



DRAFT

**MINUTES - SHOREWOOD BOARD OF TRUSTEES**  
**Village Board Meeting**  
**October 5, 2020**

1. Call to Order

Tr. Stokebrand called the meeting of the Village Board to order at 7:39 p.m., as President Rozek did not have an internet connection, only an iPhone connection, Tr. Stokebrand chaired the meeting.

2. Roll Call

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

Others Present: Village Manager Rebecca Ewald, Village Attorney Nathan Bayer, Public Works Director Leeann Butschlick, Planning and Development Director Bart Griepentrog, Police Chief Peter Nimmer, Health Department Director Ann Christiansen, Fire Chief Robert Whitaker

3. Statement of Public Notice

Clerk Bruckman stated that the meeting had been posted and noticed according to law.

President Rozek resumed an internet connection and presided over the meeting.

4. Special Order of Business

a. Consider 2020 Trick or Treat. (7:42 p.m.)

Tr. Carpenter suggested moving the time from 1 p.m. to 4 p.m. similar to the other North Shore communities. Tr. Warren suggested aligning with the North Shore Health Department (NSHD) and Center for Disease Control (CDC) pandemic guidelines. He inquired when Milwaukee will make their decision. If Milwaukee cancels, Shorewood may see a large influx of people in COVID conditions. He was open to deferral until Milwaukee made a decision on Trick or Treat. It was advised that Village staff does not know when Milwaukee will make a decision. Tr. Amenta did not favor canceling Trick of Treat, as she did not believe there was a mechanism for canceling. Tr. Ircink relayed he was not supportive of Trick or Treat; however, did not believe the Village could stop it. Tr. Bockhorst relayed that these are unprecedented times and concurred with Tr. Ircink. She encouraged the Village of Shorewood to be leader in public safety and public health. She also agrees with Tr. Amenta that local government should not be involved in Trick or Treat. Tr. Stokebrand relayed she has received input from residents requesting Shorewood not schedule Trick or Treat this year and she supports these sentiments. President Rozek concurred with canceling Trick or Treat and getting the word out through the media. It was clarified that the Intergovernmental Cooperation Council (ICC) voted in the majority side to be involved in the scheduling of Trick or Treat for the next several years. Tr. Carpenter noted that we should not be sanctioning other activities.

Zach Lipo-Zovic, 2504 Newton Avenue – supports waiting until Milwaukee decides. There are alternative ways to celebrate the holiday and the Village shouldn't sanction other large events or the Farmer's Market.

Tr. Stokebrand moved and President Rozek seconded the Village of Shorewood refraining from setting official Trick or Treat hours this year and encourage residents to follow the NSHD and CDC guidelines and find

alternative ways to celebrate the holiday this year.

Tr. Amenta noted that some areas have already received approval for block parties on Halloween. Tr. Bockhorst relayed the block parties and village wide Trick or Treat are two separate items and handled separately. Tr. Warren concurred with Tr. Bockhorst and didn't support an amendment to the motion and desired to address block parties separately. Tr. Carpenter concurred that the focus should be kept on Halloween but did believe it was a mixed message. She relayed the desire to have a consistent message and would not like to encourage groups of more than 50 and be consistent with our messaging around gatherings.

President Rozek entertained an amendment including language to not officially sponsor Trick or Treat and the Village would not hold or promote an event such as a block party that would take the place of Trick or Treating. Atty. Bayer noted the Village Board could not pull previously issued permits, as that was not listed on the agenda this evening. This could be taken up under future agenda items. Tr. Stokebrand noted that if people have their own block party, it is not a village sanctioned event and did not agree with prohibiting these events. Tr. Amenta noted she will vote in favor, people need to take responsibility and make their own decision based upon their own risk analysis. Tr. Ircink relayed he would like to stop the spread of a virus. Tr. Warren supported the amendment.

Motion restated: Tr. Stokebrand moved and President Rozek seconded the Village of Shorewood refrain from setting official Trick or Treat hours this year and encourage residents to follow the NSHD and CDC guidelines and find alternative ways to celebrate the holiday this year. Motion carried 7 – 0 by a roll call vote.

b. Memo regarding jurisdiction authority for COVID-19. (8:18 p.m.)

