



**MINUTES - SHOREWOOD BOARD OF TRUSTEES**  
**Special Village Board Meeting**  
**January 25, 2021**

1. Call to Order

President Rozek called the meeting of the Village Board to order at 7:32 p.m.

2. Roll Call

Clerk Bruckman called the roll. Present via teleconference: President Rozek, Trustees Davida Amenta, Tammy Bockhorst, Jessica Carpenter, Arthur Ircink, Kathy Stokebrand and Wesley Warren.

Others Present: Village Manager Rebecca Ewald, Village Attorney Nathan Bayer, Public Works Director Leeann Butschlick, Assistant Public Works Director Joel Kolste, Senior Resource Director Elizabeth Price

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 Policy 40 – Tax Increment District (TID) creation & Tax Increment Finance (TIF) assistance – CDA Chair Hammond. (7:33 p.m.)

Mr. Hammond introduced the item.

Tr. Warren suggested in section 5, under other qualified agencies, they could be more specific under who is approving. He also suggested more definition around protective class.

Tr. Amenta suggested they need to give more thought to when and how the zoning process would fit in. She noted she would like to see more effort of communication on the Village's behalf. She also noted she would like to add to the statement of public benefits of the project nearly increasing assessed value because that is not a sufficient public purpose. She suggested adding more of an incentive for projects with green infrastructure or energy efficiency.

Tr. Bockhorst questioned which developers the group had worked with. Ms. Ewald shared Catalyst Development and Dominion Properties. Tr. Bockhorst questioned how did we arrive at the developer fee and if it is cost prohibited to the protected class minority organizations. Ms. Ewald explained the fees that are associated are the actual cost for doing the work by Baker Tilly and analyzing that information. Tr. Bockhorst explained the definition of protected class is confusing and should be better defined.

President Rozek questioned how do you set and approve terms without a feasibility study first. Ms. Huot stated the intent of that process was to meet the statutory requirement of including the feasibility study in the project plan. She clarified number 3 under phase two saying the financial feasibility analysis could be defined before you get to phase three which is the actual project plan and feasibility study.

President Rozek questioned both the \$5,500 Application fee and the \$8,000 study fee or the \$8,000 plus consultant fees. Ms. Ewald explained it may be all refunded. President Rozek

recommended only the study fee be refunded. Mr. Hammond clarified the \$5,500 application fee is non-refundable and the \$8,000 is potentially refundable and it states the fee and third party cost maybe refunded by future revenues of the TIFF district. President Rozek suggested to add it is \$8,000 plus the cost of additional consultant fees.

Tr. Stokebrand suggested to label the \$5,500 an application fee and the \$8,000 a review or study fee.

Tr. Ircink noted he agreed on placing more of an incentive on projects with green infrastructure.

President Rozek suggested to add no funding for market rate or luxury housing. She suggested requiring some sort of green infrastructure in the project. There needs to be better definition around the protected class and a defined incentive. She also agrees with the increase on assessed value is not sufficient.

President Rozek went over the items the CDA should review at their next meeting.

- Further define protected class
- Specify increase in assessed value is not enough reason for a TID to move forward
- Include language that addresses green infrastructure or possible incentives
- No funding for market rate or luxury housing only (consider possible hybrid option)
- Define incentive for protected class contracting requirement.
- \$5,500 label application fee, \$8,000 label study fee and include language and cost above \$8,000 as required.

Ms. Ewald explained she will bring back the suggestions to the CDA.

5. Consent Agenda Items (9:25 p.m.)

- a. Accept Presentation of Accounts – January 20, 2020
- b. Consider regular Village Board Minutes – August 3, 2020
- c. Consider regular Village Board Minutes – December 21, 2020
- d. Consider regular Village Board Minutes – January 4, 2021
- e. Consider Application for Special Privilege Approval for a retaining wall at 3558 N. Murray Ave.

Tr. Warren moved, seconded by Tr. Amenta to approve the consent agenda. Motion carried 7 – 0 by a roll call vote.

6. Items Removed from the Consent Agenda (9:27 p.m.) – None

7. Public Hearing(s) (9:27 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. (9:28 p.m.) – None

The Village Board recessed at 9:28 p.m.

The Village Board reconvened at 9:36 p.m.

9. New Business

- a. Consider 2021 Alley Reconstruction Project scope of work. (9:36 p.m.)

