1. Call to Order
   President Rozek called the Committee of the Whole meeting of the Village Board to order at 6:08 p.m. in the Committee Room.

2. Statement of Public Notice
   Clerk Bruckman stated that the meeting had been posted and noticed according to law.

3. Roll Call
   President Rozek called the roll. Present: Trustees Davida Amenta, Michael Maher, Ann McKaig and Wesley Warren. Trustees Bockhorst and Carpenter were excused. Others Present: Village Manager Rebecca Ewald, Public Works Director Leeann Butschlick, Assistant Public Works Director Joel Kolste, Finance Director/Treasurer Mark Emanuelson

4. Presentation – Automated Meter Infrastructure.
   Tom Nenning P.E. with City Water Works presented the slide show included in the January 7, 2019 Village Board packet. In 2013 the Public Service Commission (PSC) ordered municipalities to reduce their non-revenue water (NRW, is purchased water from Milwaukee Water Works and sold to the Village of Shorewood). Meters are required by PSC to be replaced every 20 years because the majority of Wisconsin is ground water; which is high in minerals. Mr. Nenning explained 44% of the meters in the Village of Shorewood are 20 years or older. The replacement of the meters was originally to occur in 2016 and was placed on hold. Mr. Henning explained if the Village is going to update the meters it should update the meter reading system and marry the two systems together. Also, one of the highest cost to the project is getting into the resident’s home. Mr. Nenning explained the difference between AMR and AMI
   Automated Meter Reading (AMR) is a one-way communication technology to collect data from meters via walk- or drive-by method. One meter reading per billing cycle.
   Advanced Metering Infrastructure (AMI) provides two-way data flow between the meter and the utility for use by the utility and the customer. Hourly readings sent directly to the utility daily.
   Mr. Nenning explained the benefits of the Village implementing an AMI system:
   Two-way communication, more refined customer usage information, tool for water loss reduction, earlier detection of customer plumbing leaks, reduce vehicle emissions, customer’s ability to manage usage.

Some of the Village Board member’s questions were as follows:
Is the Village receiving a penalty for being out of compliance? Mr. Nenning explained there is no penalty at this time.
Has the Village of Shorewood considered partnering up with neighboring communities? Mr. Nenning explained Whitefish Bay and Milwaukee are implementing a drive-by network.
Who is currently in charge of collecting the meter reads every 90 days? Mr. Nenning and Ms. Butschlick explained the Village of Shorewood Public Works Department currently collects the reads and it takes two people a total of 460 hours each billing cycle.
If there is a leak detection on private property, can the Village mandate the homeowner to fix the leak? Mr. Nenning explained the Village can mandate the homeowner to fix the leak.
Some Village Board members expressed the meter replacement with AMI was approved by a previous Village Board and many of those members are no longer on the Village Board. Some Village Board members inquired if the residents support or are requesting the change to AMI. Mr. Nenning explained the installation cost would be the same regardless if the Village chooses AMR or AMI. The Village is looking - beyond the change out/installation costs to determine what is the most beneficial way of the meters being read and what is most beneficial for our customers. Some Village Board members would like to see both AMI and AMR bid out. Some Village Board member questioned why all three components will be bid together? Mr. Nenning explained if something isn’t working right, they won’t take ownership; staff would need to act as the general contractor.
The Village Board will also consider a project management contract extension with City Water. Some Village Board members questioned why the need for a project manager? Mr. Nenning explained the project manager would oversee the contract of all vendors, pull residents off the old system and put them on the new system, and conduct balance due billing functions at the same time. Ms. Butschlick explained time management and many of the areas we need their level of engineering and field expertise; there is no one on Village staff that has this level of expertise.

The following items will be brought back and discussed at the February 4, 2019 Village Board meeting.
- Cost per customer with the AMR and AMI systems.
- Decide to contract with City Water or RFP for the second phase with construction implementation of the bid, RFP, and implementation of the system.
- Difference in cost between completing the project in one year versus five years.

5. Tr. Warren moved, seconded by Tr. Maher to adjourn the meeting at 7:46 p.m. Motion passed 5-0.

MINUTES - SHOREWOOD BOARD OF TRUSTEES
Village Board Meeting
January 7, 2019

1. Call to Order
President Rozek called the meeting of the Village Board to order at 8:04 p.m. in the Court Room.

2. Roll Call
President Rozek called the roll. Present: Trustees Davida Amenta, Michael Maher, Ann McKaig and Wesley Warren. Trustees Bockhorst and Carpenter were excused.

Others Present: Village Attorney Nathan Bayer, Village Manager Rebecca Ewald, Director of Public Works Leaann Butschlick, Assistant Public Works Director Joel Kolste, Finance Director/Treasurer Mark Emanuelson

3. Statement of Public Notice
Clerk Bruckman stated that the meeting had been posted and noticed according to law.

4. Special Order of Business - None

5. Consent Agenda Items
   a. Accept Presentation of Accounts – January 7, 2019
   b. Consider Village Board Minutes – September 15, 2018 – deferred from 12/17
   c. Consider Village Board Minutes – September 17, 2018
d. Consider Village Board Minutes – October 1, 2018  
e. Consider Village Board Minutes – December 17, 2018  
f. Downer Meter Vault Replacement/Rehabilitation engineering RFP

Tr. Maher moved, seconded by Tr. Amenta to approve the consent agenda. Tr. Amenta requested items 5b and 5e to be removed.

Tr. Maher moved, seconded by Tr. Amenta to approve the consent agenda with items 5b and 5e removed. Motion carried 5 – 0.

6. Items Removed from the Consent Agenda  
5b, Consider Village Board Minutes – September 15, 2018; Tr. Amenta requested on the second page, third paragraph, the word wall should be added after retaining.

Tr. Amenta moved, seconded by Tr. Maher to approve the Village Board minutes of September 15, 2018 with the suggested changes. Motion carried 5 - 0.

5e, Consider Village Board Minutes – December 17, 2018; Tr. Amenta requested to strike the last paragraph of the Committee of the Whole, the Village Board could not come to a consensus on how to proceed.

Tr. Amenta moved to amend, seconded by Tr. Maher to approve the Village Board minutes of December 17, 2018 with the suggested changes. Motion carried 5 - 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. – None

9. New Business

a. Consider referendum on a local wheel tax.  
Mr. Emanuelson recapped his memo included in the January 7, 2019 Village Board packet. As part of the 2019 annual budgeting process, staff was asked to present to the Village Board for their consideration, opportunities to diversify the Village’s revenue streams so that they are not as dependent on property taxes to support municipal operations. Recently, the City of Wauwatosa began exploring the topic of a wheel tax to help fund transportation related projects. This method of revenue diversification could also be utilized by the Village of Shorewood. The Village of Shorewood has approximately 7,800 registered vehicles. If the Village were to implement an annual wheel tax of $20.00 per vehicle, this would generate nearly $156,000 of additional revenues to help offset transportation (road) related costs. While the implementation of a wheel tax can be done with the adoption of a resolution, for purposes of community discussion and engagement, the Village Board may wish to put this topic forward in the form of a referendum on the April election ballot. To do so would require Village Board approval and notification to Milwaukee County with the precise language by January 22.

The Village Board discussed potentially including this topic in the Community Survey instead. The Village Board was in agreement not to move forward with a referendum and would like to do further research on the topic.

Tr. Amenta moved, seconded by Tr. Maher to not place a referendum on the April 2, 2019 ballot and to return to discuss the wheel tax after the transportation and parking study are complete. Motion carried 5 – 0.
b. Consider recycling service at Public Works building

Ms. Butschlick recapped the memo included in the January 7, 2019 packet. The current collections contract with Waste Management includes service of the drop-off, co-mingled recycling containers at the DPW yard. These containers are officially available for public use weekdays from 7:00 a.m. to 3:30 p.m. and the Saturdays which the compactor is open from 8:00 a.m. to 2:00 p.m. In actuality, they are accessible on weekdays from approximately 6:00 a.m. to 4:30 p.m. as the gates are generally open during these times at the open and close of the workday when staff arrives and departs. Additionally, the parking lot area is accessible when DPW staff responds to an after-hours issue (plowing, watermain break, storm damage to tree limbs, etc). The containers are monitored only during the Saturday hours when a DPW employee is stationed nearby to collect the gate fee for compactor use. In the past five years, the average annual material tonnage collected at the drop-off center has been approximately 160 tons. Over the same period the tonnage collected curbside annually averaged 1,050. By contract, a fee of $413 is invoiced each month to service these containers. On average, the container are changed 12 times per month or approximately 2-3 times each week. The most recent invoice (November 2018), included $528 in additional disposal fees for contaminated loads in two of the 12 containers. It is staff’s understanding that the overseas markets for recyclable materials has dwindled. Domestic processors have more stringent contamination guidelines/requirements and are far more likely to refuse loads which contain non-recyclable items. The load is generally then disposed of as solid waste. The fees relate to either “dig out service” or the equivalent refuse disposal cost. During the week of 12/17/18, the Village received an automated telephone notification from Waste Management that one or more containers emptied the previous week were again contaminated. This has an obvious and significant fiscal impact. The annual budget allocated for the operation of the recycling center is $4,956 ($413*12 months). In a single month, if each container were contaminated the Village could be subjected to approximately $2,400 (12 containers @ $200 each) in fees.

President Rozek requested this item to be brought back to the January 22, 2019 Village Board meeting and to include the Waste Management contracts and volume of Village recycling in the packet. Members of the Conservation Committee were present and voiced their concerns on the topic.

Josh Liberatore, 4222 N. Larkin Street, Shorewood, 53211; explained the Conservation Committee is trying to come up with solutions for residents to make behavior changes. Ideas included a lidded dumpster for only cardboard, signing a form before depositing, and improving signage.

Donna Pollock, 4395 N. Alpine Drive, Shorewood, 53211; explained she has contacted Wauwatosa and Glendale, both communities explained they use Advanced Disposal and have not received additional assessments for contaminants in their recycling. In Glendale, you are required to sign a form before you deposit. In Wauwatosa recycling drop-off is open Tuesdays and Saturdays, residents must show ID.

c. Final Update on Wilson Drive.

Ms. Butschlick recapped the memo included in the January 7, 2019 Village Board packet. Please recall that the contract value as awarded was $2,844,972.63. The final value of installed work totaled $2,999,286.07, a net difference (overage) of $154,313.44.
As previously reported, the most significant value items contributing to the overage were related to the excavation of poor subsurface material throughout the project and increased asphalt pavement tonnage. The project included 137 bid items. Items with quantity variances of 10% or greater and a variance value of greater than $5,000 are highlighted in the attached. In general, they include:
• Excavation below subgrade to remove poor subgrade and resulting material used to replace excavated poor soils
• Additional drain tile installed to correct poor/wet subgrade
• Extension of project limits at intersections of Congress and Olsen to correct curb radius and pavement grades (this includes tack coat and asphalt)
• Additional sidewalk replacement due to poor condition at match points and pad to accommodate street furniture
• Additional engineered soil resulting from redesign of proposed bioswale profile (not buildable as designed)

Some Village Board members questioned if the Sewer Fund Balance would take care of the overages. Ms. Butschlick explained the bioswale needed to be redesigned because the original plan could not maintain clearance from the gas main. Mr. Emanuelson explained the 4th quarter financial report will address the outstanding bond reconciliation issues. Some Village Board members expressed they do not want to short the alley program. Ms. Butschlick explained the numbers during the alley presentation where very preliminary estimates, now that the engineering is complete, there will be more concrete numbers when the bids come in. If the Village Board wished to transfer funds back from Wilson Drive to alleys; Village Board action would be needed.

d. Consider options regarding The Ruckus’ liquor license

Attorney Bayer explained the memo included in the January 7, 2019 Village Board packet. First, the Village Board must determine whether there is “sufficient grounds” for either non-renewal or revocation of a liquor license. This is akin to a preliminary hearing in a criminal matter to determine whether there is probable cause to go forward. At this first stage, if the Village Board determines that there is “sufficient grounds” to revoke, Code Section 335-11 states that “the Village Board shall issue and cause to be served upon the licensee or permittee a summons to be signed by the Clerk notifying the licensee or permittee of a hearing, specifying the date, time, and place, which shall be not less than 10 days after the service of said notice.”

Second, the due process hearing at which witnesses are sworn and evidence taken. It is at this time that a final determination will be made on revocation.

The liquor license renewal process starts in the middle of March and concludes around the second week of May, with Village Board approval the first meeting in June. If the Board does not wish to pursue the revocation process and The Ruckus does not apply for renewal, the license would become property of the Village after June 30, 2019. If The Ruckus does apply for renewal, the Village Board would have the option to not approve their application at that time.

One Village Board member clarified the options are: to take action to seek revocation after the 120 days or we can wait until June 30, 2019 and there’s maybe a chance the owner does not apply and the Village would not have to do a hearing process. If the owner does apply, the revocation hearing process would take place.

Some Village Board members expressed they have heard there is potential sale of the current vacant lease, but the business owner seems to be up charging a large amount to take over that space; the concern that the higher fee is because there is a liquor license attached to that property. Ms. Ewald expressed she heard about the potential sale of the lease as well. Some Village Board members expressed they would like to see a thriving business in that space and it is in the Village’s interest to take the license back.

Some Village Board members expressed they do not feel comfortable moving forward with the revocation process; it feels like government interceding into a private negotiation. The village would have the grounds if 120 days pass without use of the license. Some Village Board members clarified with Attorney Bayer that if a hearing was held, it would be very clear the license has been unused, if the business stays closed, as the final date of operation was
publicly announced and advertised by the business. Some Village Board members expressed they would like to revisit the discussion after 120 days.

President Rozek moved, seconded by Tr. Amenta to direct staff to reach out to owners of The Ruckus Inc. and setup a meeting to discuss intent on the potential business transaction sale and intent of their current liquor license and to direct staff to place on the agenda immediately following the 120 day of nonuse for the Village Board to decide on initiating revocation. Motion carried 3 – 2 with Trustees Maher and McKaig voting nay.

e. Consider next steps for 2019 annual planner schedule.

The Village Board questioned how a holiday should be defined. Some Village Board members remarked, if there is an exception made for one, we need to honor requests for other holidays. There was agreement among the Village Board they would like to meet as a group to review existing plans and projects in the long range plan and capital budget before proceeding with prioritization for 2020. The Village Board discussed the possibility of additional Saturday meetings.

The Village Board requested Ms. Ewald to schedule a Special Village Board meeting to discuss existing plans, etc. on either January 26 or February 16, 2019 from 9:30 a.m. – 3 p.m. with lunch included and to verify staff members who need to attend would be available.

The Village Board agreed Tr. Amenta would coordinate discussion topics.

Tr. Amenta reminded Ms. Ewald to include the School Crossing Guard Contract on the annual planner.

Tr. Amenta moved, seconded by Tr. Maher to designate the Village Board meeting on July 15, 2019 “as needed” and to reschedule the regular Village Board meeting on September 30, 2019 to October 1, 2019. Motion carried 5 – 0.

Tr. Amenta moved, seconded by Tr. McKaig to move to the next agenda item. Motion carried 5 – 0.

f. Consider process for Village Manager’s review.

The Village Board shared the opinions on both options for the Village Manager’s review. The Village Board agreed on the new format submitted by Tr. Carpenter. Many Village Board members expressed the importance for the Village Manager’s direct reports to provide feedback in a separate survey modified for them. The Village Board agreed the turnaround time of January 22 for Tr. Carpenter to modify the review surveys, submit, have the Village Board and direct reports respond, and results compiled would not be sufficient.

Tr. Maher moved, seconded by Tr. Warren to use the two sided form and for Tr. Carpenter to proceed with collecting anonymous responses from the Village Board. No Vote was taken.

Tr. Warren moved to amend the motion, seconded by Tr. Maher to direct Tr. Carpenter to develop a survey for direct reports, administer both surveys for the Village Board and direct reports and bring the results for a closed session on February 4, 2019. Amendment carried 5 – 0.

Motion as amended: Tr. Maher moved, seconded by Tr. Warren to use the two sided form and for Tr. Carpenter to proceed with collecting anonymous responses from the Village Board and to direct Tr. Carpenter to develop a survey for direct reports, administer both surveys for the Village Board and direct reports and bring the results for a closed session on February 4, 2019. Motion carried 5 – 0.

10. Reports of Village Officials
a. Village President - None

b. Village Trustees –
   Tr. Amenta passed out postcards for the 2019 Environmental Film Festival and informed the Village Board about the group, Shorewood Moving Forward.
   Tr. Warren mentioned he has attended meetings for the Shorewood Moving Forward group and they are doing great work.
   Tr. Maher reminded the Village Board John Gurda is doing a presentation at the Shorewood Library called A City Built on Water.

c. Village Manager - None

11. Items for future consideration

12. Adjournment
   Tr. Maher moved and Tr. Warren seconded to adjourn at 10:16 p.m. Motion carried 5 - 0.

Respectfully submitted,

Sara Bruckman, CMC/WCMC
Village Clerk
1. Call to Order
Trustee McKaig called the Committee of the Whole meeting of the Village Board to order at 6:04 p.m. in the Committee Room.

2. Statement of Public Notice
Assistant Village Manager Burkart stated that the meeting had been posted and noticed according to law.

3. Roll Call
Tr. McKaig called the roll. Present: Trustees Davida Amenta, Jessica Carpenter, Michael Maher, Ann McKaig and Wesley Warren. Trustee Tammy Bockhorst arrived at 6:09 p.m. President Allison Rozek arrived at 6:31 p.m.

Others Present: Village Manager Rebecca Ewald, Assistant Village Manager Tyler Burkart

4. Consider next steps for committees.

Ms. Ewald introduced the concept of some potential committee structures and a process to introduce new initiatives. A memorandum was provided to provide more insight on the new initiative process. There was discussion about implementing a process that offers the Village Board to talk directly to each other on what initiatives they would like to discuss and prioritize. Additional discussion included the annual prioritization process and how the Village Board can improve the process. There was a request to further define what a majority means for the Board to support discussing a future agenda item. The Village Board deliberated on the idea of moving Future Agenda Items up in the agenda order as well as encouraging Board members to request placing items under Future Agenda Items so they can be discussed at an upcoming meeting. The Board expressed the desire to keep it flexible so that ideas thought upon during the meetings can still be stated later at this portion of the agenda. Board members acknowledged the process will need to be mindful of managing the work load of items that come to the committees and/or directly to the Village Board. One idea expressed differentiating two groupings for future agenda items: one grouping of agenda items that will not be acted upon but to allow for items to be expressed and a second grouping of agenda items listed to be acted upon during that meeting to determine if the Board wants to pursue that idea and direct it to committee or the full Board.

The Board then discussed the multiple committee structure options. Board members went around expressing their individual views and deliberated between the concept of standing committees versus committee of the whole. There was support for both concepts with more support for the standing committee concept. It was mentioned by members that the committee of the whole can still be used for certain issues that the entire Village Board can deliberate on a topic. There was desire to use the 6 – 7:30 p.m. time slot prior to the Village Board meetings to have standing committees or committee of the whole pending the subject matters needing discussion. One idea included sending out the agenda in advance to Trustees to allow them to provide feedback on agenda placement and time allotment for issues to be discussed during this time period. There was discussion about whether the standing committee meetings would be concurrent or not. The Board deliberated about expectations to take standing committee notes and video recording. Staff is instructed to modify the standing committee policy and allow committee of the whole to be incorporated when needed. Staff should draft standing committee note templates. The policy should allow some standing committee flexibility on how they
should be scheduled between 6 – 7:30 p.m. Strategic Initiatives Committee can review the workload and the distribution of tasks and issues.

5. Tr. Warren moved, seconded by Tr. Maher to adjourn the meeting at 7:31 p.m. Motion passed 7-0.
MINUTES - SHOREWOOD BOARD OF TRUSTEES  
Village Board Meeting  
January 22, 2019 

1. Call to Order  
President Rozek called the meeting of the Village Board to order at 7:39 p.m. in the Court Room. 

2. Roll Call  
President Rozek called the roll. Present: Trustees Davida Amenta, Tammy Bockhorst, Jessica Carpenter, Michael Maher, Ann McKaig and Wesley Warren. 

Others Present: Village Manager Rebecca Ewald, Director of Public Works Leeann Butschlick, Assistant Village Manager Tyler Burkart, Village Attorney Nathan Bayer, Library Director Rachel Collins 

3. Statement of Public Notice  
Assistance Village Manager Burkart stated that the meeting had been posted and noticed according to law. 

4. Special Order of Business  
   a. Consider Resolution 2019-01, Amending the polling locations for wards 9, 10, 11, and 12 for the Village of Shorewood. 

   There was discussion about whether the Board should take action tonight. President Rozek requested to defer the item to the February 4 agenda to allow the School Board time to discuss the matter. It was expressed there may be a possibility of the school performing an in-service day for future years 2020 and beyond to allow keeping the polling place at Lake Bluff. Attorney Bayer summarized statutory language about having a polling place in a public versus private location and all filings with the state have been completed to make this transition official pending passage of a resolution. Other issues introduced in the discussion include the polling site being a secular location as well as the availability of parking. 

   Tr. Bockhorst moved, seconded by Tr. McKaig to move items 4a and 4b just prior to closed session on tonight’s agenda. No vote was taken. 

   President Rozek moved to amend the motion, seconded by Tr. Amenta to move the consideration at the next meeting on February 4 to talk directly with the School Board representative and administration. 

   No vote was taken. 

   Tr. McKaig called to question. Question called by 7-0 vote. 
   Vote was taken on the amendment: President Rozek moved to amend the motion, Tr. Amenta seconded to move the consideration at the next meeting on February 4 to talk directly with the School Board representative and administration. The amendment failed 3 - 4 with President Rozek, Tr. Amenta, and Tr. Carpenter voting aye. 

   Vote was taken on the original motion: Tr. Bockhorst moved, seconded by Tr. McKaig to move items 4a and 4b just prior to closed session on tonight’s agenda. Motion carried 6 - 1 with President Rozek voting nay. 

   This item was discussed after item 11.
There was discussion about the need to have signs at Lake Bluff instructing them to move to the new site if the resolution is approved. There were suggestions to reserve parking along Bartlett for voters only.

Tr. McKaig called to question. Question was called by a 6 – 1 vote with Tr. Bockhorst voting nay.

Tr. Maher moved, seconded by Tr. McKaig to approve Resolution 2019-01 for the Village of Shorewood to Amend the Polling Location for Wards 9, 10, 11, and 12 to North Shore Presbyterian Church per the request of the School Board and School Superintendent. Motion carried 6-1 with a roll call vote with President Rozek voting nay.

b. Consider Resolution 2019-02, Amending the Designation of Polling Location for Election Wards 9, 10, 11 and 12 for the Village of Shorewood after letter was received from the Village of Shorewood School Board dated January 22, 2019, requesting the polling place be moved from school grounds. Motion carried 7 – 0 with a roll call vote.

Tr. Maher moved, seconded by Tr. Warren to approve Resolution 2019-02, Amending the Designation of Polling Location for Election Wards 9, 10, 11, and 12 for the Village of Shorewood. Motion carried 6 – 1 with a roll call vote with President Rozek voting nay.

c. Consider traffic signal box public art project.

Dick Eschner from the Public Arts Committee presented a proposal to incorporate public art on the Village’s traffic signal boxes. Others of the Public Arts Committee were in attendance to show support for the project. An RFP would be issued to the community to allow artists to submit design proposals. Private fundraising will be performed by committee members to complete the project. Maintenance is an item the committee will continue to discuss and research. There was an inquiry to find out more about the Village’s ability to remove art if determined necessary as well as the art’s time span, which will depend on the materials that are applied to the boxes. Other discussion entailed all 11 boxes being replaced relatively recently and that at least a portion of all the boxes will be accessible for the implementation of art. An idea incorporated including upfront costs for maintenance. In addition, the committee should look at number item 9 in the Ghost Train agreement. There was a recommendation for Community & Business Relations to work congruently with the Public Art Committee on additional details. It was clarified, whoever owns the art, would maintain the art.

5. Consent Agenda Items
   a. Accept Presentation of Accounts – January 22, 2019
   b. Consider Village Board Minutes – January 7, 2018
   c. 2019 PPII Lateral Rehabilitation program project management and communication plan.
   d. Consider RFP for Atwater Beach Lifeguard Services
   e. Consider DPW authorization to hire
   f. Consider Tobacco Products Retail License KAL Service, 3624 N. Oakland Ave, Shorewood, 53211 (Previously Oakland BP)

Tr. Bockhorst moved, seconded by Tr. Amenta to approve the consent agenda. President Rozek recommended removing items 5b and 5d off the consent agenda. Motion carried 7 – 0.

6. Items Removed from the Consent Agenda

For item 5b, page 1 should reflect that 640 hours per billing cycle should be changed to per year. On page 2 change language referring to three vendors to all vendors. On page 5, under agenda item C, add that if the Board wishes to transfer funds back from Wilson Drive to alleys that Village
Board action is needed.

Tr. Maher moved, seconded by Tr. Warren to approve Village Board minutes from January 7, 2019. Motion carried 7 - 0.

For item 5d, there was discussion about the history of lifeguards at Atwater Beach. There was discussion about eliminating similar work from “Examples of Similar Work” to provide a more open and fair process for evaluating vendors to supply lifeguards. The Board talked about the concept of capping the hours for the lifeguard supervisor. Mr. Burkart mentioned the impact of the liability insurance for small vendors to provide these services. Mr. Burkart informed the Board on how the structure for Milwaukee County was used by Coastlines Services. There was a recommendation to change the number of references to state current or previous clients and also include a rules of the beach in the RFP. Staff clarified that three life guards and one supervisor is consistent with the past Milwaukee County staffing.

Tr. Maher moved, seconded by Tr. Bockhorst to direct staff to issue the RFP for Atwater Beach lifeguard services. 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 – None

The Village Board took a recess at 9:03 p.m. The Board reconvened at 9:13 p.m.

9. New Business

a. Consider professional services agreement for 2019-21 general engineering services.

   There was an inquiry on costs and hourly rates related to Strand. Ms. Butschlick went through the different proposals and potential costs related to the principal engineer and project engineer rates. Part of this discussion centered on Kapur. Ms. Butschlick mentioned while Kapur consisted of some lower hourly rates, Kapur has yet to work on a project related to the Village, which may increase the billable hours to learn more about the Village’s infrastructure. There is a request for the RFP scope to be included in future service agreement awards. The Village Board expressed evaluation criteria for Village fees.

Tr. Maher moved, seconded by Tr. Amenta approval of an engineering services agreement, subject to final attorney review, with Strand Associates for general engineering services for the term 2019-2021. Motion carried 6 – 1 with President Rozek voting nay.

b. Look back at first year collection agreement.

   There was the desire from some Board members to receive clarification on whether the new collection agreement has incurred roughly similar or more costs to the Village. It was noted for the Village to separate out leave for workers comp, FMLA, etc. to figure out the actual hours to perform collection and other services internally. There was a suggestion to review and investigate alternative service such as transitioning from a three-day to a four-day collection cycle. Additional discussion involved the recycling drop off center fee per month and the attempts from Waste Management to charge the Village contamination fees.

c. Consideration of future transportation and parking related requests.
Ms. Ewald introduced this item to the Board. She raised the question for the Board if future requests related to transportation and parking (when an environmental or physical change hasn’t occurred) should be deferred until the transportation and parking analysis is completed. There was some expressed concern about how to proceed if a petition is filed.

Tr. McKaig moved, seconded by Tr. Carpenter to defer action on parking and transportation requests submitted to the Village until conclusion of the 2019 parking and transportation analysis is complete unless there is a physical or surrounding environmental change in staff’s opinion, the matter will be brought to the Village Board for consideration prior to conclusion of the transportation and parking study. Motion carried 6 – 1 with Tr. Amenta voting nay.

10. Reports of Village Officials

a. Village President – President Rozek had a meeting with the owner at North Shore Boulangerie about getting involved with the Village. In addition, President Rozek was in contact about a potential interested party in the vacant Ruckus building.

b. Village Trustees –
   Tr. Amenta met with the Library Director about the current status of the Civic Information Kiosk at the Library.
   Tr. McKaig provided an update on the Human Relations Commission about their structure to use sub-committee meetings to tackle their priorities.
   Tr. Warren was in attendance at the Firearm Safety Expo.
   Tr. Bockhorst expressed Public Art Committee will be partnering more with Arts Wisconsin who provide grants and recognition to municipalities throughout the state.
   Tr. Bockhorst and Tr. Carpenter attended the gala for the inauguration of Governor Evers. The League of WI Municipalities had an event to celebrate women participating in local government. The musical RENT will be this week Thursday through Saturday.
   Tr. Carpenter participated with a group called TOAM who make bags for homeless individuals. TOAM has interest working with the Village on future projects.
   Tr. McKaig announced Milwaukee County is coordinating a Youth Justice Reform later this week.
   Tr. Bockhorst also announced the Wisconsin Policy Forum Annual meeting is also this week Thursday.

c. Village Manager – No update.

11. Items for future consideration

Tr. Amenta mentioned the Board planning session. Ms. Ewald can setup a Doodle to explore availability for staff and Trustees. Tr. McKaig moved to add to a future Village Board agenda to consider further discussion of the Village’s annual planner and prioritization process. Tr. Maher seconded the motion. Motion carried 6 – 1 with Tr. Amenta voting nay.

It was clarified that decriminalization of marijuana will be added to a future agenda.

Tr. Amenta moved to review a parking and a communication plan for the North Shore Presbyterian Church polling location. Tr. Warren seconded. Motion carried by a 7 – 0.

12. Closed Session – The Village Board will adjourn into closed session pursuant to 19.85(1)(e) to deliberate or negotiate the purchasing of public property regarding the Village fire station.

Tr. Warren moved, seconded by Tr. Carpenter to adjourn into closed session pursuant to 19.85(1)(e) to deliberate or negotiate the purchasing of public property regarding the Village fire station at 10:30
p.m. Motion carried 7 – 0 by a roll call vote.

13. Reconvene into Open Session

Tr. Maher moved, seconded by Tr. Amenta seconded to reconvene into Open Session at 11:15 p.m. Motion carried 7 – 0 by a roll call vote.

14. Consider Purchase and Sale Memorandum from the North Shore Fire Department.

Tr. Warren moved, seconded by Tr. McKaig to approve the purchase and sale memorandum as amended by the North Shore Fire Department on January 15, 2019 with the date changes as identified in the Fire Chief’s memo and per the suggestion of North Shore Fire leadership inserting language to specify a clause where closing occurs upon approval of the Village’s Design Review Board and Plan Commission for the plan’s design and specifications as well as mutual agreement of a façade easement agreement with the memorandum subject to Attorney Bayer’s review. Motion carried 7 – 0.

15. Adjournment

Tr. Bockhorst moved and Tr. Warren seconded to adjourn at 11:20 p.m. Motion carried 7 - 0.

Respectfully submitted,

Tyler Burkart
Assistant Village Manager
January 22, 2019

Dear Trustees—

Board Policy requires the Superintendent to establish and maintain a learning environment that is safe for all students (Board Policy: Operational Expectations 10).

After the tragedy at Parkland, the Board requested a review of security processes and procedures at all schools. As a result, Principal Patterson at Lake Bluff sent the attached School Safety Letter.

One of the requests from the school leadership and parents was to investigate moving polling from Lake Bluff to another site within the ward. Factors considered in this request included concerns about an influx of unknown adults, increased traffic, disruption of learning spaces, and need to provide additional security.

It is our understanding that another suitable site has been found.

The Shorewood School Board is committed to creating safe and secure spaces for our students to learn. We ask that the Village join us in this commitment and pass the resolution to move the polling place off school grounds.

Sincerely,

Paru Shah
Board President

Hilary DeBlois
Board Vice President

Joanne Lipa-Lovic
Treasurer

Pablo Muirhead
Clerk

Lance Weinhardt
Member at Large
March 22, 2018

Dear Lake Bluff Families,

School safety has been at the forefront of our minds, since the tragic events of Parkland, Florida on February 21, 2018, as well as the most recent event this week in Maryland. We, as a school district, have met for hours, had conversations with our school board, and have had conversations with many of you. We hear your fears. We truly empathize with them, because we share those fears. We also recognize that we, as a system, can do more. While no solution will ever be perfect, we are implementing solutions now that have been arrived at collaboratively. Know that we also have an eye towards the future for larger improvements.

The district administration presented our current safety practices and potential future improvement ideas to the school board on February 27, 2018. The board supports our work in improving our building procedures. We, as a Lake Bluff staff, met on March 13, 2018 to brainstorm potential ideas and plans. We worked hard to develop a plan that would honor student safety, while still maintaining the welcoming environment that Lake Bluff is known for. We would like to foster the independence of our students, keep lines of communication open between staff and families, and maintain a secure school campus.

Beginning on April 2, 2018, we will be changing our building procedures to the following:

- 8:15 AM-Teachers will be meeting their students at assigned locations around the main building and begin escorting them inside (see map below). All families are asked to say goodbye to their students outside. Older siblings may walk into the building with their younger siblings, if they choose to. EEC building students will be greeted by their K4/K5 teachers, as well.
- 8:20 AM-All building doors will be closed. Anyone needing to enter the building between the hours of 8:20-3:25 (or 2:15 on Wednesdays) will need to check in with the smiling faces in the office, sign in, and receive a visitor’s badge.
- 8:50 AM-Families will receive an automatic phone call for any student that has not arrived/checked in with the office OR whose attendance has not been confirmed through a parent/guardian communication. For absences/tardies, please call: 414-963-6972 (press 1)
- 3:25 PM (2:15 on Wednesdays)-The front door will be open to families. Students will be dismissed, as usual. If families need to enter the building at that time, they may do so without checking in at the office. K4/K5 families are still encouraged to meet their students in their classrooms for pick up.

Other Improvements that we are working on for the remainder of this school year:
- A new code for the Milestones program (we will communicate when this occurs)
- A code for Bright Beginnings families (we will communicate when this occurs)
- Improving our security camera system, including clarity and recording abilities (beginning with current cameras)
- Security for April Election, with hopes of alternate voting location for fall

Areas that we need your continued support with:
- Please utilize the “Hug & Go” zones in the morning
- You are welcome in the building at ANY TIME for school business (e.g: seeing your student for lunch, meeting with a teacher for a scheduled appointment, dropping things off, etc.). Please check in at the office, so we can greet you, help you sign in, and provide you with a badge
- Please do not prop or hold the doors open before, during, or after school hours
We appreciate your support, as we work to maintain the safety and security of our campus. We recognize that this will be change for many and an ongoing process. We are open to suggestions or ideas surrounding the safety of our students and staff.

All the Best,

Angela Patterson
Principal
MINUTES - SHOREWOOD BOARD OF TRUSTEES
Committee of the Whole Meeting
February 4, 2019

1. Call to Order
   President Rozek called the Committee of the Whole meeting of the Village Board to order at 6:32 p.m.
in the Committee Room.

2. Statement of Public Notice
   Clerk Bruckman stated that the meeting had been posted and noticed according to law.

3. Roll Call
   President Rozek called the roll. Present: Trustees Davida Amenta, Tammy Bockhorst, Jessica
   Carpenter, Michael Maher, Ann McKaig and Wesley Warren.

   Others Present: Village Manager Rebecca Ewald, Assistant Village Manager Tyler Burkart, Planning
   and Development Director Bart Griepentrog, Senior Resource Director Elizabeth Price

4. Consider Standing Committee workload and distribution of tasks and issues.
   Ms. Ewald explained the memo included in the February 4, 2019 packet. The goal of this Committee
   of the Whole is to review the revised policy outlining the standing committee structure and proposed
   procedures to have an initiative considered and discussed by the Village Board. All changes in the
   policy are based on commentary and recommendations stated in the January 22, 2019 Committee of
   the Whole by Village Board members. It was directed by the Village Board to test this new model prior
   to taking formal action and making the structure permanent.

   President Rozek went over the redline version handed out at the meeting (included at the end of the
   February 4, 2019 minutes).
   President Rozek went over the proposed standing committee structure. If the structure were to
   change, she would need to reappoint different chairs. Another option is to not have all standing
   committees meet all the time, just when needed.
   Some of the questions and comments were as follows:
   • The draft agenda would be emailed on Tuesday prior to the Thursday packet release.
   • Including the annual prioritization process when there has not been consensus on how this
     process will be take place in the future.
   • The line stating “The Village Trustee should communicate with the staff liaison at least one
     week prior to the standing committee they chair to set the meeting agenda.” Needs to be
     removed since there needs to be majority agreement from the Village Board to place an item
     on a standing committee agenda.
   • Deciding on which standing committee an agenda item should be placed when it might cross
     over multiple departments.

   This item will be brought back to the next Committee of the Whole. The revised documents will be
   included in the packet and will focus on what topics to assign to what committees. The Village Board
   members will send any suggestions for the policy to the Village Manager.
5. Consider the scope for organizational analysis.

Mr. Burkart explained the memo and scope of services included in the February 4, 2019 packet. The organizational analysis was originally an initiative proposed by the Village Manager’s Office to take a comprehensive look at the organization. The analysis as proposed would identify the services the Village is currently performing and develop a 10-year road map on what the structure and services may look like in the next decade. The attachment to this memorandum outlines the services to be covered in the analysis. High priority services in each department will also include a comparable community analysis to identify how other communities are providing similar services and begin to explore the feasibility of sharing/contracting services with other municipalities or agencies. All chapters will consist of two sections, which will include (1) general information on that service or area and (2) recommended action steps to address that area. It should be noted that all action steps will be outlined based on short-term and long-term approaches depending on the complexity and feasibility.

Village staff intends this study to be a living and breathing document. In other words, staff will always review the study when there is a staffing vacancy, policy decision, etc. Similar to the HR manual, staff will perform a review once a year to consider additions and changes to the roadmap on action steps, subject to Village Board approval.

Some Village Board members expressed this is too much for staff to take on and the Village should contract with an outside party. Other Village Board members expressed concern about Village staff making staffing recommendations for departments. Some Village Board members expressed they would like staff to start with benchmarking. Some Village Board members expressed that members have different expectations of what they would like to see out of the analysis. Some Village Board members expressed concern about spending money on this project. It was recommended the Village Manager include a fiscal note of her and the Assistant Village Manager’s time.

This item will be brought back at a future meeting.

6. Tr. Amenta moved, seconded by Tr. Maher to adjourn the meeting at 7:38 p.m. Motion carried 7 - 0.
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. Recognition of the Village of Shorewood as a Breastfeeding Friendly Workplace (Gold Level) by North Shore Health Department.
      Kala Hardy and Lori Ahrenhoerster from the North Shore Health Department presented the Village of Shorewood with an award for being a Breastfeeding Friendly Workplace.

   b. Consider RFP structure for AMR and AMI Implementation, Discussion 2.

Ms. Butschlick answered questions regarding the fiscal Note (included in the February 4, 2019 Village Board packet) and the memo below:
The Shorewood Water Utility provides water to approximately 3,500 metered locations. The vast majority of the current meters were last replaced under a program completed approximately 20 years ago. The Village is currently out of compliance with PSC 185.85(4) which requires that in lieu of a prescribed testing schedule (first test of meter within 10 years of installation), meters must be replaced within 20 years of the date of original installation.

A wholesale meter replacement program is the most appropriate time to evaluate the reading system. While meter replacement is a relatively straight-forward enterprise, there are multiple options and considerations in the selection of a reading system. Your January 7 Committee of the Whole meeting included an introductory presentation regarding the types of water meter reading systems. The table below summarizes the system features of the automated meter reading (drive-by) (AMR) and automated meter infrastructure (AMI) system features:

<table>
<thead>
<tr>
<th></th>
<th>AMR Drive-by</th>
<th>AMI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reading Method</td>
<td>Manual</td>
<td>automatic</td>
</tr>
<tr>
<td>Reading Frequency/data transmission</td>
<td>Determined by user/billing schedule</td>
<td>Continuous</td>
</tr>
<tr>
<td>Communication Interface</td>
<td>One-way</td>
<td>Two-way</td>
</tr>
<tr>
<td>Leak Detection/Water Loss</td>
<td>System</td>
<td>Individual account</td>
</tr>
<tr>
<td>Customer usage information</td>
<td>Billing cycle</td>
<td>Hourly</td>
</tr>
</tbody>
</table>

An AMI system offers significant capabilities related to water loss and the reduction of non-revenue water (NRW) (water that is purchased from Milwaukee but is not billed through customer accounts). The potential exists to reduce the Village’s current annual 10% NRW with the continuous monitoring processes afforded through an AMI system. This can be achieved only through analysis of water purchased vs. water billed at an hourly consumption level. Each percent reduction in NRW would be equivalent to $7,000 annually in unrecovered utility costs.

Below, please find the summarized ESTIMATED PROJECT INSTALLATION costs of a complete meter system change-out with each of the reading system options:

<table>
<thead>
<tr>
<th></th>
<th>AMR Drive-by</th>
<th>AMI</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Estimated cost</td>
<td>% of Total*</td>
</tr>
<tr>
<td>Meters &amp; registers</td>
<td>$318,767</td>
<td>26</td>
</tr>
<tr>
<td>Endpoints</td>
<td>$352,300</td>
<td>29</td>
</tr>
<tr>
<td>Reading system</td>
<td>$30,000</td>
<td>2</td>
</tr>
<tr>
<td>Meter installation</td>
<td>$412,480</td>
<td>34</td>
</tr>
<tr>
<td>Project management</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>Contingency (10%)</td>
<td>$111,355</td>
<td>10</td>
</tr>
</tbody>
</table>
Please note the only variable cost related to the implementation of the systems, accounting for 2-6%, is the reading system type (AMR vs. AMI).

If the Village would desire to implement a fully interactive customer portal, AMI implementation costs would increase by $10,000; annual software costs are estimated at $10,000. This is an optional feature; customers can elect to receive notices/alarms via email through a standard AMI system without the on-line customer portal option.

Hours and current and **ANTICIPATED** costs of the current meter reading system to general AMR and AMI system implementation.

<table>
<thead>
<tr>
<th>BILLING PROCESSES (Quarterly billing)</th>
<th>Meter Reading</th>
<th>Billing Processing Time</th>
<th>Printing/ mailing bills¹</th>
<th>Payment processing time</th>
<th>Customer maintenance</th>
<th>Software Maintenance Fees</th>
<th>SUB-TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXISTING SYSTEM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>EXISTING</td>
</tr>
<tr>
<td>hours/quarter</td>
<td>160</td>
<td>16</td>
<td>0</td>
<td>40</td>
<td>20</td>
<td>N/A</td>
<td>236</td>
</tr>
<tr>
<td>annual cost*</td>
<td>$32,000.00</td>
<td>$3,200.00</td>
<td>$8,000.00</td>
<td>$6,400.00</td>
<td>$3,200.00</td>
<td>$1,000</td>
<td>$53,800.00</td>
</tr>
<tr>
<td>assigned staff</td>
<td>Utility</td>
<td>Finance</td>
<td>Finance</td>
<td>Customer Service</td>
<td>CS/Finance</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AMR SYSTEM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>AMR</td>
</tr>
<tr>
<td>hours/quarter</td>
<td>4</td>
<td>16</td>
<td>0</td>
<td>40</td>
<td>20</td>
<td>N/A</td>
<td>100</td>
</tr>
<tr>
<td>annual cost*</td>
<td>$800.00</td>
<td>$3,200.00</td>
<td>$8,000.00</td>
<td>$6,400.00</td>
<td>$3,200.00</td>
<td>$5,000</td>
<td>$24,800.00</td>
</tr>
<tr>
<td>assigned staff</td>
<td>Utility</td>
<td>Finance</td>
<td>Finance</td>
<td>Customer Service</td>
<td>Customer Service</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AMI SYSTEM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>AMI</td>
</tr>
<tr>
<td>hours/quarter</td>
<td>0</td>
<td>8</td>
<td>0</td>
<td>40</td>
<td>20</td>
<td>N/A</td>
<td>68</td>
</tr>
<tr>
<td>annual cost*</td>
<td>$0.00</td>
<td>$1,600.00</td>
<td>$8,000.00</td>
<td>$6,400.00</td>
<td>$3,200.00</td>
<td>$12,000</td>
<td>$19,200.00</td>
</tr>
<tr>
<td>assigned staff</td>
<td>Finance</td>
<td>Finance</td>
<td>Finance</td>
<td>Customer Service</td>
<td>CS/Finance</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* includes labor and/or supplies

Dual reading and bill processing will be required during the implementation period. In the interest of maximum efficiency and cost savings, it staff’s recommendation that the goal of the project is full implementation within a period of 12 months or less.

<table>
<thead>
<tr>
<th>RING PROCESSES</th>
<th>System Monitoring - Continuous Use</th>
<th>System Monitoring - Customer Trend</th>
<th>On-line Customer Access Interaction</th>
<th>SUB-TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXISTING SYSTEM</td>
<td></td>
<td></td>
<td></td>
<td>EXISTING</td>
</tr>
<tr>
<td>hours/quarter</td>
<td>0²</td>
<td>8</td>
<td>N/A</td>
<td>8</td>
</tr>
<tr>
<td>annual cost*</td>
<td>0²</td>
<td>$1,600.00</td>
<td>$0.00</td>
<td>$1,600.00</td>
</tr>
<tr>
<td>assigned staff</td>
<td>Utility</td>
<td>Utility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AMR SYSTEM</td>
<td></td>
<td></td>
<td></td>
<td>AMR</td>
</tr>
<tr>
<td>hours/quarter</td>
<td>0²</td>
<td>8</td>
<td>N/A</td>
<td>8</td>
</tr>
<tr>
<td>annual cost*</td>
<td>0²</td>
<td>$2,400.00</td>
<td>$0.00</td>
<td>$2,400.00</td>
</tr>
</tbody>
</table>

### AMI SYSTEM

<table>
<thead>
<tr>
<th>assigned staff</th>
<th>Utility</th>
<th>Utility</th>
<th>N/A</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>AMI SYSTEM</td>
<td>AMI</td>
<td>AMI</td>
<td></td>
<td></td>
</tr>
<tr>
<td>hours/quarter</td>
<td>12</td>
<td>36</td>
<td>12</td>
<td>30</td>
</tr>
<tr>
<td>annual cost*</td>
<td>$2,400.00</td>
<td>$7,200.00</td>
<td>$2,400.00</td>
<td>$4,800.00</td>
</tr>
<tr>
<td>assigned staff</td>
<td>Utility</td>
<td>Utility</td>
<td>Utility</td>
<td>CS/Finance</td>
</tr>
</tbody>
</table>

*currently performed utilizing SCADA system; costs and hours not assigned to metering system

* includes labor and/or supplies

Staff estimates the implementation of an AMR reading system to reduce the typical utility bill by approximately $3.33 annually. It is estimated the implementation of an AMI system would increase the typical utility bill by $0.80 annually. Please see the attached fiscal note for additional detail.

### Area Community Comparisons

<table>
<thead>
<tr>
<th>Community</th>
<th>System Type</th>
<th>Reading System Age</th>
<th>Billing Frequency</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Milwaukee Bayside</td>
<td>AMR</td>
<td>25+</td>
<td>AMR</td>
<td></td>
</tr>
<tr>
<td></td>
<td>AMR</td>
<td>20</td>
<td></td>
<td>Migratable endpoints; water provided by Mequon Water Utility</td>
</tr>
<tr>
<td>Brown Deer Fox Point</td>
<td>AMI/AMR</td>
<td>30+</td>
<td>Quarterly</td>
<td>Conversion in process</td>
</tr>
<tr>
<td></td>
<td>AMR</td>
<td>13</td>
<td>Quarterly</td>
<td>AMR drive-by installation complete 2019</td>
</tr>
<tr>
<td>Glendale</td>
<td>Manual/AMR/AMI</td>
<td>Various</td>
<td>Quarterly</td>
<td></td>
</tr>
<tr>
<td>River Hills</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>No municipal water service</td>
</tr>
<tr>
<td>Whitefish Bay</td>
<td>AMR</td>
<td>15+</td>
<td>Quarterly</td>
<td>AMR Drive-by</td>
</tr>
</tbody>
</table>

Please note that the reading system age is included in the table above to indicate the amortization schedule of the system. This information relates to the schedule upon which a community may consider an upgrade to an AMI system in future.

Ms. Butschlick explained AMR with the capability to convert to AMI, nearly all the AMR systems have a migratable endpoint. The endpoint is the component that allows the meter to be read and the data to be collected.

Some Village Board members are concerned about the additional antennas needed for AMI system. Village Board members asked clarification questions regarding the fiscal note. Ms. Butschlick clarified there is not an intention to switch to monthly billing, the Village would continue to bill quarterly.

Tr. McKaig moved, seconded by Tr. Bockhorst to direct staff to draft a Request for Proposal for AMI water meter infrastructure. No vote was taken.

President Rozek moved to amend, seconded by Tr. Warren to RFP AMR, AMI and AMR with conversion to AMI systems for full cost and scope of what those systems would entail and for the Village Board and to return to the Village Board for a decision. Amendment carried 5 – 2 with Tr. Amenta and Tr. McKaig voting nay.

Motion as amended: Tr. McKaig moved, seconded by Tr. Bockhorst to direct staff to draft a Request for Proposal for AMR, AMI and AMR with conversion to AMI systems for full cost and scope of what those systems would entail and to return to the Village Board for a decision. Motion carried 7 – 0.

Tr. Amenta moved, seconded by Tr. Bockhorst to approve Resolution 2019-04 Local Road Improvement Program Wilson Drive Pedestrian and Bicycle Facility Improvements. Motion carried 7 – 0 with a roll call vote.

5. Consent Agenda Items
   a. Accept Presentation of Accounts – February 4, 2019
   b. Consider Village Board Minutes – January 22, 2019
   c. Consider Tree Inventory Update and EAB Policy Assessment RFP.
   d. Consider Riparian Management Plan RFP
   e. Consider Atwater Stair Rehabilitation project management and communication plan.
   f. Consider polling location communication plan
   g. Consider Shorewood Shenanigan’s Special Event Permit, Short-Term Cabaret License, and Extension of Premise for Draft and Vessel, North Star Bistro, Thief Wine, and Three Lions Pub for Saturday, March 16, 2019.

Tr. Bockhorst moved, seconded by Tr. Maher to approve the consent agenda. President Rozek requested removing item 5b and Tr. Amenta requested removing item 5g off the consent agenda. Motion carried 7 – 0.

6. Items Removed from the Consent Agenda
   5b; Consider Village Board Minutes – January 22, 2019. The Village Board requested the following changes:
   Page 3, 4a; Attorney Bayer summarized language, add “Statutory” language
   Page 4; motion add “letter received from the Village of Shorewood School Board dated January 22, 2019 requesting the polling place be moved off school grounds.”
   Page 4; Specify who called to question
   Page 4, 4c; include whoever owns the art would maintain the art.
   Page 5; include “staff clarified that 3 life guards, 1 supervisor is consistent with the past Milwaukee County staffing”
   Page 5, 9a; add “the Village Board expressed evaluation criteria for Village fees.”
   Page 6, 10a; “old Ruckus building” should be replaced by “vacant Ruckus building”

Tr. Maher moved, seconded by Tr. Warren to approve the Village Board minutes of January 22, 2019 with the proposed changes. Motion carried 7 - 0.

5g; Consider Shorewood Shenanigan’s Special Event Permit, Short-Term Cabaret License, and Extension of Premise for Draft and Vessel, North Star Bistro, Thief Wine, and Three Lions Pub for Saturday, March 16, 2019.
A Village Board member expressed their concerns about the event.
It was noted to request the Fire Department to do a walkthrough of the bar’s capacity. It was clarified there were no police-related calls during last years’ event.

Tr. Maher moved, seconded by Tr. Warren to approve the Shorewood Shenanigan’s Special Event Permit, Short-Term Cabaret License, and Extension of Premise for Draft and Vessel, North Star Bistro, Thief Wine, and Three Lions for Saturday, March 16, 2019. Motion carried 6 – 1 with Tr. Amenta voting nay.
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. – None

9. New Business

   a. Consider professional services agreement for 2019 Downer Meter Vault Replacement/Rehabilitation engineering and inspection.

Two proposals were received in response to the engineering construction management RFP:

<table>
<thead>
<tr>
<th></th>
<th>Design &amp; Bidding</th>
<th>Construction Management</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Hours</td>
<td>Fees</td>
<td>Hours</td>
</tr>
<tr>
<td>Baxter &amp; Woodman</td>
<td>201</td>
<td>$23,900</td>
<td>194</td>
</tr>
<tr>
<td>Clark Dietz</td>
<td>290</td>
<td>$35,200</td>
<td>332</td>
</tr>
</tbody>
</table>

(It was noted that the Clark Dietz total hours of 662 should be 622.) The Clark Dietz proposal is significantly more detailed and staff believes it provides a more thorough and comprehensive approach – particularly in the construction management and inspection functions. The Clark Dietz team has proposed daily and continual field inspection over the duration of the project; the inspection hours included in the Baxter & Woodman proposal would not appear to allow for this level of inspection. While the Baxter & Woodman team is well-qualified to perform this work, staff has concerns about the firm’s proposed level of effort.

This is a complex project with significant impacts and implications to the Village’s primary drinking water supply location. Staff strongly recommends that project inspection hours be reflective of the critical importance of this work.

Some Village Board members requested the RFP reflect the specific engineering service we value more. Some Village Board members expressed Clark Dietz has shown a deeper understanding of the Village’s water system.

Tr. Amenta moved, seconded by Tr. Maher approval of a professional services agreement with Clark Dietz in the amount of $70,160 for design engineering and construction inspection services related to the Downer Meter Vault Rehabilitation/Replacement project. Motion carried 6 – 1 with President Rozek voting nay.

b. Consider award of contract for 2019 Atwater Stair Rehabilitation Project.

Bids opened January 24, 2019 are summarized below:

- Blaze Landscape Contracting: $109,750.00
- Dahlman Construction: $109,950.00*
- Janke General Contractors: $187,600.00
- Solutions 101: $160,813.50

*non-responsive bid (altered quantities)
The 2019 budget includes bond proceeds in the amount of $110,000 for the project. Please note the low bid is slightly under this amount. When engineering fees are included, the total project cost exceeds the bonded amount by $750.00. Please see the attached fiscal note.

Some Village Board members inquired why the full beach had to close. Ms. Butschlick explained it’s an active construction zone. Some Village Board members inquired how long construction would take. Ms. Butschlick explained the project should wrap-up by the end of November.

Tr. Maher moved, seconded by Tr. Warren to award of a contract for the 2019 Atwater Stair Rehabilitation Program to Blaze Landscape Contracting in the amount of $109,750.00. Motion carried 7 – 0.

c. Consider results of Building Inspection Services RFP and Proposed Professional Service Agreements.

The only comprehensive response from the RFP came in from SAFEbuilt, Wisconsin, LLC., who also provides services for the North Shore community of Glendale. The proposal was comprehensive, in that all required inspection services, including commercial electrical, would be provided. The hourly rate associated with their proposal was $89. That rate would allow up to 450 hours of service to be performed, or approximately 8.5 hours a week, corresponding closer to a quarter-time position than half-time. (If utilized half-time, the cost per year would be $92,560, whereas a full-time, in-house inspector, with benefits, would cost approximately $93,800/year.) Based upon subsequent conversations, SAFEbuilt offered to reduce their rate to $80/hr., but also required a guarantee of 48 billable hours per month, equating to 579 total hours per year. That would guarantee payment of $46,080 per year, which would also exceed the budgeted amount.

The Planning & Development Director also continued outreach to neighboring municipalities in the North Shore to understand how they deal with additional building inspection services, as needed. In discussions with Whitefish Bay, he learned that they contract with an independent building inspector on an as needed basis, without minimum requirements. That inspector also performs similar work for the City of Mequon. Upon introduction from Whitefish Bay, that contractor approached the Village to express his potential interest and availability to do the same in Shorewood.

Based on review of the proposed services defined in the RFP, Bob Blankenheim, d/b/a Lake Country Inspections, subsequently submitted a sample contract to perform building inspection services for consideration. That contract does not require minimum hours and has a proposed pay rate of $75/hr., plus travel expenses, to perform work as needed by the Department. This amount, which would allow up to 530 hours of service under the currently budgeted amount, is the same hourly rate billed in Mequon, but slightly more than in Whitefish Bay, where the agreement has been in place for a longer time. This contractor has also suggested that an additional contractor could be arranged under a similar contract to provide back-up, as needed. However, that second contractor would not be arranged until the Board provided comments or agreement to his initial offer.

Mr. Blankenheim’s certifications do not include commercial electrical, so the Village would need to obtain those services elsewhere, and the option of continuing to utilize
KWK Electrical Services was discussed. KWK also responded to the RFP with a desire to continue providing commercial electrical inspections.

Both contractors were brought in for meetings with the Planning & Development Director, Village Manager and Tr. Maher. Those conversations sought understanding of the proposals and desired modifications. The Planning & Development Director is at a point where he’s comfortable in understanding both options and is seeking the Board’s direction/approval to move forward. It is his belief and recommendation that the proposed arrangements and rates offered by Mr. Blankenheim of Lake Country Inspections and Steven Kmet of KWK Electric Inc. provide the Village with the most cost-effective and flexibility moving forward.

Some Village Board members commented they like the flexible approach this provides. Some Village Board members inquired if an insurance certificate would be submitted. Mr. Griepentrog explained a certificate would be submitted with final attorney review. Mr. Griepentrog explained the contracted inspector would be responsible for inspections and the part-time code enforcement would be done by a Village employee.

Tr. Maher moved, seconded by Tr. Warren to direct staff to enter into Professional Service Agreements with Bob Blankenheim, d/b/a Lake Country Inspections and Steve Kmet, d/b/a KWK Electrical Services, under the proposed rates and general terms on file with the Village, to perform contracted building inspection and commercial electrical services for the Planning and Development Department on an as needed basis. Motion carried 7 – 0.

d. Consider Resolution 2019-03 Approval of Suburban Mutual Assistance Response Team (SMART) Agreement.

The Village of Shorewood Police Department recognizes the importance of having the ability to call upon numerous resources in the event of a large scale emergency. Suburban Mutual Assistance Response Team (SMART) is an organization consisting of 71 law enforcement agencies in Southeastern Wisconsin that can be immediately called upon in an emergency situation which threatens or causes loss of life and property and exceeds the physical and organizational capabilities of the local agency.

In the event of a large scale emergency, a SMART response can be initiated and immediately we would have predetermined and needed resources responding to our Village based upon the prearranged written agreement and plan. The reverse is true as well. At times, we may be requested to provide resources to an agency dealing with a major incident.

The SMART Executive Board had the original agreement reviewed by attorneys from Municipal Law & Litigation Group, S.C. and following several reviews and discussions, this current agreement was drafted. The SMART agreement has been reviewed and approved by League of Wisconsin Municipalities Mutual Insurance as well as William Dineen of Crivello Carlson, S.C. They both have recommended the adoption of this agreement as written.

Tr. Maher moved, seconded by Tr. Warren to approve Resolution 2019-03 Approval of Suburban Mutual Assistance Response Team (SMART) Agreement. Motion carried 7 – 0.
10. Reports of Village Officials
   a. Village President - None

   b. Village Trustees
      I. Discussion on possible next steps for decriminalization of marijuana.
         Tr. Bockhorst clarified legalization and decriminalization are not the same thing. She is
         requesting the Village Board consider a reduction of the fine amount to $1 for the
         possession of marijuana. President Rozek clarified the fine would be $1 plus the
         surcharge fees.

