



MINUTES - SHOREWOOD BOARD OF TRUSTEES
Village Board Meeting
February 15, 2021

1. Call to Order

President Rozek called the meeting of the Village Board to order at 7:35 p.m.

2. Roll Call

Mr. Burkart 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, Planning and Development Director Bart Griepentrog, Assistant Village Manager Tyler Burkart, Finance Director Mark Emanuelson, Assistant Public Works Director Joel Kolste, North Shore Health Department Director Ann Christiansen, Library Director Rachel Collins, Senior Resource Center Elizabeth Price, CDA Chair Peter Hammond, Atty. de la Mora.

3. Statement of Public Notice

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

4. Special Order of Business

- a. North Shore Health Department update on COVID and vaccine deployment – Director Christiansen. (7:39 p.m.)

Ms. Christiansen provided an update on recent case numbers and percentage of positive tests as trends since mid-January are illustrating a downward trajectory. The department continues to monitor strand variants and continue to promote best practices when indoors during the winter months. Ms. Christiansen reported vaccines have been given out for just over a month now. The department in recent weeks has only been allocated 18-50% of the requested number of vaccines. The next phase to add teachers and other essential workers will be March 1, which the department has concerns about receiving more vaccines to accommodate this additional group of people.

There was an inquiry on how Shorewood leaders can advocate for more doses. Ms. Christiansen mentioned leaders can advocate to the State but their supply through the federal government may not allow them to provide more vaccines. Leaders instead can focus their efforts on educating where available vaccine sites are located. It was confirmed community members might be able to receive the vaccine in other clinics and not just the ones in Shorewood or the North Shore. Ms. Christiansen outlined how the vaccine is distributed between community members in different municipalities. It was clarified those under 65 are only eligible for the vaccine through one of the other essential worker groups deemed eligible. Ms. Christiansen responded to an inquiry about those senior residents who don't have transportation and that NSHD could work with the Division of Aging to find some possible transportation options for those residents. There was an update on the schools re-opening and CDC's new operational re-opening guidelines. Local re-opening guidelines for the schools and guidelines offered by NSHD are available on each agency's websites. Ms. Christiansen mentioned there is a standby list of community members who could come in for a vaccine on short notice. Members must be in one of the eligibility groups to be on the list.

- b. Consider Policy 40 – Tax Increment District (TID) creation and Tax Increment Finance (TIF) assistance – CDA Chair Hammond (8:06 p.m.)

Mr. Peter Hammond presented the updated policy based on the recent changes completed by staff and the CDA by going through each of the six major changes. There was clarification that the \$1 million, 25% and 17% number thresholds in the second set of changes came from Milwaukee County as a recommendation. There was discussion about adding environmental and sustainable best practices for developers to consider when submitting a plan. These practices were recommendations from the City of Milwaukee and Milwaukee County. The Conservation Committee encouraged these types of practices to be added to the policy, as well. It was clarified the percentages for minority-owned businesses was provided by Milwaukee County. Tr. Warren offered the suggestion of having the HRC review and evaluate the percentage of minority-owned business requirement in the future. It was mentioned a current developer has been wanting to build in Shorewood and has a strict timeline. It was clarified the policy was done independently as the developer was waiting for the policy to be drafted. There was clarification about using the Targeted Business Enterprise vendors.

Tr. Stokebrand moved, seconded by Tr. Ircink to approve Policy 40 – Tax Increment District (TID) creation and Tax Increment Financing assistance, as amended by the CDA. Motion carried 7 – 0 by a roll call vote.

5. Consent Agenda Items (8:31 p.m.)

- a. Accept Presentation of Accounts – February 15, 2021
- b. Consider regular Village Board Minutes – January 25, 2021
- c. Consider regular Village Board Minutes – February 1, 2021
- d. Consider 2022-2025 streetscape RFP
- e. Consider 2022-2025 natural turf maintenance RFP
- f. Consider Water Meter Replacement Program project management and communication plan.
- g. Consider CSSA Downspout Disconnection Program project management and communication plan.
- h. Consider communication plan for 2021 assessment revaluation.