Ms. Butschlick explained there was previous discussion that there may not be enough funding for all the alleys listed in the Long Range Financial Plan and they would use a base bid with various alternates at the time of awarding the bid. Three of the alleys have green components,

but after further inspection Alley A has significant drainage issues. In order to address the issues, there will need to be an easement to direct the stormwater to Capitol Drive. Staff is purposing Alley A be removed from the 2021 program. Staff is further proposing the green infrastructure with funding be utilized in the Hubbard Park parking lot.

Tr. Carpenter questioned is the only reason for removing Alley A because a green alley is not possible? Ms. Butschlick explained no, the drainage issue needs to be addressed whether it's constructed as a green alley or conventional.

Ms. Butschlick noted there is not enough time to address including additional alleys to the scope.

Tr. Amenta would like to move the appropriation from 2021's budget to 2023's budget for continuous progress on the alleys. Ms. Butschlick explained there will not be a 2023 alley program, the next program is slated for 2025. Tr. Amenta noted she would like to see a capital budget for alleys.

President Rozek questioned if there will be green infrastructure options for the Hubbard Park Parking lot. Ms. Butschlick replied yes.

President Rozek noted she would be voting no because she does not want to take the money and appropriate it to Hubbard Park and not complete the alley program at the budgeted amount.

Tr. Stokebrand moved, seconded by Tr. Warren approval of the removal of Alley A from the 2021 Alley Reconstruction Project deferment of its reconstruction to the planned 2025 program and approve utilization of unallocated MMSD Green Solutions funding for the 2021 Hubbard Park Parking Lot reconstruction. Motion carried 5 – 2 by a roll call vote with Tr. Carpenter and President Rozek voting nay

b. Consider Atwater Beach temporary erosion protection. (9:53 p.m.)

Ms. Butschlick explained staff previously came with options for temporary protections because of the concern for potential winter damage to the structure because of the high lake levels. The Village Board approved moving forward with a geotech style type of bag that is generally filled with sand, stone or concrete. Ms. Butschlick further explained they have had issues lining up a contractor to perform the work. Because of the late date and changing conditions she is asking the Village Board to confirm or review the decision.

Tr. Stokebrand noted a community member brought it to her attention that lake levels had gone down significantly.

Ms. Butschlick noted there is not a signed contract for someone to complete the work.

Tr. Amenta noted this was a temporary solution and the Village should consider planning for a more permanent solution in the future.

Tr. Amenta moved, seconded by Tr. Carpenter to direct staff to abandon the Atwater Beach temporary erosion project and unassign any funded capital reserves to the project. Motion carried 6 – 1 by a roll call vote with Tr. Bockhorst voting nay.

c. Consider Ordinance 3020: An ordinance amendment to Section 225-20 of the Village Code eliminating code compliance and updating occupancy standards (10:09 p.m.)

Mr. Griepentrog explained in 2016 the state prohibited municipalities from requiring code compliance at the time of sale and this would update that prohibited language.

Tr. Ircink moved, seconded by Tr. Warren to approve ordinance 3020: An Ordinance amendment to Section 225-20 of the Village Code eliminating code compliance and updating occupancy standards. Motion carried 7 – 0 by a roll call vote.

- d. Consider Resolution 2021-02: A Resolution amending fees within the Village Fee Schedule relative to occupancy permits and Tax Incremental Financing (TIF) requests. (10:11 p.m.)

Tr. Warren moved, seconded by Tr. Bockhorst approval of Resolution 2021-02: A Resolution amending fees within the Village Fee Schedule relative to occupancy permits. Motion carried 7 – 0 by a roll call vote.

- e. Consider Ordinance 3021: An Ordinance for face covering requirements during the COVID-19 pandemic. (10:13 p.m.)

Ms. Ewald explained the governor extended the executive order by 60 days. Director Christiansen suggested the Village to extend for another three to six months.

Tr. Carpenter noted even with the vaccine coming out, face masks will need to be worn.

There was Village Board discussion on how long to extend the ordinance. Some Village Board members suggested tying to the public health emergency, some suggested three to six months.

Tr. Amenta noted she would vote no because she would like the end date to match the state's end date.

Tr. Bockhorst moved, seconded by Tr. Ircink to enact of Ordinance 3021: An Ordinance for face covering requirements during the COVID-19 pandemic until May 17, 2021. Motion carried 5 – 1 by a roll call vote with Tr. Amenta voting nay. (President Rozek was absent for the vote)

- f. Consider Resolution 2021-04: Proclaiming World Migratory Bird Day in Shorewood. (10:25 p.m.)