Atty. Bayer reviewed his memo provided to the Board. Director Christiansen relayed NSHD is working with and have had ongoing discussions with the schools. The primary information given is that the learning model will impact the possible spread and quarantine. NSHD has emphasized social distancing within the buildings and the school determined the appropriate learning models. There have been cases of COVID in the schools and NSHD determines the close contacts and those then requiring quarantine. The schools have been making every effort to minimize the spread with isolating, stopping the spread, social distancing, masks and being in person, hybrid or virtual model.

St. Robert's created a re-opening plan independently and NSHD provided additional suggestions. NSHD assisted in isolating positive cases, identifying close contacts and provided recommendations to further minimize students from close contacts. St. Robert's has been collaborating with NSHD to help keep everyone safe and keep an open line of communication. NSHD has a plan from St. Robert's that has been approved by their school safety group. NSHD relayed that Village's face covering ordinance was clarified and updated within the scope of St. Robert's re-opening plan.

Tr. Amenta relayed her concern of relying on a strategy of quarantining versus testing. She doesn't understand why everyone who is quarantining is not tested. Smaller college schools are testing every student every two weeks. She doesn't know how we will navigate the opening of schools without more testing. She requested NSHD come to the North Shore communities with a dollar estimate to increase testing. Tr. Ircink noted that if a child has quarantined, a sibling can go back to school. Their written policy also references that masks are exempt from some classrooms. NSHD noted they believe St. Robert's does require masks in their classrooms and their documentation must not be updated to reflect this change. Tr. Bockhorst noted there are different ideologies on how to proceed and there are communities that have applications that schools and businesses must complete to make the institutions abide by their plans after review by their local health department. A civil forfeiture may be issued if the state mandate is violated and an educational requirement in our local ordinance. NSHD clarified that close contacts should quarantine. Siblings are not required to be in quarantine unless the contacts developed signs, symptoms and disease per the Department of Health Services (DHS) guidance. There is a shortage of testing supplies at this time, so it would be a challenge even if funds were available to set up the protocol suggested during the meeting. There will be more testing available in the future and NSHD asked for local officials to call on the state to request the federal level make

changes for testing.

Daryl Brockman, 4050 N. Downer Avenue – questioned why St. Roberts is not following DHS guidelines as a minimum standard. NSHD is recommending St. Robert's follow the DHS guidelines for re-opening and when there are cases NSHD does require to follow the DHS guidelines. Mr. Brockman inquired what one should do if parts of those guidelines are not being followed. NSHD directed that they should connect with the school and principal. Ms. Brockman relayed that 4 years olds are not wearing masks at this time.

Tr. Ircink noted that if we are being strict with our businesses, we should hold schools to the same standard. Tr. Amenta noted that there were lengthy discussions about enforcement and that this needs to be considered by the health department with concerned parents. Tr. Warren inquired if we would align with the enforcement mechanism of the governor's order, the provision of a civil forfeiture of \$200. It is technically the same agency, a state forfeiture or local forfeiture depending how it is issued.

5. Consent Agenda Items (8:53 p.m.)

- a. Accept Presentation of Accounts – October 5, 2020
- b. Consider Village Board Minutes – September 8, 2020
- c. Consider Village Board Minutes – September 21, 2020
- d. Consider Disallowance of Claim – Mary McCormick v. Village of Shorewood, Claim #WM000401810168

Tr. Warren moved, seconded by Tr. Ircink moved to approve the consent agenda. Tr. Amenta requested to remove item 5b. Motion carried 7 – 0 with item 5b removed.

6. Items Removed from the Consent Agenda (8:54 p.m.)

Tr. Amenta noted the September 8 meeting minutes, pg. 7, 4<sup>th</sup> paragraph to approve Resolution 2030, the motion carried by roll call vote 5-1 without identifying the nay vote. The Board has requested the clerk identify the nay vote and she is ok passing the minutes with the nay vote being updated within the meeting minutes.

Tr. Amenta moved, seconded by President Rozek to approve the September 8 meeting minutes if the document is updated identifying the individual who placed the nay vote. Motion carried 7-0.

7. Public Hearing(s) – 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.)

Paul Zovic was called on to speak; however, was not present.