Tr. Warren moved, seconded by Tr. Bockhorst to approve the consent agenda. Tr. Amenta would like to pull items B, F, G and H. Tr. Ircink would like to pull item D. Tr. Bockhorst would like to pull item E. Motion carried 7 – 0 by a roll call vote.

6. Items Removed from the Consent Agenda (8:33 p.m.) –

- b. Consider regular Village Board Minutes – January 25, 2021

Tr. Amenta, asked on page three, fourth paragraph, to amend to say “Tr. Amenta would like to see a capital budget for alleys.”

Tr. Amenta moved to approve the minutes as amended. Seconded by Tr. Warren. Motion passed 7-0 by roll call vote.

- d. Consider 2022-2025 streetscape RFP

Tr. Ircink wanted some clarification on the language of herbicides used in the RFP and wanting more language on natural care and pesticide free practices. Ms. Butschlick clarified that was the attempt by staff to reflect in the RFP. Expertise in proposals will reflect this in

their previous jobs. Other Board members encouraged more language to make these points stronger in the RFP.

Tr. Bockhorst moved to approve 2022-202 streetscape RFP with the added clarifications. Tr. Ircink seconded the motion. Motion passed 7-0 by a roll call vote.

e. Consider 2022-2025 natural turf maintenance RFP

Tr. Bockhorst referenced the timeline in the memo and has no more clarification questions.

Tr. Bockhorst moved to approve the 2022-2025 natural turf maintenance RFP and direct staff to issue the document. Seconded by Tr. Ircink. Motion passed 7-0 by a roll call vote.

f. Consider Water Meter Replacement Program project management and communication plan

Tr. Amenta mentioned all communication plans were pulled because she would like the communication to be handled comprehensively. She has heard from community members that the current communication channels do not reach all residents. Tr. Amenta proposed a spring newsletter or larger communication mailed out with this content and other significant items. She expressed the Village should continue doing mailed Village newsletters every two months. Ms. Butschlick mentioned the two DPW project communication plans do incorporate door hangers as a special communication strategy. Multiple mailings would also be utilized. There was discussion about costs related to a separate mailing and the current utilization of Shorewood Today. Tr. Carpenter asked about completing assessments every other year. Mr. Emanuelson mentioned that decision is made through the contract, which is up and staff will be completing an RFP process.

Tr. Amenta moved to adopt the water meter replacement program project management and communication plan. Tr. Bockhorst seconded the motion. Motion passed 7-0 by a roll call vote.

g. Consider CSSA Downspout Disconnection Program project management and communication plan.

Tr. Amenta moved to approve the CSSA Downspout Disconnection Program project management and communication plan. Tr. Bockhorst seconded the motion. Motion passed 7-0 by a roll call vote.

h. Consider communication plan for 2021 assessment revaluation.

Tr. Amenta moved to adopt the communication plan for the 2021 assessment revaluation. Motion seconded by Tr. Warren. Motion passed 7-0 by a roll call vote.

7. Public Hearing(s) (8:54 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. (8:55 p.m.) –

Ms. Nicole Etter, 4419 N. Woodburn St. has been a victim of a harassing woman that is her neighbor. The neighbor has rammed karts into her body and has been hurt. She hasn't been the only victim of this neighbor as she has talked with other neighbors and community members. There was clarification from staff about the Village's residential mediation program. Board members made comments

referencing the complaint process is being reviewed by the Police organization study and involvement of the Police Commission.

Ms. Norma Duckworth, 4116 N. Stowell Ave. reflected about the harassment her experience with the neighbor and the Village's involvement. Board members expressed their dissatisfaction with these occurrences and hope the Village can improve the community to be more welcoming.

The Village Board took a recess at 9:10 p.m. The recess ended at 9:18 p.m.