         Chief Nimmer explained the District Attorney’s guidelines (included at the end of the
         minutes). The Village currently follows those guidelines. An officer may issue a
         municipal citation for 28 grams or less of marijuana, which appears to be solely for
         personal use. Under the following circumstances, the possession of marijuana shall be
         referred to the District Attorney if: the amount of marijuana is more than 28 grams; the
         amount of marijuana is 28 grams or less and there is evidence of drug trafficking; the
         suspect is on probation or parole; the suspect has a history of violence including any
         firearms or related offense; the present offense involves the use, presence or
         possession of a firearm or other dangerous weapon; the present arrest came out of the
         execution of a search warrant or the suspect is a known member of a drug network.
         The Village Board clarified if it’s not any of those related items and the possession is
         under 28 grams, the case is not sent to the District Attorney’s office. Chief Nimmer
         responded yes.

         One Village Board member questioned what is the goal for tonight? President Rozek
         stated to potentially refer it to committee or list it on the agenda for the Village Board to
         consider.

         Chief Nimmer did express concern they do not measure drugged driving at this time;
         it’s hard to know how many drunk driving are also drugged driving related incidents.

         Tr. Maher moved, seconded by Tr. Bockhorst to refer decriminalization of marijuana to the Community
         and Business Relations Standing Committee chaired by Tr. Bockhorst. No vote was taken.

         Tr. Maher made a friendly amendment to refer the consideration of decriminalization of marijuana to
         the Public Safety Standing Committee.

         Tr. McKaig moved to call to question. Call to question carried 7 – 0.

         Original motion with amendment: Tr. Maher moved, seconded by Tr. Bockhorst to refer the
         consideration of decriminalization of marijuana to the Public Safety Standing Committee. Motion
         carried 7 – 0.

         President Rozek requested a copy of the District Attorney Policy.

      II. Discussion on Next Steps for Reviewing Plans and Prioritization, Discussion 2 – Tr.
          Amenta/Tr. McKaig.
          Tr. Amenta explained after the Village Board went through prioritization last year, the
          Village Manager was requested to return to the Village Board with a work plan for the
          Village Board to have input and provide policy direction. The conversation would
          include Capital needs, services and service levels, and TIF.
          President Rozek remarked there are two things: The Long Range Financial Plan review
          and discussion and when can the Village Board have a review of the current/past plans
          and what are we are prioritizing?
Tr. Amenta remarked in the Long Range Financial Plan, the Village Board members were questioning why some of the 2018 items were removed. Mr. Emanuelson included what could fit, but the Village Board would like to know much more than what’s in the Long Range Financial Plan.

Tr. McKaig remarked she would like to see agreement from the Village Board on what items will be discussed in order to set expectations.

There were several different ideas on how and when the meeting should take place. There was agreement not to refer to a Standing Committee. The discussion should relate to how much there is to do and what the Village Board thinks is the most important. The Village Board came to consensus to meet on Monday, February 25, 2019 at 6 p.m.

Tr. Amenta moved, seconded by Tr. McKaig to refer review plans and prioritization for both Capital Planning and TIF to the Budget and Finance Standing Committee. Motion carried 7 – 0.

III. Discussion and consideration on programs for long term commercial property vacancies – Tr. McKaig.

Tr. McKaig attended the BID Board meeting where the BID expressed frustration regarding factors that contribute to long-term vacancies of some business properties located in the Village. Tr. McKaig is requesting if this is a topic the Village Board would want to pursue or refer it to the CDA. Some Village Board members expressed they did not support the program. Ms. Ewald explained if the topic was referred to CDA, they would not be able to take it up in 2019. Tr. McKaig explained she brought the discussion before the Village Board as her duty as the liaison to the BID Board.

Tr. Maher moved, seconded by Tr. McKaig to refer to the CDA or Village Board to consider as part of the 2020 prioritization process. No vote was taken.

Tr. Maher moved to amend, seconded by Tr. Carpenter to refer to the CDA to consider as part of the 2020 prioritization process. Motion carried 7 – 0.

c. Village Manager
   I. Consider next steps for conversion therapy.
      There was consensus among the Village Board that conversion therapy should not be practiced in the Village. Some Village Board members expressed waiting until 2020 for further next steps.

Tr. Warren moved, seconded by Tr. Bockhorst to refer the consideration of next steps of conversion therapy to the Community and Business Relations Standing Committee to evaluate and consider when there is agenda availability. Motion carried 5 – 2 with President Rozek and Tr. Amenta voting nay.

11. Items for future consideration - None

12. Closed Session – The Village Board will adjourn into closed session pursuant to 19.85(1)(c) to discuss the annual performance evaluation of the village manager.

The Village Board did not adjourn into closed session.

13. Adjournment
   Tr. Amenta moved and Tr. Maher seconded to adjourn at 10:12 p.m. Motion carried 7 - 0.
Respectfully submitted,

Sara Bruckman, CMC/WCMC
Village Clerk
Policy No. 8  Page: 1  Page 1 of 6

Title: Standing Committee and Committee of the Whole  
Structure:  
Authority: Shorewood Village Board

The Village Board is adopting Policy No. 8 for the purpose of establishing guidelines for Village Board standing committee work.

Structure of Standing Committees
There will be six different standing committees. Three Trustees will be assigned to the same standing committees to formulate two different standing committee meeting groups. One standing committee meeting group will consist of (1) Public Works, (2) Judiciary, Personnel, and Licensing (JPL), and (3) Intergovernmental Relations & Strategic Initiatives. The second standing committee meeting group will consist of (1) Finance & Budget, (2) Public Safety, and (3) Community & Business Relations. Committee of the Whole will be utilized if there is a significant strategic item needed to be discussed with the entire Village Board.

Role of the Village President for Standing Committees
The Village President will appoint each Village Trustee to three committees and appoint a chair to each different standing committee at the first meeting following the spring election and as needed during the year. The Village President will have the ability each April after the Spring election to make appointments and standing committee assignments. The Village President will work with the Village Manager to finalize the times and standing committee agendas. All agenda items and initiatives to be discussed on the standing committee agenda should be approved through the annual prioritization process or the Village Board agenda item – Items for Future Consideration or as needed by the administration for the course of business. If there is a topic that may involve multiple standing committee focus areas and the standing committee wasn’t specified at the Village Board meeting, the Village President working with and the Village Manager will be given the authority to place it on the standing committee agenda that he/she feels is most appropriate. The Village President may attend and participate in the discussion, but not a voting member of the standing committee.

Role of the Village Trustees for Standing Committees
Each Village Trustee will be able to chair one standing committee and serve on two other standing committees. The Village Trustee should communicate with the staff liaison at least one week prior to the standing committee they chair to set the meeting agenda. All agenda items and initiatives desired to be scheduled on a committee agenda should be approved through the prioritization process, Village Board action under – Items for Future Consideration or as needed by the administration for the course of business, to be discussed on the committee agenda should be approved through the prioritization process or the Village Board agenda item – Items for Future Consideration.
Role of the Village Manager for Standing Committees
The Village Manager will be contacted by the staff liaisons once standing committee agendas are set. The Village Manager will review the standing committee agendas with the Village President. If the amount of agenda items for all the standing committees is too large in length, the Village Manager will work with the Village President to reduce the number of items and prioritizing the discussions. The Village Manager will update the standing committee chair person and liaison know the topics to be placed on the agenda following a review of the agenda with the Village President. The staff liaison will work with the committee chair to prioritize the agenda, if needed.

Meeting Times
The standing committees and committee of the whole will meet if and when needed and typically be routinely be scheduled from 6:00 – 7:30 p.m. prior to the Village Board meetings. The standing committee meetings will meet concurrently if necessary in the Committee Room and the Village Manager’s Office. If more time is needed by the standing committee to discuss and complete their items, the standing committee may call a meeting outside of the normally scheduled meeting times. The chair is required to coordinate with the staff liaison on staff meeting date to ensure availability of staff and compliance with open meetings law. There is an urgent matter, standing committees will have the ability to call a meeting outside of the normally scheduled meeting times as long as it is posted according to open meetings law. Other urgent matters may also be addressed under New Business for the full Village Board to discuss and consider. The staff liaison will be responsible for making sure meeting notes are taken for each standing committee.

Staff Liaisons for the Standing Committees
Each standing committee will have a staff liaison assigned to it. The staff liaison will help the standing committee chair identify future committee agenda items and prepare any materials in advance of the standing committee meetings. These are the following standing committee staff liaison assignments:

- Public Works – Public Works Director
- Judiciary, Personnel, and Licensing – Village Clerk
- Intergovernmental Relations and Strategic Initiatives – Assistant Village Manager
- Budget & Finance – Finance Director
- Public Safety – Police Chief
- Community & Business Relations – Planning & Development Director

Agenda Topics for Discussion and Consideration
The purpose of the standing committees is to allow the Village Board to work on Board approved initiatives in a small group setting prior to taking it to the full Board for consideration. Majority of the agenda topics will only be for discussion. No agenda items discussed at the standing committees should be later considered that night for the full Board. The one time consideration and a vote will be taken during a standing committee meeting if a standing committee has finalized an initiative or agenda item and wishes for it to be deliberated and
voted upon by the full Board. Two of the three standing committee members must vote yes in order for the agenda item to be placed on a future Village Board agenda.

Agenda items formulated by Village staff may be taken directly to the full Village Board for consideration, assigned to standing committees or committee of the whole. Below outlines which staff items are taken to full Board versus standing committees. Items taken directly to the Village Board may still be deferred to a standing committee if action is supported by a majority of Village Board members.

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Long Range Financial Plan & Annual Budget B&F Special Meeting
Oath of Office Village Board
Public Hearings Village Board
Village Board Minutes Village Board
Disallowance of Claim Village Board
Future Items of Consideration Village Board
Planning for Annual Prioritization Standing Committee
Annual Prioritization Village Board Special Meeting

Any of the above may be referred to the committee of the whole if deemed appropriate by the Village President and Village Manager.

There are two ways a Village Trustee is able to place a new initiative on a standing committee agenda. Either (1) through the annual prioritization process and if the Village Board votes agrees on the new initiative to be a priority or (2) a simple majority of the Village Board votes in favor of discussing the new initiative during a village adding the new initiative to a standing committee agenda (or directly to a future Village Board agenda if appropriate) during the Village Board meeting.

There are two ways an initiative can be discussed and voted on through a regular Village Board meeting.

- The first way is for a Village Trustee or Village President to contact the Village Manager and ask to add it to the agenda 24 hours prior to the agenda packet going out. The Village Board member must provide context in regards to the request so staff and elected officials understand the request when reviewing and considering the initiative on the Village Board agenda under Future Agenda Items. Initiatives may also be proposed by the Village Manager. Requests with adequate amount of context will be placed under the Village Trustee, Village President, or Village Manager report depending on the individual requesting the initiative to be considered. At that meeting, the Village Board can then take a vote and a simple majority can then move the initiative forward to be assigned to a future standing committee meeting, committee of the whole or directly to a future Village Board meeting. It is encouraged for Village Board members to include the recommended standing committee responsible for the initiative in the motion.
The second way is for a Village Trustee, Village President or Village Manager to bring up an initiative during Future Items of Consideration. These can be initiatives that come up during the meeting based on discussion, citizen comments, an instant thought on an unrelated agenda matter, etc. Initiatives declared under Items for Future Consideration can be introduced and summarized but can’t be discussed or voted upon at that meeting. The initiative will then be listed under the Village Trustee, Village President or Village Manager report the following meeting depending on the individual requesting the initiative to be considered. That individual should also provide additional context in a memorandum if additional context is needed or requested. It is encouraged for the elected official to meet with staff to further review the initiative and discuss other details such as the resource, fiscal or organizational impact. At the following meeting, the Village Board will then take a vote and a simple majority can move the initiative forward to a standing committee meeting or directly to a future Village Board meeting. It is encouraged for Village Board members to include the recommended standing committee responsible for the initiative in the motion.

If a Village Board member or the Village Manager wanted to modify an initiative, the following would be required to do so:

- To change or eliminate an initiative would require input and advice by the Village Manager prior to a simple majority vote of the Village Board.
- To tweak an action plan for an initiative would require consensus by the Village Manager and the staff project leader.
- To eliminate an initiative would require input and advice by the Village Manager prior to a simple majority vote of the Village Board.

As stated, if there is a topic that may involve multiple standing committee focus areas and if the standing committee designation was not specified in the motion at the Village Board meeting, the Village President will work with the Village Manager to assign a particular focus area to inquir which staff liaison is most appropriate to be in attendance to address the topic. Below is a guideline to reference when reviewing possible topics for each standing committee.

**Public Works**
- Public Works operations
- Streets
- Parks
- Parking policy and fees
- Special Privilege Permits (residential zoned areas)
- Village-owned buildings facilities and fleet (not including the Police building)
Right of way signage

Judiciary, Personnel, and Licensing
• Non-building permits
• Clerk and customer service operations
• Village Manager’s Office operations
• Court operations
  • General ordinances, policies and regulations
  • Policies that relate to Village Board operations
• Elections
• Permits for parades and special events
• Alcohol licenses
• Human Resources manual
• New volunteer committee appointment and training
• Appointments (interviews shall be scheduled outside of normal meeting times)

Intergovernmental Relations & Strategic Initiatives
• Shared Services
• Strategic Planning
• Surveys
• Visioning and prioritization process
• Bi-Board (with School District)
• County, State and Federal government representatives
• Media relations
  • Library Board
  • Elder Services Advisory Board & Senior Resource Center
  • Public Health
• Environmental and sustainability policy

Budget & Finance
• Long-range financial planning
• Annual budget
• Investments
• Finance Department operations
• Invoices and bills
• Debt financing
• Shared revenue and shared expenses
• Review financial policies
• Capital projects
• Financial reports – quarterly and annual
• Audit contract oversight
• Salary and benefit policy
• Assessment

Public Safety
• Police operations
• Fire operations
  • Public Health
    • Traffic control
    • Police building and vehicles
      • Parking fees and regulations
    • Pedestrian and bicycle safety policies
    • Dispatch
    • Atwater Beach lifeguards
    • Crossing guards

Community & Business Relations
• Planning and Development Department operations
• Business-related policies (Neighborhood Loan program, parklets, etc.)
• Bus stops
• Business codes
• Business Improvement District
• Community Development Authority
• Zoning
• Plan Commission
  • Elder Services Advisory Board
• Public Art

*Adopted May 6, 2013
*Adopted March 2, 2015
Marijuana in Milwaukee

An overview of municipal marijuana policy in Milwaukee and other U.S. cities
About the Public Policy Forum

Milwaukee-based Public Policy Forum – which was established in 1913 as a local government watchdog – is a nonpartisan, nonprofit organization dedicated to enhancing the effectiveness of government and the development of southeastern Wisconsin through objective research of regional public policy issues.

Preface and Acknowledgments

This report was undertaken to provide citizens and policymakers in Greater Milwaukee with an enhanced understanding of current marijuana possession laws in Wisconsin and Milwaukee, and insight into how the consequences of small-scale marijuana possession have been addressed recently in other U.S. cities. Report authors would like to thank the many justice system officials who met with us and provided information during our initial research phase, including officials from the Milwaukee Municipal Court and Milwaukee County Circuit Court, the Milwaukee City Attorney's office, city attorneys in several Milwaukee County suburbs, the Milwaukee County District Attorney's office, and other law enforcement officials at the City and County.

Finally, we wish to thank the Heil Family Foundation for its grant to the Forum that helped make this research possible. That grant was inspired by the Greater Together Challenge.
Marijuana in Milwaukee
An overview of municipal marijuana policy in Milwaukee and other U.S. cities

May 2015

The first in a series of two reports addressing municipal marijuana policy

Study Authors:
Mike Gavin, Senior Researcher
Joe Peterangelo, Senior Researcher
Joe Yeado, Senior Researcher
Rob Henken, President

Public Policy Forum
Impartial research. Informed debate.
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**Introduction**

With the sale and possession of marijuana now legal in four states — and with several cities taking action recently to reduce or eliminate criminal penalties for possession of small amounts of marijuana — the legal treatment of marijuana has become a prominent public policy issue in the halls of Congress and in statehouses and city halls across the United States.

Here in Wisconsin, two bills have been proposed in the Wisconsin Assembly that address the use of marijuana for non-medicinal purposes: one to regulate the production and sale of marijuana to adults 21 and older; and the other to decriminalize possession of up to 25 grams of marijuana. Meanwhile, in the City of Milwaukee, the Milwaukee Common Council has debated a change to City ordinances that would dramatically reduce the fine for first-time, small-scale marijuana possession.

As this debate continues to unfold, there will be emotional discussion regarding the enforcement of current marijuana possession laws in Wisconsin and Milwaukee, the impact of such enforcement on justice system budgets and resources, and the ramifications should marijuana laws or enforcement policies be relaxed. There also will be a need for clarity between the concepts of marijuana legalization versus decriminalization, and about the range of options that might exist for those wishing to explore a new legal paradigm for marijuana possession in Wisconsin or its largest city.

The Public Policy Forum has embarked on a two-phase research project that is designed to provide a factual underpinning for this important discussion. *Our focus for this initial research effort is the City of Milwaukee, as opposed to the State of Wisconsin as a whole.* This is not predicated on a belief that it is best for the debate on marijuana policy to be undertaken at the local level, but rather our assessment — based on the stated positions of the Governor and leaders of the Wisconsin Legislature — that any state legislative action on this matter will lag deliberations and possible action at Milwaukee City Hall.

Given our focus on city government, our research does not address the myriad issues related to full-scale legalization of marijuana usage, which also involves legalizing its commercial sale. Policy issues related to the regulation of sales and the taxation of those sales will become relevant only if the State of Wisconsin decides to pursue a full legalization option. Instead, we concentrate on the range of issues regarding how marijuana possession is and should be treated by the courts and law enforcement at the municipal level.

In this, the first of two reports in our two-phase project, we provide context for potential marijuana policy changes in Milwaukee by exploring efforts to reduce the consequences of small-scale marijuana possession in other U.S. cities. In conducting this analysis, we also consider — on a broad level — the specifics of marijuana possession laws and enforcement in Milwaukee and Wisconsin; and the range of issues that elected officials in Milwaukee should consider in determining whether and which approach to changing the law might be most appropriate here.

Our analysis stems from legislation introduced in the Milwaukee Common Council that seeks to substantially reduce the penalties associated with a first-time arrest for the possession of 25 grams or less of marijuana. The rationale offered by supporters is that existing penalties — which include a forfeiture of $250 to $500 — are too severe given the relatively harmless nature of the drug; that the
severity of the penalty results in unnecessary incarceration; that the enforcement of existing laws is disproportionately harming racial minorities; and that the current legal framework surrounding small-scale marijuana possession requires an inappropriate use of public resources to implement and enforce.

Without taking any position as to whether a change in the law is merited, we consider the reasoning cited by proponents in the context of the following research questions:

1. What is the precise nature of marijuana possession laws in Milwaukee and what do we know about how those laws are being enforced and who is being impacted?
2. How have other cities in the United States that share similar concerns about marijuana-related penalties addressed those concerns?
3. In light of the actions taken by other U.S. cities and policy concerns that have emanated here, what specific policy considerations should be contemplated by Milwaukee policymakers as they consider potential changes to marijuana possession laws?

While this report offers a broad overview of marijuana laws and their consequences in Milwaukee in conjunction with our national "scan," our Phase II report – to be released by the end of 2015 – will take a deeper dive into local law enforcement and justice system data for the purposes of:

- Determining the prevalence of arrests and incarceration for small-scale marijuana possession.
- Describing the demographics of those being arrested and incarcerated and how those individuals are being impacted in terms of employment and related factors.
- Assessing how much is being spent to enforce existing marijuana laws and the potential for redirecting those resources to other justice system needs under various decriminalization scenarios.

Our overall intention is not to advocate for a change to marijuana possession laws in Milwaukee, but to provide objective, factual context and perspective for the ongoing debate. Marijuana legalization and decriminalization debates in other jurisdictions have been marked by passionate rhetoric on both sides. The debate in Milwaukee is likely to be no different, and we believe policymakers and citizens would benefit from impartial research that discusses the actions taken by other cities and that provides detailed quantitative and qualitative analysis that will inform the potential need for policy changes here.
An Overview of Federal, State, and Municipal Marijuana Law

To understand the legal and policy context for the City of Milwaukee and other U.S. cities when it comes to marijuana laws, it is first necessary to have a basic understanding of federal and state laws, and how the legal authority of the federal and state governments impacts the ability of municipalities to establish independent legal frameworks for marijuana possession and usage. In this section, we attempt to provide such an understanding. Here, as in the remainder of this report, our analysis focuses on laws related to simple possession, as opposed to possession with intent to distribute.

The Controlled Substances Act (CSA) is the federal law that establishes U.S. drug policy by regulating the manufacture, use, possession, and distribution of certain substances. Adopted in 1970, the Act classifies drugs in five distinct categories based largely on their potential for abuse and their medical benefits.

The CSA classifies marijuana as a Schedule I drug, which means that its cultivation, use, possession, distribution, and sale are prohibited. Schedule I drugs are considered the most harmful substances with no medical benefits.

Despite this classification, there are a myriad of state laws that treat marijuana far less harshly and that essentially contradict federal law. Obvious examples are the laws recently passed and now being implemented in Colorado and Washington that legalized the cultivation, sale, distribution, and private use of marijuana. Other examples include states that have legalized the medical use of marijuana, while less extreme examples are states that have "decriminalized" by reducing or removing penalties for possession of small amounts of marijuana.

Decriminalization typically means that public possession of small amounts of marijuana (up to one ounce) results in a small fine, similar to a traffic ticket, with no criminal prosecution. In many cases, this stipulation is reserved for first-time offenders, although some jurisdictions have removed criminal penalties for all small possession offenses. Some jurisdictions have gone even further by eliminating all penalties for private consumption of marijuana, while stopping short of full-scale legalization by still prohibiting its public use, sale, and distribution.

In addition to federal and state law, there also are municipal ordinances that regulate marijuana. In most cases, local governments’ marijuana ordinances are consistent with state law, and actions taken by municipalities to individually define penalties for marijuana use and possession are consistent with the legal boundaries laid out by state statutes. However, recently there have been attempts by municipalities in several states to pass ordinances or ballot initiatives that contradict state law.

The fact that laws often contradict each other is not unique to marijuana. There are countless other areas where laws conflict among different branches of government and jurisdictions. This creates challenges for the courts, law enforcement, and citizens. In the case of marijuana, the United States Attorney General responded to the legalization of marijuana in Colorado and Washington by issuing a memorandum in 2013 that provides guidance on how the federal government will enforce
the Controlled Substances Act as it pertains to marijuana. A summary of current federal marijuana enforcement guidelines is provided below.

**Federal Law**

It has been the federal government’s policy for many years to reserve the enforcement of petty marijuana possession offenses to the state and local level. Per a 2013 Attorney General memorandum, federal officials are committed to limiting marijuana enforcement and investigations to address the most significant threats and focus these efforts on the following priorities:

- Preventing the distribution of marijuana to minors
- Preventing revenue from the sale of marijuana to benefit criminal activity
- Preventing the diversion of marijuana from states where it is legal under state law in some form to other states
- Preventing state-authorized marijuana activity from being used as a cover or pretext for trafficking of other illegal drugs or activity
- Preventing violence and the use of firearms in the cultivation and distribution of marijuana
- Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use
- Preventing the growth of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands
- Preventing marijuana possession or use on federal property

It is important to note that these are mere guidelines. If, at any point, the federal government wanted to prosecute a marijuana offense, it could do so through its preemption powers. Preemption is grounded in the Supremacy Clause of Article VI, cl.2 of the Constitution, which declares federal law the supreme law of the land. At the moment, the federal government has chosen to not preempt state marijuana laws as long as those laws do not interfere with the federal government’s ability to achieve the priorities listed above.

**Controlled Substances Act**

Drugs, substances, and particular chemicals used to produce drugs, are regulated through the Controlled Substances Act. The Act divides these substances into five distinct schedules based on the drug’s potential for abuse and its acceptable medical use. The abuse rate is the primary factor in classifying a drug. Schedule I drugs are considered to have no accepted medical use and to have the highest potential for abuse. Thus, the possession, distribution, or use of these drugs is strictly prohibited by federal law. Drugs in other classifications are deemed to have a lower probability of abuse and have recognized medical benefits. Such drugs are allowed to be prescribed subject to various conditions and circumstances.

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A brief explanation of each classification is shown in Figure 1.²

**Figure 1: Controlled Substances Act Drug Schedules**

**Schedule I**
- No currently accepted medical use
- Have the highest potential for abuse
- Considered the most dangerous of all the schedules
- Greatest potential for extreme dependence
  *Examples include: marijuana, heroin, LSD, and ecstasy*

**Schedule II**
- High risk of producing addictive and abusive behaviors
- Lower abuse rate than Schedule I drugs
- Accepted medical benefits
- May be prescribed under certain circumstances and conditions
  *Examples include: oxycodone, Vicodin, cocaine, and Ritalin*

**Schedule III**
- Moderate to low potential for dependence and abuse
- Known medical benefits
- May be prescribed under certain circumstances and conditions
  *Examples include: testosterone and anabolic steroids*

**Schedule IV**
- Low potential for abuse
- Known medical benefits
  *Examples include: Ativan, Tramadol, and Ambien*

**Schedule V**
- Lowest potential for addiction and abuse
- Clear medical benefits
- Some may be offered over the counter by a pharmacist
  *Examples include: Lyrica, cough preparations with < 200 mg of codeine, and Motefen*

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Federal Penalties

As discussed above, marijuana is classified as a Schedule I drug under federal law. Thus, its sale, use, distribution, and possession are strictly prohibited. Federal penalties for various marijuana offenses are depicted in Figure 2.3

Figure 2: Federal Penalties for Marijuana Offenses

<table>
<thead>
<tr>
<th>Offense</th>
<th>First Conviction</th>
<th>Second Conviction</th>
<th>Third &amp; Subsequent Convictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Possession</td>
<td>Up to one year in jail</td>
<td>15-day mandatory minimum sentence with a maximum of two years in prison</td>
<td>90-day mandatory minimum sentence with a maximum of up to three years in prison</td>
</tr>
<tr>
<td>Sale &amp; Cultivation</td>
<td>Minimum fine of $1,000</td>
<td>Fine of up to $2,500</td>
<td>Fine of up to $5,000</td>
</tr>
<tr>
<td>Less than 50 plants or 50 kg of marijuana</td>
<td>Up to five years in prison</td>
<td>Not more than 20 years in prison</td>
<td>10 years to life in prison</td>
</tr>
<tr>
<td>50-99 plants or 50-99 kg of marijuana</td>
<td>Fine of up to $250,000</td>
<td>Fine ranging from $1 to $5 million</td>
<td>Fine of $4 to $10 million</td>
</tr>
<tr>
<td>100-999 plants or 100-999 kg of marijuana</td>
<td></td>
<td>10 years to life in prison</td>
<td></td>
</tr>
</tbody>
</table>

State Law

While beyond the scope of this analysis, the debate over the effects and medical benefits of marijuana has been well documented and dates back more than 100 years. This debate has occurred not only in Congress, but also has reverberated within statehouses across the country.

Individual states began carving out their own legal frameworks with regard to marijuana in the wake of a report by the National Commission on Marijuana and Drug Abuse in the early 1970s.4 The Commission was created by the Controlled Substances Act in response to concerns that the dangers of the drug did not match the federal penalties, especially with regard to possession of small amounts of marijuana. The Commission’s report – issued to Congress in 1972 – concluded that the effects of moderate use of marijuana to the individual and society did not warrant such extreme penalties.

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4 Marihuana, A Signal of Misunderstanding, Commissioned by President Richard Nixon, March 1972.
penalties. The committee recommended a small citation and no criminal prosecution for public possession of marijuana and no penalty for private consumption. Although Congress did not take action based on the report’s findings, several states subsequently have made changes to their marijuana laws.

State marijuana laws govern the possession, sale, and cultivation of the drug and can be broken down into four categories:\(^5\)

- **Legalization** – this is the far end of the spectrum in which marijuana is legal for adults and is taxed and regulated similarly to cigarettes and alcohol.

- **Medical** – legislation allowing the use of marijuana for medicinal purposes has been adopted in 23 states. These states allow doctors to use marijuana to treat patients for certain conditions.

- **Decriminalization** – states with decriminalization laws typically do not impose jail time or criminal sanctions for first-time offenders caught possessing small amounts of marijuana (typically one ounce or less). Violators typically receive a monetary fine in this scenario.

- **Prohibition** – this is the most restrictive category in that the possession, sale, and cultivation of marijuana of any amount, regardless of the offense, are considered criminal. This means that the penalty may consist of jail time and a criminal record.

Map 1 shows the distribution of states among those categories.

**Map 1: Marijuana Laws by State**

\(^5\) Ibid.
Municipal Law

In several states, municipalities have the ability to pass local marijuana ordinances that can classify certain forms of possession or use of marijuana as municipal violations that are subject to civil fines or penalties, or that can otherwise establish specific municipal regulations that pertain to marijuana. Because state law preempts municipal law (just like federal law preempts state law), municipal ordinances typically are consistent with state statutes. However, just as some states have passed laws that appear to contradict federal law, there has been a recent influx of municipalities that have attempted to pass ballot initiatives or ordinances stripping penalties for small-scale marijuana violations in states that prohibit the drug. Examples include Detroit, where adults over the age of 21 may possess up to one ounce of marijuana without penalty; and Portland, Maine, where private possession and use of up to 2.5 ounces of marijuana has been legalized.

Similar to cases in which state and federal law conflict, local ordinances cannot prevent the prosecution of state or federal marijuana law violations. That is, municipal marijuana ordinances may only regulate how the locality prosecutes violations at the local level. State and federal laws still are in effect and may be enforced by state, federal, or even local officials. For instance, if a person were caught possessing under an ounce of marijuana in Detroit, that person still could be charged with a state or federal law violation, despite the fact that he or she did not violate municipal law.

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Marijuana Laws in Milwaukee

Virtually all citizens recognize and understand that the sale, possession, and use of marijuana are illegal in the City of Milwaukee. Those who closely follow proceedings in and around City Hall also know that concerns have been raised about the severity of penalties associated with possession of small amounts of marijuana, and the impacts of those penalties on racial minorities and justice system resources.

There is far less knowledge, however, regarding what the law actually says and how it is enforced. In this section, we seek to provide a basic understanding of marijuana laws in the City of Milwaukee and some of the issues that have been raised regarding their composition and enforcement.

Current Laws

In May 1997, the City of Milwaukee passed a new municipal ordinance addressing the issue of marijuana possession. Previously, all marijuana possession charges were treated as violations of state law, meaning that violators were subject to criminal prosecution by the Milwaukee County District Attorney (D.A.) and to criminal penalties determined in state court. The local legislation allows first-time offenders found possessing 25 grams of marijuana (just under one ounce) or less to be charged with violating a city ordinance rather than a state law. Hence, violators receive the equivalent of a municipal ticket, and their cases are brought before municipal court. Forfeitures for violating the ordinance range from $250 to $500. Failure to pay can result in up to 20 days in jail, but the typical jail sentence (when one is given) is eight days.

For second and subsequent violations involving 25 grams or less, individuals are to be charged by the D.A. with a criminal offense under state law. Whether that offense is a misdemeanor or a felony depends on whether the individual has experienced a previous marijuana conviction. (More information about the State’s marijuana regulations is provided below.)

Cases involving quantities of marijuana greater than 25 grams carry steeper penalties, as do cases in which there is a charge of “possession with intent to distribute.” Possessing marijuana-related paraphernalia also is prohibited by law, so in cases involving possession of both marijuana and paraphernalia, individuals can be charged with both violations, each of which carries a distinct fine.

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In the fall of 2014, Aldermen Nik Kovac and Ashanti Hamilton introduced a proposal to reduce the maximum forfeiture for violating the City’s marijuana possession ordinance (which applies to first-time offenses) from $500 to $5.\(^{10}\) Forfeitures for consuming marijuana in public would not be altered, remaining in the $250 to $500 range. The original proposal also would have allowed the City to treat second and subsequent offenses as municipal violations if the District Attorney declined to prosecute.

The City’s Public Safety Committee held a hearing on a version of the proposal at its February 2015 meeting, but delayed a vote. On May 11, supporters of the measure brought a revised version – calling for a reduction in the maximum forfeiture to $50 – directly to the floor of the Common Council, but a final decision again was delayed. A revised version is likely to be considered again by the full Council in early June. According to the proposal’s lead author, that version will not contain any changes related to second and subsequent offenses.

## Potential to Reduce Fines Limited by Court Fees and Surcharges

The proposal to reduce penalties for first-time marijuana possession cases would lower the forfeiture amount, which currently is set at $250-500. (According to officials from the Milwaukee Municipal Court, the forfeiture amount for a marijuana possession charge typically is $266.) In addition to the forfeiture, however, the fees and surcharges included in the table below are added to calculate the total fine.

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Agency Retaining</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court Clerk Fee</td>
<td>$33</td>
<td>City</td>
</tr>
<tr>
<td>Jail Assessment Fee</td>
<td>1% ($10 minimum)</td>
<td>County</td>
</tr>
<tr>
<td>State Clerk Fee</td>
<td>$5</td>
<td>State</td>
</tr>
<tr>
<td>State Crime Lab Fee</td>
<td>$13</td>
<td>State</td>
</tr>
<tr>
<td>State Surcharge</td>
<td>26% of forfeiture</td>
<td>State</td>
</tr>
</tbody>
</table>

For a forfeiture of $266, therefore, fees and surcharges add up to $130 for a total fine of $396. If the typical forfeiture were reduced to $50, these additional costs would remain, leaving a total fine of at least $124.

State of Wisconsin Policy Context

Chapter 961 of the Wisconsin Statutes – the Uniform Controlled Substances Act – regulates marijuana possession and other drug-related crimes in Wisconsin. Under the statute, individuals with no previous drug offenses who are convicted of possessing marijuana for the first time can be fined up to $1,000 and/or sentenced to up to six months in jail.11

While the language in the state statutes refers to “first offenses,” it is important to understand that state law only applies to criminal cases. Individuals typically have broken a municipal marijuana possession ordinance at least once before a criminal charge would be brought by a district attorney, so in this context, a “first offense” actually refers to the second time a person has been cited for marijuana possession.

First-time criminal marijuana possession charges are treated as misdemeanors under state law, but second and subsequent criminal offenses can be charged as Class I felony crimes, which carry a fine of up to $10,000 and/or imprisonment for up to 3.5 years.12

Until recently, Wisconsin law only allowed municipalities to regulate marijuana possession for the first time in which an individual is cited, and only for cases involving less than 25 grams. In April 2014, the State passed Act 293, which allows cities, towns, and villages to impose municipal ordinances regulating possession of marijuana in excess of 25 grams, and regulating second and subsequent offenses, “provided the district attorney’s office declines to prosecute.”13

This change in state law affords municipalities the opportunity to pursue civil forfeitures from individuals whose marijuana possession cases otherwise would not have been prosecuted by the district attorney’s office. It is possible this will result in the D.A. taking fewer second and subsequent marijuana possession cases, thus potentially establishing lower risk of incarceration but greater risk of municipal fines for some offenders. Some municipalities, such as the City of West Allis, have modified their ordinances to reflect the change in State policy. Most have not, however, including the City of Milwaukee.

Policy in Practice: First Offenses

This section lays out how first-time noncriminal marijuana possession offenses typically are handled in the City of Milwaukee based on extensive conversations with officials from the City Attorney’s office and Municipal Court.

When individuals are ticketed for first-time marijuana possession offenses, they are given an arraignment date when they must appear in municipal court. In most cases, if they do not appear at the arraignment, they are found guilty by default, a fine is determined, and they are given 60 days to pay and are sent a default judgment notice. The individual also is sent a reminder if the payment has not been made 10 days before the due date.

12 Ibid.
Wisconsin State Legislature: https://docs.legis.wisconsin.gov/statutes/statutes/939/IV/50
13 Wisconsin Act 293. Wisconsin State Legislature: http://docs.legis.wisconsin.gov/2013/related/acts/293
Wisconsin 66.0107: https://docs.legis.wisconsin.gov/statutes/statutes/66/I/0107
In many cases, such individuals do not take action to resolve their cases. After the 60-day period elapses, the default judgment becomes a municipal warrant. Tracking people down who have been issued municipal warrants is not a top police priority, however. The City typically does not take further action on those cases unless the individual is stopped by police for another violation. Thus, many cases remain open for long periods of time.

If an individual is stopped by a police officer for any reason, however, then the officer typically reviews the individual's record, sees that a warrant has been issued, and releases the individual on “personal recognizance” (PR). The individual must sign a PR bond, which indicates that the individual understands that a warrant has been issued in his or her case and that he or she intends to appear in court.

Many individuals who sign PR bonds fail to appear in court again. Those cases can be sent to collections and any alternative sentences can be enforced at that time. A common method of collection used by the City for those who owe municipal fines is the State of Wisconsin’s Tax Refund Interception Program (TRIP).

The City’s current policy is to issue a second warrant to individuals who do not appear at their municipal court date after signing a PR bond. In fact, the City will issue four warrants for the same case before an individual may be detained. Therefore, a person typically has to be stopped by police at least four times for other violations before a detention would occur.

Only a small number of individuals found guilty of a first-offense marijuana possession charge are sentenced to time in jail, and that only occurs in cases involving repeated failure to pay. Among 4,554 total marijuana possession cases in which the defendant was found guilty between January 2012 and March 2015, only 12 cases (involving 11 individuals) resulted in jail sentences for failure to pay.14 Among those, only eight individuals actually served time in jail.

Notably, the City of Milwaukee, in accordance with State law, does not suspend driver’s licenses for adults who fail to pay a marijuana possession fine. The City only suspends adults’ driver’s licenses for traffic-related offenses. Juvenile offenders can have their licenses suspended by the City of Milwaukee for a marijuana possession offense, however, though they cannot be incarcerated.

Notably, in the past, many individuals spent short periods of time in jail for outstanding municipal warrants on marijuana possession violations. When second or subsequent warrants were issued for individuals who later were stopped by police officers for any other reason, they may have been detained for a day or two before being released. Those days spent in jail were counted toward satisfying their fines, and they were given PR bonds to sign and extensions to pay the remainder of their fines.

The Milwaukee Municipal Court changed this practice in May 2012, however, and, according to court officials, no longer holds individuals on municipal warrants unless they also are being held for a criminal charge. In cases only involving a warrant for a first-time marijuana possession violation, therefore, individuals are given a PR bond to sign and are quickly released. In cases involving both a

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14 Data provided by the City of Milwaukee’s municipal court upon request.
municipal warrant and a criminal charge, days spent in jail can be credited toward satisfying judgments for both offenses.

While few people in Milwaukee are committed to jail time for first-time marijuana possession charges, most also do not pay the fines they are given. This is despite the fact that the City of Milwaukee offers payment plans and extensions to individuals who appear in court. As shown in Table 1, payments of any amount were made in only 42% of cases in which individuals were found guilty of marijuana possession during a recent period of more than three years; only 28% of the fines were paid in full.

Table 1: Marijuana Possession Cases in the City of Milwaukee’s Municipal Court

<table>
<thead>
<tr>
<th>Year</th>
<th>Cases Filed</th>
<th>Guilty</th>
<th>Dismissed</th>
<th>Pending</th>
<th>Cases with Payments</th>
<th>Paid in Full</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>1,952</td>
<td>1,796</td>
<td>107</td>
<td>49</td>
<td>835</td>
<td>568</td>
</tr>
<tr>
<td>2013</td>
<td>1,746</td>
<td>1,524</td>
<td>80</td>
<td>142</td>
<td>631</td>
<td>427</td>
</tr>
<tr>
<td>2014</td>
<td>1,381</td>
<td>1,131</td>
<td>57</td>
<td>193</td>
<td>426</td>
<td>288</td>
</tr>
<tr>
<td>2015 YTD</td>
<td>240</td>
<td>103</td>
<td>0</td>
<td>137</td>
<td>15</td>
<td>14</td>
</tr>
</tbody>
</table>

There are multiple reasons why most of these fines are never paid in full. As previously mentioned, many individuals do not appear in court after signing a PR bond. At that time, their cases are sent to collections, but individuals who do not earn money or pay taxes still are unlikely to pay their fines. Even for individuals who do pay taxes, there is an order in which TRIP distributes tax refunds to creditors, and the municipal court typically is not first on that list. It is also worth noting that after seven years, if an offender has not broken any other municipal ordinance, then his or her case may be dismissed.

Policy in Practice: Second and Subsequent Offenses

Since the City of Milwaukee’s marijuana possession ordinance only addresses first offenses, second and subsequent offense cases typically are sent to the D.A.’s office. That office exercises its discretion in deciding whether or not to criminally charge an individual for marijuana possession and what type of charge to issue.

We received data from the Milwaukee County circuit court on cases prosecuted by the D.A. from 2013 and 2014 that only involved a second or subsequent marijuana possession offense. We have not had the opportunity to fully analyze and verify our initial interpretation of these data, as doing so likely will involve examining hundreds of individual cases. However, given the potential relevance of this information to the debate that is currently occurring at the Milwaukee Common Council, we felt it was important to share findings from our initial review in this report. Readers should keep in mind the uncertain nature of these findings and our intention to conduct additional examination.

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15 This information was compiled for a data request on March 23, 2015 and reflects cases in the system until that time.

16 Under the State of Wisconsin’s Tax Refund Interception Program, the Department of Revenue “is authorized to intercept any state tax refund and refundable credit to pay debts owed to other government agencies.” [https://www.revenue.wi.gov/faqs/isrefintcp.html](https://www.revenue.wi.gov/faqs/isrefintcp.html)
Our initial review found that a majority of these cases that involve second or subsequent marijuana possession offenses resulted in felony convictions and sentences to time in jail. (Again, we have been told that these cases do not include cases involving additional charges or cases that the D.A. decided not to prosecute.) According to the data, among 424 total cases the D.A. prosecuted during the 2013-14 period, 275 were found guilty (105 were still pending so no disposition had yet occurred). As Chart 1 shows, 86% of those found guilty were convicted of felonies.

Chart 1: Category of offense for second and subsequent marijuana possession convictions in Milwaukee County, 2013 and 2014

Among those 275 cases that have so far resulted in convictions, 265 were sentenced to jail time, while only nine were sentenced to time in state prison. (The remaining case only resulted in a forfeiture.) Among those sentenced to time in jail, the number of days varied greatly, from as short as one or two days, to as long as one full year. Prison sentences ranged from 12 to 18 months.

Our interviews with officials in the D.A.’s office and with other justice system stakeholders indicate that the intention of the D.A.’s office is not to charge people with felonies for marijuana possession if they do not already have at least one other felony on their record. In our follow-up to this report, we plan to conduct a deeper analysis of justice system data – including a look at cases the D.A. decided not to prosecute – to obtain a more precise picture of how second and subsequent offenses are being handled by the justice system in Milwaukee County.

Also, the 275 convictions over a two-year period for second and subsequent marijuana offenses should not mask the much larger number of individuals who are arrested each year on marijuana charges. Milwaukee Police Department data indicate there are more than 4,000 marijuana-related arrests in the City of Milwaukee each year, and that more than three-quarters of drug arrests are for possession, as opposed to manufacturing or distribution. Furthermore, in 2013, marijuana-related arrests amounted to approximately 14% of total arrests for any offense. It is possible that many marijuana possession cases also involve additional charges or either are not prosecuted or reduced
to municipal offenses by the D.A., which is why the 424 prosecutions appear to be relatively low. We intend to further explore this issue, as well, in our follow-up research.

**Policy Issues**

Current policies pertaining to marijuana possession in the City of Milwaukee and surrounding communities raise several important issues that warrant consideration.

1) **Racial disparity of arrests:** One major concern often raised about Milwaukee’s (and Wisconsin’s) marijuana laws is that African Americans are arrested at disproportionate rates. In addition to being an issue of fundamental fairness, concerns have been raised regarding the impact of arrests for marijuana possession on police-community relations in predominantly African American neighborhoods.

As shown in Chart 2, while African Americans make up approximately 26% of Milwaukee County’s population, they accounted for 86% of those found guilty of a second or subsequent marijuana possession offense in 2013 and 2014.

**Chart 2: Comparison of 2013 and 2014 marijuana possession convictions in Milwaukee County with population totals**

The American Civil Liberties Union (ACLU) also recently found that African Americans are 4.7 times more likely to be arrested for marijuana possession than whites in Milwaukee County, despite a body of research that shows roughly equal rates of marijuana consumption across race.

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18 These data do not include cases involving additional charges other than second and subsequent marijuana possession offenses.
2) **City vs. suburbs:** When the City of Milwaukee created its marijuana ordinance in 1997, supporters pointed to similar ordinances in several Milwaukee suburbs and the need to establish more universal regulations countywide. At the time, residents in suburbs with municipal marijuana ordinances who were found possessing marijuana only received municipal citations, while City of Milwaukee residents guilty of the same offense received much harsher penalties associated with violating state criminal law.

Today, as Milwaukee aldermen debate the latest proposal for modifying the City’s marijuana ordinance, concerns again have been raised regarding the lack of consistent policies throughout the county. Fines vary by municipality, deferred prosecution options exist in many suburbs but not in Milwaukee, and some suburbs handle second and subsequent offenses as municipal violations, while others send all second and subsequent offenses to the D.A. To shed light on this issue, we looked at several Milwaukee County suburbs to see how they regulate marijuana possession.

- **Bayside:** The typical fine for a marijuana possession charge in the Village of Bayside is $691, inclusive of court costs. Bayside issues warrants for individuals who fail to pay fines for municipal citations, and individuals can be jailed for failure to pay. The Village also utilizes TRIP to recover unpaid fines. Second and subsequent marijuana possession cases are sent to the D.A.

  Bayside offers payment plans to people struggling to pay their fines, and also offers deferred prosecution.\(^2^0\) Under deferred prosecution, individuals must complete a group dynamics class at Milwaukee Area Technical College (MATC) and must complete community service. If the individual does so and does not receive any other non-traffic tickets during the deferred prosecution period (typically one year, but can be between 6 and 18 months), then the ticket is dismissed.

- **Franklin:** Penalties for violating Franklin’s marijuana possession ordinance are spelled out in the City’s “General Penalty” provision and amount to a range of $1 to $2,500. The typical fine for a first-time citation is $533.50. Failure to pay can result in up to 90 days in jail. According to the city attorney, second and subsequent marijuana possession offenses also are handled by Franklin’s municipal court, as the D.A. typically does not prosecute those cases.

- **Shorewood:** Under Shorewood’s ordinance, the Village’s “General Penalty” of $10 – $2,000 applies, but typically, the actual fine is $376. Like Bayside, Shorewood in some cases offers a deferred prosecution program that can reduce the person’s total cost to

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\(^{20}\) Deferred prosecution policies can differ among different jurisdictions. The Milwaukee County D.A., for example, has its own distinct deferred prosecution policies that do not involve the same requirements as those offered in Bayside.
$100-150 and that requires the individual to take an online educational program. Shorewood’s program also requires drug screenings over a six-month period. According to Shorewood’s village prosecutor, some second and subsequent offenses are issued at the municipal level and not sent to the D.A. Fines may be higher for second and subsequent offenses. Shorewood generally sends cases involving 25 grams or more to the District Attorney’s office for review of potential criminal charges.

- **Wauwatosa:** The ordinance in Wauwatosa applies its “General Penalty” provision to first-time marijuana possession cases, which amounts to a fine of $1 to $5,000. According to the City Attorney, Wauwatosa’s standard forfeiture for first-time marijuana possession is $100-$200.

- **West Allis** has modified its policy based on the recent change in state law, broadening the police department’s authority to issue municipal citations for cases involving “possession of more than twenty-five (25) grams of marijuana or possession of any amount of marijuana following a conviction in this state for possession of marijuana, provided that the district attorney dismissed charges for the same conduct or declined to prosecute the case.” According to the City Attorney’s office, the fine for possession under the City of West Allis ordinance is $1,321, inclusive of court costs.

- **Whitefish Bay:** As in Bayside, the typical fine for a marijuana possession charge in the Village of Whitefish Bay is $691, inclusive of court costs. Whitefish Bay does not issue warrants for individuals who fail to pay municipal fines, however, and no one serves time in jail for failure to pay fines. Second and subsequent offense cases are sent to the D.A. and do not return to municipal court.

  Whitefish Bay also offers payment plans and deferred prosecution. The deferred prosecution program is similar to Bayside’s in that individuals must take a class, complete community service, and not receive any other non-traffic tickets during the deferred prosecution period. Whitefish Bay’s program differs in that it typically imposes court costs of $150 and the required class is online rather than at MATC.

**Chart 3** summarizes the information we collected on typical fines for first-time marijuana possession violations. It shows that the fines imposed by the City of Milwaukee are in line with many of the Milwaukee County suburbs, with Wauwatosa and West Allis being outliers on opposite ends of the spectrum.

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3) Lack of diversion opportunities: Because marijuana is not considered an addictive drug and few clinical treatment programs exist for marijuana users, individuals arrested for possessing marijuana do not have the same diversion opportunities as those caught possessing other illegal drugs. This issue is particularly relevant to those being prosecuted for a second or subsequent small-scale offense, whose cases are in the hands of the D.A.’s office.

In Milwaukee County, the D.A. has made increased use of diversion into drug treatment programs for low-level offenders in recent years, but that option is not available for those whose treatment needs are related solely to marijuana use. With regard to first offenses, while community service is an option under Milwaukee’s marijuana possession ordinance, a UW-Milwaukee analysis found that option was used only 36 times between 2008 and 2013, which amounted to only 1% of the total marijuana possession citations. Deferred prosecution options appear to be more widely utilized in Milwaukee County suburbs.

4) Unpaid Fines, Incarceration, and Driver’s License Suspensions: As previously shown in Table 1, municipal court data from the City of Milwaukee indicate that fines in only 28% of first-time marijuana possession cases that were levied between January 2012 and March 2015 were paid in full. A common claim is that people whose only offense is that they did not pay fines for municipal marijuana possession violations end up in jail and/or with suspended driver’s licenses. The City has incarcerated only eight individuals for failure to pay marijuana possession fines over the last three years, however, and cannot suspend adults’ driver’s licenses for marijuana possession violations. While the City may wish to consider lowering its marijuana-related fines or changing its policy to never incarcerate offenders for failure to pay fines.

While the City of Milwaukee’s policy is to give fines in the $250-500 range, the typical fine total is $396, according to Municipal Court officials. Similarly, forfeitures in the City of Wauwatosa range from $100-200. For comparison purposes, we used the midpoint for Wauwatosa. Notably, total fines in Wauwatosa may be somewhat higher when court costs are added.

Pawasarat, John and Marilyn Walczak. 2015.
those fines, the perceived beneficial impact of doing so would appear to be less significant than some may believe. City leaders also could consider changing policy to no longer suspend juvenile offenders’ licenses for marijuana possession.

It is also worth noting that the City’s policies regarding the circumstances in which individuals can be incarcerated for unpaid municipal fines could be changed at any time by the Municipal Court without Common Council approval. If the City’s intention is for those policies not to be changed, then the Common Council may wish to solidify them in the City’s code.

Second and subsequent offenses are more likely to lead to incarceration in the Milwaukee County Jail or House of Correction and/or criminal records, which can have significant impacts on offenders’ lives. Incarceration – even for only a few days in a Milwaukee County correctional facility (as opposed to a longer stay in a state prison) – clearly can impact offenders’ prospects of maintaining or finding employment. Having a criminal record also can impact employability, particularly for work in fields where state or employer policies exclude felons from employment.

In addition, criminal convictions for second and subsequent marijuana possession charges are rarely expunged from an individual’s record, which can impact their employability for the rest of their working lives. This is not the case for marijuana possession cases only, but rather for all criminal convictions in Wisconsin. Based on state law, expungement must be requested by the court at the time of sentencing.24 It is much more difficult to have a conviction expunged after a sentence has been completed.

Having an expungement order does not necessarily mean that an individual’s arrest record will be wiped clean from the Consolidated Court Automation Programs (CCAP) system once the individual has completed his or her sentence. According to the Wisconsin State Public Defender’s Office, removing records from CCAP often requires additional efforts to obtain the necessary court orders.

From a workforce and economic development perspective, the practice of arresting or criminally charging individuals for possession of small amounts of marijuana may be creating a significant barrier to employment for a large number of Milwaukee residents. Consequently, those seeking marijuana policy changes because of their belief that significant numbers of economically disadvantaged citizens are needlessly suffering harsh penalties may wish to focus greater attention on the treatment of second and subsequent offenses for small-scale possession.

5) **Public resources used for enforcement:** The financial cost to local governments of policing and prosecuting marijuana possession also has been raised as an issue. While data have not been compiled on the cost of enforcing marijuana laws within the city of Milwaukee, the ACLU found that $44.4 million was spent enforcing marijuana laws statewide in 2010,
indicating that the amount spent in Milwaukee likely is in the millions. Since most fines for marijuana possession never are paid, a key question is whether the amount of public resources being spent to enforce these laws is appropriate. The Public Policy Forum plans to devote detailed attention to this issue in our follow-up report to be released later this year.

6) **Consistency of enforcement:** Based on our conversations with justice system officials, there appears to be a great deal of discretion involved in enforcement of marijuana possession laws. Police officers decide whether to give individuals citations or make arrests – and the D.A. decides whether to prosecute for second and subsequent offenses – with a broad set of considerations in mind. For example, an individual’s previous record may be considered, and/or whether the case involves other offenses beyond marijuana possession. Police and D.A. discretion, therefore, has significant impacts on case outcomes.

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Marijuana Laws in Other U.S. Cities

In this section, we provide a brief overview of cities across the country that have taken steps to reduce the penalties associated with marijuana use and possession despite federal and state prohibition. This overview is designed to provide context for policymakers and citizens in Milwaukee who are interested in learning about the range of options that might be available to modify city ordinances and/or enforcement policies in an effort to address perceived problems with current marijuana laws and their enforcement.

Our national scan indicates that the strategies taken by cities that have sought to carve out their own legal frameworks for marijuana possession generally fall into three categories: adjusting law enforcement priorities; treating possession as a civil offense; and eliminating penalties altogether. We summarize those strategies below and provide examples of municipalities that have pursued them.

In addition, at the conclusion of this section, we summarize how major cities in neighboring states treat small-scale marijuana possession. Again, this information is provided as context for those who wish to contemplate policy changes in Milwaukee and who are curious about how other big cities in our region have approached this issue.

It is important to note that the cities discussed in this section have not fully legalized marijuana use or possession. With the exception of Denver and Seattle, where state voters opted to legalize, public possession of marijuana remains illegal in each city. Moreover, these cities took action despite state laws and/or restrictions that were more stringent. However, the examples provided here illustrate some of the many avenues available to city governments to impact local marijuana policies in the absence of statewide action.

Three Municipal Approaches for Reducing Marijuana Possession Penalties

As discussed earlier in this report, the legal treatment of marijuana possession in U.S. cities is guided first by federal law and then by state law. However, as we have seen in Colorado and Washington, the illegality of marijuana possession under federal law does not fully restrict the ability of states to develop contradictory legal and regulatory frameworks. In the same manner, restrictions in state laws have not precluded local governments across the country from establishing their own enforcement and legal structures.

We distinguish the approaches pursued by municipal governments by placing them into three distinct categories. The examples below are by no means an exhaustive list, but they do broadly illustrate how several municipalities have taken action outside of the confines of state and federal law to reduce the consequences associated with marijuana possession and consumption.

Adjusting Law Enforcement Priorities

The first approach aims to reduce the stringency of local, state, and federal marijuana laws by placing limitations on the use of municipal resources to enforce those laws.
Table 2: Examples of Cities That Have Adjusted (or are Adjusting) Law Enforcement Priorities

<table>
<thead>
<tr>
<th>City</th>
<th>State</th>
<th>City Population*</th>
<th>Metro Population†</th>
<th>Adjustment</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seattle</td>
<td>WA</td>
<td>652,405</td>
<td>3,671,478</td>
<td>Ballot measure to make marijuana-related activities the lowest law enforcement priority</td>
<td>2003</td>
</tr>
<tr>
<td>Denver</td>
<td>CO</td>
<td>649,495</td>
<td>2,754,258</td>
<td>Ballot measure to make marijuana-related activities the lowest law enforcement priority</td>
<td>2007</td>
</tr>
<tr>
<td>Oakland</td>
<td>CA</td>
<td>406,253</td>
<td>4,594,060</td>
<td>Ballot measure to make marijuana-related activities the lowest law enforcement priority</td>
<td>2004</td>
</tr>
<tr>
<td>San Francisco</td>
<td>CA</td>
<td>837,442</td>
<td>4,594,060</td>
<td>Vote by Board of Supervisors to make marijuana-related activities the lowest law enforcement priority</td>
<td>2006</td>
</tr>
<tr>
<td>Nashville</td>
<td>TN</td>
<td>609,664</td>
<td>1,792,649</td>
<td>A 2015 ballot initiative would prevent tax dollars from being spent on criminal prosecution of &lt; 2 oz.</td>
<td>Aug 2015</td>
</tr>
</tbody>
</table>

*U.S. Census Bureau: 2013 Estimates
†U.S. Census Bureau: 2014 Estimates

- **Seattle** voters passed Initiative 75 in September 2003 that made marijuana-related activities the lowest law enforcement priority for both the police department and the city attorney. The time, Washington state law treated possession as a criminal misdemeanor with up to 90 days in jail and a $1,000 fine. Seattle's city council established a Marijuana Policy Review Panel to “assess and report on the effects” of Initiative 75. The 11-member panel issued a final report in December 2007 which noted a decrease in the number of marijuana-related cases referred by police to the city attorney as well as a decrease in the number of cases filed by the city attorney. The panel found “no evident increase in marijuana use among young people, no evident increase in crime, and no adverse impact on public health.” The number of marijuana-related cases decreased to the point that in January 2010, the city attorney announced he would no longer prosecute marijuana possession cases.

- This ‘de-prioritization’ approach has been adopted in other cities. **Oakland**, California voters passed Measure Z in 2004; voters in **Santa Barbara, Santa Cruz** and **Santa Monica**, California approved ballot measures in 2006; and **Denver** voters passed Question 100 in 2007. **San Francisco** instituted a similar policy in 2006, though it was the result of a vote by the city’s Board of Supervisors rather than a ballot initiative.

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27 Ibid
29 Ibid
Nashville will try a different method with a ballot initiative in August 2015. The initiative would “prevent any metro tax dollars from being used for the criminal prosecution of an adult for the possession of less than two ounces of marijuana.”

Marijuana remains illegal in Tennessee and the initiative seeks to work around state law rather than conflict with it. To provide oversight, there is a clause giving citizens the standing to sue the city government if it is found to have violated the initiative, resulting in $1,000 in damages and compensation for legal costs.