DeeDee Minash 1808 E. Wood Place, Apt. 204 – all board members have received a letter from her and she would like to expound on it. Unless you are a renter in Shorewood, you have no idea what parking is like in Shorewood. She disagrees with rescinding the vote on parking and provided examples of why the parking policy changes proposed are important to those who rent. She requested the Village Board support the proposed parking changes.

At 9:10 p.m. the Village Board recessed, agreeing to reconvene at 9:20 p.m.

9. New Business

- a. Consider Resolution 2020-35: Allowing an Option for the Member Municipalities of the North Shore Fire Department an Exception to the Levy Limits for Charges for the North Shore Fire Department Pursuant to 2005 Wisconsin Act 484. (9:21p.m.)

Chief Whitaker introduced the levy limit exemptions to allow a member municipality to exempt a joint department increase from their levy limit calculation.

Tr. Amenta moved, seconded by Tr. Warren to approve Resolution 2020-35: Allowing an Option for the Member Municipalities of the North Shore Fire Department an Exception to the Levy Limits for Charges for the North Shore Fire Department Pursuant to 2005 Wisconsin Act 484. Motion carried 7 – 0 by a roll call vote.

- b. Consider Resolution 2020-36: 2021 NSFD Fees for Service Schedule. (9:23 p.m.)

Chief Whitaker introduced the resolution.

Tr. Carpenter moved, seconded by Tr. Amenta to approve Resolution 2020-36: 2021 NSFD Fees for Service Schedule. Motion carried 7 – 0 by a roll call vote.

- c. Consider Resolution 2020-37: Agreement for Mutual Assistance. (9:25 p.m.)

Chief Whitaker introduced the resolution updating the current mutual aid agreement, specifically updating legal language agreed upon by the various entities and recommended by the ICC and NSFD Board. Operationally the updated agreement does not change the NSFD agency response.

Tr. Stokebrand noted Franklin had an issue with the prior document. It was noted that the document was not substantially changed after reviewed by the municipal insurers and then agreed to again by the municipalities.

Tr. Carpenter moved and Tr. Warren seconded to approve 2020-37: Agreement for Mutual Assistance. Motion carried 7 - 0 by a roll call vote.

- d. Southeast Area Combined Sewer Improvements (SEACSI) project update. (9:29 p.m.)

Strand, the Village's engineer, is waiting on additional rain fall or flow data to finalize their model for the sewer design improvements. Staff anticipates providing a communication plan to the Village Board for consideration at a future meeting. Monthly updates will be provided moving forward via the Village Manager's updates to the board. This is an update only.

- e. Consider authorization to proceed with storm sewer repair at 4480 N. Lake Drive. (9:31 p.m.)

Miller Engineer's estimate of probable cost was provided to the Village Board today in the updated memo. Tr. Carpenter requested a better understanding of the erosion that occurred. Phil Bzdusek, Strand - Village Engineer, reviewed the Village's understanding of the erosion and clarified the costs of Phase I and II of the project. There is a one-year project warranty on the work, but there is no extended warranty. It was clarified that the work would be advertised as soon as easements are obtained from all property owners. Phase II includes a barge for fixing the outfall. Temporary easements will be obtained for three properties and a permanent easement for 4480 Lake Drive. All property owners have been in contact with the engineer and are looking forward to getting the project started as soon as possible. It is not anticipated there will be any major objections to the work. Ideally it would be good to have Phase I completed by late February and Phase II work completed following Phase I, pending weather conditions. The bluff will be stabilized through erosion mats, gravel access and finished slopes and will not be susceptible to erosion in March and April.

Tr. Warren moved and Tr. Ircink seconded to approve the project in the estimated amount of \$822,000 and direct staff to proceed with implementation. Tr. Amenta inquired about future erosion. The area with the retaining walls are designed to protect the storm sewer structure. Tr. Amenta inquired on the use of eminent domain. Atty. Bayer noted that it wouldn't be practical as only a portion of the property requires an easement for the storm sewer. Tr. Stokebrand clarified that the retaining walls are only as good as the drainage behind them. The engineer noted there are materials placed behind the walls to facilitate drainage. It was clarified that this project would be added to the capital budget. It was further clarified that legal and engineering will be added to the estimate of construction probable cost. Motion carried 7 – 0 by a roll call vote.

f. Reconsider modification of Night Parking Regulations.