9. New Business

- a. Consider award of contract for 2021 Manhole Rehabilitation program. (9:18 p.m.)

Ms. Butschlick summarized the bids that came in for the 2021 manhole rehabilitation program.

Tr. Amenta moved, seconded by Tr. Warren award of a unit price contract for the 2021 Manhole Rehabilitation Project to Redina Construction in the amount of \$25,952.10. Motion carried 7 – 0 by a roll call vote.

- b. Consider award of contract for 2021 Sanitary Sewer Lining Program. (9:19 p.m.)

Ms. Butschlick summarized the bids that came in for the 2021 sanitary sewer lining program.

Tr. Ircink moved, seconded by Tr. Amenta award of a unit price contract for the 2021 Sanitary Sewer Lining program to Visu-Sewer, Inc. in the amount of \$162,642.50. Motion carried 7 – 0 by a roll call vote.

- c. Consider Resolution 2021-06 Reducing Class "B" and "Class B" Intoxicating Liquor and malt beverage, "Class C" wine license 2021 renewal fee and waiving the late fee for restaurants and bars in the Village of Shorewood who are closed or serving in limited capacity due to COVID-19. (9:21 p.m.)

Ms. Ewald clarified this would be for all eligible businesses and the reduction in fee is included in the supporting documents. It was noted a fiscal note is missing from the agenda packet.

President Rozek moved to defer due to the missing fiscal note. Tr. Carpenter seconded the motion. Motion was dropped due to the new information provided by Ms. Ewald.

There was an inquiry about if the BID was communicated about the changes. Ms. Ewald mentioned this action occurred last year in response to COVID. It was clarified that if deferred for two weeks that additional communication with businesses about refunding for any charges for the correct amount would occur. Ms. Ewald estimated the financial impact to be \$5,900.

President Rozek moved, seconded by Tr. Ircink to approve Resolution 2021-06 Reducing Class "B" and "Class B" Intoxicating Liquor and malt beverage, "Class C" wine license 2021 renewal fee and waiving the late fee for restaurants and bars in the Village of Shorewood who are closed or serving in limited capacity due to COVID-19 for an estimated reduction of revenue of \$5,900. 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 Tax Incremental Financing (TIF) requests. (9:31 p.m.)

Ms. Ewald presented the proposed fees relative to the TIF requests.

Tr. Amenta moved, seconded by Tr. Bockhorst to approve Resolution 2021-02: A Resolution amending fees within the Village Fee Schedule relative to Tax Incremental Financing (TIF) requests. Motion carried 7 – 0 by a roll call vote.

- e. JP&L Committee report and possible action on citizen complaint. (9:34 p.m.)

Attorney de la Mora was in attendance as outside counsel to assist the Village Board with the discussion. There was discussion about whether or not to have the item discussed in open or closed session. Tr. Carpenter clarified the recommendation from the JP&L Committee was to determine if the actions meet the standards of official misconduct. The word maleficence in the JP&L Committee notes needs to be changed to malfeasance. Attorney de la Mora provided his thoughts on whether the Board can proceed with the actions, which in his opinion was no due to the fact the ordinance has already been repealed. Mr. Davidian provided the Board his thoughts on how he felt the Village Attorney purposely misconstrued the law. Attorney Nathan Bayer presented his individual case to the Village Board, clarifying how the request came to the Village and the definition of a public record. Tr. Amenta mentioned the Board needs to concentrate on whether the accusation meets the standards of official misconduct and not whether or not the Attorney is innocent or guilty. Tr. Carpenter mentioned this same process was used for the other complaints recently filed. The other votes were unanimous in repealing the ordinance, and all complaints were unanimous at the JP&L Committee or Public Safety Committee that the complaints did not meet the standards of official misconduct. It was clarified Tr. Amenta abstained from the vote involving her.