**Possession as a Civil Offense**

The second approach taken by cities to reduce marijuana consequences has been to alter municipal codes to reclassify possession from a criminal to a civil infraction. This reduction places possession on a level similar to a parking ticket, results in processing in municipal court, and typically yields a fine rather than jail time. The specific details of the statutes as well as the fine amounts vary from city to city; however, this step effectively decriminalizes the possession of marijuana. This, of course, is the approach that already has been taken in Milwaukee with regard to first-time offenses and that some now wish to modify even further.

It is important to note that while some forms of possession are a non-criminal offense in Milwaukee and the cities cited below, there are no provisions for the purchase or sale of marijuana in those cities. In most of the municipalities described here, being caught in the act of buying marijuana will result in a criminal arrest. Full legalization – which some advocate to allow cities to benefit from taxes associated with the regulated sale of marijuana through licensed retailers – would require addressing the sale and purchase of marijuana.

**Table 3: Examples of Cities That Treat Possession as a Civil Offense**

<table>
<thead>
<tr>
<th>City</th>
<th>State</th>
<th>City Population</th>
<th>Metro Population</th>
<th>Adjustment</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ann Arbor</td>
<td>MI</td>
<td>117,025</td>
<td>356,874</td>
<td>Ballot initiative made 1st offense possession a $25 fine, 2nd offense a $50 fine, and 3rd/subsequent a $100 fine</td>
<td>1974</td>
</tr>
<tr>
<td>Madison</td>
<td>WI</td>
<td>243,344</td>
<td>633,787</td>
<td>Per city-passed ordinance, possession of &lt; 112 grams in a public place results in maximum $100 fine*</td>
<td>1977</td>
</tr>
<tr>
<td>Grand Rapids</td>
<td>MI</td>
<td>192,294</td>
<td>1,027,703</td>
<td>Ballot initiative made any possession a civil infraction with a maximum fine of $100</td>
<td>2012</td>
</tr>
<tr>
<td>Santa Fe</td>
<td>NM</td>
<td>69,976</td>
<td>148,164</td>
<td>Per city-passed ordinance, possession of up to 1 oz results in a maximum civil fine of $100</td>
<td>2014</td>
</tr>
<tr>
<td>Philadelphia</td>
<td>PA</td>
<td>1,553,000</td>
<td>6,051,170</td>
<td>Per city-passed ordinance, possession of &lt; 30 grams results in a non-criminal citation and $25 fine</td>
<td>2014</td>
</tr>
</tbody>
</table>

* Madison has fully decriminalized possession in a private place; that provision of the city ordinances is discussed in the following section.

**Ann Arbor.** Michigan was one of the first cities in the U.S. to decriminalize marijuana. In 1972, the city council voted to reduce the penalty for possession of less than two ounces to a civil infraction with a $5 fine. A new city council repealed the ordinance in 1973, but voters amended the city charter in 1974 to reinstate the decriminalization policies. In its current form, Section 16.2 of the city charter specifies a $25 fine for the first offense possession of any amount of

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marijuana, $50 for the second infraction, and a $100 fine for the third and subsequent offenses.\textsuperscript{33} Marijuana offenses do not result in a criminal record.

- **Madison**, Wisconsin also has one of the oldest municipal policies in the country, having passed an ordinance in 1977 (Ordinance 23.20) that confirms the prohibition in state law against the public possession of marijuana, but that modifies the penalties. Under the city ordinance, public possession of less than 112 grams of marijuana is subject to a $100 fine.\textsuperscript{34} Violation of this ordinance is not a crime and no record of the infraction can be made. The Madison ordinance is unique in that the amount of marijuana permissible greatly exceeds other jurisdictions, which typically set limits at between 25-35 grams. In addition, the ordinance makes no mention of multiple infractions, which indicates there is no enhanced penalty for repeated violation. (Madison also has fully decriminalized possession of marijuana in a private place, which we discuss in the next section.)

- Though marijuana remains illegal in Michigan, **Grand Rapids** joined Ann Arbor to implement decriminalization policies through a ballot initiative in 2012. The initiative amends the city charter to make marijuana possession a civil infraction with a maximum fine of $100.\textsuperscript{35} There is no criminal record associated with an infraction and the fine is waived if the possession is for medical purposes as recommended by a health professional.

- In September 2014, the **Santa Fe**, New Mexico city council voted 5-4 to specify that possession of up to an ounce of marijuana is a civil infraction with a maximum fine of $25.\textsuperscript{36} Current New Mexico state law classifies marijuana possession of less than an ounce as a misdemeanor with a maximum fine of $100 and 15 days in jail.\textsuperscript{37} Though not as severe as other states, the New Mexico penalties do result in a criminal record, something the Santa Fe ordinance removes.

- **Philadelphia** passed an ordinance in October 2014 that makes possession of 30 grams or less of marijuana subject to a non-criminal citation and a $25 fine for each offense.\textsuperscript{38} Furthermore, **public** marijuana use is treated as a non-criminal citation with a fine of $100 for each violation, though this can be waived if up to nine hours of community service is performed. The Philadelphia ordinance is unique in two ways. First, it maintains the same fine amounts regardless of the number of infractions. Second, many cities that have decriminalized marijuana have maintained criminal charges for public consumption, though Philadelphia treats such consumption as a non-criminal offense.


\textsuperscript{35} Ballotpedia. Retrieved from [http://ballotpedia.org/Grand_Rapids_City_Marijuana_Decriminalization_Amendment_Proposal_%28November_2012%29](http://ballotpedia.org/Grand_Rapids_City_Marijuana_Decriminalization_Amendment_Proposal_%28November_2012%29)


\textsuperscript{37} NORML. Retrieved from [http://norml.org/laws/item/new-mexico-penalties-2](http://norml.org/laws/item/new-mexico-penalties-2)

Eliminating Penalties for Possession

The third approach taken by cities to address perceived negative consequences associated with stringent marijuana laws is to eliminate penalties for small amounts of marijuana possession altogether. Again, as with the cities described above that have reduced marijuana possession violations to civil offenses, most of the cities that have eliminated small-scale marijuana possession penalties still have not fully *legalized* the drug, in that its purchase and sale still is prohibited. However, some of the cities described here have treaded close to that issue, as well.

**Table 4: Examples of Cities That Have Eliminated (or are Acting to Eliminate) Penalties for Marijuana Possession**

<table>
<thead>
<tr>
<th>City</th>
<th>State</th>
<th>City Population</th>
<th>Metro Population</th>
<th>Adjustment</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Madison</td>
<td>WI</td>
<td>243,344</td>
<td>633,787</td>
<td>Per city-passed ordinance, possession in a private place is allowed</td>
<td>1977</td>
</tr>
<tr>
<td>Lansing</td>
<td>MI</td>
<td>113,972</td>
<td>470,458</td>
<td>Ballot initiative removed penalties for adult possession of up to 1 oz on private property</td>
<td>2013</td>
</tr>
<tr>
<td>Portland</td>
<td>ME</td>
<td>66,318</td>
<td>523,552</td>
<td>Ballot initiative legalized possession and use of up to 2.5 oz by adults 21+</td>
<td>2013</td>
</tr>
<tr>
<td>Washington</td>
<td>DC</td>
<td>658,893</td>
<td>6,033,737</td>
<td>Ballot initiative allows adults to legally possess up to 2 oz and grow up to 6 plants (initiative being contested in U.S. Congress)</td>
<td>2014</td>
</tr>
<tr>
<td>Toledo</td>
<td>OH</td>
<td>282,313</td>
<td>607,456</td>
<td>A 2015 ballot initiative would remove all jail time, fines, and reporting of marijuana violations</td>
<td>Sept. 2015</td>
</tr>
</tbody>
</table>

- Madison’s Ordinance 23.20 not only reduced public possession to a non-criminal civil violation, but also allows for possession of up to 112 grams of marijuana in a private place without any penalties or consequences.\(^{39}\) Similarly, in 2010, voters in Breckenridge, Colorado approved a ballot initiative to remove all criminal and civil penalties and fines for possession of up to an ounce of marijuana in a private place.\(^{40}\) Though Colorado has now legalized and regulated marijuana, this initiative was innovative at the time.

- In Michigan, possession of any amount of marijuana is a misdemeanor punishable by up to one year in jail and a maximum fine of $2,000.\(^{41}\) Despite this, several cities have taken steps through ballot initiatives to remove penalties for possession. Voters in Detroit approved an initiative in 2012 that allows adults who are 21 or older to possess less than one ounce of marijuana on private property without fine or criminal prosecution. On the same day, voters in Flint approved a similar provision that allows possession and use of up to one ounce of marijuana by those who are age 19 and above. Several smaller Michigan cities have followed this path in recent years. In 2013, voters in Lansing approved a proposal identical to Detroit’s. In addition, the following Michigan cities adopted the Detroit proposal in 2014: Berkley, Hazel Park, Huntington Woods, Mount Pleasant, Oak Park, Pleasant Ridge, Port Huron, and Saginaw.

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While state law in Maine already treats possession of less than 2.5 ounces of marijuana as a civil infraction with a maximum fine of $600, several cities in that state have taken further steps to remove penalties. Voters in Portland passed a ballot initiative in November 2013 that allows adults age 21 and over to “legally possess up to 2.5 ounces of marijuana and paraphernalia” in public and to use marijuana on private property. The Portland initiative is unique in that it allows for the possession of both paraphernalia and actual marijuana; and it allows adults to “engage in activities for the purpose of ascertaining the possession of marijuana and paraphernalia.” With the inclusion of this language, Portland has removed penalties for the sale, purchase, possession, and use of marijuana on private property, though the ordinance does not extend this protection to the cultivation of marijuana. In 2014, neighboring South Portland passed a similar ballot initiative that allows adults age 21 and over to possess up to an ounce of marijuana and paraphernalia in public and allows for use on private property. However, the South Portland ordinance does not extend to the purchase or sale of marijuana.

Washington, D.C. was a hotbed of activity with regard to marijuana policy in 2014. The city council passed a bill in March to reduce marijuana penalties to $25 for possession and $100 for public use, and eliminate jail time for each. In November, voters approved an initiative that allows adults to legally possess up to two ounces of marijuana, grow up to six cannabis plants, and “transfer (but not sell) up to one ounce to another person 21 years of age or older.” Because Washington, D.C. has unique governance and Congressional oversight structures, this information may not be relevant as a potential path for other municipalities to follow.

Voters in Toledo, Ohio will cast ballots in September 2015 on a proposal to de-penalize marijuana possession. Under Ohio law, possession of less than 100 grams is a misdemeanor with no jail time and a maximum fine of $150. This is a lesser consequence than in most states, though a misdemeanor conviction would result in a criminal record and suspension of a driver’s license for a period of between six months and five years. The Toledo initiative does not seek to challenge the legality of marijuana, but instead would “remove all jail time and fines for marijuana violations,” prevent a marijuana violation from being reported to professional licensing boards or law enforcement agencies, and prevent civil or criminal asset forfeiture and driver’s license suspensions related to marijuana offenses. The Toledo initiative does not specify thresholds for age or the amount of marijuana in possession.

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44 Ibid
Municipal Marijuana Policies in Other Large Midwestern Cities

Those interested in contemplating changes to existing marijuana laws and enforcement policies in the City of Milwaukee may benefit not only from perspective on other cities that have "pushed the envelope" across the country, but also from an understanding of how other major cities in the Midwest treat the possession of small amounts of marijuana. The table below summarizes marijuana laws in six nearby major cities. We then summarize municipal activity in three of those six cities that have recently taken action to make their city ordinances less restrictive than state law.

Table 5: Treatment of Small-Scale Marijuana Possession by Other Large Midwestern Cities

<table>
<thead>
<tr>
<th>City</th>
<th>State</th>
<th>City Population</th>
<th>Metro Population</th>
<th>Treatment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chicago</td>
<td>IL</td>
<td>2,719,000</td>
<td>9,554,598</td>
<td>Possession of less than 0.5 oz may result in a $250-$500 fine for 1st offense; second and subsequent result in $500 fines</td>
</tr>
<tr>
<td>St. Louis</td>
<td>MO</td>
<td>318,416</td>
<td>2,806,207</td>
<td>Possession of &lt; 35 grams for 1st or 2nd offense results in a summons (instead of a criminal arrest); municipal court fines range from $100 to $500</td>
</tr>
<tr>
<td>Detroit</td>
<td>MI</td>
<td>688,701</td>
<td>4,296,611</td>
<td>Adults 21+ can possess 1 oz or less with no penalties</td>
</tr>
<tr>
<td>Minneapolis</td>
<td>MN</td>
<td>400,070</td>
<td>3,495,176</td>
<td>City ordinances largely follow state law, which lists possession of &lt; 42.5 grams as a misdemeanor with no jail time and a maximum fine of $200</td>
</tr>
<tr>
<td>Cleveland</td>
<td>OH</td>
<td>390,113</td>
<td>2,063,598</td>
<td>Possession of &lt; 200 grams is a 1st degree misdemeanor with a maximum fine of $1,000 and 6 months in jail; if &lt; 100 grams, minor misdemeanor with no jail and $150 maximum fine</td>
</tr>
<tr>
<td>Indianapolis</td>
<td>IN</td>
<td>852,866</td>
<td>1,971,274</td>
<td>City ordinances follow state law, which cites possession of &lt; 30 grams as a misdemeanor punishable by up to 1 year in jail and a $5,000 fine</td>
</tr>
</tbody>
</table>

- Chicago became the largest city to reduce penalties for small-scale marijuana possession when the city council passed an ordinance in 2012 stipulating possession of less than 0.5 ounces (15 grams) may result in a citation with a fine ranging from $250-500.\(^{48}\) The second and each subsequent offense thereafter would incur a $500 fine. The ordinance does not make a citation mandatory, but rather gives police officers the discretion to issue a citation instead of making an arrest. Officers continue to arrest individuals for public use, possession on school or park grounds, and possession by those without an ID and those under 17 years old.\(^{49}\)

The ordinance runs counter to Illinois state law, which treats possession of 2.5 grams or less of marijuana as a Class C misdemeanor punishable with up to 30 days in jail.\(^{50}\) The length of incarceration increases with the amount of marijuana possessed, with 10-30 grams equaling up to a year in jail. Possession of any amount greater than 30 grams is treated as a felony with one year or more in jail and a fine up to $25,000.

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\(^{50}\) NORML. Retrieved from [http://norml.org/laws/item/illinois-penalties](http://norml.org/laws/item/illinois-penalties)
Chicago's Experience May Hold Lessons for Milwaukee

The recent change in city ordinances in Chicago resulted from a variety of concerns, including police resources and racial equity. Data from 2011 indicate that nearly one in five arrests in Chicago was for marijuana possession of less than 30 grams.¹ The Chicago police chief noted at the time that it took about a half hour to issue a ticket compared to nearly four hours for each arrest.¹ Moreover, it was estimated that Cook County – which includes Chicago – spent more than $78 million and 69,000 police hours in 2012 on arrests, prosecution and jail time associated with marijuana possession.¹ Advocates for the legal change argued that reducing time and expenses devoted to marijuana possession could enable police to focus more on other law enforcement priorities.

In addition, despite national data that indicate similar levels of marijuana use among racial groups, African Americans comprised the vast majority of marijuana arrests in Chicago. Of the 47,400 arrests for marijuana possession of 30 grams or less in Chicago in 2009 and 2010, 78% were African American, 17% were Hispanic, and 5% were white.¹ Some aldermen noted a desire for racial equity in law enforcement as motivation for passing the ordinance.

The enforcement of the ordinance has had mixed effects since it was implemented. Between August 2012 and February 2014, there were 22,569 police encounters in which action was taken for marijuana possession of less than 15 grams; of those, 20,844 resulted in arrests and just 1,725 in citations. Moreover, the racial disparities remain. The racial breakdown of those arrested essentially mirrors the statistics prior to the ordinance - 78% were African American, 17% were Hispanic, and 4% were white.¹ The racial breakdown of marijuana tickets is only slightly less skewed - 70% were African American, 18% were Hispanic, and 11% were white.¹ The data make clear that Chicago police are continuing to arrest offenders rather than exercising their authority to issue citations.

In April 2013, the St. Louis Board of Aldermen adopted a new city ordinance that gives police officers the option to issue a summons for municipal court instead of a criminal arrest for possession of less than 35 grams of marijuana. Municipal court fines range between $100-500 for the first and second offenses, with no jail time or criminal record.⁵¹ The ordinance did not include a third offense, which would be subject to criminal proceedings under state law.

As noted above, voters in Detroit approved Proposal M in 2012. The proposal changed the city code so that adults age 21 and over in possession of less than an ounce of marijuana on private property would not face criminal prosecution.

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Policy Options and Conclusion

It is worth reiterating that the Public Policy Forum takes no position on specific proposed or possible changes to marijuana laws and policies in the City of Milwaukee, and that our research and analysis of this topic is guided solely by the desire to provide greater public understanding in light of current consideration of this issue by the Milwaukee Common Council. With that being said, this initial overview of the policy considerations surrounding marijuana possession does reveal a menu of options available to those who believe that penalties for possession of small amounts should be modified.

Our initial analysis also reveals continued inconsistencies between Milwaukee and its suburbs with regard to marijuana fines and enforcement, and a lack of clarity for citizens with regard to how existing laws are being enforced and who is doing the enforcing. These points suggest that action should at least be contemplated to revisit marijuana possession ordinances in the City of Milwaukee for the purpose of clarifying the desired intent of the law and prioritizing law enforcement resources.

Our initial review of current marijuana laws and their enforcement in Milwaukee yielded six policy considerations that should be pondered by City policymakers and justice system officials as they consider the current legal framework. In addition, our scan of other cities indicated three categories of strategies for those seeking to carve out municipal marijuana possession policies that are less restrictive than state law.

However, while these considerations and strategies provide ample food for thought, the types of potential reforms to be considered will be driven by the broader policy goals of those seeking change. Our research and stakeholder interviews in Milwaukee – as well as our review of other cities that have reduced or eliminated penalties for marijuana possession – indicate that three broad (and sometimes overlapping) policy goals typically drive municipal governments to seek changes to their marijuana laws and enforcement practices:

1. A desire to better reflect the perceived limited effects of the drug, which are deemed no more serious than those associated with other "vices," such as liquor or tobacco.
2. A desire to free up resources for more pressing law enforcement needs.
3. A desire to eliminate racial disparities in enforcement of the law and eliminate minor marijuana infractions as a barrier to employment.

Below, we review policy options in the context of those three goals, taking into account our observations from other cities and our initial review of the existing legal framework in Milwaukee.

Limited Effects When Compared to Other Drugs

There are many who believe that the health effects associated with marijuana are no more adverse than those associated with alcohol and that marijuana, therefore, should be regulated in similar fashion. While it is beyond the scope of this research to opine on that belief, it would appear that the options to effectuate it on the municipal level may be somewhat limited.

To truly regulate marijuana in a similar fashion to alcohol, a municipality would need to legalize its commercial sale (or at the very least, home production). As we have discussed, several states have
taken or will soon attempt to take that route. Few municipalities have attempted to do so, however, in large part because their efforts would conflict with both federal and state law. That would be the case for the City of Milwaukee, as well.

**Portland, Maine, and Washington, DC, are two cities we have identified that have sought to provide legal means for adults to obtain marijuana for personal use. The move by Portland voters to allow citizens to “engage in activities for the purpose of ascertaining the possession of marijuana” removes legal obstacles to buying the drug, but still does not create a regulatory framework for commercial sale. Voters in Washington, DC, meanwhile, are attempting to legalize the home production of a limited number of marijuana plants for personal use, but similarly have not provided for commercial production and sale.**

There is a wider array of options for those who simply wish to establish marijuana penalties that are similar to penalties for alcohol without legalizing its commercial sale or home production. The Detroit model – which allows adults who are 21 or older to possess less than one ounce of marijuana on private property without the threat of fine or criminal prosecution – would be one potential approach, as it would essentially legalize use by consenting adults within the privacy of their own homes, but still penalize use by minors and in public. Closer to home, the Madison example provides an even less restrictive option, as it allows for private possession of up to 112 grams of marijuana, which amounts to almost four ounces.

**Free Up Resources for More Pressing Law Enforcement Needs**

Another common rationale for the pursuit of modifications to municipal marijuana policies is the desire to divert police and justice system resources to areas deemed more "serious" and important. Of course, the simplest way to achieve that objective is to legalize marijuana possession, but those who support action for resource-related reasons may be uncomfortable with the notion of full legalization. Instead, they may consider private marijuana possession and use as a less serious offense than possession and use of other illegal drugs, and they may prefer, therefore, to see law enforcement resources and penalties determined accordingly.

There is a range of options for those wishing to pursue changes to Milwaukee's treatment of marijuana under this rationale. One model is the approach used by several cities to pass ballot initiatives or municipal ordinances directing police departments to consider marijuana law enforcement their "lowest law enforcement priority." One city (Nashville) is attempting a different twist by placing an initiative on the ballot that would prohibit the use of public dollars to prosecute adults for possession of less than two ounces of marijuana, and that would give citizens standing to sue the city if it violates the prohibition.

A potential advantage of pursuing the "lowest law enforcement priority" approach in Milwaukee is that by emphasizing a reduction in arrests (as opposed to a reduction in penalties), this strategy could produce resource savings across the justice system, from the Milwaukee Police Department (MPD) to the Milwaukee County Jail to municipal and circuit courts and the D.A.’s office. A potential disadvantage, however, is the difficulty associated with defining “lowest priority" and ensuring that the policy is implemented, though borrowing from the Nashville model might alleviate those concerns. Also, some may argue that MPD already treats small-scale marijuana possession – when
unaccompanied by other potentially illegal actions – as a "low" law enforcement priority, so codifying this policy would have little practical impact.

Another range of options related to freeing up justice system resources surrounds further "decriminalization" of small-scale marijuana possession to treat all or greater numbers of small-scale marijuana possession offenses as civil, as opposed to criminal violations. We have found that in Chicago, a primary rationale for such action was the contention of the Chicago police chief that it took police officers about a half hour to issue a municipal ticket, compared to nearly four hours for each arrest.

Here in Milwaukee, as we have discussed, the first offense for possession of 25 grams of marijuana or less already has been decriminalized. The current effort by several Milwaukee aldermen to dramatically lower the fine for first offenses is not necessarily driven by resource concerns, but it could have a beneficial impact in that regard. Establishing a fine amount that enables greater numbers of violators to pay immediately would reduce costs associated with pursuing payment. As we have found, however, this approach likely would not produce substantial savings in incarceration costs, as very few individuals who do not pay their fines receive jail time.

Expanding the universe of violators who would be subject solely to municipal violation – as opposed to criminal charges – likely would have a greater financial and resource-related impact. This approach not only could free up MPD resources by allowing officers to issue greater numbers of municipal tickets while making fewer arrests, but it also could produce substantial savings in jail processing, D.A., circuit court, public defender, and incarceration costs. Potential examples for Milwaukee could include Ann Arbor, which treats first, second, and third offenses for small-scale possession as municipal violations with varying small fine amounts; and Santa Fe and Philadelphia, which have established any offense for possession of small amounts of marijuana as civil infractions with a maximum fine of $25.

Milwaukee's ability to pursue such changes may be limited by State statute, however. As discussed previously, a change in State law adopted by the Wisconsin Legislature in 2014 now allows municipal governments to treat second and subsequent violations for possession of small amounts of marijuana as municipal violations, but only provided that the D.A. elects not to prosecute. Consequently, even in those municipalities that change their ordinances to avail themselves of this provision, criminal arrests still would need to be made, detention resources still would need to be utilized, and D.A. time still would need to be employed for second and subsequent violations, though potential reductions in incarceration and court costs could be realized if the D.A. elects not to prosecute.

In light of the specificity of the state law, it is possible that the State could intervene if Milwaukee were to pursue a legal framework that treated all violations of the law for small-scale marijuana possession as civil violations without allowing the D.A. to decide whether to prosecute. On the other hand, given the example of Madison, which has been allowed to implement an ordinance that goes much further in terms of decriminalization, it is also possible that the State would not interfere if Milwaukee sought greater discretion. Consequently, City officials who are interested in pursuing changes along the lines of Ann Arbor, Santa Fe, and Philadelphia may wish to work with the D.A. and
State officials to determine whether such changes could be effectuated in policy or practice within the confines of the newly passed state law.

Finally, it is difficult to speculate conclusively on the potential for resource savings from various policy options without having a clear understanding of the resources currently employed to enforce marijuana laws in Milwaukee and to prosecute and detain violators. The Public Policy Forum plans to conduct a thorough analysis of that question and report our findings in our follow-up report to be released later this year.

**Eliminate Racial Disparities and Barriers to Employment**

A third goal that often drives pursuit of policy initiatives to relax or eliminate penalties for small-scale marijuana possession is the desire to reform a legal framework that is perceived to treat African Americans more harshly than others, and/or that is perceived to add unnecessarily to the barriers to employment often faced by disadvantaged populations.

While we have not yet conducted our own comprehensive analysis of alleged racial disparities in Milwaukee (but plan to do so for our follow-up report), our initial analysis and the findings of other organizations indicate that in Milwaukee and nationally, African Americans are arrested for marijuana infractions in numbers that far exceed their proportion of the overall population. In addition, regardless of whether racial disparities exist, some argue that incarcerating or blemishing the records of citizens who already may face barriers to employment for possessing small amounts of marijuana serves no useful purpose for the individual or society at large.

Those who are driven by these concerns to seek policy changes in Milwaukee again have a varied menu from which to choose. In fact, any of the strategies discussed above – de-prioritization, decriminalization, or full de-penalization – could dramatically reduce the number of African Americans who are being arrested on small-scale marijuana possession charges, and the number of disadvantaged individuals whose ability to find and retain jobs is being impacted by time spent in jail or the existence of a marijuana-related criminal charge on their record.

But it is here, in particular, that we come back to one of the key findings of our initial analysis, which is that the treatment of second and subsequent violations for small-scale marijuana possession should perhaps be a bigger concern than the treatment of first offenses for those who wish to change the existing legal framework. As discussed previously, while the size of the fine for a first offense is a relevant concern for numerous reasons – and while there may indeed be a racial disparity in terms of those cited for first offenses – an inability to pay such fines is not resulting in incarceration for the vast majority of those who are cited. Furthermore, because first offenses result in municipal citations, the only record of such offenses is in the municipal court database (which is still a public database), as opposed to databases that are more commonly used to determine one's criminal record.

A bigger issue from the perspective of barriers to employment is the treatment of second and subsequent offenses as criminal violations. Even if the offense is treated as a misdemeanor, a conviction still appears on one's criminal record and still may result in time spent in jail while the offender awaits disposition by the D.A. or court. In addition, even if the Milwaukee ordinance was modified to allow second and subsequent offenses to be treated as municipal violations when the
D.A. declines to prosecute, an arrest still would need to be made. Consequently, a change in the law that would definitively change the treatment of second and subsequent offenses to municipal violations could make a particular difference in addressing small-scale marijuana convictions as a barrier to employment.

One note of caution that has been raised by the local chapter of the ACLU⁵² is that a change to make the City's marijuana ordinance consistent with the new state law (i.e. second and subsequent offenses treated as municipal violations if the D.A. declines to prosecute) could result in the levying of fines against second and subsequent offenders that will be onerous for them and that otherwise would not have occurred if the D.A. had elected not to prosecute. This concern would have to be balanced with the benefits that likely would accrue from creating an opportunity to criminally prosecute fewer individuals in the first place.

**Conclusion**

The discussion in this section is intended to frame policy options through the lens of the primary arguments used by those who are advocating for relaxed marijuana laws. There are other important perspectives that are not covered here, such as the perspectives of those concerned foremost with public safety and public health.

For example, our stakeholder interviews have indicated that MPD may use marijuana possession laws to arrest and detain individuals who are considered dangerous and suspected of more serious crimes that cannot initially be verified, but that are later determined through questioning or the post-arrest discovery of additional evidence. Whether this is a fair and appropriate use of marijuana possession laws (if it is occurring) is beyond our scope; it is important to note, however, that this and several other public safety-related reasons could be cited to support maintaining or even strengthening existing marijuana laws and enforcement policies.

With regard to public health, there has been impassioned debate in this country for the past 50 years regarding the health consequences associated with marijuana consumption. Furthermore, any modifications to its legal treatment must be judged with consideration of the potential to pose harm to minors or to encourage persistent heavy usage by those who are currently only casual or occasional users.

Nevertheless, our initial research indicates that there are several policy considerations surrounding current marijuana laws and enforcement policies in the City of Milwaukee that justify a review of the current framework, and several examples from around the country that could serve as models for potential change. In our next report – to be released by the end of 2015 – we will dig deeper into justice system data in an attempt to provide even greater insight into the societal and fiscal impacts of Milwaukee’s existing marijuana legal paradigm and where (if at all) potential change might be most appropriate.

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**Definitions**

**Ballot Initiatives** – laws passed through the ballot box. These can be initiated through the collection of voter signatures or through legislative action.

**Civil penalty** – a financial penalty imposed by a government for a violation of the law that is intended to compensate the government for wrongdoing. Such wrongdoing is not considered to merit criminal punishment, which often entails time in jail.

**Commitment alternative** – an instance when a municipal court judge requires a person to spend time in jail for a municipal violation.

**Controlled Substances Act** – law passed by Congress in 1970 that governs federal drug policies.

**Criminal penalty** – a penalty imposed by a government for a violation of the law that is intended to punish the violator. Such penalties typically include jail time and are reflected on an individual's criminal record.

**Criminal record** – a history or list of a person’s previous criminal convictions.

**Cultivation** – refers to the growing of marijuana.

**Decriminalization** – when referring to marijuana, this typically means the removal of criminal penalties for possession of small amounts of marijuana, though civil penalties may still apply.

**Distribution** – this refers to the transport of marijuana from one person to another.

**Expunge** – the removal of a criminal conviction from a person’s criminal record.

**Felony** – a crime regarded as more serious than a misdemeanor and punishable by imprisonment for more than one year in a state or federal prison.

**Legalization** – when referring to marijuana, this means a policy that supports a legally controlled market for marijuana, where consumers can buy marijuana for personal use from a safe legal source.

**Marijuana** – dried flowers and leaves of the Cannabis Sativa plant.

**Misdemeanor** – a lesser crime punishable by fine and/or county jail time for up to one year.

**Municipal ordinance** – a law enacted by a city or county.

**Municipal record** – a history or list of a person’s municipal violations.

**One ounce of marijuana** – one ounce of marijuana equals 28.35 grams or 60 marijuana cigarettes.

**Paraphernalia** – equipment needed for the preparation or use of marijuana.
**Personal Recognizance Bond (PRB)** – a form that, when signed, means that an individual acknowledges there is a warrant out for his or her arrest and that the individual must appear in court.

**Personal service** – the personal delivery of a process (e.g. PRB) to the individual to whom it is directed.

**State statute** – laws enacted by a state government body.

**THC** – the main active ingredient in marijuana.

**Warrant** – a document issued by a court that gives the police the power to take a particular action (e.g. make an arrest, serve a person with a PRB).
Rebecca,

Below are the responses to the questions from President Rozek’s email dated January 30, 2019:

1. **What is the current federal and state laws guiding when a municipal violation vs criminal violation can be issued for a marijuana offense.**

   Please refer to the memo that is in the February 4th, 2019 Village Board Packet (link) that addresses this question. It should be noted that we do not enforce federal laws so the specific federal laws pertaining to Controlled Substances were not addressed in the memo or here.

2. **Has the Shorewood Police Department received, to date, any formal verbal or written communication and/or direction from the Milwaukee District Attorney’s Office on the topic of referring marijuana offenses to the DA for criminal vs municipal charges/fines?**

   All Milwaukee County agencies including the Shorewood Police Department have received the Milwaukee County District Attorney’s “Guidelines for the Review of Crimes and Ordinance Violations Revision (link).

3. **What is the current practice of the Shorewood Police Department with regard to making this determination (when to refer marijuana offenses to DA vs issuing municipal violation).**

   The Shorewood Police Department follows the guidelines as set forth by the Milwaukee County District Attorney’s office and all applicable state statutes.
GUIDELINES FOR THE REVIEW OF CRIMES AND ORDINANCE VIOLATIONS

PROPOSED REVISION

The Guidelines for the Review of Crimes and Ordinance Violations, adopted in 2003, establishes a general outline for the division of referrals for prosecution of certain offenses in the City of Milwaukee. In regard to possession of marijuana, reflecting state law at the time, the Guidelines provided,

6. Possession of Controlled Substances: Marijuana. An officer may issue a municipal citation for possession of 25 grams or less of marijuana, which is contained in a single package and appears to be solely for personal use.

   Under the following circumstances, simple possession of marijuana shall be referred to the District Attorney’s Office:

   a. The marijuana is 25 grams or less but is contained in more than one package or there is other evidence that it is not merely for personal use.

   b. More than 25 grams of marijuana, regardless of packaging.

   c. Previous arrest and/or conviction of Possession of Marijuana as either an ordinance or state violation.

   d. Previous arrest and/or conviction for any other violation of the Uniform Controlled Substances Act as set forth in Wis. Statutes Chapter 961.

   e. Persons on probation or parole.

   f. The present arrest came out of the execution of a search warrant.

On June 19, 2015, the Milwaukee City Council amended City Ordinance 106-38-2, relating to the possession of marijuana in the City of Milwaukee. The changes, which reflect amendments to Wis. Stat. § 66.0107 (1)(bm), broaden the category of possession of marijuana offenses which can be prosecuted on the municipal level.

To provide that referrals for prosecution reflect these amendments in a consistent fashion, to ensure—as far as possible—that similarly situated individuals are treated in a similar fashion, and consistent with Wis. Stats. §§ 961.001(1r), (2), and (3), the City of Milwaukee and the Milwaukee County District Attorney’s Office adopt the following revision to the Guidelines for the Review of Crimes and Ordinance Violations.

6. Possession of Controlled Substances: Marijuana. An officer may issue a municipal citation for possession of 28 grams or less of marijuana, which appears to be solely for personal use.

   Under the following circumstances, simple possession of marijuana shall be referred to the District Attorney’s Office:

   a. The amount of marijuana is more than 28 grams;

   b. The amount of marijuana is 28 grams or less, if there is evidence, other than the amount, of drug trafficking;

   c. The suspect is on probation or parole;

   d. The suspect has a history of violence, including any firearms related offense;
e. The present offense involved the use, possession, or presence of a firearm or other dangerous weapon;
f. The present arrest came out of the execution of a search warrant; or
g. The suspect is known member of a drug network.

Investigations involving simple possession of marijuana may be referred to the District Attorney’s Office with the officer’s supervisor’s approval, if other aggravating circumstances are present.

Linda U. Burke  
Deputy City Attorney  
City of Milwaukee

Karen A. Loebe  
Assistant District Attorney  
Milwaukee County

Date
MINUTES - SHOREWOOD BOARD OF TRUSTEES
Committee of the Whole Meeting
February 19, 2019

1. Call to Order
   Trustee McKaig called the Committee of the Whole meeting of the Village Board to order at 6:37 p.m. in the Committee Room.

2. Statement of Public Notice
   Clerk Bruckman stated that the meeting had been posted and noticed according to law.

3. Roll Call
   Trustee McKaig called the roll. Present: Trustees Davida Amenta, Tammy Bockhorst, Jessica Carpenter, Michael Maher, Ann McKaig and Wesley Warren. President Rozek was excused.

   Others Present: Village Manager Rebecca Ewald, Assistant Village Manager Tyler Burkart

4. Consider Standing Committee distribution of tasks and discuss next steps for volunteer committees.
   Tr. McKaig started the discussion on policy included in the February 19, 2019 Village Board packet.

   The following discussion points and changes where suggested to the proposed policy:
   **Structure of Standing Committees**
   - Remove an official grouping of the standing committees and let the Village President decide each year.
   **Role of the Village President for Standing Committees**
   - The Village President, working with the Village Manager, will be given the authority to place an item on the standing committee agenda that he/she feels most appropriate; add unless the Village Board assigns to a specific committee.
   - The Village President (add as the Village representative of the Village Board) will work with the Village Manager to finalize the times and standing committee agendas; add the Village President or Village Manager will consult with the chairs of the Standing Committees.
   **Role of Village Trustee**
   - The Village Trustee should communicate with the staff liaison at least one week prior to the standing committee they chair to set the meeting agenda; change staff liaison to Village Manager in accordance to the communications policy.
   **Role of the Village Manager for Standing Committees**
   - If the amount of agenda items for all the standing committees is too large in length, the Village Manager will work with the Village President (add in consultation with the committee chair) to reduce the number of items and prioritize the discussions.
   - The Village Manager will update the standing committee chair person and liaison of the topics to be placed on the agenda following a review of the agenda with the Village President. The staff liaison will work with the committee chair to prioritize the agenda, if needed; eliminate both.
   **Meeting Times**
   - Add language about two members of the Village Board being able to call a special meeting in accordance with the ordinance.
   **Agenda Topics for Discussion and Consideration**
   - No agenda items discussed at the standing committees should be later considered that night for the full Board; may have some circumstances, concerns about items getting stuck in committee.
   **Topic**
   - Interviews (if needed) for; keep.
This item will be on the Committee of the Whole at the next meeting.

5. Tr. Warren moved, seconded by Tr. Maher to adjourn the meeting at 7:34 p.m. Motion carried 6 - 0.
energy, the options below may reduce barriers to entry noted by residents in the survey:
1) Revamp Neighborhood Improvement Loan Program to include energy efficiency and solar panel installation (reduces cost barrier).
2) Explore opportunities for a Community Solar Program with the local utility or other government entities. MG&E successfully introduced a Community Solar Program in its service territory in cooperation with the City of Middleton. This option can help residents overcome many, if not all, of the barriers that were brought up in the survey.
3) Invest in Village Municipal Solar Projects to demonstrate alignment with resident concerns and lead the way by making investments in solar power installations to the maximum extent feasible on all new or renovated village buildings and other structures, including North Shore Fire station, Shorewood Library, and potentially school properties. In so doing, the Village will move forward on its own commitment to 25% renewable energy by 2025.
4) Promote Solar Incentives to the BID and encourage property owners to participate in Milwaukee County’s commercial PACE (property-assessed clean energy) financing program. PACE allows businesses and nonprofits to obtain low-cost, long-term loans for solar energy and energy efficiency investments. More information about the program: [http://www.pacewi.org](http://www.pacewi.org).
5) Explore the Implementation of a Residential PACE Program similar to the PACE program currently offered by Milwaukee County to commercial property owners.

Ms. Ewald explained next steps will be outlined in the annual report.

5. Consent Agenda Items
   a. Accept Presentation of Accounts – February 19, 2019
   b. Consider Village Board Minutes – February 4, 2019
   c. Consider 2019 Alley Reconstruction Program project management and communication plan (meeting #4)
   e. Consider North Shore Environmental Health Consortium fee schedule.

Tr. Bockhorst moved, seconded by Tr. Maher to approve the consent agenda. Tr. Amenta requested removing item 5b and Tr. Warren requested removing item 5d off the consent agenda. Motion carried 6 – 0.

6. Items Removed from the Consent Agenda

5b; Consider Village Board Minutes – February 4, 2019.
Page 6, item 5g change “dislike” to “concerns”
Page 10 Trustee Reports, strike the sentence discussion started at the January Village Board Meeting.

Tr. Bockhorst moved, seconded by Tr. Maher to approve the Village Board Minutes of February 4, 2019 with the stated changes. Motion carried 6 - 0.

5d; Consider Shorewood Shenanigan’s Temporary “Class B” Liquor License for the Shorewood Business District and Extension of Premise for Brat House for Saturday, March 16, 2019. Tr. Warren requested the item to be pulled as members of the audience wanted to comment. David Price, Three Lions Pub, Shorewood; expressed he would like to see better collaboration with the BID next year for sponsorship of the event. Tr. McKaig expressed any concerns on the BID is organizing the event should be brought up at the BID Board meetings.

Tr. Maher moved, seconded by Tr. Bockhorst to approve the Shorewood Shenanigan’s Temporary “Class B” Liquor License for the Shorewood Business District and Extension of Premise for Brat House for Saturday, March 16, 2019. Motion carried 6 – 1 with Tr. Amenta voting nay.
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. – None

9. New Business

   a. Consider award of contract for 2019 Woodburn Watermain Relay Project (meeting #4). The bids were opened on February 1, 2019 and are summarized below:

<table>
<thead>
<tr>
<th></th>
<th>Base Bid</th>
<th>Alternate 1</th>
<th>Alternate 2</th>
<th>TOTAL Base + Alt 1</th>
<th>TOTAL Base + Alt 1 &amp; Alt 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vinton Construction</td>
<td>$339,517.75</td>
<td>$22,110.00</td>
<td>$265,020.00</td>
<td>$361,627.75</td>
<td>$626,647.75</td>
</tr>
<tr>
<td>MJ Construction</td>
<td>$255,505.00</td>
<td>$26,100.00</td>
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<td>$281,605.00</td>
<td>$451,618.00</td>
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<tr>
<td>American Sewer Services</td>
<td>$248,818.00</td>
<td>$20,800.00</td>
<td>$182,000.00</td>
<td>$269,618.00</td>
<td>$451,618.00</td>
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<tr>
<td>MidCity Corporation</td>
<td>$250,459.00</td>
<td>$21,550.00</td>
<td>$166,600.00</td>
<td>$272,009.00</td>
<td>$438,609.00</td>
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<tr>
<td>UPI LLC</td>
<td>$237,328.00</td>
<td>$24,450.00</td>
<td>$186,760.00</td>
<td>$261,778.00</td>
<td>$448,538.00</td>
</tr>
</tbody>
</table>

Alternate 1 includes replacement of water valves in the project area. Alternate 2 is the sum total of the cost of all 27 private services in the project area; this cost would be borne by the participating property owner. Staff recommends the award of both alternates; the Board may wish to consider the following in the award process:

- Considering the two project components funded by the Village/Water Utility (base + Alt 1), the lowest cost bid was submitted by UPI. An award to UPI would provide the project at the lowest cost to the Village/Water Utility.
- Should the Village Board wish to consider the costs for private service work, it may consider an award to MidCity Corporation which submitted the lowest cost bid for the base bid and both alternates. Under this scenario, the Village would pay an estimated $10,231 additional for the improvements to the Village distribution system, saving each prospective participating property owner $746.67.
  - The necessary private property owner participation rate to “break-even” for this scenario (the savings on the private service replacement alternative equals the increased cost of the municipal distribution system) is approximately half – 13 of 27 properties.
  - As noted in the table above the cumulative participation rate (all past projects) is one percent (1%).

Ms. Butschlick explained the difference between the two suggested motions: Should the Board wish to award a contract with the lowest cost to the Utility, staff recommends the award to UPI. Recommended motion: I move award of a contract for the 2019 Woodburn Watermain Relay base bid and alternates one and two to UPI LLC in the total amount of $448,538 (four hundred forty-eight thousand five hundred and thirty-eight dollars and no cents).

Should the Board wish to award a contract with the lowest cost to the private resident so as to encourage the replacement of private lead service lines, staff recommends the award to MidCity. Recommended motion: I move award of a contract for the 2019 Woodburn Watermain Relay base bid and alternates one and two to MidCity Corporation in the total amount of $438,609 (four hundred thirty-eight thousand six hundred and nine dollars and no
Tr. Maher moved, seconded by Tr. Amenta to award the contract for the 2019 Woodburn Watermain Relay base bid and alternate one and two to UPI LLC in the amount of $448,538. Motion carried 6 – 0.

b. Consider award of contract for 2019 Alley Reconstruction Project (meeting #4).  
Ms. Butschlick commented on the memo as follows: 
In an attempt to ensure a contract could be awarded within the available budget, the bid was structured with a base bid including all alleys and an alternative bid which included seven of the eight alleys. The engineer’s estimate of probable cost for the base bid was $641,500.00; the EOPC for Alternative 1 (reduced number of alleys) was $621,300.00. The following bids were received:

<table>
<thead>
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Tr. Warren moved, seconded by Tr. Bockhorst to award of a contract for the 2019 Alley Reconstruction Program to All-Ways Contractors for the base bid in the amount of $632,669.80. Motion carried 6 – 0.

c. Consider project manager contract for AMR/AMI project (meeting #3).  
Ms. Butschlick commented on the memo as follows:  
A contract consultant is necessary to administer the meter replacement and reading system project; staff does not have the technological expertise nor the work capacity to function as the primary project manager. Please find attached a proposal from City Water to provide this service. You will note the scope includes:

- Revision of current draft RFP to address AMI technology not available in 2015 when document was initially drafted.
- Development of AMR proposal section not part of the Phase II scope.
- Development of Public Service Commission Construction Authorization application.
- Analysis of the AMR section of the proposal and development of a cost benefit analysis between the two technologies to assist the Village in selecting which technology and vendor to recommend for contract award.

As you know, City Water has been working with the Shorewood Water Utility on the conceptual replacement of meters since 2014. In addition, City Water’s work with the Water Utility staff development and business practice improvements has provided them with a comprehensive understanding of our infrastructure and operations that adds significant value to the metering project.

As you may recall, the Village’s purchasing policy does provide exception for sole source contracting with explanation and documentation of reason. Is should be noted that the RFP requirement did not exist when work on this project began. Today, the meter infrastructure analysis, RFP development and project management would be incorporated in a single contract. However, at that time it was determined that a series of phased contracts with City Water would provide optimum scheduling flexibility.

Purchasing policy explanation and documentation of reason:
• The investment of time and resources have provided City Water with significant knowledge of distribution system and Utility operations. This knowledge could be obtained by another consultant but at additional time and cost.
• City Water is the only area consulting firm with a high level of project management experience and expertise in advanced meter infrastructure. Staff feels strongly that a local presence is critical to successful implementation of this project.
• Time is a consideration. The Utility’s current reading equipment has reached the end of its useful life and is beyond its scheduled replacement date. If the readers should fail, an estimated $15,000 would be required to replace the handheld units in the interim.

Tr. Maher moved, seconded by Tr. Warren approval of a professional services agreement with City Water in the amount of $31,826 for the water meter replacement, RFP development and project implementation. Motion carried 6 – 0.

d. Update on recycling center drop-off operation (meeting #2).
Ms. Butschlick stated that Waste Management has agreed to supply a different type of covered container (see photo below) for use at the DPW drop-off center which has access openings approximately two feet by two feet in area. Staff believes this – in addition to improved signage – will provide a visual cue that the container is not for general refuse disposal. Waste Management has indicated the new container type can be delivered the week of 2/18/19.

The container will not be attended. While the new container type will prevent the disposal of most furniture and larger refuse items, it cannot guarantee the dumping of smaller items. Waste Management representatives have agreed to this configuration on a trial basis. If satisfactory improvement is not seen, either staffing of the containers or elimination of weekday drop-off hours must be considered.

Ms. Butschlick explained they will monitor over the next couple of months and bring an update back to the Village Board.


Tr. Maher moved, seconded by Tr. Bockhorst to approve Resolution 2019-05; Proclaim World Migratory Bird Day in Shorewood on October 5, 2019. Motion carried 6 – 0 by a roll call vote.

10. Reports of Village Officials
   a. Village President - None

   b. Village Trustees –
       Tr. Amenta shared, Shorewood Moving Forward is sponsoring a community potluck on Sunday, February 24, 2019. The email comments included in the packet regarding the survey were not meant to be taken seriously. Attended the movie presented by the Conservation Committee; it was very well attended by the public.

       Tr. Warren attended the movie presented by the Conservation Committee, incredibly well attended.

       Tr. McKaig shared the Human Relations Committee did not meet as they did not have a quorum.

       Tr. Bockhorst informed the Village Board of League Lobby Day on February 20, 2019 in
Madison; three big pushes: Dark Store loophole, levy limits, and transportation funding. Public Policy Forum will be looking at alternate state funding mechanisms.

c. Village Manager – With over 45 inches of snow in 2019, lot C is filling up. Ms. Ewald commended Ms. Butschlick, Mr. Kolste and all the DPW staff for their hard work the past couple of weeks.

11. Items for future consideration
   a. Consider format for fiscal note at a future standing committee.

   Tr. Amenta moved and Tr. Bockhorst seconded to refer format for fiscal note at a future Budget and Finance Committee Meeting. Motion carried 6 - 0.

12. Closed Session – The Village Board will adjourn into closed session pursuant to 19.85(1)(c) to discuss the annual performance evaluation of the village manager.

   Tr. Bockhorst moved, seconded by Tr. Warren to adjourn into closed session pursuant to 19.85(1)(c) to discuss the annual performance evaluation of the village manager at 8:41 p.m. Motion carried 6 – 0 by a roll call vote.

   Tr. Maher moved and Tr. Amenta seconded to reconvene into open session at 9:30 p.m. Motion carried 6 - 0.

13. Adjournment
   Tr. Amenta moved and Tr. Maher seconded to adjourn at 9:31 p.m. Motion carried 6 - 0.

Respectfully submitted,

Sara Bruckman, CMC/WCMC
Village Clerk
1. Call to Order
   President Rozek called the Committee of the Whole meeting of the Village Board to order at 6:47 p.m. in the Committee Room.

2. Statement of Public Notice
   Clerk Bruckman stated that the meeting had been posted and noticed according to law.

3. Roll Call
   President Rozek called the roll. Present: Trustees Davida Amenta, Tammy Bockhorst, Jessica Carpenter (7:10 p.m.), Michael Maher, Ann McKaig and Wesley Warren.

   Others Present: Village Manager Rebecca Ewald, Assistant Village Manager Tyler Burkart, Finance Director/Treasurer Mark Emanuelson, Police Chief Peter Nimmer

4. Discuss 4th Quarter Financial Report
   Mr. Emanuelson answered questions regarding the fourth quarter financial report included in the March 4, 2019 Village Board packet. Current projections based on YTD activity and trends would suggest there will be a 2018-year end General Fund budget deficit of approximately $284,000. However, considering the planned use of $264,376 in general fund reserves for debt service tax levy stabilization, this outcome is actually an adjusted unfavorable outcome of less than $20,000 or about 0.2% of expenditures.

   The following were questions asked and the answers provided:
   - Why is General Legal Professional Fees so high? Utilization of general engagement is 20% over and other legal is 4% over (employee relations related).
   - What are the Duncan fees? Duncan fees are related to a number of things: number of citations issued, parking permits, and collection notices. Note: Mark will provide the last 5 years what has the Village paid to Duncan, for the parking study.
   - What is the overage on the Police Department electric budget? Just the new building, during renovation and construction phases, there were a lot of open doors. Now that construction is over, staff will be looking over the next few months to verify what number should be utilized for a baseline amount.
   - Where is the Fire Department building? Capital Budget as a holding cost for sale of the property.
   - Why is street maintenance 50% under budget? Some activities couldn’t be scheduled as planned.

   Mr. Emanuelson explained that the extra bond funding available and included in the fourth quarter financial report on an annual basis, is showing the bond cycle rolling from year to year. Mr. Emanuelson explained there isn’t a grand bond total because they are segmented by sub-classification; you can’t use residual street improvements for facility improvements.

   Note: parking utility budget to fund $10,000 in the parking and transportation study.
   Note: Include a column when the RFP will be issued next.

5. Discuss standing committee distribution of tasks and discuss next steps for volunteer committees (meeting #6).
   Village Board members expressed for the sake of transparency the importance of videotaping the standing committee meetings.
6. Tr. Bockhorst moved, seconded by Tr. Amenta to adjourn the meeting at 7:35 p.m. Motion carried 7 - 0.

MINUTES - SHOREWOOD BOARD OF TRUSTEES
Village Board Meeting
March 04, 2019

1. Call to Order
President Rozek called the meeting of the Village Board to order at 7:43 p.m. in the Court Room.

2. Roll Call
President Rozek called the roll. Present: Trustees Davida Amenta, Tammy Bockhorst, Jessica Carpenter, Michael Maher, Ann McKaig and Wesley Warren.

Others Present: Village Attorney Nathan Bayer, Village Manager Rebecca Ewald, Director of Public Works Leeann Butschlick, Planning and Development Director Bart Griepentrog, 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 Resolution 2019-06 Confirming Obligation to Contribute to North Shore Fire Department’s Budget to Pay Debt Service on Bonds Issued by the Village of Whitefish Bay on Behalf of the North Shore Fire Department.

      Chief Whittaker explained that items (a) and (b) go together; (a) is relating to the remodel project for the station in the Village of Whitefish Bay and confirming the village’s contribution. The Fire Department Board voted to accept the low bidder on the project. The project was bid over a year and the low bid came in at over $1,000,000. This year the scope was narrowed and changed architects which put different engineers on the project. Based on timing Whitefish Bay will be bonding separately for their fire station project, Whitefish Bay is willing to do additional bonding up to $4,000,000 for the Shorewood fire station.

      Tr. Amenta moved, seconded by Tr. Bockhorst to approve Resolution 2019-06 Confirming Obligation to Contribute to North Shore Fire Department’s Budget to Pay Debt Service on Bonds Issued by the Village of Whitefish Bay on Behalf of the North Shore Fire Department. Motion carried 7 – 0 with a roll call vote.

   b. Consider Resolution 2019-07 Approving the “Single or Multi-Year Capital” Budget to Remodel the Whitefish Bay Fire Station in 2019.

      Chief Whittaker explained this is the authorizing resolution to actually spend the money.
Tr. Amenta moved, seconded by Tr. Maher to approve Resolution 2019-07 Approving the “Single or Multi-Year Capital” Budget to Remodel the Whitefish Bay Fire Station in 2019. Motion carried 7 – 0 with a roll call vote.

c. Consider Resolution 2019-08 Supporting a Change in State of Wisconsin Statutes Exempting Tax Levy Authorized Under State Statute 66.0602(3)(h)2 for Joint Fire Department to be Excluded from the Calculation Determining Eligibility for Qualification for the Expenditure Restraint Program under State Statute 79.05(2)

Chief Whittaker presented the following information from his memo in the March 4, 2019 packet:

Background and History
• As a means to encourage municipalities to enhance service and reduce costs through cooperation and to provide relief for an organization attempting to meet the fiscal limits of many member municipalities, the Wisconsin Legislature adopted an exemption to the levy limits in 2006 that allows communities that are members of a joint (consolidated) fire department the ability to exempt the fire department’s increase in charges to the municipality from their levy limits if the increase in charges is less than or equal to CPI + 2%, and each member municipality adopts a resolution in favor of exceeding the levy limit (Wis. Stats 66.0602(3)(h)).
• While this exemption provides relief to the levy limits, the member municipalities of the North Shore Fire Department recently found that the limits of the State’s Expenditure Restraint Program provide an equal challenge that levy limits did prior to 2006.
• Wisconsin’s Expenditure Restraint Program (ERP) provides unrestricted aid to qualifying municipalities that limit growth in spending. To qualify for aid, municipalities must limit their increase in spending to 60% of net new construction plus CPI (max of 2%). So, while the levy limit exemption in place for members of a joint fire department allows a community to levy funds to support the joint fire department, the ERP penalizes them for expending those funds.

Local Impact
• The Village of Brown Deer, a member of the North Shore Fire Department, had a negative net new construction amount in 2017. This negative net new construction equated to a 0% net new construction increase that feeds into the expenditure restraint equation. Net new construction is related to a municipality’s ability to construct and increase the value of the property, houses and businesses in their community.
• Several municipalities served by the North Shore Fire Department, like Brown Deer, are completely built out meaning that net new construction is likely to continue to trend low for the foreseeable future. Populations in these communities over the course of the last ten years have remained stable. The 2010 population listed the seven North Shore communities as having a combined population of 64,830 residents. In 2017 this population was estimated at having only 86 more residents. With very little growth anticipated in the coming years, municipalities in the North Shore are reliant on a healthy CPI if they want to maintain their eligibility for ERP funds from the State.
• While net new construction continues to be limited, the consumer price index (CPI) has also provided recent challenges. In most recent years, CPI has come in at less than a 1% increase. This, combined with a 0% increase on the net new construction significantly limits municipalities’ ability to support the ability of joint fire departments to maintain service levels and other critical services provided by municipalities.
• In 2017, Brown Deer needed to use approximately 40% of its allotted expenditure restraint increase for the Fire Department even though the North Shore Fire Department is only about 21% of Brown Deer’s budget.

Potential Solutions
• The idea of the levy limit exemption was to reward fiscally conservative municipalities who
opted to share services to provide a higher level of services to their residents at a reduced cost. We are now finding that without a coinciding exemption on the expenditure restraint side, this levy limit exemption is not providing the support it was thought to when it was adopted.

- Consolidated fire departments provide a higher-level of service at a cost for which a single community could not do alone. A 2015 study by the Wisconsin Policy Forum showed that the seven-member communities of the North Shore Fire Department would have been paying about $2.8 million more annually for an equivalent level of service had they not consolidated.
- While cooperation provides savings and improved services, when municipalities work together, there must be a constant spirit of cooperation. When the municipalities are challenged by each having different levy limits and requirements to maintain expenditure restraint funds that cooperation is challenged. While one community may have the ability to fund maintenance of service levels, their neighbor may not, thus creating disagreements on appropriate funding and service levels. The levy limit exemption has provided some relief from those disagreements, but the ERP limits continue to loom in these discussions.
- The North Shore Fire Department is asking the State of Wisconsin to consider an expenditure restraint exemption for consolidated fire service agreements between municipalities to fix this problem as we believe it was the intent of the legislators who originally supported the levy limit exemption to allow for continued support of joint fire departments.

Tr. Bockhorst moved, seconded by Tr. Warren to approve Resolution 2019-08 Supporting a Change in State of Wisconsin Statutes Exempting Tax Levy Authorized Under State Statute 66.0602(3)(h)2 for Joint Fire Department to be Excluded from the Calculation Determining Eligibility for Qualification for the Expenditure Restraint Program under State Statute 79.05(2). Motion carried 7 – 0 with a roll call vote.

d. Consider desired architectural features for inclusion in Shorewood Fire Station façade easement.

The following information was included in the memo in the March 4, 2019 packet: On March 5 the Village Manager, Fire Chief and NSFD construction consultant John Mann will be reviewing architect proposals for renovation of Station No. 83. The memorandum of understanding with NSFD requires the Village Board and NSFD Board to come to agreement on a façade easement for the west and south elevations of the building prior to closing on the property. The Village Board has had limited conversation regarding the architectural features on the building. In light of the preservation group’s submission of these features, the Village Board has been asked to weigh in on features that are of significance that they desire to be maintained and specified in the easement.

A community group has worked with architects to provide the Village Board with some material based on the architectural value of the building to provide a list to the architect who will be working on the fire station.

Rosalie Bredeck, 4248 N. Ardmore Ave, Shorewood, 53211 (Preserve Shorewood) explained the list included in the March 4, 2019 packet. She would like to see the RFP to include all walls to be maintained.

Some Village Board members raised concerns that preserving some of the interior features may not be as feasible as the exterior.

Chief Whittaker explained the overhead garage doors will more than likely not be preserved. All three architects asked what the requirements of preservation will be.

It was requested that President Rozek sit in on the architectural (?) review board meetings.

Tr. Warren moved, seconded by Tr. Amenta to provide the architectural elements in the updated
document dated February 26, 2019 subject to the Village of Shorewood fire house located at 3936 N. Murray Ave, to the North Shore Fire architects for review. Motion carried 7 – 0

e. Consider removal of Plan Commissioner due to lack of attendance (meeting #3)
   Tr. Carpenter as the Judiciary, Personnel and Licensing Committee Chair reached out to Ms. Blankenship to discuss the attendance policy and invited her to attend the Village Board meeting for the discussion this evening.