1. Ordinance 3013 – An Ordinance Amending Section 500-15 Night Parking

When a vote is reconsidered, once the original motion to reconsiders passes, we go back in time prior to the vote being taken on the original motion.

Motion being reconsidered: Tr. Stokebrand moved, seconded by Tr. Amenta to approve Ordinance 3013, an Ordinance Amending Section 500-16 Night Parking to allow overnight parking in the Village of Shorewood with a limit of two overnight parking permits per residential household and an unlimited number of overnight parking permits available to commercial enterprises.

Tr. Amenta relayed that motion to reconsider was to do alternate side parking at the same time. She desired to direct staff to come back with alternate side parking regulation details so both could be implemented at the same time. Atty. Bayer outlines some options for the Board to proceed:

- Unanimous consent to withdraw the motion
- Make an amendment to the motion
- The Board could proceed with a no vote to expressly have the conversation come back to the body at a later date with additional alternative side parking requirements.

Director Griepentrog reviewed the current overnight parking regulations in comparison to the proposed changes as outlined, see Exhibit A Parking slides.

Tr. Amenta clarified that the analysis referred to is the consultants parking and transportation analysis recommendations. Tr. Stokebrand inquired why we would not do daytime alternate side parking. Director Griepentrog advised it was not specifically recommended within the analysis. The consultants believed that with enforcement of overnight alternate side parking, cars would move frequently enough that daytime alternate side parking would not be required. Daytime alternative side parking will impact streets differently based upon their size and location and would require further review with Public Works, particularly for winter parking. Tr. Stokebrand suggested limiting the commercial permits to employees of Shorewood businesses. There were no changes recommended to the Residential Congestion Area (RCA) district and Tr. Stokebrand requested that be noted as a part of the motion. Tr. Carpenter noted her reasoning for reconsideration of the motion was the winter parking regulations and confusion that comes with them. She would prefer to move away from winter parking regulations and do alternate side parking for winter regulations. DPW has noted that this makes snow removal easier. Everything else seems right; however, Tr. Carpenter struggles to do all of the changes at one time. Tr. Carpenter prefers the even/odd regulation for alternate side parking.

Tr. Warren feels a level of comfort moving forward with getting these recommendations on the books and reviewing it with additional implementation efforts down the line. Tr. Bockhorst relayed that reconsideration of the vote was to reconsider alternate side parking. It was confirmed that the current motion is on the table, just prior to the vote. Tr. Bockhorst suggested November 15 – April 15 from 1 a.m. – 7 a.m. parking on even/odd side of the street similar to the City of Madison as opposed to designing regulations by committee.

The original motion was restated: to approve Ordinance 3013, an Ordinance Amending Section 500-16 Night Parking to allow overnight parking in the Village of Shorewood with a limit of two overnight parking permits per residential household and an unlimited number of overnight parking permits available to commercial enterprises.

Tr. Bockhorst moved and Tr. Ircink seconded to approve Ordinance 3013, an Ordinance Amending Section 500-16 Night Parking to allow overnight parking in the Village of Shorewood with a limit of two overnight

parking permits per residential household and an unlimited number of overnight parking permits available to commercial enterprises.

Tr. Carpenter desired to get winter parking corrected with alternate side parking. Director Griepentrog clarified the ordinance proposed would not accommodate for day time alternate side parking. Tr. Amenta clarified that the consultant recommended 10 p.m. – 6 a.m. for alternate side parking. Director Griepentrog clarified that 10 p.m. was thought to be too early and that the regulation would not apply to those streets with only room for parking on one side of the street.