President Rozek moved to direct the Police Chief, Village Attorney, and Village Manager to allow a member of the public to scan copies, with their own scanner, not original documents, at no cost during public business hours. Tr. Amenta seconded the motion. There was discussion about if the motion would or would not be burdensome for staff and what the current open records law states regarding the motion. Tr. Amenta called to question. President Rozek seconded the call the question. Motion passed 7-0 to call to question by a roll call vote. Original motion passed 6-0 with Tr. Bockhorst abstaining.

Attorney de la Mora provided his recommendations to table the discussion and how case law has yet to reflect current technology and metadata. There was continued discussion on how this process is being handled compared to the other complaint processes.

Tr. Ircink moved to table the discussion of the complaint about Attorney Bayer. Tr. Warren seconded the motion.

Mr. Bayer mentioned the documents assembled for Mr. Davidian is the only document of that precise record. Mr. Bayer articulated he only provided a response to a legal question and allowed the custodian of the records to decide how to proceed. Mr. Davidian expressed he did not agree with Mr. Bayer's assessment that the documents aren't a copy of a copy. Other comments from the Board include the Board has the ability to terminate the agreement of Mr. Bayer instead of going to Circuit Court, listening to Mr. de la Mora's recommendation to table the discussion on the complaint, legal representation was not present during the JP&L Committee meeting which led to the request to have Mr. de la Mora to be in attendance, and staff presence needed to assure documents would not be damaged while scanned by a community member. Mr. Chuck Carlson expressed his complaint had inaccurate information

provided, did not have the ability to defend himself, and the complaint decision did go to the full Board. Mr. Evan Schmit (4504 N. Woodruff Ave.) expressed his dissatisfaction with the conduct of the Board on this issue and questioned what facts about the malfeasance was present in regards to Attorney Bayer in the allegations. Mr. Jim Arndorfer (2520 N. Shorewood Blvd.) supported the comments from Mr. Schmit.

Motion to table the discussion of the complaint approved by a 5-2 vote with Tr. Amenta and President Rozek voting no.

10. Reports of Village Officials (10:55 p.m.)

- a. Village President – No report.
- b. Village Trustees – Tr. Ircink reported the Farmers Market will be back to Estabrook Parkway and the County is considering making it an active street again this year. Tr. Bockhorst reported tomorrow is Election Day. Shorewood High School mock trial is going to state. Tr. Bockhorst wants to work harder to not waste more time during Board meetings. Tr. Warren reported the Environmental Film Festival will be virtual this year. Tr. Stokebrand reported there will be a virtual open house for the first review of the Comprehensive Plan to come in March. Tr. Amenta reported the CDA will meet this week to extend TID 1 one year to make funds available for affordable housing.
- c. Village Manager – No report.

11. Items for future consideration (11:01 p.m.)

- a. Consider repurpose the remaining bond funds for the police station for improvements relating to the community space – Tr. Amenta

Tr. Amenta wants to discuss ways to utilize the open space in the police station for community space. Tr. Amenta moves to add to a future agenda to repurpose the remaining bond funds for the police station for improvements relating to the community space. President Rozek seconded the motion. Ms. Ewald clarified bond counsel stated these specific bond funds could not assist the funding for a community space but the discussion could entail allocating future funds for this purpose. With this information, Tr. Amenta withdrew her motion and President Rozek withdrew her second with no objection.

President Rozek moved to direct staff to receive a quote from the Police organization analysis consultant to assist the implementation of the study. Trustee Warren seconded the motion. There was discussion about spending more money on consultants when considering other priorities. Tr. Stokebrand expressed the consultant stated he would be happy to answer clarification questions about the study. Ms. Ewald asked for clarification on the scope, which would be defined at a later meeting. Motion approved 6-1.

12. Adjournment.

Tr. Ircink moved and Tr. Warren seconded to adjourn at 11:12 p.m. Motion carried 7 - 0.

Respectfully submitted,
Sara Bruckman, CMC/WCMC
Village Clerk