   The Village Board clarified the last time the policy was updated was 2017. Some Village Board members expressed the importance of following the policy. Some Village Board members expressed they would have preferred to have this conversation at a committee level with the individual. Some Board members expressed there may be some ambiguity and confusion with the policy and it may need to be addressed by committee.

   Tr. McKaig (as past chair of Judiciary, Personnel and Licensing) explained the intent of the policy when it was developed, was the committee chair, staff liaison, and chair of JP&L would engage with the member to talk about the absences to determine if it was something that could be resolved or not. It set circumstances that a conversation could occur with the individual.

   Leah Blankenship, 3916 N. Oakland Ave, Shorewood, 53211 has been a member of the Plan Commission for over five years and values her time on the commission. She stated she was unaware of the attendance policy and no one has had a discussion regarding her attendance in the past.

   Tr. Amenta moved to call to question. Call to question carried 7 – 0.

   Tr. McKaig moved, seconded by Tr. Maher to temporarily suspend Policy #33 and to maintain Leah Blankenship as a member of the Plan Commission pending review of the policy by the Judiciary, Personal, and Licensing Committee. Motion carried 4 – 3 with President Rozek, Tr. Amenta and Tr. Carpenter voting nay.

5. Consent Agenda Items
   a. Accept Presentation of Accounts – March 4, 2019
   b. Consider Village Board Minutes – February 19, 2019
   c. Consider Tobacco Retail License Inayat LLC, 3624 N. Oakland Ave, Shorewood, WI 53211
   d. Consider Application for Special Privilege Approval for outdoor seating in the sidewalk public right of way at:
      i. Colectivo Coffee Roasters, 4500 N. Oakland Ave.
      ii. Brat House Shorewood, 4022 N. Oakland Ave.
      iii. Cloud Red, 4488 N. Oakland Ave.
      iv. Nana Asian Fusion, 4511 N. Oakland Ave.
      v. Stone Creek Coffee, 4106 N. Oakland Ave.
      vi. Metro Market, 4075 N. Oakland Ave.
      vii. Thief Wine Shop & Bar, 4512 N. Oakland Ave.
   e. Consider Application for Special Privilege approval for a parklet at:
      i. Three Lions Pub, 4515 N. Oakland Ave.
      ii. Draft and Vessel, 4417 N. Oakland Ave.
      iii. Camp Bar, 4044 N. Oakland Ave.
      iv. Brat House Shorewood, 4022 N. Oakland Ave.
   f. Consider use of Milwaukee County Parks Department facilities for snow storage (meeting #5)
Tr. McKaig moved, seconded by Tr. Maher to approve the consent agenda. President Rozek requested removing item 5ei and Tr. Amenta requested removing items 5eii, 5eiv, and 5f off the consent agenda. Motion carried 7 – 0.

6. Items Removed from the Consent Agenda

5ei; Consider Application for Special Privilege approval for a parklet at: Three Lions Pub, 4515 N. Oakland Ave.
Jonathan Lang, 4510 N. Oakland Ave., Shorewood 53211 submitted a letter (included at the end of the March 4, 2019 minutes) addressing noise concerns. Mr. Lang expressed he does not want to see the parklet revoked.
David Price, Three Lions Pub expressed their establishment will be more cognizant of any amplified noise.

It was noted that the Outdoor Seating within the Public Right-of-Way Requirements listed on Exhibit 1 of the Application for Special Privilege did not directly correspond to the requirements detailed in Policy 18 Outdoor Seating in the Public Right-of-Way. Staff was directed to update the application to match accordingly.

Tr. McKaig moved, seconded by Tr. Carpenter to approve the application for Special Privilege approval for a parklet at Three Lions Pub, 4515 N. Oakland Ave. Motion carried 6 – 1 with Tr. Maher voting nay. It was noted the special privilege can be revoked if in violation of Policy 18.

5eii; Consider Application for Special Privilege approval for parklet at: Draft and Vessel, 4417 N. Oakland Ave.

The Village Board discussed the location of the bus stop and the past approval of bike racks. Mr. Griepentrog will follow up on the bus stop issue.

Tr. McKaig moved, seconded by Tr. Maher to approve the application for Special Privilege approval for a parklet at Draft and Vessel, 4417 N. Oakland Ave and direct staff to purchase the bike racks and install when practical. No vote was taken

Tr. Bockhorst moved to amend to allow the bike corral to be placed in the street. The amendment to the motion failed for lack of a second.

Tr. McKaig moved, seconded by Tr. Maher to approve the application for Special Privilege approval for a parklet at Draft and Vessel, 4417 N. Oakland Ave and direct staff to purchase the bike racks and install on the sidewalk when practical. Motion carried 7 – 0.

The Village Board recessed at 9:22 p.m.
The Village Board reconvened at 9:34 p.m.

5eiv; Consider Application for Special Privilege approval for parklet at: Brat House Shorewood, 4022 N. Oakland Ave.

Tr. Bockhorst moved, seconded by Tr. McKaig to approve the application for Special Privilege approval for a parklet at Brat House, 4022 N. Oakland Ave. Motion carried 6 – 1 with Tr. Amenta voting nay.

5f; Consider Milwaukee County Parks facilities for snow storage (meeting #5)
Ms. Butschlick presented the following information from her memo included in the March 4, 2019 packet:
As noted, River Park Lot C is at capacity. Additional snow storage will be needed to accommodate any snowfall after February 27, 2019.
Milwaukee County Parks Department has offered limited one-time storage in two of its area parking lots: (1) Lincoln Park, approximately 1161 W. Glendale Avenue, and (2) Estabrook Park, 4000 block of N. Estabrook Parkway (immediately south of the Benjamin Church House).

These locations are easily accessible and in close proximity. However, while staff has no access to either park’s storm sewer system plans, it seems likely that the drainage for both parking lots would flow to the Milwaukee River. This is being noted in recognition of the Board’s selection of the River Park alternative, in large part, because of its location within the Village’s combined sewer system service area.

It should be noted that the capacity of these areas is not large. Staff has no way to estimate at this point if they would be sufficient to store the remainder of the season’s snow.

Other alternatives were identified in the Evaluation of Snow Dumping Options/Snow Removal Operations Alternatives Spreadsheets distributed in your September 4, 2018 Village Board packet. Please note that the City of Milwaukee storage location included among these alternatives is no longer viable; Milwaukee staff has indicated the lot is full.

Some Village Board members expressed the drive to Lincoln Park being a long drive. Some Village Board members expressed the possibility of using Triangle Park and Menlo. Some Village Board members expressed concern about dumping in our community areas and not informing the public first. Some Village Board members expressed concern for the environment and runoff to the river using Estabrook Parkway. Some Village Board members expressed they do not like the idea of taking the snow out of our village.

Tr. McKaig moved, seconded by Tr. Maher to direct staff to use Estabrook Parkway parking lot for the remainder of the 2019 snow season. No vote was taken.

Tr. McKaig called to question, seconded by Tr. Bockhorst. Call to Question carried 7 – 0.

Tr. McKaig made a friendly amendment, seconded by Tr. Maher to direct staff to utilize the Milwaukee County Parks system at their discretion for the remainder of the 2019 snow season. Motion carried 4 – 3 with President Rozek, Tr. Amenta and Tr. Carpenter voting nay.

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. – None

8. Public Hearing(s)

   a. Ordinance 2099 Amending Conditional Use Permit regulations.
      The Public Hearing opened at 9:45 p.m.
      The Public Hearing closed at 9:46 p.m.

9. New Business

   a. Consider Ordinance 2099 Amending Conditional Use Permit regulations
      Mr. Griepentrog presented the following information from his memo included in the March 4, 2019 packet:
      The proposed amendment contains general updates relating to notice procedures, review requirements, limitations of approvals and termination procedures, as follows:

      • In an effort to increase public awareness, conditional use applications would involve neighborhood notices to property owners within 200 feet of the application. (535-25)
• The code would be clarified to detail written notice of the outcome of consideration (535-25E); discuss prohibited alterations, extensions or modifications (535-25F); and, note that approvals shall be construed to run with the land and benefit future owners or occupants, unless vacated for one year (535-25G).

• Codifying current general practice, applications approved by the Plan Commission shall lapse and become null and void one year after the date of the approval, if the use has not commenced or a building permit has not been obtained. (535-25H)

• The proposed ordinance would make it clear that denied applications for a similar use under the same conditions or information could not come back before the Plan Commission within 1 year from the date of denial, unless the Plan Commission first determined that new information was available or conditions had changed. (535-25I)

• Also codifying current procedure, reasons for termination have also been detailed, including operations not in conformity with the original application, a demonstrably negative impact on the surrounding area, or violations of ordinances of the Village of Shorewood. (535-25J)

Tr. Maher moved, seconded by Tr. Carpenter to approve Ordinance 2099 Amending Conditional Use Permit regulations. Motion carried 6 – 1 by a roll call vote with Tr. Bockhorst voting nay.

b. Consider results of RFP for Riparian Land Management Plan and award of contract. (meeting #2)
   This item is deferred until the March 18, 2019 Village Board meeting.

c. Consider results of RFP for Transportation and Parking Analysis and award of contract (meeting #3).
   Mr. Griepentrog presented the following information from his memo included in the March 4, 2019 packet:
   Four responses were received on January 25 in response to the issued RFP. As Chair of the Public Works Committee, Tr. Warren reviewed the proposals along with President Allison Rozek; Chair of the Community Development Authority, Peter Hammond; and Planning & Development Director Bart Griepentrog. Proposals were scored for discussion, which took place on February 22. As a result of that discussion, interviews with three of the consultants was scheduled and held on February 28.

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   The reviewing panel ultimately agreed to recommend the proposal submitted by the team from Walker/Erikson led by Philip Baron. The team associated with their proposal demonstrated wide geographical experience, presented a broad knowledge base on both topics, discussed a desired understanding of public engagement expectations and featured highly professional presentation skills.

   The Community Development Authority’s review and recommendation of the proposals is scheduled to take place at their meeting on March 1. At that meeting the CDA is expected to discuss their role in the project and recommend both budgetary commitments and consultant selection. A verbal update will be provided to the Village Board on the outcome of that discussion at the meeting.
President Rozek confirmed the CDA will be contributing $30,000.

Tr. Bockhorst moved, seconded by Tr. McKaig to award the contract for the Village of Shorewood Transportation and Parking Analysis to Walker Consultants and Eriksson Engineering Associates for an amount not to exceed $89,490. Motion carried 7 – 0.

10. Reports of Village Officials
   a. Village President - None
   b. Village Trustees –
      Tr. Bockhorst will be in Washington DC for the National League of Cities and reminded everyone about the candidate meet and greet on Tuesday from 9:00 a.m. to 10:00 a.m.
      Tr. Amenta reminded about the Talking About Race presentation at the Library on March 7 at 6:30 p.m.
      Tr. Warren, along with Tr. Amenta, attended the Community Potluck by the Shorewood Moving Forward Group.
   c. Village Manager –
      Ms. Ewald presented her goals to the Village Board.
      1. Meeting or talking monthly with every trustee.
      2. Increase collaboration among stakeholders (staff/board/committees/public) through education and understanding of the Village’s processes and procedures.
      3. Build synergy among staff members by increasing shared knowledge, receiving feedback from peers/Village Manager to improve outcomes.
      4. Implementation of quarterly financial review with Department Heads and key staff members with Finance Director and Village Manager.
      5. Facilitating collaboration on the renovation of Station No. 83.
      6. Completing Request for Proposals for Village financial advisory services and legal.

11. Items for future consideration - None

12. Closed Session – The Village Board will adjourn into closed session pursuant to 19.85(1)(c) to discuss the annual performance evaluation of the Village Manager.

Tr. Bockhorst moved, seconded by Tr. Amenta to adjourn into closed session pursuant to 19.85(1)(c) to discuss the annual performance evaluation of the Village Manager at 10:26 p.m. Motion carried 7 – 0 by a roll call vote.

Tr. Amenta moved and Tr. Maher seconded to reconvene into open session at 11:13 p.m. Motion carried 7 – 0 by a roll call vote.

13. Adjournment
    Tr. Maher moved and Tr. Carpenter seconded to adjourn at 11:15 p.m. Motion carried 7 - 0.

Respectfully submitted,

Sara Bruckman, CMC/WCMC
Village Clerk
Sara - Would you please forward the following email to President Rozek and all of the Village Trustees.

Dear President Rozek & Village Trustees:

I apologize for not submitting my comments as part of the meeting packet, but I wasn't able to complete all of my comments prior to the deadline. I will be at Monday's Village Board Meeting to present my concerns, but I also wanted to send you an advance copy to ensure that you have a copy. I am reaching out to you regarding noise concerns at Three Lions Pub. I am a resident living in the Cornerstone apartment building and am requesting the Village address excessive noise generated from two outdoor speakers and late hour utilization of the parklet at Three Lions Pub.

Before I begin, I'd like to state that I am absolutely in favor of approval of Three Lions Special Privilege Application.

I moved into the Cornerstone mixed use building (4510 N. Oakland Avenue) in mid-June 2018 after becoming an empty nester. I love the vibrancy of Shorewood’s downtown and wouldn’t want to be anywhere else. The noise of cars, buses, pedestrians, people gathering at the outdoor bars and restaurants, are all sounds that are part of a downtown landscape. These sounds begin and end the day, with a natural swell as the day goes by. The sounds of concern fall outside those accepted and expected noise levels.

As noted, the business has two outdoor speakers, which according to the Special Privilege Application (Exhibit #2 item #10) are not allowed. The concern is the time of day, the frequency and volume. The speakers are on all day and all night at varying volumes. As early as 6:45 AM and as late as 2:00 AM the outdoor speakers are on. To be woken at 6:45 AM on a Sunday by a voice screaming “Gooooaaalllll!” has a much greater startling affect than any loud alarm clock.

Attached is a chain of email correspondence with Three Lions, providing examples of some of the times I’ve reached out to them. This, however, is a small portion of times that I’ve reached out to them about the speakers and after hours use of the parklet. I have also uploaded a few videos to YouTube (links below) that demonstrate the level of noise I hear in my apartment which is over 70 feet way.

YouTube Videos:

1. Thursday, August 9 at 10:55 I was woken by loud music. This video is prior to calling Three Lions https://www.youtube.com/watch?v=V0KkVpPqZZE

2. Thursday, August 9 after calling Three Lions https://www.youtube.com/watch?v=Y17uHNiSFQA
3. Wednesday night during the fall when Three Lions had a trivia night. [https://www.youtube.com/watch?v=tID8MG-2D8]

Even if there wasn’t specific verbiage in the Special Privilege Application expressly prohibiting amplified music, I believe the Village of Shorewood code found in Chapter 383 would classify these disturbances as unreasonable noises – especially subsections 383-1, 383-2B & 383-2C.

**Chapter 383: Noise**

§ 383-1 General disorder.

[Amended 9-3-1991 by Ord. No. 1614]

It shall be unlawful for any person to make, continue, or cause to be made or continued any noise which is unreasonably loud or any noise which either unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the Village.

§ 383-2 Unreasonable noises.

The following acts, among others, are declared to be unreasonably loud or disturbing and unnecessary noises in violation of this chapter, but said enumeration shall not be deemed to be exclusive, namely:

A. Horns or signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the Village, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for any unnecessary or unreasonable period of time; and the use of any signaling device or the use of any horn, whistle or any other device which creates any unreasonable, loud or harsh sounds for an unnecessary or unreasonable period of time.

B. Radios, phonographs, televisions and musical instruments. Using, operating, or permitting to be played, used or operated any radio, musical instrument, phonograph, television, or other machine or device for the producing or reproducing of sound in such manner as to unreasonably disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is reasonably necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of **11:00 p.m. and 7:00 a.m.** in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this subsection.

[C. Loudspeakers and amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio, musical instrument, phonograph, loudspeaker, sound amplifier, television or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure, automobile or other vehicle.

In regards to the use of the parklet after hours - if you re-watch the 3rd YouTube video showing the trivia night, you'll notice that the voices of the patrons using the parklet can be easily heard - even over the noise of the speakers and the passing traffic. Additionally, after the Three Lions staff closes the parklet seating it often ends up as the "smoking area" for both customers and employees. It is also used as a gathering spot prior to entering the pub or when groups leave - especially at closing time. I know that the Three Lions management team have signs posted to "please respect our neighbors" but frankly - they don't work.

I appreciate you allowing me the opportunity to describe the type of disturbances that I encountered last summer and fall and I hope the Village will address it with Three Lions. In closing, I would like to once again iterate the I am in full support of approving Three Lions Special Privilege Application.
Kind regards,

Jonathan Lang
Late night noise
7 messages

Ericka & Jonathan <langjeje@gmail.com>
To: tink@threelionspub.com, david@threelionspub.com
Fri, Aug 10, 2018 at 10:34 AM

Gentlemen,

I moved to Shorewood a couple months ago and after living in Ozaukee County for the last 11 years I knew I'd have to reacclimate myself to the urban sounds. I really enjoy the active environment of the Shorewood community and one of the reasons we picked to live in The Cornerstone Apartments was the close proximity to Three Lions. We have definitely taken advantage of the proximity and during the last 2 months my family, friends and I have frequented your establishment a half dozen times. Also, the World Cup street party was fantastic and I hope you'll do that again next year for the Women's World Cup.

The first 5 to 6 weeks after we moved to Shorewood there weren't any issues but the last 3 weeks have frankly been kind of miserable. Saturday, July 28 at 1:30AM (technically Sunday) the outdoor music was still blaring away. Sunday, July 29 at 1:00AM (technically Monday) there were 2 loud and drunk females sitting at your parklet. Monday, July 30 at 11:30 the music was still on. So after work on Tuesday, July 31 I stopped in for a couple beers and to let you guys know about the issues. I ended up speaking with Kyle who was apologetic and he said that the night crew knew that they're supposed to turn off the music. He also said that he would speak with your employees and remind them of the rules established by the Village of Shorewood.

Fast forward to Saturday, August 4 - at 11:58PM I was woken up by noises outside and when I looked across the street and the music was on and there was a group of 20-25 people still sitting at the parklet. So I called and whomever answered the phone cleared the group out - not sure if they left or went inside. Then last night at 10:57 I was woken up by music blaring and oddly enough no one was even sitting outside. So I called and the music was shut off.

I don't know if other residents of The Cornerstone or The Ravenna have also had issues or if everyone else has hearing aids and have them turned off at night. I don't want this to be an issue for Three Lions with the Village and have it potentially impact future events you have planned or might plan so I'm hoping you'll be able to resolve these recurring issues.

Regards,
Jonathan
262-395-6505

Tink Direct <tink@threelionspub.com>
To: Ericka & Jonathan <langjeje@gmail.com>
Cc: david@threelionspub.com
Fri, Aug 10, 2018 at 1:07 PM

Jonathon,

Apologies on the noise issues you have been dealing with.

I will readdress this with all of the closing staff to ensure music is turned off, and the Parklet is emptied.
Please understand that there will be the odd occasion of a drunk patron leaving etc that may cause an annoyance. However, you should not be dealing with this on such a consistent basis.

Thank you for approaching us directly so that we can address the problem. Don’t hesitate to contact us in the future.

Thanks
Chris

Sent from my iPhone

[Quoted text hidden]

Ericka & Jonathan <langjeje@gmail.com>  Fri, Aug 10, 2018 at 1:54 PM
To: tink@threelionspub.com
Cc: david@threelionspub.com

I completely understand the drunk patron situation and if it had occurred all by itself it wouldn't have been an issue. It just had the misfortune of happening between 2 nights when the music was on afterhours.

Thanks,
Jonathan

[Quoted text hidden]

Jonathan Lang <langjeje@gmail.com>  Sat, Sep 1, 2018 at 6:48 AM
To: tink@threelionspub.com
Cc: david@threelionspub.com

6:45 in the morning and for some reason your staff feels the need to have the speakers on the patio turned on so everyone can hear the soccer match.

Sent from my iPhone

[Quoted text hidden]

Tink Direct <tink@threelionspub.com>  Sat, Sep 1, 2018 at 7:24 AM
To: Jonathan Lang <langjeje@gmail.com>
Cc: david@threelionspub.com

Apologies

I have reiterated to the staff to leave the outside speakers off in the morning

I believe they are off now

Sent from my iPhone

[Quoted text hidden]

Jonathan Lang <langjeje@gmail.com>  Mon, Sep 3, 2018 at 12:33 AM
To: Tink Direct <tink@threelionspub.com>
Cc: david@threelionspub.com

I just had to call and ask tour staff to turn off the outside music. RJ answered the phone and was apologetic and turned off the music immediately. It was a welcomed change compared to Kyle’s attitude on Saturday morning when I called.
I don’t doubt that you have spoken to your staff but unfortunately it’s not getting through to them. I believe the guidelines in the parklet application you completed are set up to allow you to grow your business while maintaining a balance with your neighbors. I don’t want to interfere with the profitability of your business but you have a responsibility as business owners not to interfere with the quality of life of your neighbors.

I’m not sure what to do next and had really hoped to have been able to resolve this without involving the Village.

Really not sure what to do next.

Jonathan

Sent from my iPhone

[Quoted text hidden]

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Tink Direct <tink@threelionspub.com>  
Mon, Sep 3, 2018 at 7:35 AM

To: Jonathan Lang <langjeje@gmail.com>
Cc: david@threelionspub.com

I have an idea that I will implement today.  
I will buy an alarm clock for behind the bar that goes off at 10.00pm every day...signaling to turn the speakers off

Sent from my iPhone

[Quoted text hidden]
1. Call to Order
   President Rozek called the Committee of the Whole meeting of the Village Board to order at 6:54 p.m. in the Committee Room.

2. Statement of Public Notice
   Clerk Bruckman stated that the meeting had been posted and noticed according to law.

3. Roll Call
   President Rozek called the roll. Present: Trustees Davida Amenta, Tammy Bockhorst, Jessica Carpenter, Michael Maher, Ann McKaig and Wesley Warren.

   Others Present: Village Manager Rebecca Ewald, Assistant Village Manager Tyler Burkart

4. Discuss next steps for volunteer committees (meeting #7)
   Ms. Ewald reviewed the following from her memo: On February 21st staff met with the Chairs of the volunteer committees based upon their feedback from last year’s prioritization process. It was a productive meeting. The Chairs agreed that they desire quarterly communication from the Village Manager on the progress of overall Village initiatives. In addition, they desired to be reached out to directly should staff or the Board need their assistance.

   The Chairs recognized that there are statutorily required volunteer committees that require staff presence at every meeting to facilitate business of the Village. The Chairs also recognized that some volunteer committees are focused on education within the Village that, while not required of the Village, is important based upon the values of our constituents. Staff and the Chairs agreed to continue fulfilling the volunteer educational efforts and volunteer projects that make a difference in our community. The Chairs further agreed that some volunteer committee’s educational initiatives and projects for non-statutory committees do not require staff involvement at all meetings. Chairs confirmed their willingness to converse with staff/Trustee liaisons more outside of the meetings and task someone on the committee to take meeting minutes when the staff liaison is not present.

   The annual planner identifies volunteer committees to document their 2018 accomplishments and prioritize their 2020 initiatives in February-March. This process was put on hold as the Board continued their discussion on standing committees, committee of the whole and volunteer committees. In order to stay on schedule, it is recommended that the volunteer committee start this process in April.

   It was emphasized during last year’s prioritization process that the Village Board didn’t want to micro-manage the volunteer committees. On 2/21/19 the Chairs confirmed that they did not want direction on the projects to be worked on, particularly those volunteer committees that are not statutorily required. Staff indicated through the process they have the ability to identify within their workloads what initiatives are feasible to accomplish or make progress. When the committee formulates their initiatives, staff will meet with the committee chair to confirm the feasibility of the initiatives. Following this review, the documents will be forwarded to the Trustee liaison and Village President for informational purposes.

   Some of the Village Board members inquired what the Village Board’s role is with the Boards, Committees, and Commissions.

5. Closed Session – the Village Board will adjourn into closed session pursuant to 19.85(1)(g) to confer with legal counsel on strategy regarding pending litigation regarding Roundy’s assessment.
Tr. Warren moved, seconded by Tr. Carpenter to adjourn into closed session pursuant to 19.85(1)(g) to confer with legal counsel on strategy regarding pending litigation regarding Roundy’s assessment at 7:04 p.m. Motion carried 7 – 0 by a roll call vote.

Tr. Bockhorst moved and Tr. Maher seconded to reconvene into open session at 7:50 p.m. Motion carried 7 - 0.

6. Tr. Maher moved, seconded by Tr. Bockhorst to adjourn the meeting at 7:50 p.m. Motion carried 7 - 0.

MINUTES - SHOREWOOD BOARD OF TRUSTEES
Village Board Meeting
March 18, 2019

1. Call to Order
   President Rozek called the meeting of the Village Board to order at 7:54 p.m. in the Court Room.

2. Roll Call
   President Rozek called the roll. Present: Trustees Davida Amenta, Tammy Bockhorst, Jessica Carpenter, Michael Maher, Ann McKaig and Wesley Warren.

   Others Present: Village Attorney Nathan Bayer, Village Manager Rebecca Ewald, Director of Public Works Leeann Butschlick, 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 Historical Society interpretative signs placed at Hubbard Park and along Wilson Drive at Congress.
      Karen De Hartog, 4537 N. Sheffield Ave, Shorewood 53211 explained the Historical Society agrees that if the sign is damaged or destroyed it will be their responsibility to replace. Both the Hubbard and Wilson Drive signs will be the same quality and general design of the Ghost Train and River Park signs. The specific location at Hubbard Park has been reviewed and approved by the Department of Public Works. The Department and Historical Society reviewed a suggested specific location for the Wilson Drive and Congress Street sign, but would like to wait until the snow melts to have digger’s hotline flag the area due to the number of utilities that have been recently moved underground as a result of Wilson Drive reconstruction. The sign will be in this location, the exact location at the intersection will be determined following a review of the digger’s hotline locations.
      This is the first step for the Historical Society to proceed with the signs. Following approval, the Historical Society will proceed with finalization of the design for both signs.

      Tr. Maher moved, seconded by Tr. Bockhorst to approve the placement of Historical Society
interpretative signs placed at Hubbard Park and along Wilson Drive at Congress with final location to be approved by the Department of Public Works. Motion carried 7 – 0.

b. Consider 3-year Service Agreement – Atwater Beach Lifeguards with Coastline Services, LLC (meeting #2).
   There was clarification on the Supervisor position and the administration charge. The administration charge is for Mr. Gietzen time to recruit, hire and complete the administrative tasks required. The hourly services needed to be separate from the administrative services he is providing.

Tr. Bockhorst moved, seconded by Tr. Maher to authorize staff to enter into a 3-year agreement with Coastline Services LLC. Motion carried 6 – 1 with President Rozek voting nay.

c. Update on development of a 3-year Age-Friendly plan.
   Sue Bronson, 2601 E. Menlo Blvd, Shorewood, 53211; Chair of the Elder Services Advisory Board and age-friendly plan; when you are addressing the needs of our older citizens you are actually addressing the needs of everybody.
   Elizabeth Price, Senior Services Director shared the successes with Shorewood Connects:
   - Spring and Fall yard cleanup days
   - Neighbor and neighborhood of the year contest
   - Advocacy for development of senior housing
   - Senior friendly business certification program
   - Home Sweet Home Program
   - Dementia awareness community
   - Caregiver support group
   - Received the Best Intergenerational Community award in 2014
   - Immigration Project at Atwater School
   - Monarch Project
   Sue Kelly, facilitator for Shorewood Connects; 20% of Shorewood’s population is older adults (60 and older) by 2050 it will be 30%, the group has been trying to get ahead of this to be at a place where people can stay and call this home as they get older. There are four things people need: walkability, affordable housing, being connected, and knowing where to turn for help.

5. Consent Agenda Items
   a. Accept Presentation of Accounts – March 18, 2019
   b. Consider Village Board Minutes – March 4, 2019
   c. Consider RFP for financial advisory services (meeting #2)
   d. Consider Service Agreement with Sarah DeNeve for 2019 4th of July Coordination Services.
   e. Consider Sponsorship Agreement with the Shorewood Foundation for the 2019 4th of July Celebration
   f. Consider Application for Special Privilege Approval for outdoor seating in the sidewalk public right of way at:
      i. Camp Bar, 4044 N. Oakland Ave.
      ii. Draft & Vessel, 4417 N. Oakland Ave.
      iii. North Shore Boulangerie, 4401 N. Oakland Ave.
      iv. Three Lions Pub, 4515 N. Oakland Ave.
   h. Consider application for Temporary Class “B” for the Shorewood SEED Foundation for September 15, 2019.
   i. Consider Tobacco Retail License for Royal Nepal LLC, 3624 N. Oakland Ave., Shorewood, WI 53211.
Tr. Bockhorst moved, seconded by Tr. Maher to approve the consent agenda. Tr. McKaig requested removing item 5h, Tr. Amenta requested removing item 5g, Tr. Maher requested removing item 5b, and President Rozek requested removing items 5c, 5d and 5f off the consent agenda. Motion carried 7 – 0 with items 5b, 5c, 5d, 5f, 5g, and 5h removed.

6. Items Removed from the Consent Agenda
   Item 5b; Consider Village Board minutes – March 4, 2019
   Page 6; include on the sidewalk in the motion for 5eii.
   Page 9; include roll call vote into open session

   Tr. Maher moved, seconded by Tr. McKaig to approve the Village Board minutes of March 4, 2019 with the proposed changes. Motion carried 7 – 0.

   Item 5c; Consider RFP for financial advisory services (meeting #2)
   Two signature lines will be included for the Village Board and CDA

   President Rozek moved, seconded by Tr. Amenta to approve the RFP for financial advisory services. Motion carried 7 – 0.

   Item 5d; Consider Service Agreement with Sarah DeNeve for 2019 4th of July Coordination Services.

   There was clarification this agreement will go out for RFP in 2020.

   President Rozek moved, seconded by Tr. McKaig to approve a Service Agreement with Sarah DeNeve for 2019 4th of July Coordination Services. Motion carried 7 – 0.

   Item 5f; Consider Application for Special Privilege Approval for outdoor seating in the sidewalk public right of way at:
   i. Camp Bar, 4044 N. Oakland Ave.
   ii. Draft & Vessel, 4417 N. Oakland Ave.
   iii. North Shore Boulangerie, 4401 N. Oakland Ave.
   iv. Three Lions Pub, 4515 N. Oakland Ave.

   There was clarification the application would be updated to match the policy.

   President Rozek moved, seconded by Tr. Bockhorst to approve the applications for Special Privilege Approval for outdoor seating in the sidewalk public right of way at: Camp Bar, 4044 N. Oakland Ave.; Draft and Vessel, 4417 N. Oakland Ave.; North Shore Boulangerie, 4401 N. Oakland Ave.; and Three Lions Pub, 4515 N. Oakland Ave. striking amplified music is prohibited. Motion carried 7 -- 0.

   Item 5g; Consider Special Event Permit for Ragnar Great Midwest 2019, May 17 and 18, 2019.

   There was a clarification question on the route being only on Lake Dr.

   Tr. Amenta moved, seconded by Tr. Bockhorst to approve a Special Event Permit for Ragnar Great Midwest 2019 May 17 and 18, 2019. Motion carried 7 – 0

   Item 5h; Consider application for Temporary Class “B” for the Shorewood SEED Foundation for September 15, 2019.

   There was a request for more information about the event since the route was changing. The Clerk will follow up with the applicant.
Tr. McKaig moved, seconded by President Rozek to defer the Temporary Class “B” for the SEED Foundation for September 15, 2019 until more information about the event is received. Motion carried 6 – 1 with Tr. Amenta voting nay.

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. – None

8. Public Hearing(s) - None

9. New Business


   The Village of Bayside has asked that all seven North Shore Communities’ Boards consider passing the enclosed resolution supporting a levy limit exemption for joint dispatch centers that matches the exemption for joint fire departments.

   Tr. Amenta moved, seconded by Tr. Bockhorst to approve Resolution 2019-09 Supporting State of Wisconsin Levy Limit Exemptions for Consolidated Dispatch Centers. Motion carried 7 – 0 by a roll call vote.

   b. Consider Resolution 2019-10 Authorizing the Partial Redemption of Taxable General Obligation Corporate Purpose Bonds, Series 2010B (meeting #2)

   In 2010 the Village issue $4,720,000 of taxable 2010B G.O. Bonds. A portion of these bonds, $2.9 million, supported the TID 1 Cornerstone project incentives and other TID 1 related activities. These bonds are currently eligible to be called for redemption. Effective with the next maturity payment date of 5/1/19, this bond will have a total of $1,575,000 of outstanding debt related to the TID 1 portion of these bonds. The TID 1 district now has sufficient cash reserves to be able to satisfy these obligations. If these bonds were called, it would save over $117,000 of future interest costs that would otherwise be attributed to TID 1.

   In order to redeem these bonds at the next maturity date, it would require the approval of a resolution to do so at this Regular Village Board meeting. Deferring to the next maturity date of 11/1/19 would reduce the potential interest savings by $28,606.

   The Budget and Finance Committee recommends approval.

   Tr. Maher moved, seconded by Tr. Amenta to approve Resolution 2019-10 Authorizing the Partial Redemption of Taxable General Obligation Corporate Purpose Bonds, Series 2010B. Motion carried 7 – 0 by a roll call vote.

   c. Consider expending funds for crossing guards.

   Deputy Chief Carini explained the current crossing guard status: The Shorewood Police Department was notified on Sunday, March 17, 2019 that the current provider for school crossing guards, Wisconsin Personnel Protection Services, had closed. As indicated in the March 18, 2019 Village Board Packet memo, the Village had been made aware on Wednesday, March 13, 2019. The Village, as well as neighboring communities, received a letter from the Department of Workforce Development (DWD) - State Division of Unemployment Insurance, instructing the Village to send all monies owed to WPPS to the DWD until such time as their levy is satisfied. The Village met with school district officials on Thursday, March 14, 2019 to discuss procedures to be put in place should WPPS fail to
provide services. That plan was put into place on Monday, March 18, 2019. All locations were staffed; the police department staffed three locations and the school district staffed 7 locations. (full memo included at the end of the minutes)

Deputy Chief Carini went over the options for the Village Board to consider:
1. The Village could select a different vendor to provide these services.
   a. Based upon the information received from two companies, it would take between 5-10 weeks for the companies to mobilize their staff to cover our locations.
   b. One company has updated their costs to provide this service. The costs would be $26.42 per hour.
   c. School yearly cost of $99,973.

2. The Village could attempt to hire the current crossing guards that were employed by WPPS.
   a. The crossing guards were paid between $10-12 per hour by WPPS.
   b. The Village was billed an hourly rate of $19.93 by WPPS.
   c. If the Village paid $12 per hour; the cost to the village would be estimated at $12.92 per hour
   d. If the Village paid $15 per hour; the cost to the village would be estimated at $16.14 per hour
   e. It should be noted that if the village would pay up to $15 per hour, it would still be under the 2019 budgeted amount for the remainder of the school year
   f. The Police Department has been able to contact seven of the current crossing guards. All seven indicated they would be interested in continuing their positions if the Village wanted to hire them.
   g. Everyone would need to complete the application; the Village would need to check criminal history, interview, and train. They would not be required to do medical or drug screen. This would be considered an emergency hiring that would not follow current hiring policy of the Village.
   h. Equipment may need to be purchased at approximately $50 per employee which would include a school crossing guard vest and a handheld stop sign.
   i. Consideration may need to be made for any inclement weather gear such as raincoat which would be an additional cost.
   j. There would be significant Police Department staff to begin this process and maintain this practice.

3. Seek volunteers to provide these services (they will need to be trained and equipment purchased). There could be significant staff time, delay and uncertainty with attempting to locate volunteers.
   a. Volunteers would be follow the same procedure for “hiring” as the paid employees.
   b. Equipment may need to be purchased at approximately $50 per volunteer which would include a school crossing guard vest and a handheld stop sign.
   c. Consideration may need to be made for any inclement weather gear such as raincoat which would be an additional cost.

4. The crossing guard locations could be staffed by current village employees and/or school district employees.
   a. The costs would vary depending on which Village employees were assigned these tasks.
   b. As an example; if the Police Department would staff these locations with officers on overtime it would cost approximately $3,504.60 per day.
   c. The School District would have to agree to provide staff.
   d. Equipment may need to be purchased at approximately $50 per employee.
   e. Consideration may need to be made for any inclement weather gear such as raincoat which would be an additional cost.
It was clarified that the contract with WPPS was through June 30, 2019. Ms. Ewald clarified when the contract was approved for August 6, 2018 through the June 2019, school year, there was discussion about approving a one-year contract and the Village Board had desire to have a discussion with the Shorewood School District to cover half of the cost the crossing guard contract going forward starting for 2019-2020 school year. This has been communicated to the Shorewood School District, but further conversations would need to occur.

Village Board discussion continued on the potential challenges of hiring our own crossing guards and how the Police Department would handle the process. The Village Board discussed the average cost of utilizing Village employees in the interim. The average DPW or Village Hall employee would cost $60 an hour with wages and benefits.

One of the Village Board members questioned if the Village had to enter into a temporary employment situation or could we request the School District to enter into the temporary employment for the crossing guards. Some Village Board members expressed the concern on the amount of time this will take for our Police Department staff. Some Village Board members questioned the possibility of the Village hiring four guards and the School District hiring the rest. Some Village Board members expressed considering paying more than the current rate since there are multiple municipalities in the same situation looking for crossing guards.

President Rozek moved, seconded by Tr. Amenta to temporarily hire seven crossing guards at their current salary for the next 58 days. No vote was taken.

Tr. McKaig moved to amend the motion, seconded by Tr. Carpenter to temporarily hire seven crossing guards at $15.00 an hour with an estimated cost to the Village of $16.14 an hour. No vote was taken.

Some Village Board members and Deputy Chief Carini questioned if we are just hiring for seven corners and not filling the rest?

Geoff Davidian, 4101 N. Prospect Ave, Shorewood, 53211; ask if the Elder Services group could provide volunteers.

Mollie Boutell, 4485 N. Frederick Ave, Shorewood, 53211; stated her daughter was hit by a car on Kensington Blvd. Ms. Boutell expressed frustration at the Village Board taking an emergency situation and turning it into an opportunity to remove itself from the responsibility they approved at the beginning of the school year.

Tr. Maher moved to call to question. Call to question 7 – 0.

The amendment was voted on: Tr. McKaig moved to amend the motion, seconded by Tr. Carpenter to temporarily hire seven crossing guards at $15.00 an hour with an estimated cost to the Village of $16.14 an hour. Amendment carries 6 – 1 with President Rozek voting nay.

The original motion as amended: President Rozek moved, seconded by Tr. Amenta to temporarily hire seven crossing guards at $15.00 an hour with an estimated cost to the village of $16.14 an hour for the next 58 days. No vote was taken.

Tr. McKaig moved to amend the amended motion, seconded by Tr. Bockhorst to direct staff to replace the 11 crossing guards at $15.00 an hour. No vote was taken.

There was clarification if the original 11 crossing guard positions couldn’t be filled with the previous crossing guards, the Police Department would handle staffing those locations until individuals could be hired.
Tr. McKaig moved to call to question. Call to question 4 – 3 with President Rozek, Tr. Bockhorst and Tr. Warren voting nay.

The amendment was voted on: Tr. McKaig moved to amend the amended motion, seconded by Tr. Bockhorst to direct staff to replace the 11 crossing guards at $15.00 an hour. Motion carried 5 – 2 with President Rozek and Tr. Amenta voting nay.

The motion as amended: President Rozek moved, seconded by Tr. Amenta to temporarily hire the 11 crossing guards at $15.00 an hour with an estimated cost to the village of $16.14 an hour for the next 58 days.
President Rozek made a friendly amendment to strike the next 58 days and go through June 30, 2019. There was unanimous consent on the friendly amendment.

The motion as amended (2) with friendly amendment: President Rozek moved, seconded by Tr. Amenta to temporarily hire the 11 crossing guards at $15.00 an hour with an estimated cost to the village of $16.14 an hour through June 30, 2019. No vote was taken.

Tr. Warren moved to amend the motion, second by President Rozek to direct staff to bill the Shorewood School District their portion of the contracted crossing guard at Shorewood Blvd. Amendment carries 7 – 0.

The motion as amended (3) with friendly amendment: President Rozek moved, seconded by Tr. Amenta to temporarily hire the 11 crossing guards at $15.00 an hour with an estimated cost to the village of $16.14 an hour through June 30, 2019 and to direct staff to bill the Shorewood School District their portion of the contracted crossing guard at Shorewood Blvd. Motion carried 5 -2 with President Rozek and Tr. Amenta voting nay.

The Village Board recessed at 9:30 p.m.
The Village Board reconvened at 9:38 p.m.

d. Consider professional services agreement for Urban Forestry Tree Inventory Update and EAB Policy Assessment (meeting #2)
Ms. Butschlick explained the following memo: Three proposals were submitted in response to the RFP.

<table>
<thead>
<tr>
<th></th>
<th>Inventory</th>
<th>EAB</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arbor Pro</td>
<td>$24,885</td>
<td>$5,315</td>
<td>$30,200</td>
</tr>
<tr>
<td>Davey Resource Group</td>
<td>$17,100</td>
<td>$3,500</td>
<td>$20,600</td>
</tr>
<tr>
<td>Wachtel</td>
<td>$31,050</td>
<td>$2,700</td>
<td>$33,750</td>
</tr>
</tbody>
</table>

The proposal from Davey Resource Group met the requirements of the RFP.

It should be noted that each of the proposals was based on updating the approximately 6200 current tree records. This would not include the recently added Wilson Drive trees, trees added with the Capitol Drive reconstruction, or those added with the Metro Market development. Additionally, staff would like to add a significant stand of oak trees in Hubbard Park to the inventory. It is estimated this will add an additional 100-200 tree records to the inventory.

Please recall that the WDNR Urban Forestry Grant Program requires matching funds. The Village’s share of the project would be $10,300 plus the cost of the additional tree records as noted above. This cost is not anticipated to be significant and there is adequate room within the budget and grant to accommodate the addition. Staff has requested updated cost
information from the consultant and anticipates presenting the final cost at this meeting

Tr. Maher moved, seconded by Tr. Warren that the proposal from Davey Resource Group to perform a tree inventory update and EAB policy assessment be accepted with a total project cost not to exceed $21,140.00. Motion carried 7 – 0.

e. Consider 2019 Community Survey Questions and Communication Plan (meeting #4).
   Mr. Burkart explained the following memo: Village staff assembled a list of potential questions proposed from departments, volunteer committees and Village officials.

   The following changes were suggested:
   The refuse question is very long; Tyler will make it more reader friendly.
   A request by the HRC Committee to Add a demographic question about race.

Tr. Maher moved, seconded by Tr. Bockhorst to approve the 2019 community survey questions and the communication and outreach plan with the following changes: question 7 will be more reader friendly and to include a demographic question about race. Motion carried 7 – 0.

10. Reports of Village Officials
   a. Village President – Shorewood Shenanigans was well attended.

   b. Village Trustees –
      Tr. Amenta noted that the Conservation Committee put on the movie at the Library on Friday, March 15, 2019 and she attended the Library Board meeting on Wednesday, March 15, 2019. Tr. Maher attended the Parks Commission meeting on Tuesday, March 12, 2019 and the Historical Society met on Tuesday, March 12, 2019. Monday, May 13, 2019 is the Annual Meeting of the Historical Society.

   c. Village Manager – None

11. Items for future consideration –
    Tr. McKaig requested videotaping for Committee, COW and Board meetings and finding a solution that works.
    Tr. Maher requested to move Management staff to the beginning of agenda

12. Adjournment
    Tr. Bockhorst moved and Tr. Warren seconded to adjourn at 10:07 p.m. Motion carried 7 - 0.

Respectfully submitted,

Sara Bruckman, CMC/WCMC
Village Clerk
1. Call to Order
   President Rozek called the Committee of the Whole meeting of the Village Board to order at 7:12 p.m. in the Committee Room.

2. Statement of Public Notice
   Mr. Burkart stated that the meeting had been posted and noticed according to law.

3. Roll Call
   President Rozek called the roll. Present: Trustees Davida Amenta, Tammy Bockhorst, Michael Maher, Ann McKaig and Wesley Warren. Trustee Carpenter was excused.
   Others Present: Village Manager Rebecca Ewald, Assistant Village Manager Tyler Burkart

4. Discuss next steps for volunteer committees (meeting #8)
   The Board discussed about having a subgroup or a special meeting held by JPL to review the policy once more and submit comments in advance. There was discussion about needing one or two other Board members approve discussing an item under Future Items of Consideration rather than needing a majority. There was interest about eliminating language about the meeting rooms. The chair of the standing committee can call a special meeting with consultation with committee members. The Village Manager will be the staff liaison for Committee of the Whole. There was discussion about giving more flexibility for staff or the Village Manager to decide if items go to a committee or directly to the full Board.

5. Tr. Maher moved, seconded by Tr. Amenta to adjourn the meeting at 7:38 p.m. Motion carried 6 - 0.
3. Statement of Public Notice
Mr. Burkart stated that the meeting had been posted and noticed according to law.

4. Special Order of Business
      Ms. Ellen Eckman from the Parks Commission was in attendance with Tasha Weston and her dog Mika to publicize and market the Shorewood Loves Dogs campaign.
   b. North Shore Health Department annual report and service delivery deployment
      Ms. Ann Christiansen from the North Shore Health Department was in attendance to give the annual report and discuss the service delivery. Ms. Christiansen presented a PowerPoint presentation summarizing service delivery trends, revenue, changes in services between 1996 and 2018, and the department’s core functions. In addition, the presentation incorporated the challenge of having two offices for the department. There were inquiries related to opioid-related death and abuse trends, promotion of clinics for taking a blood pressure screening, and more discussions about the presence in Shorewood.

5. Consent Agenda Items
   a. Accept Presentation of Accounts – April 1, 2019
   b. Consider Village Board Minutes – March 18, 2019
   c. Consider Riparian Land Management Plan project management and communication plan (meeting #2)
   d. Consider RFP for insurance broker (meeting #2)
   e. Consider Certified Survey Map for the consolidation of three existing lots at commercial properties 4023-27 N. Oakland Avenue, property owner Columbia St. Mary’s Inc. (Tax Key Nos. 240-0024-000, 240-0025-000 and 240-0026-002).

Tr. Maher moved, seconded by Tr. Amenta to approve the consent agenda. Tr. Bockhorst requested removing item 5b, President Rozek requested removing item 5d. Motion carried 6 – 0 with items removed.

6. Items Removed from the Consent Agenda

For item 5b, Tr. Bockhorst questioned the meeting minutes about the crossing guards and which Board members made the motion and second for the final motion approved. There were comments about removing language “No vote was taken.” Other comments requested in the last motion to take out the original motion maker and the person who seconded in multiple locations. The 4th paragraph from the bottom on page 7 should also reflect a 6-1 vote to the amendment with Tr. Amenta voting yea. Change in 4b Eric to Mr. Gietzen. Change a 7-0 vote to go out of closed session to a roll call vote. Add per hour behind $60 on page 7. For future meetings when labeling minutes, include the title committee of the whole. Tr. Maher moved, seconded by Tr. Warren to approve the amended meeting minutes from March 18, 2019. Motion carried 6 – 0.

For item 5d, there was an inquiry about using a same agreement with the school district and the impact of different open enrollment cycles. There was a request for staff to pursue exploring this partnership for the future. Tr. Maher moved, seconded by Tr. Warren to authorize Motion carried 6 – 0.


8. Citizens to be heard – This item is for matters not on the agenda. Discussion may follow comment on
Ms. Renee Herzing from 4090 N. Lake Drive was in attendance to discuss concerns about a house utilizing their property for daily AirBnb rentals. Ms. Herzing expressed support for a policy to address this concern. Mr. Meyers from 4085 N. Lake Drive was also in attendance expressing frustration about the same property for daily AirBnb rentals. Mr. Griepentrog provided the Board a brief update on communications with the residents and the need for Police Department contact to document incidents.

9. New Business

   a. Consider concrete grinding criteria (number 37) for 2019 sidewalk program.
   
   Ms. Butschlick provided a summary of the sidewalk grinding policy and incorporating grinding in the sidewalk replacement program based on resident request. There was discussion about whether the policy could be approved tonight or if it needed to be deferred to a committee. There were inquiries about how staff formulated the cost estimate, criteria listed in the policy, utilization of equipment to grind the sidewalk, the ability of a concrete slab to hold up to the weather elements if grinding activities occur, and the financial impact for not assessing for grinding activities. Tr. Bockhorst moved, seconded by Tr. McKaig approval of the Sidewalk Grinding Policy as a Supplement to the 1995 Concrete Replacement Criteria. Motion carried 6 – 0. President Rozek moved to amend the motion to incorporate the criteria into the policy, seconded by Tr. McKaig. Motion to the amendment carried 6 – 0. Staff will change the policy number to 36 because there is no policy currently with assigned number of 36. The original motion is to approve the Concrete Replacement Policy (number 36) with the sidewalk concrete grinding criteria included. Motion carried 6 – 0.

   b. Consider RFP for Riparian Land Management Plan and award of contract (meeting #2)

   Tr. Maher introduced the item and went through the RFP process to arrive at a recommendation to award a contract to OTIE. Tr. McKaig moved, seconded by Tr. Bockhorst that the Village accept the proposal of OTIE for the development of a riparian land management plan and authorize execution of a professional services agreement upon review of the Village Attorney. There was an inquiry about the existence of a matrix to determine the criteria in selection and recommendation of an agency or consultant. It was asked to please include these criteria in future processes. Another request was to include fiscal notes in the memo or as an attachment in future decisions. Motion carried 6 – 0.

The Village Board took a recess at 9:03 p.m. The Board went back into session on 9:13 p.m.

   c. Consider any requests from school district relative to 2019-2020 crossing guards.

   Ms. Ewald introduced and summarized the agenda item. Staff will be working with the school district on reviewing the RFP used for crossing guards last year. Tr. Amenta moved, seconded by President Rozek to request the school district pay for half of the crossing guard contract, in addition to the full cost of intersections specifically requested by the District (Shorewood/Oakland), beginning with the 219-2020 school year. Motion carried 6 – 0. There will be future discussion of the entity that should administer the contract once an RFP is drafted.

10. Reports of Village Officials

   a. Village President –
      President Rozek wishes candidates good luck for the Spring election tomorrow. President Rozek signed an Arbor Day Proclamation on April 26, 2019.

   b. Village Trustees –
      Tr. Maher reminded the Board that a staff recognition breakfast will be Friday, April 12. Tr. Bockhorst met with residents around Menlo Blvd. and received feedback on the decision of not
dumping snow there. Tr. Bockhorst gave the Board a summary of the decriminalization of marijuana discussion and legislation against conversion therapy that occurred earlier in committee.

c. Village Manager –
   No report.

11. Items for future consideration –
a. Consider policy on AirBnb
   President Rozek moves for consideration of a policy on AirBnb, seconded by Tr. Maher. Tr. Maher amended to move the policy to Community and Business Relations Committee. Tr. Amenta seconded the amendment. Mr. Griepentrog confirmed he will work with Mr. Bayer on enforcement details directly related to the concerns on Lake Drive. There was discussion about if changes should occur by amending the ordinance and/or creating a policy. Amended motion carried 6 – 0. The original motion is to move for consideration a policy on short-term rental and direct the policy to the Community and Business Relations Committee. Motion carried 6 – 0.

12. Adjournment
   Tr. Maher moved and Tr. Warren seconded to adjourn at 9:35 p.m. Motion carried 6 - 0.

Respectfully submitted,

Tyler Burkart
Assistant Village Manager
1. Call to Order
Trustee McKaig called the meeting of the Village Board to order at 7:40 p.m. in the Court Room.

2. Roll Call
Trustee McKaig called the roll. Present: Trustees Davida Amenta, Tammy Bockhorst, Jessica Carpenter, Michael Maher, Ann McKaig and Wesley Warren. President Rozek was excused

Others Present: Village Attorney Nathan Bayer, Village Manager Rebecca Ewald, Planning and Development Director Bart Griepentrog, Police Chief Peter Nimmer, Police Administrative Manager Debbie Noel Govani, Finance Director/Treasurer Mark Emanuelson

3. Statement of Public Notice
Clerk Bruckman stated that the meeting had been posted and noticed according to law.

4. Special Order of Business – None

5. 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.

Karen Owecki, 1824 E. Kenmore Pl., Shorewood, WI 53211; expressed concern that her neighbor was approved for a bee keeping permit. Would like the Village Board to review the criteria of the ordinance. (handout included at the end of the minutes)

Mr. Griepentrog clarified bee keeping permits can be administratively approved; any appeal would go to the Board of Appeals.

6. Consent Agenda Items
   a. Accept Presentation of Accounts – April 15, 2019
   b. Consider Village Board Minutes – April 1, 2019
   d. Consider RFP for crossing guard services
   e. Consider Application for Special Privilege Approval for outdoor seating in the sidewalk public right of way at:
      i. MOD Pizza, 4151 N. Oakland Ave.
      ii. Lake Effect Surf Shop, 1926 E. Capitol Dr.
   f. Consider Application for Special Privilege Approval for permanent seating in the sidewalk public right of way at:
      i. Blue’s Egg, 4195 N. Oakland Ave.
   g. Consider Application for Special Privilege Approval for a Loading Zone in the public right of way at:
      i. Village Center (Senior Resource Center), 3920 N. Murray Ave.
      ii. Metro Market, 4075 N. Oakland Ave.
      iii. The Atrium, 2107 E. Capitol Dr.
iv. Sherwin Williams, 4334 N. Oakland Ave.

h. Consider Special Event Permit, Short Term Cabaret License, Temporary Class "B" License from the BID, Temporary Extension of Premise for North Shore Boulangerie, 4401 N. Oakland Ave., Cloud Red, 4488 N. Oakland Ave., Draft and Vessel, 4417 N. Oakland Ave., North Star American Bistro, 4518 N. Oakland Ave. and a Short Term Cabaret License and Extension of Premise for Three Lions, 4515 N. Oakland Ave for the Shorewood Criterium and Block Party in the 4500 block of N. Oakland Ave on Thursday, June 27, 2019.


Tr. Bockhorst moved, seconded by Tr. Maher to approve the consent agenda. Tr. Maher requested removing items 6fi, 6giii, and 6i, Tr. Carpenter requested removing item 6d off the consent agenda. Motion carried 6 – 0 with items 6d, 6fi, 6giii, and 6i removed.

6. Items Removed from the Consent Agenda

6d; Consider RFP for Crossing Guards.

Tr. Carpenter inquired what stage of discussion the Village was at with the School District in partnering in this process. Ms. Ewald explained, the Bi-Board Meeting will be taking place on Tuesday, April 23, 2019 at 6:00 p.m. at the Shorewood High School. One of the suggested items for discussion will be the crossing guards. Ms. Ewald explained the RFP was not specifically listed, but a copy could be provided.

Tr. Carpenter moved, seconded by Tr. Warren to approve the RFP for Crossing Guards. Motion carried 6 – 0.

Attorney Bayer commented the term date listed in the contract stated TBD and wanted to clarify it wasn’t a typo.

Tr. Bockhorst moved to reconsider the motion to approve the RFP for the Crossing Guards, seconded by Tr. Maher. Motion to reconsider carried 6 – 0.

Discussion continued on RFP for Crossing Guards. The Village Board discussed options for one or three year terms.

Tr. Bockhorst moved, seconded by Tr. Maher to include one and three-year contract term alternatives in the RFP. No vote was taken.

Some Village Board members expressed the concern last year was to have further discussion with the school district before the RFP process this year and that discussion is no further along than it was last year. Some Village Board members expressed it is prudent to submit the RFP sooner rather than later. It was clarified there were several requests for a Bi-Board meeting last year and the School Board was unable to accommodate those requests.

Tr. Bockhorst moved to amend, seconded by Tr. Maher to include a two-year option. Amendment carried 5 – 1 with Tr. Amenta voting nay.

Motion as Amended: To approve the RFP for Crossing Guards with a one year, two years, and three-year contract term alternatives. Motion carried 6 – 0.

6fi; Consider Application for Special Privilege Approval for permanent seating in the sidewalk public right of way at: Blue’s Egg, 4195 N. Oakland Ave
Tr. Maher inquired if the extension of liquor license premise had been approved? Clerk Bruckman stated it will be on the May 6, 2019 Village Board agenda. Tr. Maher questioned if the benches where attached to the sidewalk? Mr. Griepentrog explained they would be bolted down; they were approved for the same temporary benches last year.

Tr. Maher moved, seconded by Tr. Bockhorst to approve the application for Special Privilege approval for permanent seating in the sidewalk public right of way at Blue’s Egg, 4195 N. Oakland Ave. Motion carried 6 – 0.

6giii; Consider application for Special Privilege Approval for a Loading Zone in the public right of way at: The Atrium, 2107 E. Capitol Dr.

   Tr. Maher questioned how many parking spaces would be lost since they are requesting a 26 ft. loading zone beyond their physical property line and if the neighbors have been provided notification of the request. Mr. Griepentrog explained it would be about four spaces with hours 10:00 a.m. until 2:00 p.m. Monday thru Thursday and 10:00 a.m. until 12:00 a.m. Friday thru Sunday. The Village is not required to notify the neighbors.

   Donna Pollock, 4395 N. Alpine Ave., Shorewood 53211; questioned that letters should be sent to the residents and businesses in that area as a courtesy since there would be a change in parking.

   One Village Board member inquired if the application process for all applicants is handled the same. Mr. Griepentrog explained yes, but the other applicants were not requesting a change in their existing loading zone.

   Geoffrey Davidian, 4101 N. Prospect Ave., Shorewood 53211; stated decision should be made based on the facts presented not assumptions.

   Some Village Board members expressed there is a concern for parking in this area already and would like more information on how much business is being done during the times requested.

Tr. Warren moved, seconded by Tr. Maher to defer until the May 6, 2019 Village Board meeting. Motion carried 6 – 0.

   Geoffrey Davidian, 4101 N. Prospect Ave., Shorewood 53211; suggested the Village have a notice sent.

6i; Consider Special Event Permit, Short Term Cabaret License and Temporary Extension of Premise for Three Lions Pub, 4515 N. Oakland Ave., Shorewood for Multicultural Soccer Block Party, July 7, 2019.

   Tr. Maher explained since this a new event, it would warrant some Village Board discussion. Tr. Maher inquired if notice had been sent to the neighbors. Mr. Price explained they will be but have not yet. Some of the Village Board members expressed concern for not having a master calendar to keep track of all the events happening in the Village.

   Chief Nimmer explained after reviewing the application and the past World Cup event, it was determined to not have dedicated police service there, it doesn’t mean someone won’t be monitoring it. If the event grows, that may change.

   David Price, Three Lions Pub; explained they expect 4,000 - 7,000 people into the Village that day including exposure to media and press. It’s a great way to celebrate women’s sports and culture.
Tr. Amenta suggested including the Shorewood High School Girls Soccer Team as they are undefeated at this time.