Tr. Amenta moved, seconded by Tr. Carpenter, to amend the motion for alternate side parking with streets with sufficient width between the hours of midnight to 8 a.m. It was clarified that this would be in place of winter parking regulations. It was clarified that winter parking modifications were not included or listed on the agenda for this meeting. Expanding alternate side parking is within the scope of discussion at this meeting, but repealing winter parking would not be within the scope of the agenda. Tr. Amenta believed the Board should be able to make this change. Tr. Stokebrand relayed that it seemed as if that would be housekeeping completed at the following meeting. In the bigger scheme, it was clarified that parking policy changes would start March 1, not January 1 to accommodate the RFP timeline for software. Tr. Stokebrand supported alternate side parking from 12 a.m. – 8 a.m. and elimination of winter parking regulations starting March 1. Atty. Bayer relayed the agenda does not give proper notice of changes to winter parking regulations. Tr. Warren preferred to take the amendment and motion to narrow the discussion. Director Butschlick noted that clear signage will be critical approaching the snow season and how the police will enforce a policy change. Tr. Amenta did not want to make parking changes every three months, as it causes community disruption and prefers a comprehensive approach. She agrees with implementation following March 1. President Rozek agreed. Director Butschlick noted a reasonable timeframe to change signage would depend on the ordinance amendments and time of year. If we are swapping out signs on existing posts, that is different than changing post locations, which may not be feasible with winter weather conditions.

Tr. Bockhorst suggested rolling out amendments only to those that hold a current permit, a requirement for alternate side parking now and then expand it in the future to other permit holders. She does not desire to wait until May 1. President Rozek relayed her interest in modifying parking regulations and was not supportive of making amendments to parking ordinances incrementally. Director Griepentrog noted the incremental approach expands the opportunity for the overnight parking permit to be purchased and it could be done under the current parameters of the other restrictions to allow us to get a handle on the impacts prior to making additional changes. Tr. Stokebrand desired to reconsider for the RFP on software and allow DPW time to review snow, leaf and garbage collection operations and install signs. She would like to vote on the amendment and motion.

Tr. Amenta made an amendment to her motion to implement May 1, 2021. Trustees Warren, Ircink, Bockhorst objected. Amendment to the motion failed without received a second. Tr. Amenta called the question and Tr. Stokebrand seconded. Motion carried 7-0.

Amendment: Tr. Amenta moved to amend the motion for alternate side parking from midnight to 8 a.m. and Tr. Carpenter seconded. Motion carried 6-1 by a roll call vote with President Rozek voting nay.

Amended motion: approve Ordinance 3013, an Ordinance Amending Section 500-16 Night Parking to allow overnight parking in the Village of Shorewood with a limit of two overnight parking permits per residential household and an unlimited number of overnight parking permits available to commercial enterprises and to implement alternate side parking with streets with sufficient width between the hours of midnight to 8 a.m. Motion carried 6-1 by a roll call vote with President Rozek voting nay.

It was noted the effective date would be January 1, 2021. This date will not be possible with software changes. Tr. Amenta directed staff to return with an amendment to eliminate winter parking regulations. Director Griepentrog noted that he would bring this back at a future meeting and consideration of a modified

implementation date. President Rozek noted that there are additional changes required and therefore will be voting no.

2. Policy 39 – Overnight Parking Permission

Policy 39 was drafted and not implemented in years past. It directs staff on how to implement the ordinance modifications. Tr. Amenta moved to approve Policy 39 by adjusting the time from midnight - 8 a.m., seconded by Tr. Warren. It was clarified that alternate parking is midnight – 8 a.m. and the permit is for 3 a.m. – 5 a.m. Tr. Amenta withdrew her motion.

Tr. Amenta moved and Tr. Warren seconded to adopt Policy 39 Overnight Parking Permissions including the updated verbiage “with a limit of two overnight parking permits per residential household and an unlimited number of overnight parking permits available to commercial enterprises. Motion carried 5 -1 by a roll call vote with President Rozek voting nay and Tr. Stokebrand absent.

3. Resolution 2020-30 – A Resolution for Amending Fees within the Village Fee Schedule Relative to On-Street and Off-Street Overnight Parking, and Daytime and 24-Hour Parking within Off-Street Lots.

Motion being reconsidered: Tr. Amenta moved, seconded by Tr. Carpenter to approve Resolution 2020-30 – A Resolution for Amending Fees within the Village Fee Schedule Relative to On-Street and Off-Street Overnight Parking, and Daytime and 24-hour Parking within Off-Street Lots, as drafted.