Tr. Carpenter moved, seconded by Tr. Warren approval of Resolution 2021-04: Proclaiming October 2, 2021 as International Migratory Bird Day in the Village of Shorewood. Motion carried 7 – 0 by a roll call vote.

Tr. Stokebrand took over chairing the meeting.

- g. Review open records policy, neighboring community policies and provide direction on group to review the policy moving forward. (10:28 p.m.)

Clerk Bruckman explained this item is for discussion if the open records discussion should take place at the JP&L Committee or at the full Village Board. Ms. Ewald noted Attorney Claire Silverman with the League of Wisconsin Municipalities has agreed to provide an educational session.

Tr. Amenta noted her concern is that before JP&L gets into a long discussion about open records that the Village Board should have a conversation to get a pulse on other board members opinions and thoughts. She noted there needs to be discussion on what type of requests, how many, how long they are taking, the type of format the record it provided to people, etc.

Tr. Carpenter agreed with Tr. Amenta's comment on obtaining Village Board input.

Tr. Ircink agreed with Tr. Amenta and Tr. Carpenter. He would like to defer this until after the citizen complaint and list it higher on the agenda.

Tr. Warren agreed it should be discussed in the Committee of the Whole and is in favor of the educational session.

Tr. Bockhorst agrees with the other Village Board members' statements. She agrees the policy needs to be revised and is in favor of the educational session. Tr. Bockhorst would be in favor of JP&L to have the discussion.

President Rozek welcomes the educational opportunity. Duplication of records, format of records, data keeping for producing records needs to be addressed.

Manager Ewald noted Attorney Silverman is available for February 1.

Tr. Stokebrand is in favor of the educational opportunity and would like it held at the Committee of the Whole. She noted her concerns are cost and functionality of a robust open records policy.

Tr. Bockhorst explained the Village needs to provide the public with a more accessible way to obtain records and data.

Tr. Amenta noted the Village Board should not make the assumption that it would cost more to make records more accessible.

President Rozek explained the Village needs to define the assignment of responsibility; who is the lead and collector of the data.

There was unanimous consent to hold a Committee of the Whole with an educational presentation by Attorney Claire Silverman.

Geoff Davidian, 4101 N. Prospect Ave., Shorewood, 53211; explained he has been raising the open records issue for over a year and noted there is no leadership from staff or the Village Board. He noted the Village is under a court agreement to provide records at a reasonable price and by state law to produce them in a reasonable timeframe. He voiced the Village does not seem to care about that and will be looking to seek court action to enforce the agreement.

Tr. Amenta noted this has been a priority for her since 2018 and explained she is frustrated it has taken this long. Tr. Bockhorst noted her frustration as well.

President Rozek noted she was unaware that staff needed direction on how to proceed with an open records request.

Geoff Davidian, explained one of the main problems is the Village Attorney is misconstruing case law to make it appear the Village is justified in prohibiting a citizen from making copies themselves on their own copier. That is applying an opinion that does not apply to copies of records.

#### 10. Reports of Village Officials (11:08 p.m.)

- a. Village President – None
- b. Village Trustees –

- Tr. Ircink noted the Lake Bluff ice rink is open
- Tr. Bockhorst noted school was opening back up with a hybrid model.
- c. Village Manager – None

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

- a. Consider training on open records law – Tr. Bockhorst
- Tr. Bockhorst noted she is taking a course through the City of Milwaukee.

Tr. Ircink moved, seconded by Tr. Warren to invite Director Christiansen to update on the COVID vaccine rollout in the North Shore and Wisconsin.

Tr. Carpenter moved to amend, seconded by Tr. Bockhorst to have an update at every other meeting. Amendment carried 4 – 3 with Trustees Amenta and Stokebrand and President Rozek voting nay.

Motion as Amended: invite Director Christiansen to provide an update on the COVID vaccine rollout in the North Shore and Wisconsin at every other meeting. Motion carried 4 – 3 with Trustees Amenta and Stokebrand and President Rozek voting nay.

Tr. Bockhorst moved to discuss an emergency Village of Shorewood plan around COVID-19. Motion failed for lack of a second.

12. Adjournment.

Tr. Amenta moved and Tr. Bockhorst seconded to adjourn at 11:17 p.m. Motion carried 7 - 0.

Respectfully submitted,  
Sara Bruckman, CMC/WCMC  
Village Clerk