Tr. Bockhorst moved, seconded by Tr. Maher to approve the Special Event Permit, Short Term Cabaret License and Temporary Extension of Premise for Three Lions Pub, 4515 N. Oakland Ave, Shorewood for a Multicultural Soccer Block Party, July 7, 2019 with the modification to the site map to not block The Cornerstone building’s driveway exit located just north of North Star American Bistro on N. Oakland. Motion carried 6 – 0.

7. Public Hearing(s) - None

8. New Business

a. Consider Transportation and Parking Analysis project management and communication plan (meeting #4)

Mr. Griepentrog explained the following memo: The project management and communication plans have been drafted to help guide facilitation of the Transportation and Parking Analysis and its associated public engagement efforts. The project management plan outlines communication between staff, stakeholders and the consultant, and composition and expectations of the project’s Technical Advisory Groups. The communication plan details expected efforts for public engagement and a proposed project schedule. Both staff and the consultant acknowledge that the schedule of the project may shift, depending on numerous externalities, including public input, additional research efforts and potential revisions and/or additions to recommendations. The timeline includes monthly updates to the Public Works Committee, who would be apprised of any overall revisions to the schedule, as needed.

Village Board members expressed they would have liked to see this vetted through Public Works Committee before it had come to the Village Board. Some Village Board members expressed concern for how the two Technical Advisory Groups are made up; there’s no opportunity for people to apply if they have interest. Some Village Board members expressed the structure of communication and public input for the Wilson Drive project was very beneficial.

Tr. Amenta moved, seconded by Tr. Warren to refer the Transportation and Parking Analysis project management and communication plans to the Public Works Committee for consideration. Motion carried 6 – 0.

The Village Board recessed at 8:49 p.m.
The Village Board reconvened at 8:56 p.m.

b. Consider commitment of General Fund unassigned balances to fund the 2019 Private Lead Lateral Loan Program.

Tr. Amenta explained 14 out of the 27 eligible property owners have decided to replace their private lateral, but the Village did not allocate any fund balance to pay for the upfront cost for the private laterals.

Tr. Maher moved, seconded by Tr. Warren to commit $100,000 of general fund unassigned fund balance reserves to finance the 2019 private lead service lateral replacement program loans. Motion carried 6 – 0.
9. Reports of Village Officials
   a. Village President – None
   
   b. Village Trustees –

   Tr. Maher announced his retirement from his day job.

   Tr. Bockhorst shared that Community and Business Relations will be advancing an Ordinance on Conversion Therapy to the full Village Board and had a preliminary discussion on a proposed Special Event Policy.

   c. Village Manager –

   Ms. Ewald proposed April 29 as a meeting to conduct a tour of the Public Works facility and review of Public Works services, fleet and organizational structure. A majority of the Village Board could not meet on the proposed date of April 29; Manager Ewald will be sending out a Doodle Poll with alternative options or schedule an earlier Committee of the Whole.

10. Items for future consideration –
   a. Consider Village Board and Committee Code of Conduct/Ethics discussion: online and digital behavior of elected and appointed officials

   The Village Board discussed what committee to refer the topics to and if they should be split up; there was concern that combining both topics for one discussion could be confusing. One Village Board member shared there is something stated in the Village Ordinance verified affidavits made in regards to Code of Conduct, but there isn't something defined in policy or procedure. Some Village Board members shared the idea of sending to Judiciary, Personnel and Licensing to prioritize or piece out all the different areas and work with staff to pursue forward.

   Tr. Bockhorst moved, seconded by Tr. Maher to refer Village Board and Committee Code of Conduct/Ethics discussion: online and digital behavior of elected and appointed officials to a Committee of the Whole meeting. Motion carried 4 – 2 with Trustees Amenta and Carpenter voting nay.

   Geoffrey Davidian; 4101 N. Prospect Ave., Shorewood 53211; explained he would like to see an independent Board that could receive complaints and can enforce the conduct and take action to provide punishment.

   b. Consider legislation limiting the sale and use of vaping devices and accessories to minors.

   Some Village Board members questioned if we know for sure if this is occurring in the Village.

   Rod DePue; 1818 E. Shorewood Blvd, unit 308, Shorewood 53211; learned about vaping from his son and noticed a sign at the gas station across from the high school.

   Tr. Warren moved, seconded by Tr. Bockhorst to refer the matter to the Public Safety Committee following decriminalization of marijuana. Motion carried 6 – 0.

   c. Consider board discussion on board committee liaison appointments as well as committee/commission assignments.

   Tr. Bockhorst explained in the past the Village President has reached out to Trustees individually and inquired on their committee preferences. In the spirit of collaboration, if the Village Board could have a discussion on what Committees they would like to be a part of in the future. Discussion will continue during the Committee structure meetings.
11. Adjournment
   Tr. Bockhorst moved and Tr. Maher seconded to adjourn at 9:40 p.m.  Motion carried 6 - 0.

Respectfully submitted,

Sara Bruckman, CMC/WCMC
Village Clerk
April 15, 2019

Village Board of Shorewood

Beekeeping Objection and Concerns  RE: 1828 E. Kenmore Place

Request a Denial of Application

History

Objection of Application

Letter of concern/objection given to Village

Application Granted

Questions

How many people are needed to oppose an application?

Why were the neighbors to the south not asked to sign the application?

Location – will he have the proper 6’ flyaway barrier in place?

Location – will be have a water source larger or as large as mine?

How many bees will there be in his hive?  5,000 – 50,000?

How many bee hives will he have?

When will the hive be put in?  When will it be removed?

What happens if a new home (new queen bee) is started on my property?

Liability for family and friends on my property?

Guarantee of behavior of bees on my property – what do I do if they swarm my pond, swarm my yard when gardening

Will removal of the hive happen if there are incidents I document?

How could an application be granted when the house next door is an Airbnb property?
April 1, 2019

Village of Shorewood
Tim Koeppe
Burt Griepentrog

STRONG OBJECTION to Beekeeping at 1828 E. Kenmore Place, Shorewood
From Karen at 1824 E. Kenmore Place, Shorewood, 414-943-1824

My neighbors, Daniel Burkholder, to the east of me are putting in an application for beekeeping. He attempted one in 2018, but both neighbors to the east and west had objections and he was able to do it off-site. He is planning to put an application in again for 2019. I feel that the houses on East Kenmore are too close to allow this and the risk factors outweigh any of his personal reasons.
I STRONGLY object to the beekeeping for the reasons listed below:

Huge Risks
- He has never had a backyard bee hive
- I have the major water source – a pond in my backyard. A water source is necessary for the bees and my water source is larger than what my neighbor has indicated he will use. I do not want hundreds of bees ruining my experience of my pond that I have had for years.
- I have a garden in the backyard, both sides of my driveway and front yard that include plants honeybees are attracted to including coneflowers and lavander
- The number of bees could exceed over 1,000
- Close to public sidewalk where children, adults, and dogs walk every day
- The house to the east is an AirBnb property at 1900 E. Kenmore Place – this would need to be disclosed to all people staying at her property
- My property will lose depreciation – I consulted with two realtors from Shorewood WI and they both said yes
- It will affect my home insurance costs – I spoke to my insurance company

Safety – Allergies
- Frequent guests that are my neighbor (with her dog) and friend’s daughter who are both allergic to bees
- I will need to ask every person that visits me if they are allergic
- Honeybees have painful stings – their stingers are barbed and remain inside the skin releasing more venom
- Liability risk – I will not want to bear the cost for medical emergency bills if someone is stung on my property
- You can die from a bee sting – I do not want that added risk of having an entire hive next to me
- No high fencing around the hive
- No water source – he said he will put a birdbath in which is ridiculous when I have an 8 foot pond

Selfish Reasons and Disregard to Neighbors
- He has never done backyard beekeeping, not skilled in that environment
- He cannot guarantee no bees will come in my yard with their flight pattern
- He cannot guarantee bee non-aggression due to lawn mower, weed trimmer
- No guarantee of bee “rain” — yellow spots on my car in the driveway, patio furniture and house, roof and porch
- Last year he came into my home and acted aggressive and in a bullying manner when I objected – he made me fearful to talk to him for a long period of time and feel uncomfortable in my own yard
- This year I had a neighbor with me on my front porch and did not have him enter my home and yet he still acted in a dismissive and intimidating manner when I objected
- No advantage to me – it will make me fearful to be in my own yard, to entertain guests. I have lived in this house since the 1990’s and they have only been here a few years
- He says the reasons are for his hobby, pollination and their honey – none of which are a benefit to me or the neighborhood
- I HAVE educated myself by reading articles and watching videos of swarming bees in an urban setting
Off-Site Advantage

- He has done his beekeeping off site last year. I see no reason to maintain his hobby there again and not subject the neighbors to the negatives it will bring.
- He can certainly have family and friends visit his beehive at the off site location any time.
The Planning and Development Director has the authority to grant approval or denial of beekeeping license applications based on the requirements put forth in the Village Code Section 192-16.

Application due by April 1

Property Type: Single Family

Property Address: 1828 E Kenmore Pl

Owner’s Information
Name: Daniel Burkholder
Address: 1828 E Kenmore Pl
City/State/Zip: Shorewood, WI 53211
Phone #: 414-897-7206
Email: dburkholder21@gmail.com

Applicant Information
Name: Daniel Burkholder
Address: 1828 E Kenmore Pl
City/State/Zip: Shorewood, WI 53211
Phone #: 414-897-7206
Alt #: 414-236-0518
Email: dburkholder21@gmail.com

Beekeeper? □ YES □ NO

MATERIALS REQUIRED WHEN APPLYING FOR LICENSE:

☑ Proof of Formal Beekeeper Education and/or Sufficient Practical Experience as a beekeeper
☑ Site Plan – A Scaled Dimensional Drawing showing all adjoining structures and property lines and the proposed apiary
☑ Proof of Neighbor Notification – certified mailing and/or Village of Shorewood Beekeeping Neighbor Notification Form
☑ Proof of Waiver by Neighbors for distance requirements (if applicable)
□ Letter of Approval from property owner if beekeeper is tenant (if applicable)

OFFICE USE ONLY – Findings of the Planning Director after consideration of the code criteria

LICENSE STATUS – □ APPROVED DATE: 04/02/2019 □ DENIAL DATE:

Reason for Denial (if applicable):

APPLICANT SIGNATURE: __________________________ DATE: __________________________
In accordance with Village of Shorewood Code Section 192-16 I acknowledge that the Bee Hive(s) operated at the listed address meets all requirements of the Ordinance and that I have notified all property owners of adjoining or diagonally abutting properties including neighbors across alleys.

APPLICANT: Daniel Burkholder

NAME: Christina Robko
DATE: 3/26/19
SIGNATURE:

ADDRESS: 1900 E. Kenmoore pl.

审批 □ object □ household resident with demonstrable medical condition

grant site waiver - This waiver voids distance and location requirements as stated in Village Code 192-16

NAME: Kaven Finn
DATE: 3/26/19
SIGNATURE:

ADDRESS: 1825 E. Jarvis St.

审批 □ object □ household resident with demonstrable medical condition

grant site waiver - This waiver voids distance and location requirements as stated in Village Code 192-16

NAME: Holly Sippel
DATE: 3/26/19
SIGNATURE:

ADDRESS: 1800 E. Jarvis St.

审批 □ object □ household resident with demonstrable medical condition

grant site waiver - This waiver voids distance and location requirements as stated in Village Code 192-16

NAME: Karen Unverdi
DATE: 3/29/19
SIGNATURE:

ADDRESS: 1824 E. Mcnair place

审批 □ object □ household resident with demonstrable medical condition

grant site waiver - This waiver voids distance and location requirements as stated in Village Code 192-16

NAME: Jean Roberts Gruenwine
DATE: 3/31/19
SIGNATURE:

ADDRESS: 1901 E. Jarvis street Shorewood, IL 60153

审批 □ object □ household resident with demonstrable medical condition

grant site waiver - This waiver voids distance and location requirements as stated in Village Code 192-16

NAME: 
DATE: 
SIGNATURE: 

ADDRESS: 

审批 □ object □ household resident with demonstrable medical condition

grant site waiver - This waiver voids distance and location requirements as stated in Village Code 192-16

NAME: 
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审批 □ object □ household resident with demonstrable medical condition

grant site waiver - This waiver voids distance and location requirements as stated in Village Code 192-16

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审批 □ object □ household resident with demonstrable medical condition

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NAME: 
DATE: 
SIGNATURE: 

ADDRESS: 

审批 □ object □ household resident with demonstrable medical condition

grant site waiver - This waiver voids distance and location requirements as stated in Village Code 192-16

NAME: 
DATE: 
SIGNATURE: 
1. Call to Order
President Rozek called the meeting of the Village Board to order at 7:40 p.m. in the Court Room.

2. Roll Call
President Rozek called the roll. Present: Trustees Davida Amenta (7:58 p.m.), Tammy Bockhorst, Jessica Carpenter, Michael Maher, Ann McKaig and Wesley Warren.

Others Present: Village Attorney Nathan Bayer, Village Manager Rebecca Ewald, Planning and Development Director Bart Griepentrog, Police Chief Peter Nimmer, Finance Director/Treasurer Mark Emanuelson

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. Oath of Office Trustee Tammy Bockhorst and Trustee Wesley Warren.

b. Consider ESAB Age Friendly Plan
Sue Bronson, Chair for Elder Service Advisory Board presented an update on the Age Friendly Plan for the Village of Shorewood. The Stakeholder breakfast was held March 21, 2019 with an attendance around 50 people including most of the Village Board. The stakeholders provided input and developed an action plan for the Age Friendly Plan; the Elder Services Advisory Board discussed the plan at their May 2, 2019 meeting.
Sue Kelly, Shorewood Connects facilitator; discussed the summary included in the May 6, 2019 Village Board packet. Four areas of priority have been identified in that summary; Pedestrian Safety, Senior Housing, connecting with neighbors, and knowing where to turn for help.
Elizabeth Price, Director Senior Resources, requested the Village Board to continue funding the Shorewood Connects Facilitator position at its current level and to approve the Age Friendly Plan. Any additional duties and responsibilities with the position would be funded through the Benjamin Fund.
Ms. Ewald clarified the group is requesting $6,390 a year for three to five years. They will be requesting a match from the Benjamin Fund to carry out the Age Friendly Plan.
Some Village Board members expressed their support for the Age Friendly Plan as it sets Shorewood apart from other communities.

Tr. Bockhorst moved, seconded by Tr. Maher to approve the Elder Services Advisory Board Age Friendly Plan with a funding level of $6,390 per year for a maximum of five years. Motion carried 7 – 0.

c. Consider Police Department Phase 2B options
Erik Dillion, Riley Construction presented on the Phase 2B options included in the May 6, 2019 Village Board packet. Mr. Dillion clarified it cost the Village $5,000 to redo the plans to reduce the cost of the original plans for the garage.
One Village Board member asked what the acquisition of the building was; Chief Nimmer stated $2.4 million. Mr. Dillon explained the garage and the community room space would need to have a sprinkler system. Mr. Dillon clarified it would save the Village about $40,000 if the sprinkler system was removed until the community room is developed; the cost would be similar to add it later.

Mr. Dillon explained since the property to the north has been sold, option 1B would not be practical as it would require the Village to acquire some of that land in order to make the turn radius out of the garage.

Some Village Board members asked how large the Police Department fleet was? Chief Nimmer stated there are 12 cars, three of them are on patrol at one time. One Village Board member inquired if the Village anticipates an expansion of the fleet. Chief Nimmer stated not at this time. Chief Nimmer explained some of the smaller options would be a little tight as there are poles that are not depicted in the drawings.

Some Village Board members expressed concern with the size of the potential community room. Mr. Dillon and Chief Nimmer explained with option 1A1, the line could be moved and allow more space for the community room and still provide efficient parking for the fleet.

Some Village Board members expressed it may be a viable option to rent the community space to an agency or tenant.

Tr. Bockhorst moved, seconded by Tr. McKaig to consider the Police Department construction phase 2b, garage option 1A1 with the updated budget amount of $749,703.00. Tr. Bockhorst withdrew the motion.

Some Village Board members expressed concerns about approving this in advance of 2020 budget discussions. Some Village Board members expressed concern for building too large of a garage. It was also noted in the Long Range Financial Plan, there is $500,000 budgeted for the Police garage. It was also noted that the 2016 budget presentation of the total remodel was $1,900,000.00. It was noted the Village Board asked for revised plan at $500,000 not $750,000. Ms. Ewald noted this discussion is occurring prior to the budget process in order to provide the Village Board more time to consider some of the larger expenditure items. Mr. Emanuelson clarified this is to approve the design with a potential budget amount for 2020 in order to start the bidding process prior to the budget cycle.

Rosie Bredeck, 4248 N. Ardmore Ave, Shorewood, 53211; questioned if the Village has done any space planning for future use of the community room?

Tr. Warren moved, seconded by Tr. McKaig to defer for discussion and eventual consideration after the Village Board discussion of the Long Range Financial Plan June 17, 2019. Motion carried 7 – 0.

5. 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. - None

6. Consent Agenda Items
   a. Accept Presentation of Accounts – May 6, 2019
   b. Consider Village Board Minutes – April 15, 2019
   c. Consider application for Special Event permit and Temporary Class “B” for the Shorewood SEED Foundation, September 15, 2019.
   d. Consider application for Special Event permit for UPAF Ride for the Arts, June 2, 2019.
   e. Consider application for Special Event Permit, Temporary Class “B” License and Short Term Cabaret License for the Shorewood Men’s Club Chicken BBQ for June 8, 2019.
   g. Consider Application for Special Privilege Approval for a Loading Zone in the public right of
way at:
   i. The Atrium, 2107 E. Capitol Dr.
   ii. Shorewood Manor, 4001 N. Prospect Ave.
   iii. Walgreen’s 4035 N. Oakland Ave.

h. Consider Applications for Special Privilege Approval for temporary outdoor seating in the sidewalk public right of way at:
   i. Blue’s Egg, 4195 N. Oakland Ave.
   ii. Orange Theory Fitness, 4155 N. Oakland Ave.

i. Consider Application for Special Privilege Approval for permanent outdoor seating in the sidewalk public right of way at Blue’s Egg, 4195 N. Oakland Ave.

Tr. Bockhorst moved, seconded by Tr. Maher to approve the consent agenda. Tr. Amenta requested removing item 6e, President Rozek requested removing item 6g, and Tr. Maher requested removing items 6hi and 6i off the consent agenda. Motion carried 7 – 0 with items 6e, 6g, 6hi, and 6i removed.

7. Items Removed from the Consent Agenda

6e; Consider application for Special Event Permit, Temporary Class “B” License and Short Term Cabaret License for the Shorewood Men’s Club Chicken BBQ for June 8, 2019.

   Tr. Amenta questioned if this is the first time the Men’s Club has applied for a Short Term Cabaret License. Clerk Bruckman stated yes.

   Tr. Bockhorst moved, seconded by Tr. McKaig to approve the application for Special Event Permit, Temporary Class “B” License and Short Term Cabaret License for the Shorewood Men’s Club Chicken BBQ for June 8, 2019. Motion carried 7 – 0.

6g; Consider Application for Special Privilege Approval for a Loading Zone in the public right of way at:
   i. The Atrium, 2107 E. Capitol Dr.
   ii. Shorewood Manor, 4001 N. Prospect Ave.
   iii. Walgreen’s 4035 N. Oakland Ave.

   Paul Hackbarth, 3901 N. Lake Dr., Shorewood, 53211; owner of the Atrium explained when they originally applied for the loading zone, the sign was placed on an existing poll where a two-hour parking sign was located. This year they are requesting additional feet to allow the poll to be placed in the planter as Mr. Hackbarth did not want to cause more work by tearing up the brick to install the poll in the correct location.

   Some Village Board members questioned the times that were being requested. Mr. Hackbarth explained the times are 10 a.m. to 2:00 p.m. in respect of the school day, they were carefully planned out. It’s the time we give to vendors to drop off linens, alcohol, supplies.

   Tr. Amenta moved, seconded by President Rozek to amend the Special Privilege Approval for a Loading Zone in the public right of way at The Atrium, 2107 E. Capitol Dr. to take away the hours of 10:00 a.m. to 2:00 p.m. Monday through Thursday but continue with 10:00 a.m. to 12:00 a.m. Friday through Sunday. No vote was taken.

   Some Village Board members expressed an event venue that primarily holds events on the weekends should not require a loading zone during the week. Some Village Board members expressed concerns changing the loading zone could cause an inconvenience to people living in the neighborhood. Some Village Board members clarified if it was approved, the applicant would need to apply for renewal next year and the Village would have traffic and parking data at the time of renewal next year.
Tr. Bockhorst moved to amend the motion, seconded by Tr. Maher to include the hours 10:00 a.m. to 2:00 p.m. Monday through Friday. No vote was taken.

Tr. Amenta moved to call to question, call to question carried 5-2 with Tr. Bockhorst and Tr. McKaig voting nay.

Vote was taken on the amendment; Amendment fails 0 - 7.

Tr. Bockhorst moved to amend, seconded by Tr. Maher to include the original application requests with hours in the application Monday through Thursday, 10:00 a.m. to 2:00 p.m. and 10:00 a.m. to 2:00 a.m. Friday through Sunday. No vote was taken.

Geoff Davidian, 4101 N. Prospect Ave., Shorewood, 53211; explained parking is a real problem in the Village, if it was a natural resource, that person would need to replace it. There is no place to replace it in the Village. People came to the Village to live, not drink on the sidewalks.

Mr. Griepentrog clarified there was a typo in the memo and the applicant is request until 2:00 a.m. Friday through Sunday, not 12:00 a.m.

Vote was taken on the amendment; Amendment carried 6 – 1 with Tr. Amenta voting nay.

Vote was taken on the motion as amended; to approve the Special Privilege Approval for a Loading Zone in the public right of way at The Atrium to include the original application requests with hours Monday through Thursday, 10:00 a.m. to 2:00 p.m. and 10:00 a.m. to 2:00 a.m. Friday through Sunday. Motion as amended carried 6 – 1 with Tr. Amenta voting nay.

6gii and 6giii;
Tr. Bockhorst moved, seconded by Tr. Maher to approve the application for Special Privilege Approval for a Loading Zone in the public right of way at Shorewood Manor, 4001 N. Prospect Ave and Walgreen’s, 4035 N. Oakland Ave. Motion carried 7 – 0.

Tr. Bockhorst was excused at 9:01 p.m.
Tr. Bockhorst returned at 9:03 p.m.

6h; Consider Applications for Special Privilege Approval for temporary outdoor seating in the sidewalk public right of way at:
   i. Blue’s Egg, 4195 N. Oakland Ave.

Dan Sidner, Blue’s Egg, stated the original application had the concept that included a bar on the sidewalk immediately outside the door; bartenders preparing cocktails outside. This has been eliminated from the application. The new application has a service wait station and garbage can, there would be no point of sale outside; servers would come out with cocktails and limited food choices from the inside of the restaurant. Mr. Sidner explained the challenge is keeping patrons from opting to choose another place while they have to wait. The restaurant currently has four benches out front, they are proposing to add side tables (during the summer months), additional benches and the small service station. Mr. Sidner thought the change in application would assist with the approval process.

Some Village Board members where concerned it would set a precedent for other business’s in the Village. Mr. Griepentrog explained it would be similar to Cloud Red’s temporary outdoor seating, the only difference is Blue’s Egg has a request for the permanent benches.

Some Village Board members were concerned about placing benches on Olive. Mr. Griepentrog explained there are two applications; there is a request for temporary seating of three benches and six side tables on Olive and a permanent seating request for four benches
and six side tables on the Oakland side. Some Village Board members questioned if Blue’s Egg would come back to request an amendment to their liquor license premise for the serving of alcohol outside. Attorney Bayer commented the purpose or intent for the description of premise in chapter 125 of State statute is to define the property that is owned by the license holder; where liquor is going to be served and sold. The area that Blue’s Egg is requesting to serve is not their premise, it’s public right of way owned by the village. They are asking for a Special Privilege approval to sit and serve in that public right of way, the Village can decide to revoke the Special Privilege approval if it is not working out. Some Village Board members expressed concern where is the line defined on Village property that an establishment could stop serving alcohol. Attorney Bayer stated that would be a decision of the Village Board. Some Village Board members inquired if other establishments came for approval on a premise modification after their outdoor seating or parklet was approved. Clerk Bruckman stated there is paperwork or applications that relate to approval of change in premise after a Special Privilege for outdoor seating or a parklet have been approved. Clerk Bruckman clarified those establishments include the outdoor seating or parklet in their current premise description. Clerk Bruckman stated, with the change in application to no longer include a bar outside, the Special Privilege permit for temporary and permanent outdoor seating was all that was required based upon the history of other establishments not getting additional approval for a change in premise. Some Village Board members stated there just needs to be consistency with how the applications get approved.

Tr. Amenta moved, seconded by Tr. McKaig to approve the application for Special Privilege Approval for temporary outdoor seating in the sidewalk public right of way at Blue’s Egg, 4195 N. Oakland Ave., and request the applicant to come with an amendment to their liquor license premises description at the next Village Board meeting. Tr. Amenta withdrew the motion.

Clerk Bruckman explained Mr. Sidner had originally come for a seasonal extension of premise. After the modification to the application was made to no longer include an outdoor bar, Clerk Bruckman and Mr. Griepentrog agreed it should be treated as all other Special Privilege requests for outdoor seating or parklets. There is no documentation that could be located in the Clerk’s office or Planning and Development that requests have been approved in the past. Clerk Bruckman clarified the renewal application does include outdoor seating if approved.

Attorney Bayer clarified, when you grant a Special Privilege, the Village can include conditions for the applicant and it be revoked if those conditions are not met.

Some Village Board members shared they were not against the approval, but want proper documentation for future Village Boards.

Tr. Amenta moved, seconded by Tr. McKaig to approve the application for Special Privilege Approval for temporary outdoor seating in the sidewalk public right of way at Blue’s Egg, 4195 N. Oakland Ave. and to ask JP&L Committee to review the issue of aligning the description of premise with outdoor seating. Motion carried 6 – 1 with President Rozek voting nay.

6i; Consider Application for Special Privilege Approval for permanent outdoor seating in the sidewalk public right of way at Blue’s Egg, 4195 N. Oakland Ave

Tr. McKaig moved, seconded by Tr. Warren to approve the application for Special Privilege Approval for permanent outdoor seating in the sidewalk public right of way at Blue’s Egg, 4195 N. Oakland Ave

Motion carried 6 – 1 with President Rozek voting nay.

The Village Board recessed at 9:29 p.m.
The Village Board reconvened at 9:36 p.m.

8. Public Hearing(s) - None

9. New Business

   a. Consider application for “Class A” for Spring East LLC d/b/a BP Pantry 41, 1604 E. Capitol Dr., Shorewood, WI 53211. Alicia Walia, owner of the BP Pantry 41; stated she is applying for the “Class A” in order to sell beer and wine, there would not be any hard liquor sales. Ms. Walia is open minded to only selling beer.

   Clerk Bruckman shared the information JP&L requested clarification on for the Village Board to consider:

   **What is the history on Policy #16?**
   Staff is unaware of the of the history of why this policy was set. After following up with the Department of Revenue it is believed the Village adopted the policy after the City of Milwaukee adopted Ordinance 90-4.7 “Restriction on Granting of Class “A” Fermented Malt Beverage and “Class A” Retailer’s Intoxicating Liquor Licenses. No “Class A” retailer’s intoxicating liquor license or Class “A” fermented malt beverage retailer license may be granted to an applicant applying for a premises currently licensed as a filling station.”

   **How many “Class “A” are available?** 3 currently available, there are 6 total licenses. The current holders are Russian Food and Gifts, Kensington Liquor and Walgreens. Thompson’s Serv-U Pharmacy holds a Class “A” Retail Malt Beverage License.

   **How many feet away from a school does an establishment need to be?**
   - Unless waived by a majority vote of the governing body, a liquor license may not be issued within 300 feet of the main entrance of any church, school, or hospital. Sec. 125.68(3).
     - (Note: The distance between the license premises and the church, school or hospital is measured by the shortest route along the highway from the main entrance of the church, school or hospital to the main entrance of the licensed premises)
   - The restriction does not apply to a restaurant located within 300 feet of a church or school in which the sale of alcohol beverages accounts for less than 50 percent of its gross receipts.
   - This restriction also does not apply to premises covered by a license on June 30, 1947 and to premises licensed prior to the location of a church, school or hospital within 300 feet.
   - This restriction does not apply to beer-only licenses.
   - This restriction does not apply to “Class A” cider license under 125.51(2)(e).

Some Village Board members expressed there are many residents who would not like to see additional places in the Village selling alcohol. Some Village Board members expressed concern about making an exception to the policy; the Village could take a look at the policy as a whole. Some Village Board members expressed the idea of suspending the policy.

Ms. Walia stated Walgreens is a competitor and they serve limited beer and wine. Her BP tries to provide custom fit items customers are looking for.

Tr. Maher moved, seconded by Tr. Amenta to uphold Policy #16 as it stands and deny the Application
for a “Class A” License for Spring East LLC d/b/a BP Pantry 41, 1604 E. Capitol Dr., Shorewood WI, 53211, Owner Alicia Walia. Motion carried 6 – 1 with Tr. Bockhorst voting nay.

b. Consider Trick or Treat date/time for 2019.

President Rozek moved, seconded by Tr. Maher to defer the discussion of Trick or Treat date/time for 2019 until the next full Village Board meeting. Motion carried 7 – 0.

10. Closed Session – The Village Board will adjourn into closed session pursuant to 19.85(1)(g) to confer with legal counsel on strategy regarding pending litigation regarding the Estate of Jonah Marciniak.

Tr. Maher moved, seconded by Tr. Carpenter to adjourn into closed session pursuant to 19.85(1)(g) to confer with legal counsel on strategy regarding pending litigation regarding the Estate of Jonah Marciniak. at 9:54 p.m.  Motion carried 7 – 0 by a roll call vote.

The Board reviewed pending litigation with Attorney. Joe Wirth.

11. Reconvene into Open Session

Tr. McKaig moved, seconded by Tr. Warren to reconvene into Open Session at 10:29 p.m.  Motion carried 7 – 0 by a roll call vote.

12. Reports of Village Officials
   a. Village President – Standing Committee & Committee Liaison appointments are now on file with the Village Clerk.
   b. Village Trustees – Trustee Bockhorst updated on the League of Wisconsin Municipalities legislative actions. Trustee McKaig noted she will be coordinating with staff, trustee and committee members to submit an initiative on human relations training.
   c. Village Manager – Update on timeline for prioritization and requested direction from the Village Board start time for the special Budget & Finance Committee meeting to prepare for the Long Range Plan scheduled on May 13th. The Board agreed to meet at 6 p.m.

13. Items for future consideration –
    Tr. McKaig moved, seconded by Tr. Warren to have a review wrap-up session with the Village Manager. Motion carried 5 – 2 with President Rozek and Tr. Amenta voting nay.
    Tr. Bockhorst noted shed did not trust the Village Manager review process between the Judiciary, Personnel & Licensing Chair and Village President.
    The Village Board discussed there would be a wrap-up previously with the Village Manager and full Village Board as a standard operating procedure in human resources.
    Tr. Bockhorst brought up reviewing the appointment process and standing committee assignments.
    Tr. Amenta strongly requested Tr. Bockhorst to make a motion.  Tr. Bockhorst requested for the process to be discussed at a later date.
    President Rozek moved to review the appointment process for the standing committees’ assignments at the next Village Board meeting, motion failed for lack of a seconded.

14. Adjournment
    President Rozek moved and Tr. McKaig seconded to adjourn at 10:49 p.m.  Motion carried 7 - 0.

Respectfully submitted,
1. Call to Order
President Rozek called the meeting of the Village Board to order at 7:39 p.m. in the Court Room.

2. Roll Call
President Rozek called the roll. Present: Trustees Davida Amenta, Jessica Carpenter, Ann McKaig and Wesley Warren. Trustee Bockhorst and Maher were excused.

Others Present: Village Attorney Nathan Bayer, Village Manager Rebecca Ewald, Planning and Development Director Bart Griepentrog, Public Works Director Leeann Butschlick, Assistant Public Works Director Joel Kolste.

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 Resolution 2019-12 Confirming Obligation to Contribute to North Shore Fire Department’s Budget to Pay Debt Service on Bonds Issued by the Village of Whitefish Bay on Behalf of the North Shore Fire Department.

Chief Whitaker, explained the following memo:

The sale of general obligation bonds by the Village of Whitefish Bay on behalf of the North Shore Fire Department for the remodel of the Whitefish Bay Fire Station has been completed. Now that the sale is complete, Brian Lanser, the Department’s Bond Counsel at Quarles and Brady, has recommended that the NSFD Board reaffirm payment of the exact amount of money since the previous resolution was an estimate before bond sale. The NSFD Board took that action at its meeting this morning.

Mr. Lanser has also recommended that each governing body of the seven member municipalities pass a resolution reaffirming its commitment to the repayment. This resolution provides sufficient documentation for the State of Wisconsin in order to exempt the debt service from the levy limits. As you will note, the updated resolution includes the amount of $655,000, whereas the pre-sale resolution indicated the amount to be estimated at $710,000. There are no other material changes.

The municipalities have already committed to repayment of the Village of Whitefish Bay, this action simply updates the amount of the borrowing and reaffirms that commitment.

Chief Whitaker clarified the interest rate is 3%.

Tr. Amenta moved, seconded by Tr. Warren to approve Resolution 2019-12 Confirming Obligation to Contribute to North Shore Fire Department’s Budget to Pay Debt Service on Bonds Issued by the Village of Whitefish Bay on Behalf of the North Shore Fire Department. Motion carried 5 – 0 by a roll call vote.

   b. Consider pedestrian alley and concept for Shorewood Fire Station CSM.

John Mann, Mann Construction and Chief Whitaker explained the following memo:

Kueny Architects, the firm retained by the Department for design of the remodel of the fire
station in Shorewood, has proposed converting the current alley way that runs between the village hall and the fire station to a pedestrian alley. The project team feels this concept deserves further consideration and is presenting the idea to the Village Board for feedback. The concept moves the public entrance of the fire station from the west side of the building to the south side of the building. While the public entrance moves, the exterior of the west façade will generally remain unchanged. A space, in the area of the current door near the hose tower on the south facing wall, will be converted to a public entrance.

Kueny has provided the attached visual description to provide assistance in further understanding the concept. Representatives of Kueny are in attendance at the Village Board Meeting to take feedback from the Board.

The project team has discussed placing the south lot line of the newly created lot for the fire station at the north exterior wall of the Village Hall. The lot line would extend straight to the east where it would meet the newly created east property line. The team has further discussed that the Village would convert the alley space that then turns south at the lot line and runs north and south on the east side of the Village Hall into a similar pedestrian alley space that matches what is between the two buildings.

Mr. Mann explained moving the main entrance to the side of the building allows the public to enter in the most interesting part of it by the hose tower. It also allows for the exterior of the building to be maintained besides a small addition to the back of the building. Some Village Board members questioned if this affects the easement that was agreed on in the deal? Ms. Ewald explained no. Mr. Mann explained there will be enough room between the two buildings for maintenance purposes. Some Village Board members inquired what will happen to the current entrance on Murray? Mr. Mann explained the door will stay and the monument signed will be moved and point the arrow towards the new door. Some Village Board members questioned if moving the entrance totally changes the layout of the building? Moving the door allows for cross traffic that needs to flow. This design is restoring the building more back into its original shape.

Rosie Bredeck, 4248 N. Ardmore Ave., Shorewood 53211; thanked everyone who worked on this solution and commented it was an important part of the decision making process.

Tr. Warren moved, seconded by Tr. McKaig to approve the pedestrian alley concept, subject to approval of the alley design by Village staff and a permanent pedestrian and maintenance easement for Village Hall building and roof top access, with the southern property line for the fire station adjacent to the north elevation of Village Hall. Motion carried 5 – 0.

c. Consider water meter infrastructure Request for Proposals document (meeting #4)

Tom Nenning, P.E., City Water, explained that in the packet is the proposed RFP to the vendors for AMR and AMI to evaluate both come back with a recommendation to the Village Board. Mr. Nenning explained it is very clear the Village wants proposals for both AMR and AMI.

One of the Village Board members questioned section, 3.6 Best Informal Offer. The Village Board has been trying to pay a little more attention on how they go through these processes. Want to be careful that if the Village receives a proposal and then goes back to one proposer for clarification and they come back with a lower proposal what will the next step be. Mr. Nenning explained there will be an evaluation team that will read the proposals, then there will be a grading scale, there will be a selection of 2-3 vendors at most to interview. There will be no knowledge of other contractor’s bids.
Some Village Board members commented it was one of the best RFP proposals.

Tr. Warren moved, seconded by Tr. Carpenter approval of the Shorewood Utilities Meter Reading Project Request for Proposals and direct staff to issue its release. Motion carried 5 – 0.

5. 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. - None

6. Consent Agenda Items
   a. Accept Presentation of Accounts – May 20, 2019
   b. Consider Village Board Minutes – May 6, 2019
   c. Consider disallowance of claim re: Estate of Jonah Marciniak v Village of Shorewood – Claim #WM000401810117 (meeting #2).
   d. Consider board, committee and commission appointments
   e. Consider transportation and parking analysis project management and communication plan (meeting #3).
   f. Consider manhole rehabilitation program project management and communication plan.
   g. Consider award of contract for 2019 manhole rehabilitation program (meeting #1)
   h. Consider Downer meter vault project management plan (meeting #3)
   i. Consider Application for Special Event Application and Short Term Cabaret License for Surfrider Foundation Milwaukee for Surf at Atwater, Friday and Saturday, August 23 and 24, 2019.
   j. Consider Temporary Extension of Premise request for Pints for Pups, June 23, 2019, Camp Bar, 4044 N. Oakland Ave., Shorewood, 53211.

Tr. Amenta moved, seconded by Tr. Warren to approve the consent agenda. Tr. Carpenter requested removing item 6b, Tr. McKaig requested removing item 6d, and Tr. Amenta requested removing item 6e off the consent agenda. Motion carried 5 – 0 with items 6b, 6d, 6e removed.

7. Items Removed from the Consent Agenda
   6b. Consider Village Board Minutes – May 6, 2019
   It was requested by Village Board to include the following in “Items for Future Consideration”
   Tr. McKaig moved, seconded by Tr. Warren to have a review wrap-up session with the Village Manager. Motion carried 5 – 2 with President Rozek and Tr. Amenta voting nay.
   Tr. Bockhorst noted shed did not trust the Village Manager review process between the Judiciary, Personnel & Licensing Chair and Village President.
   The Village Board discussed there would be a wrap-up previously with the Village Manager and full Village Board as a standard operating procedure in human resources.
   Tr. Bockhorst brought up reviewing the appointment process and standing committee assignments.
   Tr. Amenta strongly requested Tr. Bockhorst to make a motion. Tr. Bockhorst requested for the process to be discussed at a later date.
   President Rozek moved to review the appointment process for the standing committees’ assignments at the next Village Board meeting, motion failed for lack of a seconded.

Tr. Amenta moved, seconded by Tr. Warren to approve the Village Board Minutes for May 6, 2019 with the noted changes. Motion carried 5 – 0.

6d. Consider board, committee and commission appointments
   President Rozek withdrew the appointments to the CDA and BID until the June 3, 2019 meeting.
Tr. Amenta provided some updates from the JP&L Committee meeting. Some ideas for next year to consider; to strongly recommend attending a meeting before applying. Some kind of event to meet the chairs of the Committees. Invite the applicants for Human Relations Commission to attend the June 13 meeting. The staff liaison shared there would not be sufficient time for that process at the June meeting. Clerk Bruckman clarified that was the recommendation by the Judiciary, Licensing and Personnel Committee but after a discussion with the staff liaison it was suggested the chair of the Human Relations Commission, President Rozek, Tr. Amenta, and Tr. Carpenter would meet to review the applications, possibly reach out for a quick phone interview. It was noted that this process was not discussed at the JP&L meeting. Clerk Bruckman explained the process of appointments will start earlier next year, which will include input from the staff liaison ahead of time. It’s the difficulty of the timeframe this year.

Tr. McKaig moved to remove Nate Cade from the Board of Appeals. Motion fails for lack of a second.

Tr. Warren moved, seconded by Tr. Amenta to approve the slate of candidates for the Board, Committees, and Commission appointments with removing the CDA and BID appointments. Motion carried 5 – 0

Geoff Davidian, 4101 N. Prospect, Shorewood 53211; questioned if the table that was being reference for appointments was included in the packet? Yes

Tr. Warren remarked his wife April Toy is listed as one of the candidates and is it ethically acceptable for him to vote. Attorney Bayer under chapter 19.59 which is the code of ethics for local government officials, there is a prohibition on voting if a family member would have a personal or financial gain, there is no pay with a volunteer committee.

6e.Consider transportation and parking analysis project management and communication plan (meeting #3).
Good plan, concerned how do people know those opportunities are there. There is only one postcard that is being sent out; concerned the word will not get out. A press release, an article in the Northshore Now, a section in the Shorewood Library promoting. Another concern about this occurring over the summer. There is concern the Village Board will have to make a difficult vote over a controversial parking issue and have someone come and say I had no idea this study was going on.
Examples of people who should receive notification:
Anyone who requested ten or more overnight parking
Anyone who has a permit for a residential congested area or parks in a Village lot
Someone should be handing out flyers at all the summer events

With Wilson Drive, there was something tangible to look at when the project was complete; it’s important to be able to say we heard your concerns.

Some Village Board members are concerned the focus groups will not be taking minutes. Mr. Griepentrog clarified the technical advisory committee meetings are open to the public and someone will be selected to take minutes. Public comments would be taken at a focus group, online comment. Mr. Griepentrog clarified Village Staff and the Consultant will be creating the communication.
It was suggested that public outreach and communication be tasked to the Public Works Committee.

Donna Pollock, 4395 N. Alpine Ave, Shorewood, 53211; flyers should be placed on cars about the comprehensive traffic study occurring.
Tr. Amenta moved, seconded by Tr. Warren to approve the transportation and parking analysis project management and communication plan and direct staff to return to the Public Works Committee for further discussion about the communication plan. Motion carried 5 – 0.

The Village Board recessed at 8:58 p.m.
The Village Board reconvened at 9:12 p.m.

President Rozek moved, seconded by Tr. Warren to move up item 11a; Consider update on health effects of 5G Communication systems and future regulation – Tr. Amenta. Motion carried 5 – 0.

The Village Board discussed item 11a

8. Public Hearing(s) - None

9. New Business

a. Consider award of contract 2019 sidewalk program (meeting #3)
Ms. Butschlick explained the following from her memo:
Bids opened April 26, 2019 are summarized below:
Forward Contractors, LLC $235,530.00
DC Burbach, Inc. $243,825.00
The low bid as submitted by Forward Contractors, LLC, included a unit cost of $7.60 per square foot of 5” concrete; a typical sidewalk stone in the Village is 30 SF which would equal $228.00. As noted above, the cost of the project engineering and inspection services will be incorporated into the assessed square foot cost. Until the project area is marked and actual quantities are measured, this number can only be estimated. As of this time, we estimate the assessable engineering cost to add an approximate additional $0.83 per square foot to the replacement cost.
As noted above, grinding is not an assessable action. This cost, along with miscellaneous curb ramp replacement and the costs related to secondary frontages will be paid by the Village.

Some of the Village Board members expressed concern it will be $250.00 per square.
Some Village Board members expressed they would like to see sidewalk shaving to extend the life of the sidewalks. Ms. Butschlick explained that is something DPW can look at and examine how it would fit in the current infrastructure schedule.
Ms. Butschlick reminded the Village Board this is an estimated amount. Ms. Butschlick explained there is a new Village engineer who applied the criteria very strictly and absolutely, Public Works will be reexamining the sidewalks that have been marked.

Tr. Amenta moved, seconded by Tr. Warren to award a contract for the 2019 Sidewalk Replacement Program to Forward Contractors in the amount of $235,530.00. Motion carried 5 – 0.

b. Consider Resolution 2019-11 related to the Replacement of Sidewalks and Carriage Walks in 2019. (meeting #3)
Ms. Butschlick explained the following from her memo:
The attached resolution authorizes staff to direct the replacement of any public concrete found to meet the repair criteria and assess the cost to the adjacent property owners. As you know, the replacement of public walk is currently the only infrastructure improvement for which the Village of Shorewood assesses the abutting property owner.
Some Village Board members were concerned about the amount it may cost residents to replace their sidewalks.
Ms. Butschlick remarked, state statute requires to stay in 10% of the bid, the amount that is currently marked will not meet that threshold and will have to be reevaluated.
President Rozek remarked there has been past discussion to put sidewalks on the full tax roll.
Ms. Butschlick explained this could be looked at during the next Long Range Financial Plan discussion.

Tr. McKaig moved, seconded by Tr. Carpenter to approve Resolution 2019-11 Sidewalk Assessment. Motion carried 5 – 0 by a roll call vote.

c. Discuss Public Works organizational RFP (follow-up from COW).
This discussion concluded at the Committee of the Whole (COW)

d. Consider Trick or Treat date/time for 2019.
Ms. Ewald explained the following from her memo:
Halloween falls on Thursday, October 31 in 2019. The Ghost Train will have their annual celebration on Halloween from 6:30 p.m. – 8:30 p.m. at Corner Bakery. The BID District will not be doing a Halloween related event this year. For reference, there is a Packer Game on Sunday, October 27 at 7:20 p.m. The ICC Resolution 01-2010 establishes 2019 trick or treat on Sunday, October 27 from 1 p.m. - 4 p.m. The Village of Whitefish Bay will be following the ICC resolution date/time.

It was noted that at the last ICC meeting, members stated they do not remember this resolution being passed.

Some Village Board members expressed concern holding trick or treat on Sunday afternoon seemed discriminatory. Some Village Board members expressed holding Trick or Treat on Sunday has been a long standing tradition.
Some Village Board members express concern for children’s safety trick or treating in the dark during the time people are coming home from work.
Some Village Board members express concerned that neighborhoods are holding their own trick or treating on Halloween night, which does not make the community inclusive.

Tr. Carpenter moved, seconded by President Rozek to hold Village of Shorewood 2019 Trick or Treat on Thursday, October 31, 2019 from 4:00 to 7:00 p.m. Motion fails 2 – 3 with President Rozek and Tr. Carpenter voting Aye.

Tr. McKaig moved, seconded by Tr. Amenta to hold Village of Shorewood 2019 Trick or Treat on Sunday, October 27, 2019 from 4:00 to 6:00 p.m. and refer to the Human Relations Commission for a recommendation for future holidays. No vote was taken.

Some Village Board members expressed concern with Whitefish Bay doing it from 1:00-4:00 p.m. and then Shorewood holding it from 4:00 p.m. to 6:00 p.m.

Tr. Carpenter moved to amend, seconded by President Rozek to hold trick or treating from 1:00 to 4:00 p.m. on Sunday, October 27, 2019. Amendment carries 3 – 2 with Tr. Amenta and Warren voting nay.

Motion as amended: to hold Village of Shorewood 2019 Trick or Treat on Sunday, October 27, 2019 from 1:00 to 4:00 p.m. and refer to the Human Relations Commission for a recommendation for future holidays. Motion carries 5 – 0.

e. Consider timeline for prioritization
   The memo below was included in the packet for discussion:
process that concludes with the budget. The Board asked to start discussions earlier in the year to allow sufficient time. Some trustees have expressed the desire to not have special meetings.

- Monday, May 20, 5:00 p.m. (light dinner provided) – Regular Village Board Meeting - COW: DPW Tour, Org-Service Overview
  - Last year the Board requested to review the DPW facility and do an organizational analysis. Earlier this year the Board re-directed staff to not complete an organizational analysis and have a consultant do an analysis next year on DPW. The Board further requested staff to do a DPW organization inventory and educate the Board on the existing facility, services and personnel in 2019. This meeting is in response to this request. Following the meeting staff will draft an RFP for DPW organizational analysis, an item staff intends to include in the 2020 budget. In July the Board will review a vehicle replacement policy for the Village and assist

DPW in meeting the objectives set forth by the Village Board for vehicle replacement. In August the Board will discuss next steps for evaluation the DPW facility.

- Monday, June 3 – Regular Board Meeting – Annual Audit/CAFR presentation by Sikich
- Monday, June 17 – Regular Board Meeting – COW on LRP prioritization (meeting #2).
  - This COW was requested in follow-up to the 5/20 special meeting on the LRP.
- Monday, June 24 – Special Village Board Meeting – Village Board reviews proposed VB initiatives. Last year the Board requested a special meeting to review their initiatives.
- Monday, July 1 – Regular Board Meeting – Discuss COW Equipment & Vehicle Maintenance Policy
  - This COW was requested last year by the Board in advance of the budget.

- Monday, July 8 – Special Village Board Meeting – Village Board approves initiatives. Last year the Board requested to vote on their prioritized initiatives on a different night that when the initiatives were initially discussed.
- Monday, July 15 – Regular Board Meeting – Budget & Finance Committee reviews fee schedule for 2020. Last year staff proposed annual update of the fee schedule. In 2018 this was done in the COW; however, in 2019 the initial review will be completed by the Budget & Finance Committee.
- Monday, August 6 – Regular Board Meeting – COW – Discuss options for future DPW facility.
- Monday, August 19 – NO MEETING – the second meeting is proposed for cancellation, unless needed.

Ms. Ewald explained two of the most resounding points from last year is the Village Board wanted to focus on Village Board initiatives and have time to discuss them and hold a separate meeting to take action on them.

Ms. Ewald explained she will be providing a spreadsheet with the other volunteer committees initiatives and where staff resources can take place.

Some Village Board members expressed there is definition in the Committee of the Whole minutes about statutory and non-statutory committees and being able to prioritize their initiatives.

Some Village Board members expressed that at the June 24 meeting the Village Board needs to look at not only the Board initiatives but all the initiatives; then to have a separate meeting to decide and vote.

Some Board members voiced concern on only having 3-5 minutes to discuss the Village Board initiatives.

Some Village Board members express they would like to see what was proposed in 2018 and what was accomplished, what is being proposed for 2019 and the Village Board limit to five things each Village Board member would like to move forward without all the initiatives.

Ms. Ewald explained she will provide all the initiatives along with her opinion on what staff can reasonably accomplish. It doesn’t mean if something doesn’t get done, it’s not important.
Ms. Ewald recapped:
No meeting July 8, 2019.
June 24 is a Special Board Meeting to review proposed Village Board, staff and resident committee initiatives. There will not be a formal presentation by staff or resident committees. July 1, 2019, Committee of the Whole will be used to review each Village Board member’s five top initiatives.

10. Reports of Village Officials
   a. Village President – None
   b. Village Trustees – Tr. Amenta attended Shorewood Moving Forward visiting the student union in Cedarburg
   c. Village Manager – Conversion Therapy will be coming on the June 3, 2019 Village Board agenda

11. Items for future consideration –
      Mr. Griepentrog reviewed the following memo:
      In 2013, the State of Wisconsin enacted 66.0404 “Mobile tower siting regulations” via Wisconsin Act 20. Those regulations detail review procedures for mobile service facilities, defined as “the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.” 66.0404(4) specifically details limitations on what a political subdivision may enforce. Of note, a political subdivision may not:
      (h) Enact or enforce an ordinance related to radio frequency signal strength or the adequacy of mobile service quality.
      In addition to State limitations on various aspects of local review and regulation, the Federal Communication Commissions released a 2018 Small Cell Order, which largely went into effect on January 14, 2019 and further imposed significant limitations on a municipality’s ability to regulate wireless facilities in local rights-of-way.
      These regulations have been questioned and brought to the attention of various residents over recent months in response to the installation of five “small cell” mobile wireless facilities currently being installed at: 4006 N Woodburn St, 4102 N Wilson Ave, 3833 N Oakland Ave, 1513 E Capitol Dr and 4106 N Oakland Ave. As their name implies, “small cell” installations are reduced in size from their full-sized cell tower counterparts and are most often deployed in urban locations. Due to their smaller size, increased quantities are often required to provide adequate geographic coverage.
      Regulations pertaining to “mobile wireless towers” are located within the Village of Shorewood’s Zoning Chapter 500-30. Applications are reviewed and approved by the Plan Commission via a Conditional Use Permit.
      Residents have voiced concern over the possible health effects this equipment may pose within their neighborhood, particularly in relation to whether or not these installations have or will deploy 5th Generation (5G) technology. Per the installer:
      The technology to be deployed in Shorewood are low-power 4G deployments. The use of the small cell transistors is intended to bring that 4G technology closer to people’s cell phones, and to avoid the construction of a huge cellular tower which most citizens object to because they mar the landscape.
      “5G” is a term that is thrown around a lot. It is short-hand for “5th Generation,” which
(obviously) exceeds 4G and 3G. The term is intended by advertising execs to conjure in the mind of the consumer clearer telephone calls and faster download times. However, the non-Madison Avenue reality is that 5G is still in development and is not ready for a national roll-out in the United States. The above notwithstanding, when 5G is ready for deployment, it will support mobile download speeds that are 100 times as fast as current technology. It’s low-lag properties will enable new applications that need a constant connection, such as self-driving cars and remote medicine applications.

Some of the Village Board members inquired if the Plan Commission approves the towers and if the Plan Commission could deny the installation? Mr. Griepentrog explained under the current zoning code, approval takes place at the Plan Commission and they would not be able to deny the application. It is a way of informing residents and allowing them to publically comment.

Some Village Board members suggested residents contact their County and State Legislature.

It was noted to include information pertaining to mobile wireless facility regulation and the health effects of 5G on the Village website.

b. Consider review of penalties on late property tax payments and general process for notification of same – Tr. Amenta

Tr. Amenta moved, seconded by Tr. Warren to refer the Budget and Finance Committee review penalties on late property tax payments and general process for notification of same. Motion carried 5 – 0.

12. Adjournment

Tr. McKaig moved and Tr. Warren seconded to adjourn at 10:35 p.m. Motion carried 5 - 0.

Respectfully submitted,

Sara Bruckman, CMC/WCMC
Village Clerk
1. Call to Order
President Rozek called the meeting of the Village Board to order at 7:47 p.m. in the Court Room.

2. Roll Call
President Rozek called the roll. Present: Trustees Davida Amenta, Tammy Bockhorst, Jessica Carpenter, Michael Maher, Ann McKaig and Wesley Warren.

Others Present: Village Attorney Nathan Bayer, Village Manager Rebecca Ewald, Planning and Development Director Bart Griepentrog, Public Works Director Leeann Butschlick, Deputy Clerk/Customer Service Director Diane DeWindt-Hall, Finance Director/Treasurer Mark Emanuelson.

3. Statement of Public Notice
Clerk Bruckman stated that the meeting had been posted and noticed according to law.

4. Special Order of Business
      Mr. Sikich took questions on the information provided in the packet.
      The Village finished the year in a better financial position than it started.
      Some Village Board members inquired how do reserve numbers equate to other villages?
      Mr. Sikich explained OPEB Liability service and interest cost, there is benefit payments that are negative. What are service cost? Post-employment benefits former employees staying on the Village’s insurance.
      Some Village Board members questioned TIDs transfer out to the debt service fund, the transfer is equal for TID 1 but other TID funds why do they differ? Mark would review in more detail for definitive answer.

5. 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.

Ellen Eckman, 2500 E Beverly, Shorewood, 53211; Commented on the process of appointing, reappointing and ending the terms of the various board, committee and commission volunteers. Expressed her disappointment in the unceremonious way it was handled. Challenged the Board to be transparent and reminded the Board of the importance of allowing longer terms in order for the volunteers to develop relationships to better accomplish goals.

Hannah Fischer-Brokmeier, 4313 N. Woodburn, Shorewood, 53211; Commented on the sidewalk program; the way information is being disseminated. Does not want to rely on Facebook to find information. Commented that while the sidewalks have been marked, there has been no communication from the Village with regard to costs, etc.

Jeri Dietrich, 4416 N Ardmore, Shorewood, 53211; Commented on the sidewalk markings being inconsistent. Does not want the program delayed, but does feel the criteria needs to be revisited.
Karen de Hartog, 4537 N. Sheffield, Shorewood, 53211; Provided history of the property at 3534 N. Lake Drive that is being considered for demolition by the current owner. While not designated a historic home, it is one that most certainly could be. It is an integral part of Shorewood history. Recognizes that the Village Board is very limited in what it can do to stop the project. Will continue as a group to try to change Mr. Abele’s mind—through surveys, TV and other methods. Expressed thanks to Village Manager Ewald for the thoughtful explanation of the Design Review Board and Plan Commission process. Asked that this information be included in the Village Manager’s memo. Encouraged the Village Board to build on policy and to consider the process of designating a historic preservation commission.

Catherine Flaherty, 2500 E Newton, Shorewood, 53211; Echoed Ms. de Hartog’s comments. Reflected on the historic value of the architecture and the lost to the community. Suggested inviting Mr. Abele to do a public hearing about the proposed project.

Kathy Keen, 4412 N Woodburn, Shorewood, 53211; Commented that this home is unique; it is the entrance to the Village and speaks to everything that is unique about Shorewood. Noted that in 2005 it was part of the Historic Places tour and in 2007 it was the Breast Cancer house.

Elizabeth Witt, 4456 N Ardmore, Shorewood, 53211; Recognized that there is probably nothing that can be done about the current situation. Encouraged the Village Board to review ordinances, historic preservation commission for the future.