Motion: to approve Resolution 2020-30 – A Resolution for Amending Fees within the Village Fee Schedule Relative to On-Street and Off-Street Overnight Parking, and Daytime and 24-hour Parking within Off-Street Lots, as drafted. Motion carried 6 – 1 by a roll call vote with President Rozek voting nay.

g. Reconsider the contract approval for Gtechna as the new Citation and Parking Permit Management Off-Street Lots (11:05 p.m.)

Motion being reconsidered: Tr. Ircink moved, seconded by Tr. Amenta to allow staff to negotiate a 3-year service agreement with Gtechna for Citation and Parking permit management services and approve them as the Village’s New Citation and Parking permit management services provider.

President Rozek noted she will be voting no. Tr. Warren noted his vote will be consistent from the last meeting, as he believes an RFP is needed. It was clarified that staff will need to determine the timeline for an RFP and how that will impact the next steps for implementation. It is the intent of the Board to clarify the implementation date after hearing from the staff a proposal for implementation. Tr. Carpenter moved and Tr. Warren moved to call the question. Call to question carried 7-0.

Motion: to allow staff to negotiate a 3-year service agreement with Gtechna for Citation and Parking permit management services and approve them as the Villages New Citation and Parking permit management services provider. Motion failed 2-5 by a roll call vote with Trustee Bockhorst and Ircink voting aye.

Atty. Bayer noted the software will be processed through an RFP. Tr. Bockhorst relayed that staff should move forward with executing the RFP, not bringing it back to the Board.

10. Reports of Village Officials (11:18 p.m.)

- a. Village President – no report.
- b. Village Trustees – Tr. Stokebrand updated the Plan Commission met September 29 and reviewed drafts of the Issues and Opportunities chapter, Intergovernmental Cooperation chapter and Land Use chapter (for the Comprehensive Plan Update).

In Issues and Opportunities, the feedback that the consultants received have led to 4 strategic directions:

1. Ensure redevelopment on Capital and Oakland meets community goals
2. Promote inclusivity, racial equity and diversity
3. Actively pursue attainable and affordable housing for all Shorewood Residents
4. Remain flexible in the face of retail and office uncertainty

Although we spent a lot of time discussing height restrictions, we also talked about going to form-based zoning standards, which is conducive to establishing upfront what the community wants rather than reacting to what it dislikes. Conventional zoning focuses on land use. Form-based zoning standards looks at relationships between buildings and the street, pedestrians and vehicles, public and private spaces, for example.

The public engagement meeting will be in mid-November and a draft of the plan should be available in late November or early December.

Tr. Bockhorst updated the League of Wisconsin Municipalities conference will begin tomorrow and this will conclude her time on the League Board.

- c. Village Manager – no report.

#### 11. Items for future consideration.

- a. Consider next steps for police union complaint – Tr. Ircink. (11:21 p.m.)

Tr. Ircink moved and Tr. Bockhorst moved to consider the police union complaint on a future agenda. Tr. Stokebrand inquired what committee this would go to. Tr. Ircink suggested Public Safety. There was no objection to put that into the motion. Tr. Ircink moved and Tr. Bockhorst moved to consider the police union complaint of a future Public Safety agenda. Tr. Warren clarified with confirmation from Atty. Bayer that the Board has been advised to follow the Section 155-23 of the Village ordinance for this process. President Rozek did not believe it should be processed under Section 155-23. Tr. Amenta noted that she does not agree with this matter going to the Village Board, as this is the Village President appointment. Motion carried 5-2 by a roll call vote with President Rozek and Tr. Amenta voting nay.

Tr. Amenta moved and seconded by President Rozek to reconsider opening Village Hall. It was clarified that opening of Village Hall and in person meetings are two separate discussions. Motion carried 7 - 0 by a roll call vote.

Tr. Amenta moved and President Rozek seconded to consider section 155-23 charges against officers for purpose, effectiveness and if the Village Board should remove this section of the ordinance. Motion carried 7-0.

#### 12. Adjournment.

Tr. Bockhorst moved and Tr. Warren seconded to adjourn at 11:40 p.m. Motion carried 7 - 0.

Respectfully submitted,

Sara Bruckman, CMC/WCMC  
Village Clerk