer, WCMC
Village Clerk/Treasurer