6. Consent Agenda Items
   a. Accept Presentation of Accounts – June 3, 2019
   b. Consider Village Board & Committee of the Whole minutes – May 20, 2019
   c. Consider 2019 Committee Appointments for Business Improvement District, Community Development Authority, Recreation Advisory Committee, and Pedestrian and Bicycle Safety Committee.
   d. Consider Application for Special Privilege Approval for outdoor seating in the sidewalk public right of way at MalamaDoe, 4465 N. Oakland Ave.
   e. Consider License Renewals for the following:
      1. “Class A” Fermented Malt Beverage and Intoxicating Liquor Licenses
         a. Walgreen Co. d/b/a Walgreens #15188, PO Box 901, Deerfield IL 60015, 4035 N Oakland Avenue
         b. Russian Food and Gifts, Inc. 3557 N Oakland Avenue, Shorewood WI 53211
      2. Class “A” Fermented Malt Beverage Licenses
         a. North Shore Pharmacy Inc. d/b/a Thompson’s Serv-U Pharmacy, 1421 E Capitol Dr, Shorewood WI 53211
      3. Class “B” Fermented Malt Beverage Licenses
         a. Benji’s Deli LLC d/b/a Benji’s Deli, 4156 N Oakland Ave, Shorewood WI 53211
         b. MOD SuperFast Pizza (Wisconsin), LLC d/b/a MOD SuperFast Pizza, 2035 158th Court NE, Suite200, Bellevue WA 98008, 4151 N Oakland Ave
         c. St. Robert Parish, 4019 N Farwell Ave, Shorewood WI 53211
      4. “Class B” Fermented Malt Beverage and Intoxicating Liquor Licenses
         a. Blackbird Mercantile d/b/a Draft & Vessel, 4417 N Oakland Avenue, Shorewood WI 53211
         b. Brat Shorewood, LLC d/b/a Milwaukee Brat House, 4022 N Oakland Ave, Shorewood WI 53211
         c. East Garden LLC d/b/a East Garden, 3600 N Oakland Avenue, Shorewood WI 53211
         d. Normco d/b/a Harry’s Bar & Grill, 3549 N Oakland Ave, Shorewood WI 53211
         e. Hubbard Park Lodge LLC d/b/a Hubbard Park Lodge, 2730 N Humboldt Blvd,
Milwaukee WI 53211, 3565 N Morris Blvd
f. La Orangerie, LLC d/b/a North Shore Boulangerie, 4401 N Oakland Avenue, Shorewood WI 53211
g. NSR, LLC d/b/a North Star American Bistro, 4518 N Oakland Avenue, Shorewood WI 53211
h. Thief Wine LLC d/b/a Thief Wine Shop & Bar, 400 N Water St, Milwaukee WI 53202, 4512 N Oakland Avenue
i. Three Lions Pub LLC d/b/a Three Lions Pub, 4515 N Oakland Avenue, Shorewood WI 53211
j. Tong Hui, Inc. d/b/a William Ho’s Restaurant, 3524 N Oakland Avenue, Shorewood WI 53211
k. True Light Promotions, LLC d/b/a Falbo Bros. Pizzeria, 2213 E Capitol Dr, Shorewood WI 53211
l. VIREO, Inc. d/b/a The City Market, 2205 E Capitol Drive, Shorewood WI 53211

5. Reserve Class “B” Fermented Malt Beverage and Intoxicating Liquor Licenses
   a. Camp Bar, Inc. d/b/a Camp Bar, Inc., 4044 N Oakland Avenue. Shorewood WI 53211
   b. Camp Bar, Inc. d/b/a Camp Bar, Inc., 2107 E Capitol Drive, Shorewood WI 53211
c. Crispy Browns LLC, d/b/a Blue’s Egg, 4195 N Oakland Avenue, Shorewood WI 53211
d. Mega Marts LLC, d/b/a Metro Markets #6893, 4075 N Oakland Avenue, Shorewood WI 53211
e. NaNa Fusion Japanese Restaurant Inc., d/b/a NaNa Fusion Japanese Restaurant, 4511 N Oakland Avenue, Shorewood WI 53211
f. Village Pub of Shorewood LLC d/b/a Cloud Red, 2659 N Terrace Ave, Milwaukee WI 53211, 4488 N Oakland Avenue

6. Class C Wine Licenses
   a. MOD Super-Fast Pizza (Wisconsin), LLC d/b/a MOD Super-Fast Pizza, 2035 158th Court NE, Suite200, Bellevue WA 98008, 4151 N Oakland Ave.

7. Secondhand Dealer/Pawnbroker Licenses
   a. ecoATM, 10121 Barnes Canyon Rd., San Diego, CA 92121, 4075 N Oakland Ave (inside Metro Market)
   b. Swanky Seconds, 2223 E Capitol Drive

8. Dry Cleaners
   a. Capitol Cleaners, 2101 E Capitol Drive

9. Cigarettes/Tobacco
   a. Walgreen Co. d/b/a Walgreens, #15188, PO Box 901, Deerfield IL 60015, 4035 N Oakland Avenue
   b. Mega Marts LLC, d/b/a Metro Markets #6893, 4075 N Oakland Avenue
c. Village Petroleum, d/b/a Amstar, 4000 N Wilson Drive
d. Lakeshore Mobil Inc., 2521 E Capitol Drive
e. Roettgers Company Inc., d/b/a Shorewood Mobil, 1513 E Capitol Drive
f. Royal Nepal LLC, d/b/a BP on Oakland, 3624 N Oakland Avenue
g. Consider Transportation and Parking Analysis Technical Advisory Group nominations.
   g. Consider authorization to hire for DPW.

Tr. Amenta moved, seconded by Tr. Warren to approve the consent agenda. Tr. Bockhorst requested removing item 6b, Tr. Maher requested removing items 6c, and 6e5c and President Rozek requested removing items 6e5d, and 6e7 off the consent agenda. Motion carried 7 – 0 with items 6b, 6c, 6e5c, 6e5d, and 6e7 removed.
7. Items Removed from the Consent Agenda

6b. Consider Village Board & Committee of the Whole minutes – May 20, 2019

Tr. Bockhorst removed from the consent agenda item 6b, the May 20, 2019 minutes. Tr. Bockhorst would like to correct the suggested changes to the May 20, 2019 minutes. The portion of the minutes in question was: “Future items of consideration; discussion with Tr. Bockhorst mentioned she did not trust the review was delivered on Village Manager review wrap-up. Tr. Bockhorst brought up reviewing the appointment process for standing committee assignments and would not make a motion, so President Rozek made the motion and there was no second. Change the last sentence to say President Rozek moved to review the process for standing committee assignments, failed for lack of a second.” Ms. Bockhorst voiced her concern about being editorialized in her absence from the May 20 meeting. Ms. Bockhorst stated there was not a requirement for her to make a motion during the May 6 meeting. Ms. Bockhorst requested the Village Board reconsider the May 20, 2019 minutes to accurately reflect the conversation that took place on May 6.

Attorney Bayer questioned if there was video of the conversation that is in question. There is not a video from the May 6, 2019 meeting, but there is video from the May 20, 2019 meeting when the request for the May 6 minutes to be amended took place. Attorney Bayer clarified a motion to reconsider the minutes would need to be made by any Village Board member who voted on the approval of the May 6 minutes.

Tr. McKaig moved, seconded by Tr. Warren to reconsider the May 6, 2019 minutes. Motion carried 5 – 2 with President Rozek and Tr. Carpenter voting nay.

Geoff Davidian, 4101 N. Prospect, Shorewood, 53211; questioned who was responsible for taking the portion of the minutes that is in question in the Clerk’s absence? Ms. Ewald explained she had taken them.

Some Village Board members questioned if only the five who were present could vote or all seven members of the Village Board. Attorney Bayer clarified all Village Board members who were present at the original meeting could vote on the reconsideration. Clerk Bruckman clarified May 20, 2019 is the meeting the Village Board took action to approve the May 6, 2019 meeting minutes with the proposed changes. Two Village Board members were absent at the May 20 meeting and all Village Board members were present at the May 6, 2019 Village Board meeting. President Rozek clarified for members of the audience’s understanding, that reconsideration needs to take place at the meeting immediately following approval.

Tr. Bockhorst moved, seconded by Tr. McKaig to defer the discussion of the May 20, 2019 Village Board minutes until after agenda item 9c. Motion failed 3 – 4 with Tr. Bockhorst, Maher and McKaig voting aye.

Attorney Bayer clarified what is being reconsidered is the approval of the Village Board minutes from May 6, 2019.

The Village Board took up discussion about the May 6, 2019 minutes.

It was noted by Tr. Carpenter the following motion was missing from the May 6, 2019 minutes: “Tr. McKaig moved, seconded by Tr. Warren to have a review wrap-up session with the Village Manager. Motion carried 5 – 2. It was also noted Tr. Carpenter requested to include that Tr. Bockhorst did not trust the Village Manager review process between the Judiciary, Personnel & Licensing Chair and Village President. Tr. Bockhorst requested to include the
Village Board discussed there would be a wrap-up previously with the Village Manager and full Village Board as a standard operating procedure in human resources. Tr. Amenta requested to include Tr. Bockhorst brought up reviewing the appointment process and standing committee assignments. It was agreed to include Tr. Amenta strongly requested Tr. Bockhorst to make a motion. Tr. Bockhorst said we will discuss this at a later date. President Rozek moved to review the appointment process for the standing committees’ assignments at the next Village Board meeting, motion failed for lack of a seconded.

President Rozek moved to call to question. Call to question carried 7 – 0.

The motion to approve the May 6, 2019 as amended carried 5 – 2 with Tr. Amenta and President Rozek voting nay.

Tr. Amenta voiced concern that President Rozek’s motion in the May 6, 2019 meeting may not have been accurately reflected.

Tr. Maher moved, seconded by Tr. Bockhorst to defer consideration of the May 20, 2019 Village Board minutes until the next Village Board meeting. Motion fails 3 – 4 with Tr. Bockhorst, Maher, and McKaig voting aye.

Tr. Amenta moved, seconded by President Rozek to approve the May 20, 2019 Village Board minutes.

Tr. Bockhorst moved to amend, seconded by Tr. Warren to strike item 7 in the May 20, 2019 minutes and reflect the discussion from the amended May 6, 2019 minutes. Amendment carries 5 – 2 with President Rozek and Tr. Amenta voting nay.

The motion as amended: to approve the May 20, 2019 Village Board minutes and to strike item 7 and reflect the discussion from the amended May 6, 2019 minutes. Motion carries 4 – 3 with President Rozek, Tr. Amenta and Tr. Carpenter voting nay.

6c; Consider 2019 Committee Appointments for Business Improvement District, Community Development Authority, Recreation Advisory Committee, and Pedestrian and Bicycle Safety Committee.

President Rozek requested Attorney Bayer to summarize his memo included in the June 3, 2019 Village Board packet.

Tr. Maher voiced concerned the term resolution has not been amended and would like the Village Board to revisit the process.

Attorney Bayer clarified term is different than the maximum amount of time someone can serve. Once a term is up, the Village President has the discretion to reappoint or nominate someone else to fill that position. President Rozek clarified the appointments have been consistent with serving two full terms or being reappointed if serving only one term.

Tr. Maher commented in reviewing the list, there are two people who do not have applications on file; I’ve heard consistency, transparency, and the same process being used. Two individuals have not followed that process; they also do not match the BID Board’s appointment recommendations.

Tr. Maher moved, seconded by Tr. McKaig to approve the slate of candidates with removing David Price, Desty Lorino, and Gene Webb. Vote was not taken, discussion ensued.

Some Village Board members voiced concern that the slate of candidates contradicts that the Board has been trying to work together as a unified front.
Tr. Amenta moved to call to question. Call to question fails 1 – 6 with Tr. Amenta voting aye.

President Rozek addressed the qualifications of those chosen. The CDA nomination is a realtor, since there is not one currently on the CDA. The BID choices were focused on the Oakland Ave. food and beverage industry.

Some Village Board members voiced their disagreement with last year’s process and not listening to the BID Board’s recommendation.

President Rozek moved to call to question. Call to question fails 2 – 6 with President Rozek and Tr. Amenta voting aye.

Geoff Davidian, 4101 N. Prospect Ave., Shorewood, 53211; questioned if the Village President nominates someone and the Village Board does not approve, does the person in that position now continue to serve. Yes. Can the Board put some on a board or commission that the Village President has not nominated? Not with respect to any appointment where it says it is to be appointed by the Village President but subject to Board approval.

Donna Pollock, 4395 N. Alpine Ave., Shorewood, 53211; expressed everyone should have an opportunity to serve on a Board, Committee, and Commission. Village Board members should be speaking respectfully to each other.

Ellen Eckman, 2500 E. Beverly Rd., Shorewood, 53211; there has always been an application process for committee appointments and it is important to have people with experience on the committees to continue moving projects forward.

BID Director Ericka Lang explained there are 265 businesses in the Village, 33 of those are food and beverage. The BID Board recognized the need to balance the membership against the categories and types of businesses formed an outreach committee seeking applications from interested businesses. Ms. Lang expressed concern on the food and beverage representation portion of the BID Board makeup.

Ms. Ewald clarified there was a meeting March 19 with the Village Manager, Village Clerk, Village President, BID Director and BID President to discuss appointments. That meeting resulted in the first memo from the BID in reference to appointments.

President Rozek remarked there was another meeting scheduled that was cancelled.

Ms. Lang remarked after the April BID meeting, the BID Board felt there was inappropriate discussion and pseudo threats the BID Board decided it would be in their best interest not to hold a meeting at that time.

Ms. Lang requested the Village Board to consider appointing someone from Northwoods to the BID Board as that company can provide digital marketing solutions.

The Village Board recessed at 9:57 p.m.

The Village Board reconvened at 10:10 p.m.

President Rozek remarked if you don’t have an application for some certain qualifications, the Village President is able to reach out to individuals to find that qualification.

Tr. Bockhorst remarked the President is not the authority on what the BID or other committees need; the President has the power to appoint but also the right to listen to recommendations.
Vote was taken on the motion: to approve the slate of candidates with removing David Price, Desty Lorino, and Gene Webb. Motion failed 3 – 4 with Tr. Bockhorst, Maher, and McKaig voting aye.

Tr. Amenta moved, seconded by Tr. Carpenter to approve the slate of candidates for the Business Improvement District, Community Development Authority, Recreation Advisory Committee, and Pedestrian and Bicycle Safety Committee.

Tr. Warren moved to amend the motion, seconded by Tr. McKaig to pend the appointments of Desty Lorino and Gene Webb until they submit an application for review. Amendment carries 4 – 3 with Tr. Bockhorst, Tr. Maher, and Tr. McKaig voting nay.

Motion as amended: approve the slate of candidates for the Business Improvement District, Community Development Authority, Recreation Advisory Committee, and Pedestrian and Bicycle Safety Committee and to pend the appointments of Desty Lorino and Gene Webb until they submit an application for review. Motion carries 4 – 3 with Tr. Bockhorst, Tr. Maher, and Tr. McKaig voting nay.

6e5c; Consider License Renewals for the following: Reserve Class “B” Fermented Malt Beverage and Intoxicating Liquor Licenses; Crispy Browns LLC, d/b/a Blue’s Egg, 4195 N Oakland Avenue, Shorewood WI 53211

   Tr. Maher inquired if the renewal lists their outdoor seating in the premise description. Clerk Bruckman explained yes.

Tr. Maher moved, seconded by Tr. Bockhorst to approve Reserve Class “B” Fermented Malt Beverage and Intoxicating Liquor Licenses; Crispy Browns LLC, d/b/a Blue’s Egg, 4195 N Oakland Avenue, Shorewood WI 53211. Motion carried 7 – 0.

6e5d; Consider License Renewals for the following: Reserve Class “B” Fermented Malt Beverage and Intoxicating Liquor Licenses Mega Marts LLC, d/b/a Metro Markets #6893, 4075 N Oakland Avenue, Shorewood WI 53211.

   President Rozek requested to investigate the possibility if Metro Market would better qualify for a different license.

Tr. Amenta moved, seconded by Tr. Carpenter to defer approving Reserve Class “B” Fermented Malt Beverage and Intoxicating Liquor Licenses Mega Marts LLC, d/b/a Metro Markets #6893, 4075 N Oakland Avenue, Shorewood WI 53211 to our next meeting and request staff to review the possibility of a Class B fermented and Class C wine license. Motion carried 7 – 0.

6e7; Consider License Renewals for the following; Secondhand Dealer/Pawnbroker Licenses a.ecoATM, 10121 Barnes Canyon Rd., San Diego, CA 92121, 4075 N Oakland Ave (inside Metro Market)  
   b. Swanky Seconds, 2223 E Capitol Drive

   President Rozek moved, seconded by Tr. Amenta to move item 9b; Consider Resolution 2019-11 related to the Replacement of Sidewalks and Carriage Walks in 2019. Motion carried 6 – 1 with Tr. Bockhorst abstaining.

   The Village Board took up item 9b

8. Public Hearing(s) - None

9. New Business

Ms. Butschlick explained the following from her memo: The water meter replacement project will include the replacement of approximately 3,300 residential meters. Chapter 514 Article IV of the Shorewood Village Code addresses meter requirements; §514-18 outlines the responsibilities of the private utility customer related to the ownership and maintenance of the service piping (plumbing) connections to and from the Utility-owned water meter.

The proposed modifications to §514-18 (A) which clarifies and modernizes the plumbing language references related to meter connections. A suggested ordinance is also attached.

Please recall that §514-12 (B) of the Shorewood Village Code outlines the ownership and maintenance responsibilities of the water service connections:

B. The water service lateral pipe from the main to and through the water service shutoff valve/isolation valve will be maintained and kept in repair and, when worn out, replaced at the expense of the Utility. The property owner shall maintain the water service lateral pipe from the water service shutoff valve/isolation valve to the point of use.

The proposed language modifications to 514-18 (A) do not impact or alter the water service ownership responsibilities, but clarify the required plumbing connection and configuration at the meter connection.

Utility Forman Dave Kunze demonstrated the water meter model and what the updates would be.


b. Consider Resolution 2019-11 related to the Replacement of Sidewalks and Carriage Walks in 2019. (meeting #3)

Public Works Committee Chair Tr. Maher introduced the topic. There were four alternatives presented with general consensus being for alternative option 3; no formal action required at this time. Direction to staff to develop and propose new replacement criteria for Village Board consideration at the June 17, 2019 meeting.

Ms. Butschlick explained the difference this year isn’t the criteria but the way it’s been applied. Staff would bring back revised criteria that is not as stringent as the current criteria. That would allow the Village to have a set of agreed upon principles for sidewalk replacement. The intent would be to develop criteria to reflect how it has previously been applied. It may not be necessary to have standards as strict to maintain public safety.

It was noted the Director of Public Works suggested the criteria needs to be modified.

Anastasia Brokmeier, 4313 N Woodburn St., Shorewood, 53211; would like the sidewalks to be reevaluated.

Tr. Maher moved, seconded by Tr. McKaig that no formal action required at this time. Direct staff to develop and propose new replacement criteria for Village Board consideration at the June 17, 2019 meeting. Motion carried 6-1 with President Rozek voting nay.

The Village Board moved to item 9a.

c. Consider communication plan policies 4-5: Social Media and Public Buildings.

This agenda item is moved to a fall Committee of the Whole.
10. Reports of Village Officials
   a. Village President – None
   b. Village Trustees – None
   c. Village Manager – Acknowledgement of denied trail connection and retention of easement for The Oaks development

11. Items for future consideration –
    Tr. Maher moved, seconded by Tr. Carpenter that the Village Board should schedule to discuss some type of action or response to the demolition of the home on Lake Drive. Motion fails 3 – 4 with Tr. Bockhorst, Carpenter and Maher voting aye.

The following items will carry over to the June 17, 2019 Village Board agenda 6e7 a & b, 9c, and 10 a,b,c.

12. Adjournment
    President Rozek moved and Tr. Amenta seconded to adjourn at 11:24 p.m.  Motion carried 7 - 0.

Respectfully submitted,

Sara Bruckman, CMC/WCMC
Village Clerk
Good Evening
Ellen Eckman
2500 E. Beverly Road
Shorewood

Speaking on an issue that concerns me and I have reason to believe is important to other village volunteers. I believe in the importance of civic participation and civic engagement and have volunteered for Village work for a long time. My first position was on the original Conservation Committee in the late 1970’s/1980’s. I served for 3 terms on that committee as we worked together to begin a recycling program. We used volunteer parents/community members to drive the DPW trucks to pick up newspapers on Saturdays... it was a long time ago! But when my three terms were completed I was invited to a Village Board meeting, recognized, and even given a little memento.

This is a far cry from what just happened to me and I suspect other committee volunteers. I was unceremoniously told my term of service was completed. I was surprised as I had only served 2 terms and I had heard nothing about a change in the length of service. At first I was told I had served a longer time frame – and that the records showed that I began on Parks Commission in 2010 – but as I pointed out to Rebecca and others, I was a Village Trustee at that time and certainly not a volunteer committee member.

For a Board that talks about transparency and valuing community input, that is clearly not what happened in this case. I received no written notice and no official phone call to explain that there had been a change in policy regarding the length of service on committees.

So imagine how surprised and to be honest, unvalued that I felt when I went to the May 21 meeting and was told that was my final meeting. No notice so that I could have properly thanked my committee members, no Board recognition of service.

I am not asking for recognition after the fact. I don’t need or want that. But I have yet to hear a good argument for why you would change the policy on length of service without contacting the existing committee members to learn about their needs/desires/expectations for service. Committees don’t meet that often –
1 time a month – so maybe 7 or 8 meetings/year. It takes a while for a committee to learn to work together, to set goals, to understand processes and to move forward. When you change membership, committees can lose their momentum as well as deep knowledge and understandings.

So, I challenge you to rethink how you have proceeded on this matter. I challenge you to seek information from those serving on committees. To value their work and contributions, to acknowledge their value and to be transparent about what you really want from the committees.

I will continue to volunteer my service – I told you I’m civic minded. I am currently on the Board of Review – a statutory committee that meets a once or twice in the summer. It’s a technical type committee. I volunteered because I knew that not many people want to be on this committee and that it is important work. My appointment expires in May 2020. Should I be concerned that I will not be reappointed? Will my training for the committee be valued?

I suggest that you put on your future agendas a discussion on developing relationships with committee volunteers, learning from them and valuing their time and service for Shorewood. If you’d like some help with that, I volunteer my services.
1. Call to Order
President Rozek called the meeting of the Village Board to order at 7:34 p.m. in the Court Room.

2. Roll Call
President Rozek called the roll. Present: Trustees Davida Amenta, Tammy Bockhorst, Jessica Carpenter, Michael Maher, Ann McKaig and Wesley Warren.

Others Present: Village Attorney Nathan Bayer, Village Manager Rebecca Ewald, Public Works Director Leeann Butschlick

3. Statement of Public Notice
Clerk Bruckman stated that the meeting had been posted and noticed according to law.

4. Special Order of Business - None

5. 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.

Ellen Eckman, 2500 E. Beverly Rd., Shorewood, 53211; wanted to clarify she had not received adequate notification that she was not being reappointed to another term on the Parks Commission and the Parks Commission did not receive names to review for appointments.

Tr. Bockhorst moved, seconded by Tr. Warren to move item 9a, Consider Ordinance 3001 – Prohibiting Conversion Therapy. Motion carried 7 – 0.

The Village Board moved to item 9a.

6. Consent Agenda Items
   a. Accept presentation of Accounts – June 17, 2019
   b. Consider Village Board Minutes – May 20, 2019 (deferred from June 3, 2019 Meeting)
   c. Consider License Renewals for
      1. “Class B” Fermented Malt Beverage and Intoxicating Liquor Licenses
         a. Harbor Shorewood Management LLC d/b/a Harborchase of Shorewood, 1111 E Capitol Drive, Shorewood, WI 53211
      2. Reserve Class “B” Fermented Malt Beverage and Intoxicating Liquor Licenses
         a. Mega Marts LLC, d/b/a Metro Markets #6893, 4075 N Oakland Avenue, Shorewood WI 53211
      3. Secondhand Dealer/Pawnbroker Licenses
         a. ecoATM, 10121 Barnes Canyon Rd., San Diego, CA 92121, 4075 N Oakland Ave (inside Metro Market)
         b. Swanky Seconds, 2223 E Capitol Drive
         c. Chattel Changers Inc., E Capitol Drive
         d. Shorewood Coin Shop, 4409 N Oakland Avenue
         e. CC Conrad Jewelers, 4014 N Oakland Avenue
6b. Mixa Jewelers, 4320 N Oakland Avenue
4. Cigarettes/Tobacco
   a. Spring East LLC d/b/a BP Pantry 41, 1604 E Capitol Drive, Shorewood
5. Cabaret License
   a. Harry's Bar & Grill, 3549 N Oakland Ave
   b. Hubbard Park Lodge, 3565 N Morris Blvd
   c. Brat House Shorewood, 4022 N Oakland Ave
   d. Three Lions Pub, 4515 N Oakland Ave
   e. Camp Bar (Capitol), 2107 E Capitol
   d. Consider Service Agreement for Insurance Broker.
   e. Consider 2019 Committee Appointments for the Business Improvement District Board and Community Development Authority.
   f. Consider Authorization to Hire Program Assistant for the Senior Resource Center.

Tr. Bockhorst moved, seconded by Tr. Warren to approve the consent agenda. Tr. Bockhorst requested removing item 6b, President Rozek requested removing item 6c2a, and Tr. Amenta requested removing item 6c3a, President Rozek requested removing item 6c3b, and Tr. Maher requested removing item 6e off the consent agenda. Motion carried 7 – 0 with items 6b, 6c2a, 6c3a, 6c3b, and 6e removed.

7. Items Removed from the Consent Agenda

6b. Consider Village Board Minutes – May 20, 2019 (deferred from June 3, 2019 Meeting)
The minutes where approved at the June 3, 2019 meeting.

6c2a. Consider License renewals for Reserve Class “B” Fermented Malt Beverage and Intoxicating Liquor Licenses, Mega Marts LLC, d/b/a Metro Markets #6893, 4075 N Oakland Avenue, Shorewood WI 53211.

Some Village Board members inquired about the separation between the food court and the grocery store.
Attorney Bayer explained Wis. Stat. §125.51(8). In order to obtain both, the bar area would have to be “disconnected,” or separated, from the retail area. The Metro Market doesn’t have disconnected bar/retail areas. That led to the question of how it is selling retail. The answer lies in Wis. Stat. §125.51(3)(b), which allows the holder of a “Class B” license to sell fermented malt beverages (i.e. beer), and intoxicating liquors (i.e. hard liquor and wine), off premises. Grocery Stores are exempt from the rule of allowing minors without an accompanied adult.

Tr. McKaig moved, seconded by Tr. Bockhorst to approve license renewals for Reserve Class “B” Fermented Malt Beverage and Intoxicating Liquor Licenses, Mega Marts LLC, d/b/a Metro Markets #6893, 4075 N Oakland Avenue, Shorewood WI 53211. Motion carried 7 – 0.

6c3a. Secondhand Dealer/Pawnbroker License, ecoATM, 10121 Barnes Canyon Rd., San Diego, CA 92121, 4075 N Oakland Ave (inside Metro Market).

Some Village Board members inquired on what an ecoATM is.
Clerk Bruckman explained it is a kiosk an individual can dispose of their old MP3 players, cell phones, etc.

Tr. Amenta moved, seconded by Tr. Warren to approve a Secondhand Dealer/Pawnbroker License, ecoATM, 10121 Barnes Canyon Rd., San Diego, CA 92121, 4075 N Oakland Ave (inside Metro Market). Motion carried 7 – 0
6c3b, Secondhand Dealer/Pawnbroker License for Swanky Seconds, 2223 Capitol Drive.

Tr. Amenta moved, seconded by Tr. Bockhorst to approve a Secondhand Dealer/Pawnbroker License for Swanky Seconds, 2223 Capitol Drive. Motion carried 6 – 1 with President Rozek abstaining.

6e. Consider 2019 Committee Appointments for the Business Improvement District Board and Community Development Authority.

Some Village Board members expressed they did not want the override the BID Board’s recommendations for appointments in the future.

Tr. Amenta moved, seconded by Tr. McKaig to appoint Gene Webb to the Business Improvement District Board. No vote was taken.

Some Village Board members expressed the importance of working together and collaborating with the Village’s partners.

Some Village Board members expressed the Village President is knowledgeable in her appointment decisions.

Tr. Amenta moved to call to question. Call to question carried 5 – 2 with Tr. Bockhorst and Maher voting nay.

Vote on the motion was taken: appoint Gene Webb to the Business Improvement District Board. Motion carried 6 – 1 with Tr. Maher voting nay.

Tr. Amenta moved, seconded by Tr. Carpenter to appoint Desty Lorino to the Community Development Authority. Motion carried 5 – 2 with Tr. Bockhorst and Maher voting nay.

8. Public Hearing(s) - None

9. New Business

a. Consider Ordinance 3001 – Prohibiting Conversion Therapy

Tr. McKaig introduced the proposed Ordinance. The ordinance is very similar to the City of Milwaukee with the exception the Health Department and Police Department will not be enforcing, the complaint would be referred to the professional state office from which the license is obtained.

Some Village Board members expressed working with our intergovernmental partners to support any legislation at the state level that would also prohibit conversion therapy. Some Village Board members expressed they would like to see the ordinance passed separately and working with our intergovernmental partners to be considered under items for future consideration.

Shelley Gregory, Strategic Project Coordinator, Forge; shared her information about her role at Forge with the LGBTQ community. Acceptance is critically important for LGBTQ youth’s success.

Tony Snell Rodriguez, City of Milwaukee Equal Rights Commission and Board of Directors for Milwaukee LGBTQ Community Center; thoughtful process can be a lengthy process and thanked the Village Board.
Natalie Zanoni, 3152 S. California St., Milwaukee, 53207; voiced her support for the passing of the ordinance.

Lance Weinhardt, 4037 N. Stowell Ave, Shorewood, 53211; thanked the Village Board for working on moving this ordinance forward.

Cylest Brooks, 6128 W. Richmond Ave., Milwaukee, 53210; expressed she is a survivor of conversion therapy and thanked the Village Board for passing this ordinance to save other lives.

Jense Kentmeir; thanked the Village Board for passing the ordinance as it provides a community LGBTQ can be comfortable in.

It was noted the Village Manager’s Office would handle questions of referral of practice to a State Regulatory Agency.

Tr. Warren moved, seconded by Tr. Bockhorst to approve Ordinance 3001, an ordinance creating section 319-12 of the Shorewood municipal code to prohibit the practice of conversion therapy. Motion carried 7 – 0 by a roll call vote.

b. Consider application for “Class B” intoxicating liquor and beer for CKC Trio LLC d/b/a Gather, 3948 N. Maryland Ave., Shorewood, WI 53211.

Tr. Carpenter introduced the topic. At Judiciary, Personnel and Licensing they discussed looking into the business obtaining a Class “B” fermented beverage and “Class C” wine. Clerk Bruckman explained, due to their ratios of food sales Gather does not qualify for a Class C wine license. Gather is applying for the last regular “Class B” license.

Chuck Parshall, N96W7303 Country St., Cedarburg, 53012; explained they have an executed LOI on the location pending the approval of the liquor license. The landlord is communicating with the current businesses in that building.

Some Village Board members inquired what can all be considered for approval. Attorney Bayer explained because this is not a renewal, everything can be considered.

Some Village Board members inquired if this automatically approves them for outdoor seating. Clerk Bruckman clarified Mr. Parshall would need to return with a premise modification once the buildout was complete.

Some Village Board members expressed they like the concept but are concerned about parking.

Tr. McKaig moved, seconded by Tr. Bockhorst to approve the application for “Class B” License for CKC Trio LLC dba Gather, 3948 N Maryland Ave., Shorewood WI 53211 and direct the Clerk to issue the license upon approval of occupancy with Planning and Development. Motion carried 7 – 0.

The Village Board recessed at 9:23 p.m.

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

c. Consider Special Event Permit, Short Term Cabaret License, Temporary Class “B”/“Class B” License for the BID and a Temporary Extension of Premise for Draft and Vessel for The Feast – September 4, 2019.

Bid Director Ericka Lang took questions from the Village Board.

Some Village Board members questioned what the purpose of the event was if outside businesses were included.
Ms. Lang explained it's an awareness to bring people to the Shorewood Business District.

Some Village Board members expressed concern about closing Oakland Ave. It’s a celebration of all things Shorewood.

Ms. Butschlick clarified all the safety concerns were resolved at the staff meeting.

It was noted Blue’s Egg will be coming in with a temporary extension of premise.

Tr. Bockhorst moved, seconded by Tr. Warren to approve the Special Event Permit, Short Term Cabaret Application, Temporary Class “B”/“Class B” License for the BID and a Temporary Extension of Premise for Draft and Vessel for The Feast, September 14, 2019. Motion carried 6 – 1 with President Rozek voting nay.

d. Consider sidewalk replacement program criteria (meeting #5)
   Some Village Board members expressed they would like to see this on the tax roll.

Tr. Maher moved, seconded by Tr. Warren approval of the sidewalk replacement criteria revisions. Motion carried 6 – 1 with President Rozek voting nay.

   e. Consider meter replacement program project management and communication plan (meeting #7)

Tr. Warren moved, seconded by Tr. Maher to approve the preliminary Water Meter Replacement Program project management and communication plan. Motion carried 7 – 0.

   f. Consider Resolution #2019-13 regarding the Wisconsin Department of Natural Resources NR 2018 Compliance Maintenance Annual Report.

Tr. Maher moved, seconded by Tr. Bockhorst to approve Resolution #2019-13 regarding the Wisconsin Department of Natural Resources NR 2018 Compliance Maintenance Annual Report. Motion Carried 7 – 0 by a roll call vote.

10. Reports of Village Officials
   a. Village President –
      1.Proclamation – Wisconsin 19th Amendment Ratification Day
      2.Intergovernmental Relations – request of Village Board to not speak of other Village Board members in a negative way.
      3.Appoint Trustee Liaison to the Pedestrian and Bicycle Safety Committee – Tr. Warren

   b. Village Trustees –

      Tr. Carpenter requested to collect money for shared candy at the 4th of July parade.

      Tr. Amenta found the statement of inappropriate discussion by the BID Director disturbing and is further investigating if they are accurate.

      Tr. Bockhorst attended Pride Fest and many people expressed they were pleased on the Conversion Therapy ban. The lifeguard will be starting at Atwater beach soon. The League of Municipalities has their summer Board Planning Meeting.
Tr. Maher reminded everyone of the Transportation Town Hall Meetings on June 26 at 1:00 p.m. and 6:00 p.m. Shorewood Historical Society had a walking tour of the terracotta on Capitol Drive.

c. Village Manager –  
2. Joint Village and School Board Meeting June 19.

11. Items for future consideration – None

12. Closed Session – the Village Board will adjourn into closed session pursuant to 19.85(1)(c) to discuss the annual performance evaluation of the village manager.

Tr. Warren moved, seconded by Tr. Maher to adjourn into closed session pursuant to 19.85(1)(c) to discuss the annual performance evaluation of the village manager at 10:20 p.m. Motion carried 7 – 0 by a roll call vote.

Tr. Maher moved, seconded by Tr. McKaig to reconvene into open session at 10:41 p.m. Motion carried 7 – 0 by a roll call vote.

13. Adjournment
   Tr. Carpenter moved and Tr. Warren seconded to adjourn at 10:41 p.m. Motion carried 7 – 0.

Respectfully submitted,

Sara Bruckman, CMC/WCMC  
Village Clerk
1. Call to Order
   Trustee Warren called the meeting of the Village Board to order at 6:05 p.m. in the Committee Room.

2. Roll Call
   Trustee Warren called the roll. Present: Trustees Davida Amenta, Jessica Carpenter, Michael Maher, and Ann McKaig. President Rozek via telephone. Trustee Bockhorst was excused.

   Others Present: Village Manager Rebecca Ewald, Assistant Village Manager Tyler Burkart, Finance Director/Treasurer Mark Emanuelson, Public Works Director Leeann Butschlick, Police Chief Peter Nimmer, Deputy Clerk/Customer Service Director Diane DeWindt-Hall, Planning and Development Director Bart Griepentrog, Senior Service Director Elizabeth Price

3. Statement of Public Notice
   Clerk Bruckman stated that the meeting had been posted and noticed according to law.

4. Discuss proposed 2020 Initiatives

   Ms. Ewald introduced the start of the 2020 initiatives.

   **Agenda and Document Management:**
   The Board requested the Clerk to work with CivicPlus our website provider to provide an agenda management solution for approximately $6,000 in 2019. After reviewing the application and annual maintenance fee associated, staff did not find it prudent to proceed as it would not have addressed the Board’s stated needs. In the next 45 days the Clerk will be providing a RFP for agenda and document management. A few initiatives submitted directly correlate to the RFP for agenda and document management. Here is the staff’s recommendation based upon current course of action:
   - Minutes Initiative – if amenable to the Board, staff would recommend implementing the initiative now for the interim period (present to date of implementation for agenda management) with the understanding that the time recorded for each motion would be documented by the Clerk following the motions approval.
   - Video Indexing Initiative – this will be evaluated in proposals for agenda management.
   - Improve Sound System in the Board/Committee Rooms – this will be evaluated as a second step to agenda management, as the vendor applications may impact modifications to the sound system and video recording methods.
   - Creating Single PDFs of Minutes by Year – if amenable to the Board, staff would recommend implementing the initiative now for the interim period (present to date of implementation for agenda management).

   There was Village Board support for the agenda and document management initiative which would include the Video Indexing Initiative and Improvement of Sound System Initiative in Board/Committee Rooms. There were no objections to creating single PDFs of minutes by year now. There was not support for the Minutes Initiative.

   **Strategic Planning and TID Policy Development:**
Ms. Ewald explained staff recommends proceeding with this initiative as recommended by the Chair Hammond – CDA, President Rozek and Tr. Amenta. We need to recalibrate and work together on this topic. This allows the CDA and Board to have discussion where the Village is going and where the focus should lie. There was agreement from the Board on this initiative

**Educating on unlearning racism:**
Ms. Ewald explained staff recommends proceeding in the next 45 days to solidify opportunity(s) for education on this topic for committees and staff with the associated cost for the 2020 budget. The training would be for staff, board, committee members or citizens in the community. Some Village Board members commented it would be nice to get on the same page of terminology from staff board and committee level. Mr. Burkart explained the Human Relations Commission has requested this training for the Village. Some Village Board members expressed concern about possibly duplicating efforts and the cost. Ms. Ewald explained cost proposals could be obtained for the budget. Some Village Board members expressed do the training together as a Village Board would send a good message to the community.

**Hubbard Park – Canoe/Kayak Launch, Handrail, Land Management Plan**
A canoe/kayak launch has been identified in three planning documents over the last 15 years in Hubbard Park. The recently constructed river trail plan designed a launch; however, it was removed from the construction plans due to cost. The swale required was installed without the launch. Staff recommends the Village engineer design and receive the necessary permits for a simple launch in the same location. The Board may authorize design to begin in 2019 or in 2020. If the Board is so inclined, the launch construction and handrail could be bid together to complete these improvements. By fall the Village will have completed the land management plan for the river trail area. There will be annual recommended maintenance of this area. It is advised that the Board determine the level of annual maintenance during the budget after a presentation of the maintenance plan by our consultant OTIE. Mr. Emanuelson noted TID #3 funds may be utilized to design and construct these improvements. Ms. Butschlick explained the Village could design and construct the canoe/kayak launch for significantly less money than the design previously bid.

**Bocce Ball at River Park**
Ms. Ewald explained staff recommends exploring the possibility of a bocce ball court at River Park. There is a park plan for this area, as well as an agreement with the Little League for use and improvements at River Park. The agreement is due to renewal in 2019. From her understanding, the Village has not referenced this agreement in the last 10 years or more. Reviewing the use of the park is also timely as we plan for MMSD’s Edgewater sewer project in 2021. This sewer runs through the Edgwood/Oakland intersection towards the river. Access may be significantly limited during the construction. Discussing alternative access and site utilization is always better well in advance of upcoming improvements.

Ms. Butschlick explained there is a preliminary layout and appears you could install one court with no tree removals. Two courts would be more challenging. One east west parallel to Edgewood property line and one north south to Oak leaf trail. Some Village Board members suggested to do fundraising for the bocce courts. Some Village Board members suggested Estabrook Park if there isn’t space in the Village. Brian Cothroll, Arthur Ircnick, and Tim Birkel representing the Shorewood Little League explained they will be approaching the Village about building a second diamond at River Park. There are significant field restraints and limited availability issues in terms of scheduling. Ms. Ewald suggested this is a bigger conversation with multiple groups involved.

**Historic Preservation**
This initiative would research and consider a Historic Preservation Ordinance. Many of the buildings in the Village of Shorewood are nearly 100 years old. In order to maintain and preserve Shorewood’s unique historic structures for the next 100 years, the Village should research and consider a Historic Preservation ordinance.
Ms. Ewald remarked in order to move this initiative forward, the Village Board would need to move updating the zoning code to 2021 in the Planning & Development Director’s work plan. Some Village Board members questioned if the update to zoning code is statutorily required? Mr. Griepentrog explained no, it’s just out of date. The Board was requested to choose between historic preservation, comprehensive plan and outcomes from the transportation and parking study – as not all three items could be completed in a detailed manner. Village Manager will review these items with staff and provide comment at the July 1 meeting.

**Welcoming Ordinance**
This initiative would review and evaluate draft Welcoming Village Ordinance, which aligns with Village values of tolerance and inclusion, with an eye towards ultimate recommendation and resolution in 2019. Some Village Board members expressed the Village should be careful if it’s not really doing anything and reinforcing protections people already have. This should be referred to the Community & Business Relations Committee. The staff liaison for this item will be the Village Manager.

**Ad Hoc Budget Committee**
This initiative would appoint members to ad hoc Budget Committee to study/recommend increased revenues, decreased expenditures, & service sharing. The Village is limited in terms of staffing resources (members and hours of time). The Village Board is also limited in terms of how much committee work they can accomplish in the allotted time for Standing Committees/Committee of the Whole/Special Meetings. Fortunately, we have an untapped resource in our village and that is the community members who live and work among us. With the increasing squeeze in revenue, higher than desired annual household costs, and increasing operating expenditures, the Village would benefit from an ad hoc committee made up of 2 residents, 2 finance employees/business owners, 2 Village Board members, and 2 village staff members. The committee could meet for 6 months to review our last 2 adopted budgets and long range financial plans, conduct research, and provide recommendations on the following: expenditure decreases, revenue increases, consolidation, service sharing and private contracting for service delivery. The recommendations would be presented to the Village Board before our 2020 budget sessions begin. As with all advisory committees, the recommendations may or may not be acted upon by the Village Board. In addition, the committee would be disbanded after recommendations are provided; therefore, an ordinance or policy change would not be needed.

Some Village Board members expressed that they did not support the initiative. It would take a considerable amount of work to launch and there should be more clarity on the deliverables and impact. The Village already has a Budget and Finance Committee and staff with expertise. Some Village Board members were unclear about the structure and would like to take a bigger picture look at all the committees first. Ms. Ewald explained the Village Board has three outstanding items: provide clear documentation of appointment process, role of the Village Board and Standing Committees, and review of committee structures. After these are complete, she would be in a better position to evaluate new committees.

**Develop a Capital Facilities Plan**
This initiative would provide a single document that documents the conditions of facilities, maintenance schedules and looks at space planning for Village Departments. There was discussion this would take staff time and maybe consultant time. Ms. Butschlick remarked there is an internal document. It is challenge to put the information into one document. Tr. Amenta will share some concepts of such a plan.

**Diverse and Inclusive Village Workforce**
This initiative will continue efforts to strengthen, maintain and enhance a diverse Village workforce by expanding recruitment and retention efforts. This would involve a composition of staff and analyze if there are things we could do to improve recruitment or retention. Mr. Burkart mentioned the Human Relations Commission has 3 subcommittees; the policy subcommittee is going to review the Village
hiring practices, RFP language and provide recommendations. There was Village Board support the Human Relations Committee to handle this topic.

The Village Board recessed at 7:53 pm.
The Village Board reconvened at 8:03 pm.

**Review Open Records, Procedures and Costs to Residents**
This initiative is to formulate written procedures and what is the expectation is when someone files an open records request. The Village Clerk will update the website similar to the Police Departments open record link to provide greater clarify.

**Implement Resource Management to Hubbard Park**
This initiative will provide a detailed plan of the ongoing restoration, maintenance and monitoring efforts needed to promote and protect the native vegetation and bio diversity along the river and bluff. The draft land management plan is expected to be completed by fall 2019.

**Court Room Chairs**
This initiative so to set aside money to replace the chairs in the courtroom. There was a suggestion to replace chairs for people who have bad backs. This item will be discussed during the 2020 budget meetings.

**Leaf Raking**
This initiative would work with DPW to stagger the leaf pick-up schedule. This will be reevaluated after the transportation and parking analysis and stormwater management plan is done this year.

**Neighborhood Association**
This initiative would create a Neighborhood Association so residents have a way to make their priorities known. An example of the Wauwatosa neighborhood association was referenced. There was discussion amongst Village Board members about whether we should let things bubble up in a grass roots way. Some Village Board members felt it could create a larger divide amongst groups while others felt it would not.

**Post Office Mail Drop**
This initiative would provide a mail drop to the east of the Post Office in the middle of Bartlett. A little more complicated and costly than originally anticipated. This would need to be an engineered capital project.

**Recognition of Service for Citizen Committee members**
This initiative is to provide recognition, either through a small gift, luncheon, cocktail hour or an event for citizen committee members rolling off of various committees. There is a policy in place at this time.

**Restore DPW Summer Staff Level**
This initiative would restore the level of DPW’s summer hourly staff to the pre-2019 levels so as to maintain the Village’s parks and public spaces to a level expected by the Village residents. Summer staff was cut almost in half for 2019. The restored summer staff will allow DPW to adequately maintain our park spaces particularly Atwater Beach, the expanded river trail in Hubbard Park and the perennial flower beds maintenance throughout the Village. This will be discussed during the 2020 budget meetings.

**Review of Parklet and Special Privilege Criteria**
This initiative would conduct a review to consider the impact of the use of amplified music and televisions by private businesses who have been granted a special privilege permit for the use of public sidewalks and streets including parklets. This initiative is being referred to the Community and Business Relations Committee; however, at this time, staff does not have capability for an in depth
review of this item alone. It will need to be included with the review of the parklets/special privilege criteria that will be conducted in fall 2019.

**Living Wage**
This initiative would implement a Living Wage Ordinance of $15.00 an hour. This was discussed at the Joint Village and School Board meeting. Tr. Amenta will following up with Asst. Manager Burkart regarding the potential impacts on Village staffing. There was agreement this would take place over a several year period.

**Develop Public Information on Village Budget**
This initiative would provide “Budget in Brief” flyers and for the Village website to educate the public more about the tax levy. This could also be accomplished by the inclusion of more budget information in the manager’s memo.

**Encourage Procurement of Electric Vehicles and Solar Charging Stations at DPW**
This initiative is to start thinking about leading the way on electric village used vehicles

**Revise fiscal note agenda items and presentation**
This initiative has started in Finance Committee on making the fiscal note more informative.

5. Discuss process for reviewing committee and staff initiatives

   Internally the initiatives were reviewed staff. Trustees expressed a desire to review the initiatives. Trustees were requested to submit questions regarding staff/committee initiatives by Wednesday to allow staff to respond in advance of the next prioritization discussion on July 1. Final decisions on initiatives will be placed on the regular Village Board meeting on July 15. Trustees were requested to come to the July 1 meeting prepared to share their top 5 initiatives.

6. Adjournment.
   Tr. Amenta moved and Tr. McKaig seconded to adjourn at 9:39 p.m. Motion carried 6 - 0.

Respectfully submitted,

Sara Bruckman, CMC/WCMC
Village Clerk
MINUTES - SHOREWOOD BOARD OF TRUSTEES
Committee of the Whole Meeting
July 1, 2019

1. Call to Order
   Tr. Carpenter called the Committee of the Whole meeting of the Village Board to order at 6:04 p.m. in the Committee Room.

2. Statement of Public Notice
   Clerk Bruckman stated that the meeting had been posted and noticed according to law.

3. Roll Call
   Tr. Carpenter called the roll. Present: Trustees Davida Amenta, Tammy Bockhorst (6:12 p.m.), Michael Maher, Ann McKaig, President Rozek (6:38 p.m.). Trustee Warren was excused.

   Others Present: Village Manager Rebecca Ewald, Assistant Village Manager Tyler Burkart, Finance Director/Treasurer Mark Emanuelson, Planning and Development Director Bart Griepentrog, Library Director Rachel Collins

4. Review responses to questions on committee, staff and trustee initiatives.
   The Village Board reviewed the Trustee questions on the 2020 Committee and staff initiatives.

   **Ghost Train:** Some Village Board members expressed concern the Village would have financial responsibility for the Ghost Train maintenance based on the June 17, 2019 Public Art Committee minutes.
   Ms. Ewald explained she asked the Public Art Committee to develop a maintenance plan; at that time, they were informed the Village would not be able to fund the maintenance. The Public Art Committee shared with Ms. Ewald they had some funding with the Shorewood Foundation to cover maintenance. There was an extensive plan put together for maintenance with five separate vendors; some vendors were doing work pro-bono and some were not. Ms. Ewald explained some of the parts are under warranty.
   Tr. McKaig, as the Public Art Committee Trustee Liaison, echoed that is was very clear with the Public Art Committee that the Ghost Train was owned by the Public Art Committee, not the Village. They were going to work with the Shorewood Foundation to find the money to help maintain this particular piece of art.
   Ms. Ewald explained the priority is to review the maintenance, so this would be the next step. They are in agreement that the Village would not be funding through tax dollars.
   Some Village Board members expressed the Public Art Committee’s focus should be ways to fundraise and get the Ghost Train up and running again.

   **Oak Leaf Trail:** Mr. Burkart explained residents from the southwestern quadrant of the Village have reached out to the Pedestrian and Bike Safety Committee requesting another access point to the Oak Leaf Trail. Mr. Griepentrog and Mr. Burkart have been in contact with WE Energies, Culvers, and Milwaukee County to talk about formalizing that access point that would be recognized on the trail map.

   **Pump Track:** Mr. Burkart explained a pump track is a track you can go through without even pedaling; there would be a series of bumps and curves to carry the bike through the track. Working with the
5. Consider prioritization of 2020 initiatives

The Village Board members shared their top five initiatives.

Tr. Amenta:
Living Wage (moving towards living wage within 3-5 years)
Strategic Planning and TID Policy Development
Agenda/Document Management
Historic Preservation
Develop a Capital Facilities Plan

Tr. Carpenter:
Historic Preservation
Agenda/Document management
Strategic Planning and TID Policy Development
Diverse and Inclusive Village Workforce
Review Open Records procedures and cost to residents

Tr. McKaig:
Strategic planning and TID Policy Development
Education on Unlearning Racism
Implement Resource Management Plan Hubbard Park
Agenda/Document Management
Develop Public Information on the Village Budget
Historic Preservation (research aspect)
Bocce Courts as a bonus

Tr. Bockhorst:
Liquor Licenses (look at how to obtain more)
Agenda/Document Management
Review Open Records Request and cost to Residents
Education on Unlearning Racism
Decriminalization of Marijuana (has not formally moved forward)
Strategic Planning and TID Policy Development

Tr. Maher:
Historic Preservation
Education on Unlearning Racism
Implement the Hubbard Park Land Management
Canoe/Kayak Rail at Hubbard Park
Park Ordinance Updates

President Rozek:
Agenda/Document Management
Historic Preservation
Develop a Capital Facilities Plan
Strategic Planning and TID Policy Development
Welcoming Ordinance

Ms. Ewald reviewed the top initiatives among the Village Board:
- Strategic Planning and TID Policies (Becky/Bart)
- Document/Agenda Management (Sara)
- Historic Preservation (education process) (Becky)
- Education on Unlearning Racism (Becky/Rachel)

*Transportation and Parking (Implementation of Transpiration and Parking analysis implementation items will be delegated to various departments based upon the item)

Some Village Board members questioned if staff has the availability to implement all these? Ms. Ewald explained Yes on top four listed above but can’t answer on parking and transportation until the study is complete. Ms. Ewald explained the full plan could not be implemented in one year and there should be something worked into the budget for possible next steps.

Ms. Ewald reviewed the initiatives that made at least two Village Board members lists
- Implement the Hubbard Park Land Management
- Review Open Records procedures and cost to residents
- Develop a Capital Facilities Plan

Tr. McKaig reviewed potential scope for year one on Education on Unlearning Racism initiative
 Task 1 Form an Internal Equity Diversity and Inclusion (EDI) Committee
  - Committee leader: Martha Berry, YWCA, est. $2,500
  - Committee participants: participation of an individual(s) from each department, trustee representative, HRC representative if available
  - Goal #1 Adopt a guide or framework with resources for language and scope around racial justice as it applies to municipal service.
  - Goal #2 make recommendations for village wide (staff/boards/commission) training and resources.
  - Goal #3 to develop a village mission statement for diversity and inclusion.
  - Develop training and resources for the village that will be accessible to village staff, boards and commissions.

Task 2 Offer the Unlearning Racism Class in 2020
  - Enlist Martha Berry to provide onsite training introduction training with Department Heads and HRC members - $1,000
  - Budget $2,000 (4 people) or $5,000 (10 people) staff and trustees voluntarily desire to attend the class in 2020

Some Village Board members inquired if this would be a topic for the Human Relations Commission. Mr. Burkart explained the Human Relations Commission is focused on community while this initiative focuses on staff and committees.

Some Village Board members questioned if some items such as the kayak launch could be done through the budget process since it was not a top initiative? Ms. Ewald explained she would like to review the top five with list with staff.

Some Village Board members expressed the importance of moving the Welcoming Ordinance forward. Some Village Board members suggested it go to Community and Business Relations Committee; Ms. Ewald suggested it stay with the initiative process. It was noted that the Welcoming Ordinance should come after the initiative Education on Unlearning Racism is started and in progress for a period of time.

Ms. Ewald and Mr. Griepentrog discussed the Comprehensive Plan. Ms. Ewald explained housing has been brought forward in the CDA. The next CDA meeting there will be an RFP review for a housing analysis study. Mr. Griepentrog explained the Plan Commission met last week and provided a recommendation on
moving forward with updating chapters of the Comprehensive Plan. In light of current transportation plan, they will do one of the chapters, the CDA will be covering housing; economic development could be covered in the strategic planning initiative.

Remaining chapters, we can incorporate the park plans for natural resources, utilities and infrastructure with long range planning. The Village has most of the information, the decision would be to hire a consultant or utilize staff to bring all of them together into one plan. Mr. Griepentrog expressed public engagement is important to reconfirm the larger goals. Mr. Griepentrog explained the recommendation from the Plan Commission is to have an updated comprehensive plan incorporating all those items instead of rewriting the Comprehensive Plan. Mr. Griepentrog explained the housing, transportation and economic development chapters were the biggest and are getting a current review with the proposed initiatives. Mr. Griepentrog explained the budgetary scope recommended is around $30,000 for an update. Mr. Griepentrog believes the chapters can be assigned to existing plans or existing committee work and bring them back with public engagement. Mr. Griepentrog explained the penalty of not updating your comprehensive plan is you can’t update your ordinances because they need to match.

The Village Board reviewed the initiatives that did not make the top list, but would like to see for future potential initiatives.
- Lead service replacement program fund private side
- Administrative Review
- Sidewalk program
- Communication Management Plan
- Age Friendly Plan (designed and executed by the Public)
- Triangle Park
- Wilson Spreadsheet

6. Tr. Amenta moved, seconded by Tr. McKaig to adjourn the meeting at 7:35 p.m. Motion passed 6 - 0.
Clerk Bruckman stated that the meeting had been posted and noticed according to law.

4. Special Order of Business
   a. Update on Shorewood Fire Station cost estimates, plans and façade easement
      Chief Whitaker explained the following from his memo:
      The Department and Kueny Architects have submitted a proposal to the Shorewood Plan
      Commission and Design Review Board for review in July. As was discussed at a previous
      Board Meeting, the submitted design leaves the exterior of the building generally intact, with
      the exception of moving the public entrance from the west side of the building to the south side
      of the building near the current hose tower door. The submission to the Commission and
      Board is enclosed. At this time, the Village Board is not asked to take any action on this issue,
      this is informational only.
      An initial cost estimate is also included with this packet. This project has not been bid, this is a
      cost estimate from the architect who will also be in attendance at the Village Board Meeting.
      Also included in the packet is the current projected project timeline.
      Moving forward, if approval of the Plan Commission and Design Review Board is received, the
      Village Board will be presented a CSM of the property and a façade easement to consider at
      its August 5 Meeting. It is planned that bids will be let on August 14, with bid opening on
      September 4. The Fire Department Board will consider those bids on September 10.
      Focus on Energy and solar power studies are currently being performed for this project. Once
      those reports are received, the Project Team will consider implementing options from those
      reports.
      Timeline moving forward, Plan Commission and Design Review Board will be looking at this
      project in July.
      John Wallacamp, Kueny Architects; Went through the plans included in the July 1, 2019
      Village Board packet.

      The following items were discussed:
      - The upper level and lower level will be unoccupied and used for storage; main air handler
        units will be on the second floor.
      - There is not final decision on the solar panel system; the building is currently being analyzed.
      - The brick color will be matched as close as possible; the majority is a cream city brick.
      - The front garage doors will be glass and bi-fold which is traditional when the fire station was
        originally built
      - It will not be LED certified, but will be designed towards those standards.
      - Currently working with Focus on Energy now for most efficient system in there; solar will be
        supplement of electrical system

      Chief Whitaker explained the next steps will be Design Review and Plan Commission in July,
      Certified Survey Map in August. The bidding will be out in August with opening bids in
      September.

      Some Village Board members requested to have the eastern sidewalk portion by Village Hall
      bid separately. Chief Whitaker explained the sidewalk portion will be an alternate bid.

      Some Village Board members inquired if the pedestrian walkway will all be the Fire Station’s
      property on the CSM and the Village will have an access easement in order to do maintenance
      on the Village Hall building. Ms. Ewald explained yes.

      Ms. Ewald explained when the CSM comes forward for approval, it will contain an electrical
      easement as well as pedestrian access. From a Façade Easement standpoint, the Village and
      North Shore Fire are recommending to work with our regular legal counsel for each of our
      organizations to work off the template of the National Trust for Historical Preservation. NSFD
      will be providing an initial draft of those items that are related to the west and south façade.
The draft would be reviewed by the Village and Attorney Bayer and provided to the Village Board at the August 5\textsuperscript{th} meeting. Ms. Ewald explained the easement focuses on the plan which establishes what’s existing in the building and functional parameters if there where modifications what the framework would be.

Some Village Board members inquired about the characteristics that had been provided from a group of residents to the Fire Department to incorporate into the façade easement. Ms. Ewald explained the façade easement will not specify unless we chose to add the level of specific detail, but the plans themselves reflect that detail. Some Village Board members expressed concern if the details aren’t listed in the façade easement, it’s not guaranteed. Ms. Ewald explained the list is not incorporated into the scope of the façade easement. The template document from the National Trust for Historic Preservations recommends it to have baseline documents that specify what the current conditions are. Ms. Ewald explained the façade easement is not a requirement of the plan development district, it is a requirement of the Village Board through the MOU and is subject Village Board approval. The other easements are located through the certified survey map.

Rosie Bredeck, 4248 N. Ardmore, Shorewood, 53211; questioned what would it hurt to include the detailed list in the easement so we know what we are preserving? Chief Whitaker explained the draft has not been started yet.

b. Presentation of 2019 Community Service Results
Mr. Burkhart summarized the results included in July 1, 2019 Village Board packet. Human Relations Commission data subcommittee group will be getting the data to do additional analysis; once it’s complete, it will be provided to the Village Board.

Some Village Board members requested to see what the census numbers are for the Village and the variance between the census and the survey results.

Some Village Board members inquired what Mr. Burkart’s thoughts for getting higher responses for the next survey. Mr. Burkart explained next time a reminder will be sent and timing of sending the survey out will be reviewed.

Barbara Kiely Miller 4051 N. Downer, Shorewood, 53211; responses are most likely from Shorewood households, not the population in general.

5. 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. - None

6. Consent Agenda Items
a. Accept presentation of Accounts – July 1, 2019
b. Consider Village Board Minutes – June 3, 2019
c. Consider Village Board Minutes – June 17, 2019
d. Consider Village Board Minutes – June 24, 2019
e. Consider application for Special Privilege Approval for a Loading Zone in the public right of way at the School of Rock, 4050 N. Oakland Ave.
f. Consider transportation and Parking Analysis Technical Advisory Group nomination from the BID.
g. Consider appointing Matt Weiss to the Human Relations Commission.
h. Consider Special Event Permit, Short Term Cabaret License and Temporary Extension of Premise for Camp Bar, 4044 N. Oakland Ave. for the Packer Party, Sunday, September 15, 2019.
i. Consider award of contract for 2019 PPII reduction lateral rehabilitation program (meeting #2)

Tr. Bockhorst moved, seconded by Tr. Maher to approve the consent agenda. Tr. Amenta requested removing items 6b, 6d, and 6h and President Rozek requested removing item 6e off the consent agenda. Motion carried 6 – 0 with items 6b, 6d, 6e, and 6h removed.

7. Items Removed from the Consent Agenda

   6b, Consider Village Board Minutes – June 3, 2019.
   Item 4 Special Order of Business line 5 s/b OPEB. Same item, fourth paragraph contract s/b fund.
   Third page s/b item 6b not 9b.

Tr. Amenta moved, seconded by Tr. Bockhorst to approve the Village Board Minutes from June 3, 2019 with the noted changes. Motion carried 6 – 0.

   Page 3, under Ad Hoc Budget Committee, second paragraph change there to that.
   Page 2, under Historic Preservation, change preservice to preserve.
   Page 4, under Neighborhood Association, change others felt it would start provide a more conducive environment to other felt it would not.
   Page 5, under Living Wage include agreement this would take place over a period of several year period.
   Page 3, line 5, transportation of parking s/b transportation and parking

Tr. Amenta moved, seconded by Tr. Maher to approve the Village Board Minutes from June 24, 2019 with the noted changes. Motion carried 5 – 1 with Trustee Bockhorst abstaining.

   6e, Consider application for Special Privilege Approval for a Loading Zone in the public right of way at the School of Rock, 4050 N. Oakland Ave.
   President Rozek confirmed the fee amount for the Loading Zone with Director Griepentrog.

Tr. Maher moved, seconded by Tr. Amenta for Special Privilege Approval for a Loading Zone in the public right of way at the School of Rock, 4050 N. Oakland Ave. Motion carried 6 – 0

   6h, Consider Special Event Permit, Short Term Cabaret License and Temporary Extension of Premise for Camp Bar, 4044 N. Oakland Ave. for the Packer Party, Sunday, September 15, 2019.
   Some Village Board members expressed concern with the road being closed on Saturday, September 14 for the Feast hosted by the BID and this is a longer standing event. Some Village Board members expressed the BID Director should have been aware of the event.

   Paul Hackbarth, 3901 N. Lake Dr., Shorewood, 53211; explained he is aware there is concern, but this year Camp Bar has partnered with the SEED Run and will be sharing half the profits with the SEED Foundation.

   Some Village Board members shared the idea of meeting with the BID Board and mapping out all the event dates at the beginning of the year.

   It was noted Ms. Ewald will follow-up with the Chief Nimmer if police presence will be required at the event.

Tr. McKaig moved, seconded by Tr. Maher to approve the Special Event Permit, Short Term Cabaret
License and Temporary Extension of Premise for Camp Bar, 4044 N. Oakland Ave. for the Packer Party, Sunday, September 15, 2019.

Tr. Bockhorst moved to call to question. Call to question carried 6 – 0.

Vote on Motion: to approve the Special Event Permit, Short Term Cabaret License and Temporary Extension of Premise for Camp Bar, 4044 N. Oakland Ave. for the Packer Party, Sunday, September 15, 2019. Motion carried 6 – 0.

8. Public Hearing(s) –
   a. Ordinance #3002 – amendment regarding zoning requirements to allow for porches and covered entryways in required front and side yards.

The Public Hearing was opened at 9:06 p.m.
The Public Hearing was closed at 9:06 p.m.

9. New Business
   a. Consider Ordinance 3002 – amendment regarding zoning requirements to allow for porches and covered entryways in required front and side yards.

Mr. Griepentrog explained the following from his memo:
The Plan Commission has discussed the possibility of amending the Village Zoning Code in relation to porches within the front and side yards over the course of seven meetings starting back in September 2015. These discussions also included review of decks and patios, which subsequently were amended by the Village Board via Ordinance 2080 in August 2017. Those changes are located within the Zoning Code’s Site Restrictions section 535-9F, which remains silent in regards to porches. That ordinance amended/clarified the definition of a porch in 535-6, but did not change regulations relating to them.

Porches are defined as “An elevated structure attached to the entrance of a building without side walls, forming a covered approach or vestibule to a doorway.” Because of their covered nature, porches are considered part of the primary structure, and thus are not allowed to encroach into the front setback of a property, unlike “uncovered stairs or landings,” which may encroach up to six feet. (535-32)

Based on a staff draft, the Plan Commission discussed the most recent proposal at their April 30, 2019 meeting, and requested several items be revised for clarity. A second discussion took place at their May 28, 2019 meeting, upon which they recommended the Ordinance Amendment be brought to the Village Board for consideration.

The proposed Ordinance would:
• Add a definition for a covered entryway: “A covered entrance over a doorway without support structures extending to the ground or floor.”
• Allow porches to encroach into the front yard 8 ft. from the main façade of the house, but in no case closer than 10 ft. to the lot line.
• Allow covered entryways to encroach into the front yard 4 ft. from the main façade of the house, but in no case closer than 10 ft. to the lot line.
• Disallow porches or covered entryways in the side setback.
• Allow covered entryways to project 4 ft. into the street side yard, but in no case closer than 6 ft. to the lot line.
• Detail design requirements, including; a maximum depth of 10 ft.; floor height to be within 8 inches of the front entry; a one story maximum, with allowable second deck subject to design review; prohibit enclosure of more than 50%, including mesh screening, glazing and guardrails; and a maximum of 3 ft. extension on either side of a doorway for covered entryways.
• Prohibitions include unfinished pressure-treated materials and a disallowance of living purposes,
• Additional non-substantive format and wording changes are included for administrative clarity.

Some Village Board members questioned if the neighbors are contacted when a resident is putting an addition onto their home? Mr. Griepentrog explained if there is 200 sq. ft. or more being added onto an existing structure then they are notified.

Some Village Board members expressed disagreement with the need to provide notice to make an improvement. Other Village Board members expressed if it’s an allowed use and there isn’t an appeal process for a resident to potentially stop construction of the porch, there shouldn’t be a notice sent. Providing the notice gives the false hope the porch could be denied from being constructed. Mr. Griepentrog explained, the Design Review Board could hear the objection but they could not deny the porch from being constructed if it meets the guidelines.

Tr. McKaig moved, seconded by President Rozek to approve Ordinance 3001 – amendment regarding zoning requirements to allow for porches and covered entryways in required front and side yards and strike “or construction of a new front porch” in section 225-12f. No vote was taken.

Barbara Kiely Miller, 4051 N. Downer Ave., Shorewood, 53211; verified the Plan Commission approved the maximum porch depth could be ten feet but eight feet from the house. Mr. Griepentrog explained that is correct.

Some Village Board members expressed contacting the neighbors was an important step.

Some Village Board members shared having a front porch allows more community engagement.

Tr. Amenta moved to amend, seconded by Tr. Maher to include “or construction of a new front porch” in section 225-12f.

Some Village Board members requested to take a roll call vote on the amendment. There was not unanimous consent to take a roll call vote. Attorney Bayer clarified there would need to be a 3/4 vote to suspend the rules to take a roll call vote on the amendment.
Vote was 3 – 3 to suspend the rules to take a roll call vote on the amendment to the underlining motion with Tr. Bockhorst, Maher, and McKaig voting aye. Motion fails to suspend the rules.

Vote on the amendment: Amendment fails 2 – 4 with Tr. Amenta and Maher voting aye.

Vote on motion: to approve Ordinance 3001 – amendment regarding zoning requirements to allow for porches and covered entryways in required front and side yards and strike “or construction of a new front porch” in section 225-12f. Motion carried 6 – 0 by a roll call vote.
The Village Board recessed at 9:23 p.m.
The Village Board reconvened at 9:34 p.m.

b. Consider next steps for intergovernmental collaboration with legislative partners.
Some Village Board members suggest to include Milwaukee County Supervisors and Representatives.

Tr. Bockhorst suggested a letter be sent on half of the Village Board to the League of Municipalities instead of her bringing it forth to the Legislative Council meeting; it would make a bigger statement.

Tr. McKaig moved, seconded by Tr. Maher to recommend the following; send letters of support to state and county legislative officials proposing AB111; send letter to our local, county, and state legislative officials requesting they support AB111; recommend President Rozek request this item be placed on the Intergovernmental Cooperation County; recommend Tr. Bockhorst, President of the League of Wisconsin Municipalities, request this item be placed in the League Board agenda to discuss potential lobbying efforts to support the prohibition of conversion therapy. No vote was taken.

Tr. McKaig moved to amend the original motion, seconded by Tr. Maher to recommend the following; to send letter that the Village of Shorewood supports AB111 to state, county and local legislative officials requesting their support for AB111. To send letters to the League of Wisconsin Municipalities and Intergovernmental Cooperation County requesting this item be placed on their agendas for consideration in support of AB111 to support the prohibition of conversion therapy. Motion carried 6 – 0.

10. Reports of Village Officials
   a. Village President
      President Rozek reminded everyone about the 4th of July Parade.

   b. Village Trustees –
      Tr. Carpenter reminded the Village Board whoever is walking in the parade, she will have the wagon of candy.

      Tr. Amenta attended the Transportation and Parking Town Hall Meetings, the meetings had good turnout and participation.

   c. Village Manager – None

11. Items for future consideration
    It was requested the BID Board and staff organize a meeting in February or March with previous Special Event License holders to review anticipated event dates for the upcoming year.

    Tr. Bockhorst moved and Tr. Maher seconded to adjourn at 9:58 p.m. Motion carried 6 - 0.

Respectfully submitted,

Sara Bruckman, CMC/WCMC
Village Clerk
MINUTES - SHOREWOOD BOARD OF TRUSTEES
Committee of the Whole Meeting
July 15, 2019

1. Call to Order
President Rozek called the Committee of the Whole meeting of the Village Board to order at 6:04 p.m. in the Committee Room.

2. Statement of Public Notice
Clerk Bruckman stated that the meeting had been posted and noticed according to law.

3. Roll Call
President Rozek called the roll. Present: Trustees Davida Amenta, Jessica Carpenter, and Wesley Warren. Trustees Bockhorst, Maher and McKaig were excused.

Others Present: Village Manager Rebecca Ewald, Finance Director/Treasurer Mark Emanuelson, Planning and Development Director Bart Grieppentrog, Public Works Director Leeann Butschlick, Police Chief Peter Nimmer

The Village Board unanimously agreed to take #7; Discuss outstanding items related to prioritization. The Village Board moved to item #7

4. Discuss vehicle and equipment replacement standards
Mark reviewed the following information from his memo included in the July 15, 2019 packet. As part of the 2019 budget process there were a number of questions raised about how staff determines which pieces of equipment need to be replaced each year, as well as how the Village uses the various vehicles and equipment included in the capital asset schedules. To help address these questions, staff engaged in two major process enhancements in preparation for the 2020 budget cycle.

First, was the development and implementation of a new equipment replacement rating process. This included both a formal equipment replacement criteria scoring scale and a multi-factored rating system which can be used to help evaluate each vehicle or other types of major equipment. Staff has also created individual fact sheets on all municipal vehicles and major DPW equipment with this data.

The second major process enhancement was to further enhance the “critical use factor” metric of the rating system, as well as the questions related to how the Village uses these items, by integrating a listing of the primary and secondary functional uses for each piece of equipment into the capital asset schedules.

Some Village Board members questioned why are vehicle body standards based on the miles of the vehicle. Mr. Emanuelson explained there is specific discretion from Department Heads based off the APWA Guidelines.

Some Village Board members questioned how long is the maintenance cost span. Mr. Emanuelson explained the goal is a three-year average.

Some Village Board members questioned if this was a formal Village Board Policy. Mr. Emanuelson explained this is a formalization of what Village Staff has done previously. Ms. Butschlick explained this is an articulation that is less of a mathematical process and more of a review of records and
Some Village Board members questioned how to convert idle time into mileage. Mr. Emanuelson explained Ford Fleet Services has a metric that looks at engine wear during idle time comparing it to normal operations and the Village has incorporated that metric into the rating guide for police equipment.

Some Village Board members would like to see hybrid inspector cars. Mr. Emanuelson explained when the vehicle is up for replacement it’s something to be considered.

5. Discuss staff updates on fleet usages.
Mr. Emanuelson went over the following from his memo included in the July 15, 2019 packet.

Some Village Board members expressed they would like to discuss how the Village can save money by combining or outsourcing services to potentially reduce the fleet. Ms. Butschlick explained the fleet is built on the services the Village provides. Mr. Emanuelson explained the discussion needs to be what services the Village wants to provide.

6. Discuss updates to the 2020 fee schedule
Mr. Emanuelson went over the following from his memo included in the July 15, 2019 packet.
There are a number of administrative or clerical revisions that have been identified by staff:
- P.2 Operators Licenses – propose changing $80.00 for 2 years to $40.00 per year
- P.4 Failure to procure a permit before starting work – this item should read as: triple permit fee
- P.5 Minimum Building permit fee should read as: $65.00 correcting a clerical error
- P.7 Add the word “Lot” in the description for Zoning / Lot Amendment Application Fee

Staff is also proposing increasing the fee on P.8 for Design Review Board – Residential from $35.00 to $50.00 to better reflect the cost of providing these services. (The fee in Whitefish Bay is $100 and Bayside is $60)

The Village Board discussed the following fees:
- Beverage Operator will change from two-year renewal to one-year renewal for better tracking purposes.
- The Design Review Board Fee is being raised from $35.00 to $50.00.
- Failure to procure a permit before starting work, is the triple fee more punitive. The ordinance states a double fee meaning the permit plus a double fine, rewording to triple permit fee (actual fee plus double fine).
- What is the fee for Police bodycams tapes? It’s listed under open records for video, amount depends on the size of the file.
- The $10.00 Atwater Beach Permit fee should be reanalyzed.
- Revisit refunds for repurchased parking permits after parking study.
- Parking ticket forfeitures doubles after 5 days, reanalyze after parking study.

7. Discuss outstanding items related to prioritization.
Some Village Board members questioned if the Department Initiatives were included in the work plan. Ms. Ewald explained yes, some items will be discussed during the budget cycle. Ms. Ewald explained the list included in the packet are the items that are still in the que for discussion and action; it’s not an all inclusive of the initiatives. Ms. Ewald will bring back with the list of initiatives for all committee chairs to review.

8. Tr. Amenta moved, seconded by Tr. Warren to adjourn the meeting at 7:36 p.m. Motion passed 4 - 0.
MINUTES - SHOREWOOD BOARD OF TRUSTEES
Village Board Meeting
July 15, 2019

1. Call to Order
President Rozek called the meeting of the Village Board to order at 7:41 p.m. in the Court Room.

2. Roll Call
President Rozek called the roll. Present: Trustees Davida Amenta, Tammy Bockhorst, Jessica Carpenter, and Wesley Warren. Trustee Maher and McKaig were excused.

Others Present: Village Manager Rebecca Ewald, Assistant Village Manager Tyler Burkart, Finance Director/Treasurer Mark Emanuelson, Planning and Development Director Bart Griepentrog, 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 scope for Police Station Phase 2B (7:42 p.m.)
Mr. Dillion from Riley Construction presented final floor plans and budget for Phase 2B of the Dillion Police Stations.
Mr. Dillion explained Plan1A1 has 13 spaces for parking. There are 11 police cars with two extra for general overflow parking and storage. There would be no cost savings to eliminate the two additional parking stales.
Mr. Dillion explained the wall between the community space and parking garage could move. Removing the two additional parking stales would add about 860 sq. ft. to the community space.
Mr. Dillion explained this is the last item for the completion of the Police Station, there only additional cost would be resurfacing of the parking lot.

Tr. Amenta moved, seconded by Tr. Bockhorst to approve the scope of Police Department Renovation Phase 2B, option 1A1. Motion carried 5 – 0.

b. Consider Memorandum of Understanding for Crossing Guard Services with Shorewood School District and agreement for crossing guard services. (7:49 p.m.)
Ms. Ewald explained this has been forwarded to the School District for their review and there have been no comments back from the School District.

Some Village Board members inquired if this in only a one year and how are the conversations with the School Board going to be handled moving forward.
President Rozek explained the Bi-board has been eliminated; a few of the school Board members will be with the Judiciary, Personnel and Licensing Committee going forward.

Some Village Board members questioned why two crossing guards are needed at Maryland and Capital. Chief Nimmer explained there have always been because it is too congested to handle with just one crossing guard. There was a suggestion from a Village Board member to potentially reach out to St. Robert to contribute to the cost.
Some Village Board members questioned what are we going to do if this company goes out of business. Chief Nimmer explained this is the only proposal that the Village received and they provide services throughout the county. The Village would not be able to operate the way it did when the past company shut down.

Some Village Board members questioned the location Capitol Dr. and Morris 7:00 am start time, whereas the others are 7:30 a.m. Chief Nimmer will check and follow-up.

Some Village Board members do not agree with the School District sharing this cost.

Tr. Warren moved, seconded by Tr. Carpenter to approve the Memorandum of Understanding with utilizing the recommended changes from the Village Attorney as presented. Motion carried 4 – 1 with Tr. Bockhorst voting nay.

Tr. Bockhorst moved, seconded by Tr. Warren to approve the 1-year Agreement for Crossing Guard Services with All City Management Services as presented. Motion carried 5 – 0.

5. 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. - None

6. Consent Agenda Items
   a. Accept presentation of Accounts – July 15, 2019
   b. Consider Committee of the Whole and Village Board Minutes – July 1, 2019
   c. Consider agreement for financial advisor services (meeting #3)

   Tr. Bockhorst moved, seconded by Tr. Warren to approve the consent agenda. President Rozek requested removing item 6b off the consent agenda. Motion carried 5 – 0 with items 6b removed.

7. Items Removed from the Consent Agenda

6b, Consider Committee of the Whole and Village Board Minutes – July 1, 2019.
   First page - change Tr. Carpenter to Tr. McKaig as the Public Art Committee Liaison.

   Tr. Warren moved, seconded by Tr. Carpenter to approve the Committee of the Whole and Village Board Minutes of July 1, 2019 with the proposed change. Motion carried 5 – 0.

8. Public Hearing(s) – None

9. New Business
   a. Consider Application for Special Privilege Approval for a building in the public right of way at 4600 N Wilson Dr.
      Mr. Griepentrog reviewed the following information from his memo included in the July 15 packet.
      The applicant is requesting to construct the corner of his proposed addition 1.27 feet into the right of way along the east side or N. Wilson Dr. The property line is located 2.56 feet behind the sidewalk, so a separation of 1.29 feet to between the sidewalk and building would remain with the proposed addition.

      The code does not detail specific requirements for the approval or denial of a special privilege, but the general public interest is what should be contemplated. So if there is any reason in that interest the request could be denied or modified. Additionally, the Village is not legally compelled to grant special privileges, and therefore does not have to provide a specific reason
to deny such requests. If granted, the Village retains the right to order the removal of any item in the right of way.

Although a Special Privilege was applied for, upon discussion with the Village Attorney, approval of this project could also be considered through an easement, property sale or right of way vacation.

Attorney Bayer explained under Village Code 466-18, a Special Privilege permit are for temporarily obstructions in the public right-of-way and can be ordered by the Village to be removed at any time for any reason.

In the past, a request for more permanent structures in the right of way would be handled via an easement or sale of the land. Attorney Bayer explained this request is for a 1.62 square foot area of the public right-of-way. First the applicant went to Board of Appeals to obtain approval of the setback requirements.

Attorney Bayer suggest to vacate that portion of the right-of-way or grant an easement for the 1.62 sq. ft. area.

Many Village Board member prefer to retain that right of way but allow them to build on it.

Attorney Bayer explained if the portico was removed the easement would come back to the Village.

Many Village Board members support an easement.

Ms. Ewald explained if there is a request to vacate the easement the cost would rest on the property owner.

David Karademas, 3000 E Newberry Blvd, Milwaukee, 53211; explained they are out of time and the roof has to be replaced before winter. Mr. Karademas is supportive of moving forward with an easement.

Tr. Carpenter moved, seconded by Tr. Warren to deny the Special Privilege Permit as requested and direct staff and the Village Attorney to work with applicant to devise an acceptable mechanism to proceed and to come before the Village Board for final approval on August 5, 2019 and for the applicant to pay for the attorney time and other publication request required to facilitate that change. Motion carried 5 – 0.

b. Consider Addendum One to MOU between CDA and Village of Shorewood
Ms. Ewald explained the CDA has approved an investment policy and with that the MOU needs to be modified striking one line that allows the funds to be kept where else other than the Village's general checking account for investments reasons.

Mr. Emanuelson explained the investment policy adopted by the CDA is consistent with Village Board investment policies.

Tr. Warren moved, seconded by Tr. Carpenter to approved the amended MOU. Motion carried 5 – 0.

c. Consider utility billing policy on unintended use.
Mr. Emanuelson explained this item was brought to the Budget and Finance Committee and they supported it unanimously. Direction was to bring back a formal policy for consideration, the purpose to limit the downside of a fiscal burden.

Tr. Amenta moved, seconded by Tr. Warren to approve the Utility Billing Policy for Unintended Use. Motion carried 5 – 0.
d. Consider legislation limiting the sale and use of vaping devices, accessories to minors and prohibiting smoking and vaping in public spaces.
Ann from North Shore Health Department reviewed the items included in the July 15, 2019 packet. The North Shore Health Department is in support of the ordinance change.

Tr. Warren explained this was at Public Safety to proceed forward with an ordinance to prohibit cigarette and vaping on municipal premises and public parks.

Some Village Board members would like to prohibit vaping where cigarette smoking is prohibited. Some Village Board members were concerned this ordinance maybe too restrictive.

This ordinance would prohibit both cigarette and vaping in parkland and public beaches, it is more restrictive than state statute.

Rod DePue, 1818 Shorewood Blvd. # 308, Shorewood, 53211; letter included at the end of the minutes.

Tr. Amenta moved, seconded by Tr. Warren to prohibit e-cigarette in all places the State bans smoking, on all municipal premises, excluding parking land and to direct staff to return with a discussion of both cigarette and e-cigarette smoking at parks and Atwater Beach. Tr. Amenta withdrew her motion.

Tr. Amenta moved, seconded by Tr. Warren to adopt the proposed ordinance on Repealing and Replacing Section 10, “Smoking Prohibited in Certain Places,” of Chapter 319, “Health and Sanitation,” of the Shorewood Municipal Code and to direct staff to return with further recommendations on prohibiting both cigarette and e-cigarette smoking at parks and Atwater Beach. Motion carried 5 – 0.

e. Consider prioritization of 2020 initiatives.

Some Village Board members requested to see the full revised work plans after the initiatives are approved.

Tr. Warren moved, seconded by President Rozek to recommend the following priorities for implementation in 2020; Strategic Planning and TID Policies, Agenda and Document Management, Historic Preservation (education process), Education on Unlearning Racism and the Welcoming Ordinance, Review of parkland with organizations and possible area for bocce ball courts, Implementation of Parking and Transportation Analysis, Implement Resource Management Plan at Hubbard Park, Implement Canoe/Kayak Launch at River Park, add Living Wage Item to the list to be reviewed by JP&L, Comprehensive Plan and if time allows, Develop Capital Facilities Planning. No vote was taken.

Some Village Board members expressed concern the review of parkland for bocce ball courts should be a broader topic.

Tr. Warren made a friendly amendment; change to Review of Recreational Space in Parks with organizations.

Some Village Board members expressed the Living Wage item could be discussed during the budget review.

Tr. Warren made a friendly amendment; to strike add Living Wage Item to the list to be reviewed by JP&L. This item will be reviewed during the 2020 Budget Discussions.
Motion as amended: to recommend the following priorities for implementation in 2020; Strategic Planning and TID Policies, Agenda and Document Management, Historic Preservation (education process), Education on Unlearning Racism and the Welcoming Ordinance, Review of recreational spaces with organizations, Implementation of Parking and Transportation Analysis, Implement Resource Management Plan at Hubbard Park, Implement Canoe/Kayak Launch at River Park, and Comprehensive Plan and if time allows, Develop Capital Facilities Planning. Motion carries 5 – 0.

10. Reports of Village Officials
   a. Village President
      i. Appointment of Guy Johnson to North Shore Fire Department Foundation Board.
      ii. Thank you to Tr. Carpenter and Assistant Village Manager Tyler Burkart for the assistance with the 4th of July Parade.

   b. Village Trustees
      Tr. Amenta
      i. The CDA reviewed the Housing Study RFP at their last meeting.
      ii. Toro Taco has applied for a liquor license in the former Ruckus building.

   c. Village Manager
      i. Thank you to Sara DeNeve and Tyler Burkart for their coordination and organization of the 4th of July Parade.
      ii. There is only one meeting on August 5 for the month.

11. Items for future consideration

    Tr. Amenta moved and Tr. Bockhorst seconded to adjourn at 9:58 p.m. Motion carried 5 - 0.

Respectfully submitted,

Sara Bruckman, CMC/WCMC
Village Clerk
My name is Rod DePue

I live at 1818 E. Shorewood Blvd Unit 308

Shorewood, WI

A Memorandum Dated: April 30th, 2019 To: Rebecca Ewald, Village of Shorewood Manager
Peter Nimmer, Village of Shorewood Police Chief

From: Ann Christiansen, North Shore Health Department Health Director, states:

The North Shore Health Department supports an ordinance prohibiting e-cigarette use.

In 2019, the Wisconsin Department of Health Services issued a Public Health Advisory to inform the public about increasing trends in the use of e-cigarettes among youth in Wisconsin. Data from the Wisconsin Youth Tobacco Survey showed 20% of Wisconsin high school students were using electronic cigarettes or devices like Juul vaporizers. The 2017 Youth Risk Behavior Survey showed that 12% of Wisconsin high school students smoked an e-cigarette on at least one of the previous 30 days, which is the definition of current use. Locally, data from the Shorewood School District’s Youth Risk Behavior Survey collected during the 2017-2018 school year showed 30% of high school students having used an electronic vapor product on at least one day during the previous 30 days. In comparison, only 4.4% of Shorewood high school students said they smoked cigarettes on at least one of the previous 30 days.

So in 2017, 12% of Wisconsin high school students smoked an e-cigarette on at least one of the previous 30 days. And in Shorewood, during that same time 30% of Shorewood high school students used an electronic vapor product on at least one day during the previous 30 days. In comparison, only 4.4% of Shorewood high school students said they smoked cigarettes on at least one of the previous 30 days.

So what does this tell us? I think you know the answer. 12% of Wisconsin high school kids Vape, while 30% of Shorewood high school kids Vape.

Does Shorewood care about our kids?

Other municipalities in WI have such legislation: Ashwaubenon, Greenfield, Janesville, Madison, Milwaukee, Onalaska and Wausau. Let’s add Shorewood to this roster of proactive communities.
1. Call to Order
   President Rozek called the Committee of the Whole meeting of the Village Board to order at 6:45 p.m. in the Committee Room.

2. Statement of Public Notice
   Clerk Bruckman stated that the meeting had been posted and noticed according to law.

3. 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

4. Closed Session – the Village Board will adjourn into closed session pursuant to 19.85(1)(g) to confer with legal counsel on strategy regarding pending litigation regarding Roundy’s assessment.

   Tr. Amenta moved, seconded by Tr. Carpenter to adjourn into closed session pursuant to 19.85(1)(g) to confer with legal counsel on strategy regarding pending litigation regarding Roundy’s assessment at 6:46 p.m. Motion carried by a roll call vote.

   Tr. Maher moved, seconded by Tr. Warren to reconvene into open session at 7:42 p.m. Motion carried by a roll call vote.

5. Tr. Maher moved, seconded by Tr. Warren to adjourn the meeting at 7:43 p.m. Motion passed 7 - 0.

Draft
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. Riparian Land Management Plan presentation. (7:50 p.m.)
      Kristin Schultheis with Oneida Total Integrated Enterprises (OTIE) went over presentation
      included in the August 5, 2019 Village Board packet.

      The Village Board asked the following questions.
      How would mechanical removal be done without causing damage? Ms. Schultheis explained
      they would use smaller equipment during the winter when the ground is frozen.
      Ms. Schultheis explained that prescribed burns are not included.
      Some Village Board members inquired would herbicide treatment be an issue given proximity
      to the river? Ms. Schultheis explained they use selective herbicide specific to the species can
      be applied in aquatic areas and DNR has specific licenses for people to apply herbicide in an
      aquatic zone.
      Ms. Schultheis explained they will do a fall follow-up on inventory. The Milwaukee River
      Greenway Group sees the river district (i.e. Hubbard Park) as an important part for
      reestablishing fish and wildlife habitat for this stretch of the Milwaukee River.
      Some Village Board members questioned if there is a listing of grants available to look into.
      Ms. Schultheis explained three grants are included in the report.
      Some Village Board members suggested looking at protections in place and the Village
      ordinance adopts some of the Milwaukee county parks ordinance, which would be the
      Estabrook Park area that have resource protections in place.
      One Village Board member suggested a Weed Commissioner appointment.

   b. Consider deed restriction to preserve the façade of the Shorewood Fire Station and Certified
      Survey Map (CSM) and associated easements for 3936 N. Murray Avenue, aka Shorewood
      fire station. (8:08 p.m.)

      Chief Whitaker explained tonight the Village Board is considering a deed restriction drafted by
      Attorney Bayer, what has previously been referred to as a façade easement. There are two
      additional items up for consideration which include easements on the property for the CSM
      and the CSM itself.
      Chief Whitaker explained there was an amendment made to the CSM. Attorney Bayer
      explained the Village Board needs to determine if the list of protections is conceptually what
      the Village Board is looking for, at this point the easements belong to a parcel that has not yet
      been created, it is more conducive for the Village Board to review the deed restrictions and the
      CSM congruently. Attorney Bayer explained tonight the question is whether all the items in the
      deed restrictions are acceptable to both parties and conceptually do the easements cover all
      the items that are of concern to the Village in terms of access for the future property that is
      going to be created for the North Shore Fire Department?
      Chief Whitaker explained the deed restrictions deal strictly with the exterior of the property. In
      the packet there were 16 items in the deed restriction document that have been drafted based
      on input from staff and residents in the Village and reviewed with the architect and other
      stakeholders in the process to ensure the suggestions were achievable.

      Some Village Board members clarified the Village Board is not moving to approve or deny the
      CSM. Ms. Ewald explained the only change that has been made to the CSM is one line that
changes one foot based upon the graded foundation, thus the Village Board could act upon the CSM tonight based upon the modification being included in the motion.

Some Village Board members questioned why the easement line was moved closer to the Village Hall instead of moving the line closer to the Fire Station? Ms. Ewald explained they wanted a straight-line for the easement since there are a couple of things happening in that easement: first there is a building restriction to ensure there would be no building per specified number of feet between the south side of the fire station and the north side of Village Hall per building code requirements, second to accommodate for a utility easement based upon our electrical system, which is not running in a straight line. Some Village Board members were still uncertain the purpose of the easement. Ms. Ewald explained the Village needs to do an easement for purposes of restricting development between both buildings because building code requirements are more prohibitive when structures are less than 10 feet apart from each other. Some Village Board members questioned if the building code already states you cannot build in this area, why is the easement required. Ms. Ewald explained the easement is to mandate the restriction because of future ownership of the property and to allow vehicle access to perform maintenance. Chief Whitaker explained the easement allows access to the area to perform maintenance. The CSM is to solidify where the property line is drawn. Some Village Board members inquired why the CSM line is closer to the Village Hall and not the Fire Station. Ms. Ewald explained the fire department is proposing to switch their main entrance from the front of the building to the south side of the building.

One Village Board member questioned what is the benefit of approving a deed restriction over an easement? Attorney Bayer explained the Village is not maintaining the Fire Station, the responsibility under the Deed Restriction would be to North Shore Fire. One Village Board member asked the attorney to clarify if the Village could remove the deed restriction. Attorney Bayer replied yes.

One of the Village Board members questioned when the Design Review Board reviewed the plans. Chief Whitaker explained the Design Review Board reviewed plans about two weeks ago. Attorney Bayer clarified the Village Board can set the deed restrictions and they cannot be overruled in any way and approvals set by the Design Review Board would have to follow the parameters set by the Village Board; the Design Review Board can only make a recommendation.

A Village Board member inquired as to what would happen under Sections 4 and 5 if the Village and North Shore Fire Department disagreed on whether restoration was feasible following any casualty damage or destruction. The Village Attorney indicated that the Review process outlined in Section 2 would be utilized, wherein the Design Review Board would make a recommendation to the Village Board, which would retain final say on the matter.

Rosie Bredeck, 4248 N. Ardmore Ave, Shorewood, 53211; Thought the document describing the deed restrictions from Attorney Bayer was a great document. Ms. Bredeck would like to add in item two (2) decorative colored brickwork, add brick coursing as well as the step pattern gable accent. In item four (4) add limestone/ keystones, sills and accents. Add in keystones and accents in item 13.
Tr. Amenta moved, seconded by Tr. Maher to approved the Declaration of Deed Restriction with the inclusion of specific additional language to ensure protection of the following architectural features of the Fire Station:

- decorative colored brickwork
- brick coursing
- the step pattern gable accents
- limestone/ keystone sills and accents.

And, the amended Deed Restriction be forwarded to the North Shore Fire Department Board for approval pursuant to the Memorandum of Understanding for the renovation of Shorewood Station No. 83 and contingent upon a real estate closing of the subject property.

Some Village Board members questioned why it was pending on the real estate transaction. Some Village Board members echoed it constrains the Village if the sale falls apart. Attorney Bayer explained it’s a policy decision the Village Board can decide on.

Tr. Warren moved a friendly amendment in section five (5) with direction from Attorney Bayer to make clear that if both parties do not agree in section five (5) that the review process outlined in the agreement would be followed if the Declarant and Owner cannot agree on questions related to restoration or reconstruction. Tr. Amenta agreed to the friendly amendment.

Tr. Amenta moved to call to question. Motion to call to question carried 7 – 0.

Vote was taken on the motion: approved the Declaration of Deed Restriction with the inclusion of specific additional language to ensure protection of the following architectural features of the Fire Station:

- decorative colored brickwork
- brick coursing
- the step pattern gable accents
- limestone/ keystone sills and accents.

In addition, language shall be added to Section 5 of the Deed Restriction further clarifying the process outlined in the agreement to be followed if the Declarant and Owner cannot agree on questions related to restoration or reconstruction following casualty damage or destruction. Further, the amended Deed Restriction be forwarded to the North Shore Fire Department Board for approval pursuant to the Memorandum of Understanding for the renovation of Shorewood Station No. 83. Additionally, this approval is contingent upon a real estate closing of the subject property with the North Shore Fire Department. Motion carried 7 – 0.

Tr. Amenta moved, seconded by Tr. McKaig to approve the CSM with the proposed changes and associated easements for 3936 N. Murray Avenue and forward to the North Shore Fire Department Board for approval pursuant to the Memorandum of Understanding for the renovation of Shorewood Station No. 83 and contingent upon a real estate closing of the subject property. Motion carried 7 – 0.

c. Review of Long Range Financial Plan. (8:40 p.m.)

Mr. Emanuelson reviewed and took questions on the Long Range Financial Plan included in the packet. It was noted to put the Long Range Financial Plan on a future meeting for consideration and approval.

Some Village Board members questioned if there would be interim patching before the Oakland Avenue 2028 full reconstruction. Ms. Butschlick explained we are still working on process and procedure on how that can be effectively done. The pavement is not in the condition we would like it to be, concrete construction and heavy traffic flow poses some challenges of doing in sections. One Village Board member suggested to include in the Long Range Financial Plan the Village
Board is looking at alternatives and interim solutions.

Some Village Board members questioned if the sidewalk program cost with the new adopted standards would cover the amount of needed work? Ms. Butschlick explained it will cover the work identified with the new standards.

One Village Board member shared they were opposed to the money removed for phase 2 of Wilson Drive.

Mr. Emanuelson explained manhole replacements are funded by the sewer utility. Scheduled to be a self-funded capital maintenance project, not through bond funds.

Ms. Butschlick explained the change in scope of the Edgewood sewer project would be an MMSD cost.

One Village Board member questioned the water capital projects on the first page are they levy or bonds? Mr. Emanuelson explained those will be general obligation bonds.

One Village Board member questioned item 13, Village Hall is that just a place holder for future maintenance? Mr. Emanuelson explained yes as well as the contemplation of replacing HVAC system at the Village Center.

One Village Board member questioned if the street lighting boxes will be compatible with any LED system. Ms. Butschlick explained she has asked Strand before the Village goes any further if the street light box component would be compatible with an LED system.

5. 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. – None 9:24 p.m.

The Village Board recessed at 9:25 p.m.
The Village Board reconvened at 9:34 p.m.

6. Consent Agenda Items (9:34 p.m.)
   a. Accept presentation of Accounts – August 5, 2019
   b. Consider Committee of the Whole and Village Board Minutes – July 15, 2019
   c. Consider award of contract for 2019 Sanitary Sewer Lining Project.
   d. Consider Application for Special Privilege for an awning projecting over the public right of way at Stage Pharmacy, 4001 N. Oakland Ave.
   e. Consideration of Extension of Premise for Blue’s Egg for the Feast.
   f. Consider RFP for Shorewood Connects Facilitator.

   Tr. Bockhorst moved, seconded by Tr. Warren to approve the consent agenda. Motion carried 7 – 0.

7. Items Removed from the Consent Agenda (9:35 p.m.) – None

8. Public Hearing(s) (9:35 p.m.) – None

9. New Business
   a. Consider professional services agreement for Milwaukee Water Works Wholesale Customer Group PSC intervention assistance. (9:35 p.m.)

   Ms. Butschlick reviewed her memo included in the August 5 packet. Mrs. Butschlick explained the Public Service Commission (PSC) clearing house people appeal rates to
infrastructure. Ms. Butschlick explained there are wholesale and retail customers, the PSC regulates those classes differently.

Tr. Amenta moved, seconded by Tr. Maher approval of the Baxter & Woodman professional services agreement for the Milwaukee Water Works Wholesale Customer Group Public Service Commission Intervention Assistance. Motion carried 7 – 0.


One Village Board member raised the question as to whether the existing smoking ordinance reflected in the official Shorewood code book (319-10) was consistent with what was actually passed by the Village Board back in September of 2010. Attorney Bayer will check and follow-up.


10. Reports of Village Officials
   a. Village President - None

b. Village Trustees
   Tr. Bockhorst – Reminded everyone about the League of Wisconsin Municipalities Annual Conference in Green Bay. Racine and Sheboygan passed a Conversion Therapy Ban Ordinance.
   Tr. Carpenter – Shared she and Tr. Maher were ice cream scoopers at the summer library celebration party.
   Tr. Maher – Shared the second Town Hall Transportation Meeting took place on July 30. July 27 was the river clean-up. The next river clean-up will be October 5.
   Tr. McKaig – Shared she will not be seeking re-election for another term in 2020.

c. Village Manager - None

11. Items for future consideration
   a. Consider regulation of scooters – Tr. Carpenter

   Tr. Carpenter moved, seconded by President Rozek to refer the regulation of scooters to the Pedestrian and Bicycle Safety Committee for a recommendation. Motion carried 7 – 0.

   Tr. Bockhorst moved, seconded by Tr. Maher to adjourn at 10:03 p.m. Motion carried 7 - 0.

Respectfully submitted,

Sara Bruckman, CMC/WCMC
Village Clerk
MINUTES - SHOREWOOD BOARD OF TRUSTEES
Committee of the Whole Meeting
September 3, 2019

1. Call to Order
   President Rozek called the Committee of the Whole meeting of the Village Board to order at 7:14 p.m. in the Committee Room.

2. Statement of Public Notice
   Clerk Bruckman stated that the meeting had been posted and noticed according to law.

3. 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

4. Closed Session – the Village Board will adjourn into closed session pursuant to 19.85(1)(g) to confer with legal counsel on strategy regarding pending litigation on various legal matters involving Harris, Mark v. Village of Shorewood and Outlaw, Yasmine v. Village of Shorewood.

   Tr. Carpenter moved, seconded by Tr. Bockhorst to adjourn into closed session pursuant to 19.85(1)(g) to confer with legal counsel on strategy regarding pending litigation on various legal matters involving Harris, Mark v. Village of Shorewood and Outlaw, Yasmine v. Village of Shorewood at 7:01 p.m. Motion carried by a roll call vote.

   Tr. Carpenter moved, seconded by Tr. Maher to reconvene into open session at 7:34 p.m. Motion carried by a roll call vote.

5. Tr. Carpenter moved, seconded by Tr. Maher to adjourn the meeting at 7:34 p.m. Motion passed 7 - 0.

Draft
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. Update on TMDL Stormwater Management plan progress. (7:41 p.m.)
   Mustafa Emir, PhD, PE, Wisconsin Regional Director for Clark Dietz explained the Federal Government has issued standards for water quality in the Milwaukee River. The state now has to work these standards into the permitting process at a local level. Mr. Emir introduced Brandon Flunker, PE, CFM, Project Manager Clark Dietz.
   Mr. Flunker presented the TMDL Stormwater Management plan progress included in the September 3, 2019 Village Board packet.

   Ms. Butschlick clarified for the Village Board that there is a street sweeper and leaf vacuum. The leaf vacuum is not part of the TMDL Management analysis.

   Donna Pollock, 4395 N Alpine Ave, Shorewood, 53211 questioned if the adopt a sewer program was factored in? Mr. Flunker replied he was unaware of the program but it could be considered to add into the model. Ms. Butschlick explained it would be a difficult factor to model. The adopt a sewer program removes the debris at the top of the catch basin; the model looks at removal of the suspended solids in the sub-portion of the catch basin.

   Mr. Flunker explained the next steps will be a final communication of recommendations from the TMDL Stormwater Management analysis.

5. 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. – None (8:01 p.m.)

6. Consent Agenda Items (8:02 p.m.)
   a. Accept presentation of Accounts – September 3, 2019
   b. Consider Committee of the Whole and Village Board Minutes – August 5, 2019
   c. Consider RFP for IT Services. (meeting #2)
   d. Consider RFP for agenda management. (meeting #2)
   e. Consider RFP for Village Attorney and Village Prosecutor Services. (meeting #2)
   f. Consider agreement for final design of Phase 2B.
   g. Consider Special Event Permit Application – Shorewood High School Homecoming Parade, Friday, September 27, 2019, 4 – 5:30 p.m.
   h. Consider appointing Deba Briscoe to the Human Relations Commission.

   Tr. Maher moved, seconded by Tr. Bockhorst to approve the consent agenda. Tr. Amenta requested removing items 6c, 6d, 6e and 6f, President Rozek requested removing items 6a and 6b. Motion carried 7 – 0 with items 6a, 6b, 6c, 6d, 6e, and 6f removed.

7. Items Removed from the Consent Agenda (8:02 p.m.)
   Ms. Ewald clarified the $9,400 spent on computers and printers was for 2019 Police, Public Works and Village Hall replacements. All replacements are budgeted through the Village Manager's budget.
Tr. Maher moved, seconded by Tr. Bockhorst to accept the presentation of Accounts – September 3, 2019. Motion carried 7-0.

6b, Consider Committee of the Whole and Village Board Minutes – August 5, 2019.
Village Board members requested the Clerk to review the recording on item 4e, Special Order of Business; Consider deed restriction to preserve the façade of the Shorewood Fire Station and Certified Survey Map (CSM) and associated easement for 3936 N. Murray Avenue, aka Shorewood fire station; noting removing the memo and including the discussion. In the friendly amendment to the motion, change due process to process outlined in the agreement. Item 4c, Review of Long Range Financial Plan, change memorialize that the process and procedure for interim patching is still being investigated to include in the Long Range Financial Plan the Village Board is looking at alternatives and interim solutions.

Tr. Warren moved, seconded by Tr. Maher to defer the Committee of the Whole and Village Board Minutes of August 5, 2019 until the September 16, 2019 Village Board meeting. Motion carried 7 – 0.

6c, Consider RFP for IT Services.
Judiciary, Personnel and Licensing Committee unanimously agreed on the RFP and noted Tr. Maher would be the Village Board liaison. Mr. Burkart will include that when there is a new IT Process that it is documented under project scope task 1.

Tr. Maher moved, seconded by Tr. Amenta to approve the RFP for IT Services. Motion carried 7 – 0.

6d, Consider RFP for agenda management
Judiciary, Personnel and Licensing Committee unanimously agreed on the RFP and noted Tr. Amenta would be the Village Board liaison.

Tr. Amenta moved, seconded by Tr. Maher to approve the RFP for agenda management. Motion carried 7 – 0.

6e, Consider RFP for Village Attorney and Village Prosecutor Services.
The Public Safety Committee unanimously agreed on the RFP and noted Tr. Warren will be the Village Board representative.

Tr. Amenta moved, seconded by Tr. Carpenter to approve the RFP for Village Attorney and Village Prosecutor Services. Motion carried 7 – 0.

6f, Consider agreement for final design of Phase 2B.
Village Board members requested a clearer scope of work or narrative for the work being done.

Tr. McKaig moved, seconded by Tr. Warren to approve the $61,000 to complete the final design documents for Phase 2b for the attached contract and direct staff to convey additional request per Village Board discussion.

8. Public Hearing(s) (8:27 p.m.) – None

9. New Business

   a. Consider application for “Class B” intoxicating liquor and beer for Toro Taco LLC d/b/a Taco Super, 4144 N. Oakland Ave., Shorewood, WI 53211. (meeting #2) (8:27 p.m.)
      Tr. Carpenter updated the Village Board on the August 3, 2019 JP&L Committee Meeting, the Committee is recommending approval of the “Class B” license.
      Tr. McKaig moved, seconded by Tr. Bockhorst to approve the “Class B” intoxicating liquor and beer for
Toro Taco LLC d/b/a Taco Super, 4144 N. Oakland Ave., Shorewood, WI 53211 and direct the Village Clerk to issue the license upon approval of occupancy.

Kristyn Eitel, 2923 N. Marietta Ave, Milwaukee, 53211, the d/b/a has changed to Hiya Taco.

Tr. McKaig moved to amend the motion, seconded by Tr. Bockhorst approval “Class B” intoxicating liquor and beer for Toro Taco LLC, 4144 N. Oakland Ave., Shorewood, WI 53211 and direct the Village Clerk to issue the license upon approval of occupancy. Motion carried 7 – 0.

b. Consider process for engaging engineering services for design sewer improvements (8:35 p.m.)

Ms. Butschlick explained there was a preliminary conversation about engineering assistance throughout the MMSD design process during one of the Long Range Plan meetings and the benefits to the village utilizing a single engineering firm designing all the anticipated combined sewer district projects. Ms. Butschlick is requesting the Village Board to suspend the purchasing policy RFP requirement and consider a sole sourced contract with Strand Engineering for the Southeast Area Combined Sewer Improvements.

Village Board members questioned how does the Village ensure the contract would be for a fair amount for the number of hours? Ms. Butschlick explained there are engineering contract value standards, the typical engineering cost will range from 6% to 10% of the total construction cost value. Ms. Butschlick explained a scope of services would be developed with what the anticipated project would be and request engineers at MMSD to review the drafted scope. Ms. Butschlick would reflect the last three sewer project scopes since 2012.

Some Village Board members voiced concern about approving a contract for an estimated amount of $1.2 million without proceeding with the RFP process. Ms. Butschlick explained there is no other engineering firm that understands the Village’s sewer system the way Strand does, however, she completely understands if the Village Board chooses to proceed with the RFP process. Other engineering firms can learn and understand the Village’s sewer system but the time to learn will be additional costs to the project.

A Village Board member inquired if any other engineering firms besides Clark Dietz and Strand have done studies of the Village’s sewer system. Ms. Butschlick explained Baxter Woodman Engineering has.

Some Village Board members conveyed they support suspending the purchasing policy and to sole source contract with Strand for the Southeast Area Combined Sewer Improvements.

Village Board members inquired if Ms. Butschlick thought Strand has the biggest competitive advantage. Ms. Butschlick explained yes because of the amount of time Strand has spent on MMSD’s project and understanding the Village’s concept of sewer improvements and the ability to integrate what the sewer district is working on. Ms. Butschlick explained her concern wasn’t that a new engineer couldn’t learn and understand the Village’s sewer system, but by that time the MMSD design process may be completed.

Some Village Board members inquired how long the RFP would take to be drafted. Ms. Ewald explained the following timeline is anticipated for selection of a sewer design engineer through a typical RFP process: Sept – Oct 2019 Draft RFP document with significant technical assistance from Village Engineer, 11/4/2019 Public Works Committee reviews/recommends RFP document, 11/19/2019 Village Board reviews/approves RFP document, 11/20/2019 RFP issued, January 2020 RFP due and Firm interviews, February 2020 Firm recommended/approved Professional services agreement approved.

Ms. Ewald did explain it would be helpful and speed up the process if the Public Works
Committee could review and the Village Board vote on the same night.

Many of the Village Board members where very torn as going to RFP would result in extra time and resources of staff. The Village may award the contract to Strand, but the RFP would provide security to the Village that $1.2 million is a justified number. Other Village Board members reiterated the importance of the RFP process and the Village’s purchasing policy.

Tr. Amenta moved to call to question, Tr. Maher seconded. Call to question carried 7 – 0.

Tr. McKaig moved, seconded by Tr. Bockhorst to direct staff to proceed with the development of a Southeast Area Combined Sewer Improvements (SEACSI) project scope of services and engineering design and construction inspection services professional services agreement with Strand Associates as a sole source contract for future Village Board consideration. Motion failed 2 – 5 with Tr. Bockhorst and McKaig voting yes.

President Rozek moved, seconded by Tr. Carpenter to direct staff to proceed with an RFP for consideration at the Public Works Standing Committee and Village Board meetings to approve the same evening if needed. Motion carried 7 – 0.

c. Consider Policy #37 – Holiday Decoration (9:04 p.m.)

Mr. Burkart, staff liaison for the Human Relations Commission, explained this is one of the first policies the Human Relations Commission has developed and introduced the two members of HRC Policy subcommittee that worked on it. Mr. Burkart explained Attorney Bayer has reviewed the policy and has some suggested changes (included at the end of the minutes).

McKenzie Edmonds, 2805 E. Menlo Blvd., Shorewood, 53211
Deba Brisco, 2516 N. Bartlett Ave., Shorewood, 53211

Ms. Edmonds explained the policy before the Village Board tonight is not the policy the HRC or Policy Subcommittee voted on. Ms. Edmonds explained the Human Relations Commission should have an opportunity to discuss the proposed language by Attorney Bayer and bring it back to the Village Board for future consideration.

The Village Board questioned why the policy the Human Relations Commission developed is not the policy before the Village Board. Ms. Ewald explained after the Human Relations Commissions developed the policy, the Village Attorney had an opportunity to review the recommended policy and had some revisions while still preserving the recommended language by the HRC. Both the Human Relations Commission and the Village Attorney would like an opportunity to review the language together and bring a recommended policy back to the Village Board at a later date.

Ms. Edmonds explained the spirit of the Human Relations Commission proposed language is included but without having an opportunity for the HRC to discuss the specifics of the proposed changes, they would like the Human Relations Commission to vote on the newly proposed policy.

Ms. Edmonds questioned the Village Attorney if the new language of the policy would affect the construction of an Eruv. Tr. Amenta explained an Eruv is an actual wire constructed in a certain area to allow Jewish individuals who keep the Sabbath to be able to do certain things within the context of the eruv.

Ms. Edmonds explained the Human Relations Commission thought the policy brought forth was the best way to be fair and consist.
Some Village Board members inquired if it was to be referred back to HRC when would it be agendized for the Village Board?
Ms. Ewald explained the Human Relations Commission meets on September 11, Mr. Burkart would allocate some time to get direction on the proposed changes and bring it back to the Village Board.

Some Village Board members questioned why the topic of the eruv is being considered as part of the policy? Ms. Ewald explained the Village has in the past approved being a part of eruv’s that have been constructed to span multiple municipalities. The Village has been recently approached to approve the construction of one.

Attorney Bayer congratulated the Human Relations Commission on the thoughtful work they have done on the policy. Attorney Bayer explained he has no issues with the general concept, the general purpose is to be fair and be uniform and not bring the Village into a problem with the United States Constitution that has established a clause of equal protection, equal access. Attorney Bayer explained the issue was it narrowly defined a certain type of holiday decorations that were banned in public buildings and spaces without addressing what is allowed to be displayed. Attorney Bayer’s recommendation is to be more comprehensive about the details of what is allowed and not allowed. Attorney Bayer explained there are two options as a municipality, say no to any group displaying in a public property or if you want a policy to utilize the suggested language. The Village has practiced not allowing any display on public property unless advertisement for a municipal event. Attorney Bayer explained the construction of the eruv with the use of fishing line does not have any special religious significance in creating equal protection or access problems.

One Village Board member raised concern about the Attorney’s language whether anyone affiliated with the Village could put up decoration and the question still wasn’t answered if it is secular or religious or what it is.

Ms. Brisco explained the subcommittee had three options, one; to allow no decorations at all; second, to allow just secular; third, to allow all. The HRC subcommittee chose to allow no decorations to be fair and inclusive to all. The HRC does not want to offend anyone. Ms. Brisco explained the group debated for several months that what is considered secular by many may still be a considered a religious icon by others.

Some Village Board members inquired if Attorney Bayer’s suggested language allows for the Village to display a Christmas tree? Attorney Bayer explained the Village can choose to display a Christmas tree as it is defined as secular. One Village Board member asked for clarification if the HRC policy was adopted, would the Village still be allowed to display a Christmas tree. Attorney Bayer clarified that is a policy decision by the Village Board, the Village has the ability to regulate itself. Ms. Ewald echoed she would like the Village Board to have agreement on that policy.

Some Village Board members questioned what constitutes as a seasonal decoration and maybe the Human Relations Commission needs more time to develop a more encompassing policy. Some Village Board members shared there needs to be judgement on what is seasonal and what could be considered a “holiday or religious” decoration. Ms. Brisco explained the intent is not to allow items considered a holiday decoration, there will need to be self-regulating on items that are considered seasonal, example frosty the snowman.

Some Village Board members raised concern how this policy would affect events in public parks, like a religious ceremony for a wedding. Attorney Bayer clarified as long as the municipality is not discriminating and allowing access to public spaces and granting permits and allowing for equal access, something as a religious wedding ceremony would not be an
issue. One Village Board member clarified, a ceremony is not a decoration.

One Village Board member shared the policy’s intent is not to acknowledge that the holiday exists but to keep the separation of church and state and to keep religious displays off public property. One Village Board member commended the HRC on trying not to be offensive to any group, but that is a very difficult to accomplish.

Some Village Board members questioned if the HRC had reviewed the School District’s policy. Ms. Brisco explained they had, but to the HRC’s understanding the Village’s policy would not have an impact on their policy and vice versa.

One Village Board member shared the BID displays the tree on private property, it is not public property. The BID organizes that event and it is acceptable for them to display a Christmas Tree or a Menorah or anything else they would like to display.

Tr. Warren moved, seconded by Tr. Amenta to refer Policy #37 – Holiday Decorations back to the Human Relations Commission with assistance from the Village Attorney to finalize a draft policy for a future Village Board meeting on September 16. No vote taken.

One Village Board member remarked if the suggested language is incorporated into the policy, the title of the policy should be updated to reflect the language.

One Village Board member requested clarification on the motion if Attorney Bayer is typically at the Human Relations Commission meeting? Attorney Bayer replied he is not unless he is requested. Ms. Ewald explained it would be beneficial if he did attend the next one.

One Village Board member requested two things that need to be considered as the policy is reviewed, 1) what can and cannot be approved and 2) how is it going to be enforced?

One Village Board member shared they were not comfortable with including the word secular in the policy.

Some Village Board members inquired if the policy included employees and personal work spaces. Agreed this should be addressed as well. Attorney Bayer clarified employees and personal work space would be a separate policy in the HR manual.

Ms. Brisco explained there is not a way to list everything that would be allowed to be displayed. The spirit of what the HRC is trying to accomplish is to not offend, the Village wants to be inclusive, to be inclusive means to accept others without having to be offended by what an individual believes but to have respect for their beliefs. Ms. Brisco explained the language needs to be clear, concise and specific without including everything the Village would like.

Richard Reinbold, 3910 Ridgefield Circle, Shorewood, 53211; explained the Village needs to stop worrying about offending people and learn to be tolerant and accept people’s differences. The lack of tolerance is a detriment to society.

Alysson Lippman, 1616 E. Olive St., Shorewood, 53211; explained she was at first confused by the title of the policy “holiday decorations”. Agrees the most inclusive choice, and understands this is a hard choice, is to exclude religious secular symbols. The Jewish community is not of one mind, but is widely supportive of separation between church and state.

Rabbi Yisroel Lein, 3133 N. Hackett Ave, Milwaukee, 53211; explained his organization supplied the Menorah that was displayed at the BID tree lighting last year in Wood Square. Mr. Lein explained there is a difference between a sign and a ceremony, a sign is displayed for
everyone to see and attending a ceremony is an action an individual is taking. A sign is something to be seen and interpreted. Mr. Lein explained an eruv can be constructed without any additional structure being put up, wire is used when there is not a natural boundary that can define the area. An eruv is not a religious display because no one can see it. Mr. Lein shared his personal view of limiting expression is not showing inclusivity. People should feel comfortable with expressing their faith in public. Mr. Lein suggested maybe religious leaders need to be involved in reviewing the policy.

Tr. Carpenter moved to call to question, seconded by Tr. Amenta. Call to question carried 6 – 1 with President Rozek voting nay.

Vote was taken on the original motion: to refer Policy #37 – Holiday Decorations back to the Human Relations Commission who, with assistance from the Village Attorney, will finalize a draft policy for a future Village Board meeting on September 16. Motion carried 6 – 1 with President Rozek voting nay.

d. Consider Ordinance #3005: Repealing and Replacing Chapter 26 “Human Relations Commission” to provide student members voting rights.

Mr. Tyler Burkart, staff liaison to the Human Relations Commission (HRC), stated that the HRC is recommending that student members have voting rights. He referenced the Conservation Committee, which is the other Village committee with student members who have voting rights. So this would be a consistent practice. Currently, the student members of the HRC have ex-officio voting rights which means they are invited to and attend meetings, participate in subcommittees but they don’t have the ability to vote.

One Village Board member noted that the memo referenced the difficulty in getting student members to attend meetings. What problems, if any, has this caused? With 2 of the 9 members being students they may both need to participate in school events and can’t attend, which means you are down to seven (7) and if others can’t attend you may not get a quorum. This has not been a problem with the current student members. No concerns at this time.

One Village Board member noted that the criteria that was approved by the Village Board with regard to Volunteer Committee members and their attendance would apply to the student members also. So that if attendance becomes an issue, that student member would be deemed inactive and another student member would be identified from the list.

Several Village Board members had comments: It was also noted that the ordinance states the students must be from Shorewood High School (SHS). So since our boards, committees and commissions require residency, shouldn’t the students have to live in Shorewood but not necessarily have to attend SHS? Another Village Board member asked can the student attend another high school? Mr. Tyler remarked that one of the ex-officio student members of the HRC is not a Shorewood resident, but they attend SHS. The HRC had reached out to Mr. Tim Kenney, SHS Principal, to help select the two (2) students. The residency requirement might present a problem for that student member. Allow both—Shorewood HS student or Shorewood student—either way brings value to the commission. Questioned does it have to be a high school student; could it be a middle school student. Others felt it could be a Shorewood HS student and not necessarily have to live in Shorewood. It was noted that the issue is that there were people eliminated from serving on other committees because they were not a Shorewood resident. So as not to open a can a worms, would want to be consistent. Noted that since we are opening up a Village ordinance for discussion and this is not a statutory requirement, the change could be made to not require residency for the Human Relations Commission. Noted that it needed to be clarified that a SHS student could be a member of this commission, because we should not want to deem ineligible a certain segment of SHS students for the honor of serving on the HRC.
Other things of note since we are opening up the ordinance. 1) Ex-officio members don’t only include high school students, they also include school board, village board representatives and it doesn’t say whether the others can vote. If we specify ex-officio student members can vote, then if the others can’t vote, we should say so. Mr. Burkart noted that his definition of ex-officio means non-voting member. A Village Board member stated that the League’s publication says otherwise. It recommends that when you use the word ex-officio, you also specify whether they are voting or non-voting members. Mr. Burkart noted that his use of ex-officio referenced non-voting members which was the original meaning of the word. Suggested change to the ordinance “ex-officio members school board, village board representatives, police representative.” And cross out Human Relations Commission. 2) How long terms of ex-officio members are they all the same? It is whatever the organization that assigns the person determines. Need to clarify this answer. Requested deferring this item until this question is answered. Give an opportunity to update the rewrites of the ordinance based on tonight’s discussion. It was noted that some processes would change based on the language changes, i.e. Shorewood High School student to Shorewood student (no matter where they attend school). The high school principal recommended the first students; now that opportunity would need to be open to all students via the application process.

One Village Board member noted that having the students vote as they are ex-officio members. They don’t have to be of the minority class for the membership quota for the HRC. So if they vote and they were not part of the quota that made up the ratio of minority members, it could throw off the required mix. So if they are voting members we need to make sure the ratio is preserved. Ratio is currently four of 7; consider five of 9 if students are given voting rights. How do we go about recruiting students? Have the high school identify or have them apply through our volunteer application process. Anyone should be able to recommend a student; it doesn’t mean they will be chosen. Mr. Burkart/President Rozek will coordinate a meeting with President Rozek and any other Village Board member who would like to discuss this matter further before bringing it back to the Village Board.

Tr. Amenta moved, seconded by Tr. Warren to defer Ordinance #3005: Repealing and Replacing Chapter 26 “Human Relations Commission” to provide student members voting rights. Motion carried 7 – 0 by a roll call vote.

10. Reports of Village Officials
   a. Village President
      i. Update on attendance at Chief Executives 2019 workshop (included at the end of the minutes)
      ii. Attended the Employee Recognition Lunch with Tr. Maher, 20 awards.

   b. Village Trustees
      i. Tr. Amenta attended NSFD promotion ceremony.
      ii. Tr. Amenta attended school board annual meeting. Final budget in October. Looking at a $900,000 levy increase ~4.3%.
      iii. Tr. Bockhorst – attended the league strategy meeting. Great articles in the Municipality, i.e. civility and Code of Ethics workshop was very interesting. The Leagues annual conference October 23-25 in Green Bay. Contact Ms. Ewald if you wish to attend; she will sign you up. President Rozek and Trustee Bockhorst will be attending. Trustee Warren would like to attend.
      iv. Tr. Maher – the August 29 Transportation meeting had about 20-25 people. The consultant is pulling the information together.

c. Village Manager
   i. Update on 2020 work plans and standing committee assignments

11. Items for future consideration - None

    Tr. Bockhorst moved, seconded by Tr. Maher to adjourn at 10:50 p.m.  Motion carried 7 - 0.

Respectfully submitted,

Sara Bruckman, CMC/WCMC
Village Clerk
1. Call to Order
President Rozek called the meeting of the Village Board to order at 7:40 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, Assistant Village Manager Tyler Burkart, Director of Public Works Leeann Butschlick, Planning Director Bart Griepentrog

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. Rebecca Kiefer for Milwaukee County Circuit Court Judge. (7:41 p.m.)
      Ms. Kiefer introduced herself and explained she is running for Circuit Court Judge Branch 29 office. [https://www.rebeccakieferforjudge.com/home](https://www.rebeccakieferforjudge.com/home)

   b. Village of Whitefish Bay storm sewer extension request. (7:44 p.m.)
      Ms. Butschlick explained Whitefish Bay Public Works Director Jon Edleback is requesting permission to extend the Village’s storm sewer on N. Wildwood Avenue into the Village of Whitefish Bay to allow sump pump connections by Whitefish Bay residents.

      Ms. Butschlick explained in the area of this block of Wildwood Avenue, Shorewood’s storm sewer extends to the municipal boundaries and, for the remainder of the block, there is no storm sewer. Whitefish Bay does not have storm sewer in their municipal limits on that block. The water generally drains to the south, any overlaying stormwater flow is getting picked up in Shorewood’s storm system. Whitefish Bay is asking to extend from Shorewood’s storm sewer system a terrace drain, which is a small PBC storm sewer that would allow for direct connection for sump pump discharges. Ms. Butschlick explained there are currently three to five homes on Wildwood that have excessive sump pump discharges, that currently overflows their yard onto sidewalks and creates nuisance conditions. Whitefish Bay is asking to directly connect those properties into the Shorewood storm system.

      Tr. Warren moved, seconded by Tr. Bockhorst to approved the Village of Whitefish Bay’s request to extend Village of Shorewood public storm sewer on N. Wildwood Avenue into the Village of Whitefish Bay for use as a storm sewer sump pump collection main with a maximum connection of five properties as previously identified. Motion carried 7 – 0.

   c. Consider water meter infrastructure project vendor recommendation (meeting #8) (7:49 p.m.)
      Leeann introduced Tom Nenning, Project Manager with City Water.
      Mr. Nenning introduced Dave Kunze Utility Forman and Steve Dauster, Midwest Meter Inc.
      Mr. Nenning explained the evaluation team, comprised of Tr. Maher, Village Manager Rebecca Ewald, Finance Director Mark Emanuelson, Public Works Director Leeann Butschlick,
Assistant Public Works Director Joel Kolste, and Utility Foreman Dave Kunze, evaluated the seven proposals were received. Mr. Nenning further explained all seven proposals were for an AMI System and five out of the seven proposals bid AMI and AMR systems, two did not have an AMI system because they do not manufacture one.

Mr. Nenning explained the evaluation matrix included in the September 16 Village Board packet, is based on one complete solution including meter, reading system and installation. After a complete evaluation was done, two vendors were interviewed and provided a presentation on their AMI systems. After the evaluations were complete, the Midwest Meter with Aclara AMI System and Badger Meters ranked number one and Core and Main with Sensus Meter and Sensus AMR System ranked number two. Mr. Nenning explained once the evaluation determined Midwest Meter/Aclara system, they discussed the other options available. The team determined to upgrade to a bronze positive displacement meter with Badger Meter. Next the evaluation team determined the parts of the AMI system, the team determined the Aclara 1-meter data management system. Next the evaluation team determined Vanguard Utility Service for installation. Mr. Nenning explained the last part was to look at the cost of the project, $1,161,000, which is approximately $215,000 below the engineer’s estimated amount for the project. The collectors that are scheduled to be replaced in year 10 if they don’t need to be replaced, then that cost will not take place. Mr. Nenning went on to explain the current AMR handhelds are being replaced every five to six years. Mr. Nenning explained the cost between the AMR and AMI system is about $280,000. With there being about 3,500 water utility customers in the Village, that is about $3.96 per customer, per year over the 20-year period.

One Village Board member asked for clarification on the cost breakdown between the two systems. Mr. Nenning explained the first year costs of the AMI system with the Aclara is $1.6 million and the first year cost of the AMR system would be $1.3 million, the first year cost for implementation of AMI is approximately $30,000 and the 20 years cost between the AMI and AMR is approximately $280,000. Mr. Nenning went on to further explain the bigger increase is the annual fee because of the hosted fees with the AMI system, over the 20-year period, the present value of the AMI system is $1.16 million and AMR is $1.33 million.

One Village Board member questioned how certain are the fees that are being projected for 20 years? Mr. Nenning explained the collectors have had a couple of updates to the cellular boards that collect all the data, but it has been minimal in additional fees. Mr. Nenning explained the AMR and AMI systems are migratable, they have the same endpoints; the piece that makes them different is the AMI systems have collectors stationed in the Village and the AMR systems require someone to drive around and collect the reads.

One Village Board member inquired on the cost difference between AMR and AMI as it relates to staff time and benefits to the resident. Mr. Nenning explained over a 20-year analysis it came to the point where the reading could be brought into the billing system, after that point all the additional benefits an AMI system brings such as automatic notices for high use or low use. The evaluation team compared both systems to the point of collecting the utility read, the staff time it takes to the collect the read with an AMR system is included in the 20-year present value analysis.

One Village Board member remarked the ability to track the water loss for the Village timely is very important. The Village is not going to wait 20 years to upgrade to the most current technology. Mr. Nenning explained the evaluation team considered what system is the easiest to install now and upgrade in the future. At some point if an AMR system was installed, there would be an additional cost for an upgrade to AMI and the Village would need to reprogram the endpoints of the water meters.
One Village Board member questioned the location of the antennas. Mr. Nenning explained there will be three antennas on Village infrastructure but the options for antennae location have not been decided. Mr. Nenning further explained it would be an RF system that would send the reading information back to the collectors, the collectors to the AMI server; it would be all cellular. Some Village Board members questioned what type of signal is being transmitted. Mr. Nenning explained the transmittal signal is a radio wave and explained the Aclara system is on a licensed frequency so there won’t be anyone else on that channel. It’s a low frequency that gives short bursts a few times a day. The end point will collect hourly readings. Mr. Nenning explained the frequency is not 5G, it’s similar to garage door openers.

One Village Board member inquired on the payroll savings between the AMI and AMR systems. Ms. Butschlick explained the labor cost savings would be two utility staff about two weeks, four times a year. Those hours would be applied to utility infrastructure maintenance that has in the past been deferred because Public Works is utilizing this time to read meters instead.

Mr. Nenning explained one of the greatest advantages to the AMI system is reducing the non-revenue water. The Village will have the ability to take an hourly reading, look at the Village’s purchased water from Milwaukee and compare to what the homeowners are using at that particular point in time. The difference will be the Village’s non-revenue water. This allows the utility to proactively locate a potential leak. Mr. Nenning further explained for every 1% of non-revenue water you save it will be about $5,000 savings in purchased water to the Village annually. Mr. Nenning explained there will always be non-revenue water, but if we can get the non-revenue water down to 7%, we would be one of the top for non-revenue water in the state.

Mr. Maher moved, seconded by Tr. Bockhorst to approve the selection of the Midwest Meter proposal to include Badger Meters with an Aclara AMI system for the Shorewood Utilities Meter Reading Project and to authorize staff to begin negotiations with Midwest Meter to develop a contract document for consideration at the October 21, 2019 meeting of the Shorewood Village Board. Motion carried 6 – 1 with President Rozek voting nay.

d. Update on DPW forestry operations and 2020 planting plan. (8:20 p.m.)
Ms. Butschlick introduced Ben Habanek, Public Works Services Foreman and explained the purpose of the presentation to provide context for the 2020 operating budget. Ms. Butschlick reminded the Village Board that Public Works did not include a line item allocation for replanting of trees in 2019. This allowed for the department to evaluate and review their forestry operations and try to align them with best management industry practices. Ms. Butschlick explained Public Works has reordered some of the forestry tasks, forestry is very seasonal in response to changing weather patterns. Some of the tasks have changed the order for example, emerald ash treatments to early spring when it’s more effective. Ms. Butschlick explained Mr. Habanek has taken a different approach to how the Village plants trees to utilize time and decrease the Village’s planting cost. This approach is moving to a bare root tree stock. Prior to 2018 the Village planted ball and burlap tree. The trees are going to look a bit different and the planting process will be different to residents.

Mr. Habanek explained after evaluating, the Village struggles to plant trees in a timely manner; the Village DPW typically plants one tree for every tree that is removed, but no tree planting took place in 2019 due to the budget. The old process used ball and burlap tress which are costly. When planting the tree, the root ball encased with a wire basket in burlap which needs to be removed. Ball and burlap trees are removed from the ground with a tree spade, which removes 90% of the roots in the process, this takes a long time to recover when transplanting. Mr. Habanek explained nurseries purchase bare root trees which involves a special machine scooping them out of the ground and shaking the dirt off so more of the root system is preserved in this process. This method reduces the transplant shock because you are
preserving the fibrous root system. Bare root trees are 1/3 of the cost to ship since they are lighter in weight. It also gives Public Works the ability to correct a flawed root system before planting. Mr. Habanek explained for the Village to switch over to bare root tree planting, Public Works would construct a gravel bed in the service yard which would be watered by an automatic irrigation system. The planting of bare root trees is a faster process, 12 to 15 bare root trees could be planted per day versus five to seven ball and burlap trees per day. Mr. Habanek further explained this allows the Village to be more selective and have greater diversity of tree selections.

Mr. Habanek explained that the gravel planting box would cost $2,000 to $3,000 to build box and purchase pea gravel. It would be located near the upper service garage.

Some Village Board members questioned how the trees are shipped to the Village. Mr. Habanek explained they are transported in a refrigerated truck.

Some Village Board members inquired if the bare root trees are significantly smaller and if they take longer to grow. Mr. Habanek explained no and the expectation is they would grow faster.

Some Village Board members suggested to keep track and monitor the survival rate of the bare root trees.

Some Village Board members inquired about the purpose of the additional purchase EAP injection equipment. Mr. Habanek explained the EAB chemical injected into the tree by a specialized gun that uses air pressure to shoot the chemical into the tree. The old system was purchased used in 2009, the equipment is old and becoming inefficient. Mr. Habanek further explained the air tanks have to be recertified every 5 years which cost hundreds of dollars. The age of the old equipment with the cost of recertifying the tanks, it was more cost effective to purchase the newer guns.

5. 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. – None (8:48 p.m.)

6. Consent Agenda Items (8:49 p.m.)
   a. Accept presentation of Accounts – September 16, 2019
   b. Consider Committee of the Whole and Village Board Minutes – August 5, 2019 (meeting #2)
   c. Consider Committee of the Whole and Village Board Minutes – September 3, 2019
   d. Consider approval of additional funds for purchase of Badger Books (E-poll books) (Budget and Finance)
   e. Consider Meeting Room Policy. (JP&L)
   f. Consider Special Event Permit for Milwaukee Lakefront Marathon.
   h. Consider Application for Special Privilege for a raised planting bed within the public right of way at 3822 N. Frederick Ave.
   i. Consider Application for Special Privilege for an eruv along the west side of N. Wilson Dr., submitted by Rabbi Dinin on behalf of Lake Park Synagogue.

Tr. Bockhorst moved, seconded by Tr. Maher to approve the consent agenda. Tr. Warren requested removing item 6c, Tr. Maher requested removing items 6h and 6i. Motion carried 7 – 0 with items 6c, 6h, and 6i removed.

7. Items Removed from the Consent Agenda (8:50 p.m.)
   6c; Consider Committee of the Whole and Village Board Minutes – September 3, 2019.
Tr. Warren moved, seconded by Tr. Bockhorst to approve the Committee of the Whole and Village Board Minutes – September 3, 2019 with the suggested changes. Motion carried 7-0.

6h, Consider Application for Special Privilege for a raised planting bed within the public right of way at 3822 N. Frederick Ave.

Some Village Board members are concerned there is a large block wall directly next to the sidewalk and that when the sidewalk needs to be removed, the wall will need to be removed. Ms. Ewald made it very clear that the Village is not responsible to replace or repair any private infrastructure in the public right of way. Many Village Board members voiced their concern about approving special privileges after project completion and not before the start of the project. Some Village Board members questioned when the property is sold if there is something listed on the title that says there is a nonconforming structure on the property. Mr. Griepentrog explained no but each of these is required to maintain insurance with the Village on an annual basis. Some Village Board members suggested educational outreach to the public.

Tr. Amenta moved, seconded by Tr. Warren to approve application for Special Privilege for a raised planting bed within the public right of way at 3822 N. Frederick Ave subject to plantings being no higher than 12” so as to not impede vision and notation that the Village is not responsible for restoration should the area need to be excavated for streetlight repair, water/sewer maintenance, sidewalk replacement or any other required work. Motion carried 4 – 3 Tr. Maher, Tr. Carpenter, and President Rozek voting nay.

9:12 p.m. the Village Board recessed.
9:23 p.m. the Village Board reconvened.

6i, Consider Application for Special Privilege for an eruv along the west side of N. Wilson Dr., submitted by Rabbi Dinin on behalf of Lake Park Synagogue.

Some Village Board members inquired who monitors the eruv? Rabbi Dinin, Stowell Ave, Milwaukee, explained Lake Park Synagogue will monitor weekly and repair if need be. Rabbi Dinin explained the eruv is very flexible and can be change pole to pole, it should be completely passive and non-intrusive. Some Village Board members questioned will the fishing line potentially harm the birds. Rabbi Dinin explained the fishing line has not been any issue for the birds but can adjust if needed.

Tr. McKaig moved, seconded by Tr. Warren to approve Special Privilege for an eruv along the west side of N. Wilson Dr., submitted by Rabbi Dinin on behalf of Lake Park Synagogue. Tr. Maher moved a friendly amend to include in the correspondence to the applicant that the applicant will monitor and maintain the eruv and if anything happens to the eruv, it’s not the Village’s responsibility to notify the applicant and if the there is a bird problem, the Village will notify the applicant and the applicant has agreed to address the issue. Motion carried 7 – 0.

8. Public Hearing(s) (9:33 p.m.) – None

9. New Business
a. Consider application for “Class B” intoxicating liquor and beer for NASHBK LLC d/b/a Bonobo American Bistro, 4518 N. Oakland Ave., Shorewood, WI 53211. (meeting #2) (9:34 p.m.)

Tr. Carpenter updated the Village Board on the September 5, 2019 JP&L Committee Meeting, the Committee is recommending approval of the “Class B” license.

Tr. Maher moved, seconded by Tr. Warren approval of “Class B” intoxicating liquor and beer license for NASHBK LLC, d/b/a Bonobo American Bistro, 4518 N. Oakland Ave., Shorewood, WI 53211 and to direct the Village Clerk to issue the license upon approval of occupancy. Motion carried 7 – 0.

b. Consider Ordinance 3007 Repealing and Replacing Section 55-15 of the Municipal Code for Board of Canvassers and to Establish a Board of Absentee Canvassers. (9:35 p.m.)

Tr. Maher moved, seconded by Tr. Amenta to approve Ordinance 3007 Repealing and Replacing Section 55-15 of the Municipal Code for Board of Canvassers and to Establish a Board of Absentee Canvassers with the anticipation of a cost $6,280 for the additional DS200 Tabulator machine for Central Count. Motion carried 7 – 0 by a roll call vote.

c. Consider Ordinance #3005; Repealing and Replacing Chapter 26 “Human Relations Commission” to provide student members voting rights (9:40 p.m.)

Mr. Burkart explained the changes from the Human Relations Commission that the Village Board requested to clarify were:

Which students could apply—any Shorewood High School student or resident of Shorewood attending a different High School

Application process—Apply through the same process all volunteer committee members apply

Ratio of experience from four to seven changed from five to nine

Ex-officio is a nonvoting member and how they are selected was clarified.

The Chair and Vice Chair would be elected every June by the Commission was clarified.

Some Village Board members requested to find and replace Chairman with Chair and in section 26.2a add “s” to resident.

Tr. Maher moved to call to question, seconded by Tr. McKaig to approve Ordinance 3005; Repealing and Replacing Chapter 26 “Human Relations Commission” to provide student members voting rights with changing chairman to chair and add s to resident under 26.2a. Motion carried 7 - 0 by a roll call vote.

10. Reports of Village Officials (9:46 p.m.)

a. Village President – Several attended the Shorewood Feast and it was great event.

ICC was asked to vote on sales tax of 1% for Milwaukee County. We did not have legislation in front of them although the NSFD Board had been briefed at one point, but we did not have legislation in front of us so the vote was delayed. In contrast, we did vote for a new revenue stream one month ago, supporting a new revenue stream for MC but the details they were asking us to vote on, we delayed that vote. They did circulate legislation the next day at State but it has not been introduced but is on the board that it was circulated; they think it will be introduced but not sure it will be scheduled. Regardless, Pres. Rozek just received a draft this morning from the county and city came to village hall to speak and give us the draft legislation. Rebecca has a copy and it has already changed per the lobbyists that were at Village Hall today (9/16), but read over it and we have 1-1/2 to 2 weeks to read over it. Any questions or concerns should be provided to Rebecca. It has changed and once it gets to the legislature it may morph again, and we will take a vote after that.

Wauwatosa finished drafting scooter ordinance.
Heroin task force updated the ICC and the numbers have not gone down.

b. Village Trustees
Tr. Carpenter – Moms Demand Action has created a North Shore chapter; their next meeting is tomorrow (9/17) in Whitefish Bay.
Tr. Amenta – On Sunday 9/22 the Human Relations Commission will be at the Farmers Market to answer questions about the upcoming holiday decorations policy. Sarah Spencer and Tr. Amenta discussed the upcoming holiday decorations policy with Shorewood Moving Forward.
Tr. Warren attended the Shorewood Moving Forward Meeting.
Tr. Bockhorst explained Common Ground is still working towards issues with gun violence. Register for the League’s Annual Conference in October.

c. Village Manager
Staff has met with Lime Scooters and will be back in October with updates.

11. Items for future consideration - None

Tr. Bockhorst moved, seconded by Tr. Warren to adjourn at 9:59 p.m.  Motion carried 7 - 0.

Respectfully submitted,

Sara Bruckman, CMC/WCMC
Village Clerk
1. Call to Order
   Tr. Warren called the meeting of the Village Board to order at 7:35 p.m. in the Court Room.

2. Roll Call
   Tr. Warren called the roll. Present: Trustees Davida Amenta, Tammy Bockhorst, Jessica Carpenter, Ann McKaig, and Michael Maher. President Rozek was excused.

   Others Present: Village Manager Rebecca Ewald, Assistant Village Manager Tyler Burkart, Planning Director Bart Griepentrog, Deputy Clerk/Customer Service Director Diane DeWindt-Hall

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 Addendum One to Purchase and Sale Memorandum Agreement for Shorewood Fire Station No. 83. (7:36 p.m.)
      Ms. Ewald explained the approved purchase and sale memorandum associated with the Shorewood Fire Station in 2018 with one of the intents of that memorandum being that the property needed to go to close following Plan Commission, Design Review Board approval of the façade easement. Those steps have concluded; however, the North Shore Fire Department does not have the funds because they are required to borrow from another municipality for purposes of this project. Ms. Ewald explained the financing will take 120 days and they anticipate receiving bond funds in January of 2020. In order to meet the intent of the agreement, as of October 1, the Village will no longer be charging the North Shore Fire Department rent but rather be making an interest payment on the purchase price of the property from October 1 until disbursement of the funds from the bond proceeds in January 2020, the North Shore Fire Department will assume property maintenance at that this time.

      Some Village Board members inquired what the North Shore Fire Department is currently paying the Village in rent. Chief Whitaker stated rent is $66,000 a year or $5,500 a month

      Some Village Board members questioned how the insurance is being handled for the last three months. Ms. Ewald explained North Shore Fire Department and Village Hall are both Insured by the same property insurance, there is no proration of our policies and the cost is minimal.

      One Village Board member inquired in number three of the memorandum where it stated “It’s anticipated the funds needed by NSFD to close shall be obtained through the Village of Whitefish Bay bond sale and that the funds will not be available until the first week of January 2020. The Parties agree to close no later than 10 days after the disbursement of the funds to NSFD,” what happens if Whitefish Bay postpones? Chief Whitaker explained that is not expected to happen as a lot of pre-work has been done.

      Tr. Maher moved, seconded by Tr. Bockhorst to approve Addendum One to the Purchase and Sale Memorandum Agreement for Shorewood Fire Station No. 83. Motion carried 6 – 0.
b. Consider Agreement for Shorewood Station No. 83 Maintenance and Miscellaneous Items (7:42 p.m.)

Ms. Ewald explained there is an agreement and request for the Village to consider providing some assistance for items such as snow and trash removal. The North Shore Fire Department has offered to pay for roughly $17,000 in landscaping projects on Village Hall property in exchange for the maintenance items. Ms. Ewald explained the maintenance items have been reviewed by herself and Public Works and both are in agreement with the request and expectations. Some Village Board members asked if North Shore Fire Department was going to pay the residential rate for garbage and recycling. Ms. Ewald explained the Village is not getting reimbursed, but providing one cart for recycle and one cart for refuse; anything additional they would be responsible for.

Tr. Maher moved, seconded by Tr. Bockhorst to approve the Agreement for Shorewood Station No. 83 Maintenance and Miscellaneous items. Motion carried 6 – 0.

5. 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. – (7:45 p.m.)

Geoffrey Davidian, 4101 N. Prospect, Shorewood, 53211, inquired on the previous discussion of an ethics board and questioned how to proceed to begin to consider how to start an ethics board. Ms. Ewald explained the Village Board has discussed an ethics board and code of conduct and has requested the Human Relations Commission to weigh in and this is going to come back to this Board for further review.

6. Consent Agenda Items (7:49 p.m.)
   a. Accept presentation of Accounts – October 7, 2019
   b. Consider Village Board Minutes – September 16, 2019
   c. Consider updates to Façade Improvement Program relative to painting as a non-eligible activity.
   d. Consider Application for Special Privilege for a fence within the public right of way at 1821 E. Menlo Blvd.
   e. Consider 2020 request for fireworks vendor
   f. Consider Disallowance of Claim, Kevin Rozeboom, 2860 Town Hall Rd., Mt. Horeb, WI 53572.
   g. Consider appointment of Ryan O’Connor to the Design Review Board.

Tr. Maher moved, seconded by Tr. Amenta to approve the consent agenda. Tr. Carpenter requested removing item 6b, Tr. Bockhorst requested removing items 6c and 6g, Tr. Maher requested removing item 6d, Tr. Amenta requested removing item 6e from the consent agenda. Motion carried 6 – 0 with items 6b, 6c, 6d, 6e, and 6g removed.

7. Items Removed from the Consent Agenda (7:53 p.m.)

   6b; Consider Village Board Minutes – September 16, 2019.
   Clerk Bruckman explained she was waiting on clarification on some questioned items from Public Works. It was noted when possible the preference would be to have the discussion during the Village Board meeting and not to defer them.

Tr. Amenta moved, seconded by Tr. Warren to defer the Village Board Minutes – September 16, 2019 until the next Village Board meeting. Motion carried 6 - 0.

   6c; Consider updates to Façade Improvement Program relative to painting as a non-eligible activity.
Tr. Bockhorst inquired if the CDA had recommended this change and how the vote went. Tr. Warren explained yes, the CDA unanimously agreed painting was an inappropriate use of the façade improvement funds. Painting could be part of larger façade project.

Tr. Amenta moved, seconded by Tr. Maher approval of updates to Façade Improvement Program relative to painting as a non-eligible activity. Motion carried 5 – 1 with Tr. Bockhorst voting nay.

6d; Consider Application for Special Privilege for a fence within the public right of way at 1821 E. Menlo Blvd.
Tr. Maher explained this seemed to be a unique situation as the applicant appears to be in lot number nine and the portion were the fence is located is in lot nine, but lots seven and eight are the street. Does the Village actually own lot eight? Mr. Griepentrog explained Tr. Maher is referencing the original platting of the Village included in the packet from 1888, at that time Cramer was not envisioned to come north to meet with Menlo Blvd. Roughly around 1910 to 1915 lots seven and eight were removed from the Village map and shown as right of way. The current map shows Cramer St. intersecting with Menlo Blvd. and that’s why there is an excessive right of way in that area because the property lines were never modified. This has served as excessive side yard. Mr. Griepentrog explained the owner didn’t realize until they came and pulled a fence permit. It was noted to consider a process to inform future buyers of Special Privilege approvals on properties.

Tr. Amenta moved, seconded by Tr. Carpenter to approve the Application for Special Privilege for a fence within the public right of way at 1821 E. Menlo Blvd., subject to complete application of request to vacate right of way within 90 days. Motion carried 6 – 0.

6e; Consider 2020 request for fireworks vendor
Tr. Amenta inquired why the Village is signing the contract when the Shorewood Foundation funds the fireworks. Ms. Ewald explained the Village has been signing the contract in the past but the Shorewood Foundation provides the funds for the contract.

Tr. Amenta moved, seconded by Tr. Maher to approve a sole source service contract for the fireworks vendor in accordance with the Purchasing Policy and Accounts Payable Policy. Motion carried 6 – 0.

6g. Consider appointment of Ryan O’Connor to the Design Review Board.
Tr. Bockhorst requested to defer until the Village Board could review the application.

Tr. Bockhorst moved, seconded by Tr. Maher to defer the appointment of Ryan O’Connor to the Design Review Board until the next Village Board meeting and to include the application in the packet. Motion carried 5 – 1 with Tr. Amenta voting nay.

8. Public Hearing(s) (9 p.m.) – None

9. New Business

a. Consider approval of contract for Shorewood Connects Facilitator. (8:16 p.m.)
Ms. Ewald explained a few months ago, the Village Board approved an RFP to solicit for a new facilitator after the resignation of Sue Kelley. The individual contract being approved is for Vashti Lozier.
Some Village Board members inquired how the position is funded. Ms. Ewald explained she believed it was completely funded through the Benjamin Fund but would verify and follow-up. Some Village Board members questioned will the contractor be paid $1,000 or less monthly because the contract will pay the contractor up to $1,000 a month. Ms. Ewald explained it could be less than $1,000 per month based upon the hours. Continued discussion from the
Village Board took place on what is the hourly rate and how many hours a month does the contract state; it should be clear on what the contractor is being paid. Some Village Board members suggested deferring this item until the Senior Resource Center Director and contractor could be present to answer questions.

Diane Jakubowski, 2000 E Kenmore Ave, Shorewood, 53211; RFP was issued August 7, 2019 for a facilitator for the Shorewood Connects Project, three-year term with an option for an annual renewal for two years. The contract is for 10-16 hours per month. Payment will be up to a maximum of $1,000.

Some Village Board members stated they would have liked to review all the contracts submitted.

Tr. Amenta moved, seconded by Tr. Carpenter to authorize the Shorewood Senior Resource Center to enter into a three-year contract with Vashti Lozier to implement the Age-Friendly Plan 2019-2023.

Tr. Warren moved a friendly amendment subject to add the hourly rate in section 1 of the service agreement. Friendly amendment accepted.

Motion: Authorize the Shorewood Senior Resource Center to enter into a three-year contract with Vashti Lozier to implement the Age-Friendly Plan 2019-2023 subject to add the hourly rate in section 1 of the service agreement. Motion carried 6 – 0.

b. Consider 2020 Wellness Program for Village employees (JP&L, meeting 2). (8:33 p.m.)

Tr. Carpenter, Chair of JP&L explained the new wellness scorecard contained information for biometric screening and different levels of points earned for employee and or spouse. The employee will have a discount on their premium for full participation. The emphasis is health and well-being. R&R Insurance has provided statistics that this has helped keep rates down.

Tr. Maher moved, seconded by Tr. Amenta to approve the updated wellness scorecard and the policy revisions as presented in the HR manual. Motion carried 6 – 0.

The Village Board recessed at 8:39 p.m.
The Village Board reconvened at 8:47 p.m.

c. Consider date for next Bi-Board meeting (8:47 p.m.)

November 12 is the preferred date.

10. Reports of Village Officials (8:49 p.m.)

a. Village President – None

b. Village Trustees

Tr. Amenta – Summary of October 2 Human Relations Commission Meeting

The Human Relations Commission discussed the holiday decorations policy and will be coming to the Village Board with a letter expressing their thoughts and suggestions on the topic of holiday decorations. Attorney Bayer was able to provide the Human Relations Commission with some general guidance on the topic.

Tr. Maher – JP&L had a discussion on organizational analysis tonight and requested to double check that it made the budget consideration spreadsheet.

Tr. McKaig – Community and Business Relations discussed short term rental regulation and is deferring consideration until after CDA housing study concludes.

c. Village Manager – Please try and complete the budget wrap-up rating sheets by sometime tomorrow or early Wednesday and return them to Mark.
11. Items for future consideration (9:07 p.m.)
   a. Review Municipal Court debt collection process and revenue estimates, and municipal cash handling procedures.

   Tr. Amenta moved, seconded by Tr. Maher to review Municipal Court debt collection process and revenue estimates, and municipal cash handling procedures by the Budget and Finance Committee as time allows. Motion carried 6 – 0.

   Tr. Bockhorst moved, seconded by Tr. Maher to adjourn at 9:09 p.m. Motion carried 6 - 0.

Respectfully submitted,

Sara Bruckman, CMC/WCMC
Village Clerk
1. Call to Order
President Rozek called the Committee of the Whole meeting of the Village Board to order at 6:33 p.m. in the Committee Room.

2. Statement of Public Notice
Clerk Bruckman stated that the meeting had been posted and noticed according to law.

3. Roll Call
President Rozek called the roll. Present: Trustees Davida Amenta, Tammy Bockhorst (7:03 p.m.), Michael Maher, Ann McKaig and Wesley Warren (6:35 p.m.). Tr. Carpenter is excused

Others Present: Assistant Village Manager Tyler Burkart, BID Director Ericka Lang, Planning and Development Director Bart Griepentrog.

Mr. Burkart introduced BID Director Ericka Lang. Ms. Lang briefly explained the 2020 proposed budget and the potential assessment increase for the businesses. Ms. Lang in 1999 the assessment was $1.06 per $1,000, in 2006 it increased to $1.10 per $1,000. The increase for the 2020 operating plan is $1.38 per $1,000. The average rate for the 81 Business Improvement Districts in Wisconsin is $2.33 per $1,000.

Ms. Lang explained $30,000 has been included in the budget for beautification, which would include canvas pole banners and spray painting the metal frames and restringing the lights on the current snowflakes. Ms. Lang explained the BID is hoping to partner with the Village Public Works Department to hang the banners.

Ms. Lang explained the expenses have increased for the 2020 events. She further explained they plan to increase seating at the Feast and to increase marketing efforts as a whole.

Some Village Board members clarified the increase in management fee salary is up $4,000 to $52,000. Ms. Lang explained this was for her salary and that the $32,000 for the director fees is for the new marketing person hired in March, there is not a proposed increase at this time.

The Village Board discussed what modifications or benefits would have to be done if a full-time employee was hired.

Some Village Board members voiced they would like to see salaries paid based upon the operating budget percentage; they voiced concern about asking to raise assessments on the small business for some of it to go to increase salaries. Some Village Board members clarified the BID is proposing a $224,000 Budget and staff coast would be 50% of the proposed budget.

Some Village Board members suggested considering raising the $5,000 assessment cap.

The Village Board reviewed the revenue and expenses from the 2019 events, specifically the revenue from The Feast. Ms. Lang explained the seating for The Feast will increase from 100 to 150 – 200 in 2020. Some Village Board members inquired what the line item outside services from The Feast consisted of. Ms. Lang explained porta-potties, music, stages, tents, chairs, etc.
Some Village Board members questioned what notification have the businesses been given about the assessment increase and requested all businesses be surveyed on how the BID is utilizing their funds before there is an increase in assessments. Some Village Board members questioned how non food and beverage businesses benefit from the events the BID puts on. Village Board members explained they do receive concerns from residents about business access when the streets are closed for events. Village Board members expressed they would like to see the BID to be less event focused and more public improvement contributions.

Some of the BID Board members explained members of the BID Board will be going to each business to discuss and inquire what the BID is doing well, what could be improved and how each business could benefit from the BID.

Geoffrey Davidian, 4101 N. Prospect Ave., Shorewood, 53211; stated he did not see a line for legal fees in the BID operating budget, Mr. Davidian explained he made a public records request to the BID and it was sent to the Village Attorney. Mr. Davidian questioned if there was a policy of reporting the use of the Village Attorney for the Business District.

Some Village Board members questioned the number of BID Board members present at this meeting, since they are subject to open meeting and open records like any other governmental agency. Suggested that the BID Board be mindful of rules regarding quorums i.e. conversations with a quorum present, how votes should be taken in public meetings and the results of the votes included in the minutes. There is an easy to read and understand document from the Attorney General that explains. The BID Board should understand that they are a public agency and need to operate under those guidelines for the sake of public transparency. Ms. Lang explained that there is not a quorum of the BID Board here tonight purposefully. Some Village Board members noted that the comment was referencing the back and forth discussions tonight about issues that should be discussed in a public, properly noticed meeting.

Some trustees noted that there is strong encouragement to use any additional fees collected by the BID from the businesses for public improvement.

Village Board members expressed their appreciation to the BID for including beautification in their budget (which is beneficial to all businesses) and for submitting the operating plan in alignment with the Village Board’s budget schedule. Concerned over transparency and that some Village Board members strongly encourage to use any additional BID fees collected for public improvement, which has come up during budgeting cycle for the past two + years. Understands that the BID Board is their own board of directors and would like to continue working with them.

Some Village Board members requested for the BID Director to provide the differences between the 2019 and 2020 budgets and for the BID to reach out to the business owners about the change of assessment.

Some Village Board members noted that the Summer Market at Wood Square was not included. Ms. Lang indicated that the program still exists, it is active, but the BID has not budgeted summer Saturdays as it is focusing on The Feast.

5. Tr. Amenta moved, seconded by Tr. Bockhorst to adjourn the meeting at 7:27 p.m. Motion carried 6 - 0.
1. Call to Order
President Rozek called the meeting of the Village Board to order at 7:38 p.m. in the Court Room.

2. Roll Call
President Rozek called the roll. Present: Trustees Davida Amenta, Tammy Bockhorst, Ann McKaig, Michael Maher, and Wesley Warren. Tr. Carpenter is excused.

Others Present: Assistant Village Manager Tyler Burkart, Planning Director Bart Griepentrog

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 signal box project, grant for project, request for sole source contract approval for signal box film contracted vendor and invoice payment requirements. (7:39 p.m.)

Dick Eschner, 3559 N. Summit Ave, Shorewood, 53211; co-chair of the Public Art Committee gave a brief update about Signaling History; putting graphic art done by artists on the 11 signal control boxes.

Diane Buck, 3959 N. Summit Ave., Shorewood, 53211; introduced Don Berg and Eve Sappenfield from the Public Art Committee and passed around a brochure for the Signaling History boxes. Ms. Buck explained she will be hosting a fundraising event on November 7 to obtain underwriters for the signal boxes, each box will cost $2,000. The artist of the box will receive $1,000 stipend from the $2,000 donation. Ms. Buck explained they hope to have all the fundraising completed by spring of 2020 and this will not cost the Village any money as it will be raised privately. Ms. Buck explained that Public Works is responsible for making sure the control boxes are in good condition before they are wrapped. Ms. Buck explained the Public Art Committee applied for the Shark Tank Grant and received $5,000. The donors will direct their donations through the Shorewood Foundation.

Some Village Board members clarified from a funding prospective, the grant will come from the Shorewood Foundation and the donations will be made to the Shorewood Foundation, the Foundation will transfer money to the Village and the Village will disperse funds in response to invoices received.

Some Village Board members inquired about the maintenance of the art work. Ms. Buck explained the artwork wrap life span is about five years, if there was vandalism there is money set aside to re-wrap a box if necessary. It was noted the donation policy will be forwarded to Ms. Buck.

Some Village Board members inquired if there are any other film vendors in our region that could do the wrapping. Ms. Buck explained they chose Confluence in Whitefish Bay because there were not any vendors in Shorewood and they try and stay with local businesses. Some
Village Board members explained there is a procurement process for sole source contracting and they would not feel comfortable with approving the sole source vendor contract if it is not a proprietary vendor. The Village Board discussed potentially deferring the contract and how that would impact the timeline for Public Art. A portion of the Village’s Purchasing Policy was read: If the item to be purchased is from $1,000 - $9,999 in value the following methods should be used: (Fuel and Salt purchases, as well as maintenance fees for computer software or equipment or software contract fees that have been detailed in the budget are exempt from this requirement) Price checking from at least 3 vendors is required to be documented for all items purchased that are between $1,000 and $9,999 in value. However, multiple price checking is not required when pricing is based on the bidding done by other governments, such as items purchased under State contract pricing, V.A.L.U.E. contract pricing, or other similar programs.

President Rozek moved, seconded by Tr. Warren to defer the approval of the signal box project, approve receipt of the Shorewood Foundation Grant for the Signal Box project in the amount of $5,000, approve a sole source contract for the film vendor in accordance with the Purchasing Policy and Accounts Payable Policy, provide the Treasurer funds to be held by the Village and utilized for payment of invoices associated with the project. No Village tax dollars shall be utilized for the project, unless specifically approved by the Village Board and approve payment of invoices after PAC approval, PAC date/signature and submission of invoices in accordance with the Purchasing Policy and the Village Treasurer until the next Village Board meeting to allow time for the Public Art Committee to meet with the Village’s Finance Director and gather the documentation needed to adhere to the Village’s Purchasing Policy.

Some Village Board members suggested to approve all the items but the sole source contracting.

President Rozek moved to amend, seconded by Tr. Warren to approve the signal box project, approve receipt of the Shorewood Foundation Grant for the Signal Box project in the amount of $5,000, provide the Treasurer funds to be held by the Village and utilized for payment of invoices associated with the project—no Village tax dollars shall be utilized for the project, unless specifically approved by the Village Board—and approve payment of invoices after PAC approval, PAC date/signature and submission of invoices in accordance with the Purchasing Policy and the Village Treasurer and to defer approval of the sole source contract for the film vendor in accordance with the Purchasing Policy until the next Village Board meeting. Motion carried 6 – 0.

b. Consider Resolution 2019-14; In the Matter of Authorizing an Exception to the Levy Limits for Charges for the North Shore Fire Department Pursuant to 2005 Wisconsin Act 484. (8:05 p.m.) Chief Whitaker explained the vote tonight requires a majority vote.

Tr. Maher moved, seconded by Tr. Bockhorst to approve Resolution 2019-14 in the Matter of Authorizing an Exception to the Levy Limits for Charges for the North Shore Fire Department Pursuant to 2005 Wisconsin Act 484. Motion carried 6 – 0 by a roll call vote.

c. Consider Resolution 2019-15; A Resolution Approving the 2020 North Shore Fire Department Fees for Service Schedule. (8:08 p.m.) Chief Whitaker explained the North Shore Fire Department annually updates their fee schedule and requires that at least five of the seven member municipalities pass a resolution on the fee schedule included in the packet. Chief Whitaker explained all EMS fees have been adjusted by 1.3% which is in the Medical Care Commodities and Medical Care Service CPI for 2019 with the following exceptions of LUCAS CPR and ResQPod fee of $250 which reflects new equipment used for patients who are pulseless and not breathing and Intubation Fee increased $75 over the CPI adjustment to reflect new equipment required for intubation. Fire prevention
permits and inspections and administrative fees are staying the same.

The Village Board discussed Medicare and Medicaid billing and collection process. Chief Whitaker clarified the average wage CPI was 1.8%

Tr. Warren moved, seconded by Tr. Amenta to approve Resolution 2019-15; A Resolution Approving the 2020 North Shore Fire Department Fees for Service Schedule. Motion carried 6 – 0 by a roll call vote.

d. Consider Resolution 2019-16; A Resolution Confirming Obligation to Contribute to North Shore Fire Department’s Budget to Pay Debt Service on Bonds Issued by the Village of Whitefish Bay on Behalf of the North Shore Fire Department. (8:12 p.m.)
Chief Whitaker explained each project of this size requires a separate action by all the municipalities to pass a budget for the project because it involves borrowing and debt service. The resolution implies the Village of Shorewood agrees to pay the Village of Whitefish Bay the Village’s portion of those bonds.

Tr. Maher moved, seconded by Tr. Bockhorst to approve Resolution 2019-16; A Resolution Confirming Obligation to Contribute to North Shore Fire Department’s Budget to Pay Debt Service on Bonds Issued by the Village of Whitefish Bay on Behalf of the North Shore Fire Department. Motion carried 6 – 0 by a roll call vote.

e. Consider Resolution 2019-17; A Resolution Approving the “Single or Multi-Year Capital” Budget to Remodel the Shorewood Fire Station in 2020. (8:21 p.m.)
Chief Whitaker explained this approval allows for the expenditure of the North Shore Fire Department Funds. The total cost of the project and purchase, including interest and borrowing costs for financing is $4,440,735.

President Rozek moved, seconded by Tr. Maher to approve Resolution 2019-17; A Resolution Approving the “Single or Multi-Year Capital” Budget in the amount of $4,440,735 to Remodel the Shorewood Fire Station in 2020. Motion carried 6 – 0 by a roll call vote.

f. Consider policy position letter from Human Relations Commission and next steps.
Mr. Burkart introduced the topic and explained the Human Relations Commission has met a few more time since the last Village Board meeting to go through the policy with recommendations supplied from the Village Attorney. Many of Attorney Bayer’s suggestions relate to approval of third-party signs, objects, and structure installation requests, the Human Relations Commission focused specifically on holiday decorations as requested by the Village Board.

Julia Appel, 4309 N. Farwell Ave., Shorewood, 53211; explained on behalf of the Human Relations Commission the letter included in the Village Board packet is a recommendation in regards to holiday decorations on public property. The Human Relations Commission believes the Village Board should exercise its discretion and not put up the Christmas tree in Atwater Park because legal definitions don’t always agree with public sentiment.

Deba Briscoe, 4516 N. Bartlett Ave., Shorewood, 53211; explained the Human Relations Commission is requesting no permanent or semi-permanent holiday displays be allowed on public property from third parties.

Ms. Appel explained this policy would not apply to what the Village could display; the Christmas tree is a separate request. The policy is separate from asking the Village Board to exercise their discretion on not lighting the Christmas tree at Atwater Park.
Some Village Board members clarified the three potential motions; the first motion reflects the approval of the policy which would not allow displays or decorations, by third parties, on public property unless they are approved for a special event or special privilege permit. The second motion would reflect to authorize staff to use its discretion on putting up decorations on public property, meaning there are items the Village is allowed to put up, but if the Village feels it’s not inclusive the Village has the discretion to not put up the decoration.

Some Village Board members explained the Village currently uses their discretion as there is not a policy in place. Some Village Board members asked for clarification if approved special events could have signs. Mr. Burkart explained the majority of special events are a one-day event and would be allowed to display for that day of the event. One Village Board member inquired about the policy doesn’t state anything about the word religious. Mr. Burkart explained the word religious was removed at the recommendation of the Village Attorney based on the establishment clause. One Village Board member also commented some special events display signs ahead of the event and questioned if this policy would prevent all events from displaying ahead of time.

Attorney Bayer summarized saying this started with a very simple question, if we have a Christmas tree in the park, can we allow other religious entities to place something in the park? The answer is yes, but once you allow one item, you need to allow all of them; you need to allow for equal access for all. Attorney Bayer explained after reviewing this with the Human Relations Commission, the Human Relations Commission thought that one inclusive policy regulating what third parties can or cannot display was better suited for a standing committee of the Village Board. Attorney Bayer explained the Human Relations Commission recognizes that Christmas trees are secular, out of respect for public sentiment, they are requesting the Village Board to exercise their own judgement and not display the Christmas tree out of respect for those of other religions in the Village, it’s best not to display anything at all. Attorney Bayer explained the Human Relations Commission is requesting the Village Board to not display the Christmas tree since there aren’t going to be any other holiday or religious symbols displayed by the Village and to refer the larger issue of displays in public spaces to a standing committee of the Village Board.

Some Village Board members expressed the request should be higher level, not so specific on naming specific signs or symbols.

Mr. Burkart clarified, the Village is currently self-regulating what can be displayed and this would ask the Village staff to continue to that with the understanding that they try to uphold the spirit of the policy position statement. Mr. Burkart continued that if the Village Board refers the topic to a Standing Committee for a policy, that is where the more detailed discussion will take place. Mr. Burkart explained the reason why there is not a specific policy for the Village Board to take action on is based on the memo from Attorney Bayer (included in the packet) which incorporated other items into the policy that are not specifically holiday decorations and he made the recommendation to not have just a holiday decoration policy but one that incorporates other items such as signs, structures, etc. and the Human Relations Commission did not feel it was appropriate for that committee to develop a policy under that framework. Mr. Burkart explained they submitted a policy so the Village Board would understand the Human Relations Commission’s position on holiday decorations and for the Village Board to work in a Standing Committee to develop the full policy.

Some Village Board members questioned if the Standing Committee would be reviewing the Village’s special privilege policy because the support letter states nothing allowed in the public right of way. Attorney Bayer explained that would be a discussion at the Standing Committee; the Human Relations Commission is stating it is not their position to draft a global policy but would the Village use its discretion to not put lights on the tree at Atwater.
Some Village Board members expressed the Human Relations Commissions was asked to draft a recommended policy for the Village Board to consider; the Human Relations Commission ran into some complications with drafting that policy and the Village Board needs to decide if they want to go an additional step and create policies on both the holiday decorations and the lighting of the Christmas tree in Atwater Park. Some Village Board members shared the Christmas tree should not be lit for the current holiday season and the Village Board can review and decide if they want to draft a policy that further precludes the Village lighting a Christmas tree in the future.

Some Village Board members shared they do not agree with a volunteer committee developing a policy because that is a duty of the Village Board; the volunteer committees could give recommendations of items they would like included in the policy.

Some Village Board members shared they do not agree with the policy as it does not seem to be inclusive or show tolerance. The Village should be supportive of every religion and develop a permitting process or regulations allowing all religions an opportunity to express themselves on public property. Ms. Appel commented the Village would not be able to regulate the items being put up or displayed. Attorney Bayer clarified the Village would need to make sure there is enough space and permitting applications to allow for equal access; there are a lot of factors involved in a permitting process.

Tr. Maher moved, seconded by Tr. McKaig to authorize staff to not allow displays or decorations from any third parties on public property unless they are approved for a special event permit or a special privilege permit. Village Board discussion continued.

Some Village Board members questioned if current practice is to allow displays or decorations in the public right of way if the Village Board approves a special event or special privilege permit. Mr. Burkart explained yes, if there isn’t a permit that’s when the code enforcement would regulate that. Some Village Board members clarified that if an individual requested a religious display in the public right of way, this would authorize staff to say no. Mr. Griepentrog expressed the motion does not suggest the department cannot accept a special privilege application for the Village Board to consider; the planning department would process the application as normal and place it on a Village Board agenda for consideration. There is nothing in the motion that indicates staff would deny anything. Some Village Board members questioned if this is our current policy and if an individual was to file an application, what would the process be, what is the intent of the policy, and does this impact people who have a private party at a park. Ms. Briscoe explained this would put the policy in writing for everyone in the Village to know and understand, not just a practice. Some Village Board members questioned if the Village’s ordinance relating to special privilege currently states something. Attorney Bayer explained there is a Village Code that prohibits third parties from affixing notices, posters and papers to municipal property. There is one that allows unlimited commercial displays in the public right of way directly in front of the adjoining business and there is a general policy stating the Village does not allow third parties to display anything that isn’t directly associated with a Village event; this does not apply to special privilege or special event permits. Attorney Bayer explained as long as you don’t discriminate in a manner in which special privilege or special event permits are granted, it does not become an establishment clause problem.

Some Village Board members suggested removing the special privilege permit option and allow for special events only.

Tr. Amenta moved to amend to remove “or a special privilege permit”. Motion fails for lack of a second.
Some Village Board members questioned if the Village currently has anything specific you cannot affix something in the public right of way without a permit. Attorney Bayer explained there is language in the code, but there is not one centrally located policy. Historically, the only thing the Village has allowed in the public right of way are signs for Summer Sounds and the Farmers Market which are village sponsored events or with whom the village has a direct partnership.

John Frederick, 2608 E Newton Ave, Shorewood, 53211; asked for clarification on how third party and public property are defined and if this would affect displays in the classrooms at schools. Attorney Bayer explained public property is municipal property and third party is anyone that is not the village. The school is not considered in the policy.

Some Village Board members stressed they do not want unnecessary urgency to dictate how the Village Board legislates as a body and would like to defer this for further discussion.

Ms. Appel explained the Human Relations Commission does not feel it falls under their purview to make decisions on signage, what can go into the public right of way or what is a third party. The main concern and the ask of the Village Board is to take under consideration to choose not to light the Christmas tree this year independent of the policy.

Patricia Krieger, 1416 E. Lake Bluff Blvd, Shorewood, 53211; rather than embracing people, when people are offended, why do we feel we can’t do anything or everything has to be taken away. I don’t want the Village’s first response to be “this isn’t allowed or we can’t do that.” Ms. Krieger asked how will this affect our businesses if we can’t embrace what is unique.

Deba Briscoe, 4516 N. Bartlett Ave., Shorewood, 53211; serves on the Human Relations Commission but is speaking as a resident. The Human Relations Commission has been working on this policy since January and after reviewing other municipalities, many of them have adopted a similar policy. She is asking this Village Board to take into consideration the individuals who do not have the majority voice. Ms. Briscoe stated, as much as we like to be inclusive of all, how often are we and can we be inclusive of all and not offend another? The question the Human Relations Commission tried to solve is how can we be inclusive and not offend others? The answer is to have nothing. Residents are allowed to display on their private property and share their religions with others, but the Village is not inclusive if deciding to display a Christmas tree.

The Village Board recessed at 9:09 p.m.
The Village Board reconvened at 9:19 p.m.

One Village Board member asked for clarification if the policy restricts an individual from having a small group at a park for a birthday party and displaying balloons. Attorney Bayer explained no, as long as it’s not affixed to the ground.

Attorney Bayer clarified if the Village Board does not take action tonight, nothing would change. Mr. Burkart stated we would continue what we are currently doing for the 2019 holiday season.

Vote on Motion 1: to authorize staff to not allow displays or decorations from any third parties on public property unless they are approved for a special event permit or a special privilege permit. Motion carried 4 – 1 – 1 with President Rozek voting nay and Tr. Bockhorst abstaining.

Tr. McKaig moved, seconded by Tr. Amenta to authorize staff to use its discretion on putting up decorations on public property with an attempt to uphold the policy position stated in the Human
Relations Commission’s letter. Tr. McKaig read the policy into the record:

Dear Village Board members,

We collaborated with the Village Attorney and staff on drafting an updated policy to address inquiries about holiday decorations on public property. The Human Relations Commission feels it is important to create a culture that is inclusive to all religions and beliefs. In addition, we want to be mindful of complying with the law when it comes to freedom of speech and the establishment clause as cited in Attorney Bayer’s memorandum.

As a result, we propose an updated policy that allows for displays and decorations for special events but not allow semi-permanent displays and signs from third parties on public property or in the right-of-way. While the policy doesn’t specifically touch on decorations put up directly by the Village, we encourage the Village to use its discretion to only put up secular decorations without a religious meaning that tend to be seasonal in nature. In addition, while Christmas trees have legally been declared secular, we the Human Relations Commission feel that in the case of the Christmas tree, the Village Board and staff should exercise its discretion to not put up lights on any tree that could constitute as a Christmas tree. Legal definitions do not always align with public sentiment, and we believe that to light an evergreen that could be interpreted as a Christmas tree while being legally obligated to disallow other religious symbols favors one religious tradition over others.

It is our understanding that all other decorations put up directly by the Village are more seasonal in nature (i.e. snowflakes in the business district). We continue to support events such as WinterFest that put up decorations on private property and make a concentrated effort celebrating all holidays. Thank you for the opportunity to review this policy matter.

Sincerely,

Human Relations Commission

Some Village Board members clarified if signs from third parties on public property as part of the recommendation, with reading the letter into the record, if a Village Board member votes yes, you would be supporting eliminating signs on public property. Attorney Bayer explained, his interpretation based upon the recommended language would be no; simply because it says it moving to authorize staff to use their discretion in putting up decorations on public property.

One Village Board member asked for clarification by virtue of this motion it is not saying the Village can or cannot, it’s asking the Village to use its discretion on lighting the Christmas tree. Mr. Burkart explained that is accurate. Village Board discussion continued on the motion allowing staff to use discretion and an attempt to uphold the policy. Some Village Board members shared they felt this would put staff in a difficult position to make the determination on lighting the Christmas tree. Some Village Board members did not want to ban the practice of lighting the Christmas tree until a policy was approved.

Vote on motion 2: to authorize staff to use its discretion on putting up decorations on public property with an attempt to uphold the policy position stated in the Human Relations Commission’s letter. Motion fails 3 – 3 with President Rozek, Tr. Bockhorst and Tr. Warren abstaining.

Tr. McKaig moved, seconded by Tr. Amenta for the Community and Business Relations Committee to develop a policy for Village Board consideration regulating signs, objects, and structures on public property and the right-of-way that addresses constitutional constraints. Motion carried 6 – 0.

Some Village Board members questioned if the Community and Business Relations Committee would have the policy reviewed and completed before the holiday season. Mr. Burkart explained there are two things that need to be reviewed, one the policy that talks about signs and objects which would include holiday decorations and Community and Business Relations would need to determine if the policy would be intended for just third parties or incorporate the Village as well.
Vote on motion 3: for the Community and Business Relations Committee to develop a policy for Village Board consideration regulating signs, objects, and structures on public property and the right-of-way that addresses constitutional constraints. Motion carried 6 – 0.

President Rozek moved to direct staff to continue lighting the tree at Atwater beach. Motion failed for lack of a second.

President Rozek requested if there is a motion that relates to the lighting of the Christmas tree, it should be made during this topic on the agenda.

5. 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. – (9:48 p.m.) None

6. Consent Agenda Items (9:48 p.m.)
   a. Accept presentation of Accounts – October 21, 2019
   b. Consider Village Board Minutes – September 16, 2019 (Meeting 2, deferred from 10/7/19)
   c. Consider Village Board Minutes – October 7, 2019
   d. Consider weights and measures assessments for 2019.
   e. Consider Application for Special Privilege for a retaining wall within the public right of way at 4481 N. Bartlett Ave.
   f. Consider issuing RFP for the organizational analysis (Meeting 2, JP&L)
   g. Update on zip car pilot program for stations in public parking lots (Meeting 2, C&BR)
   h. Consider appointment of Ryan O’Connor to the Design Review Board.
   i. Consider application for Special Privilege for temporary cooking within the public right of way at 4401 N. Oakland Ave.

Tr. Warren moved, seconded by Tr. Bockhorst to approve the consent agenda. Tr. Maher requested removing items 6e and 6i, Tr. Bockhorst requested removing item 6h from the consent agenda. Motion carried 6 – 0 with items 6e, 6h, and 6i removed.

7. Items Removed from the Consent Agenda (9:49 p.m.)

   6e; Consider Application for Special Privilege for a retaining wall within the public right of way at 4481 N. Bartlett Ave.
   Mr. Griepentrog explained the applicant has pulled her application. No action required.

   6h; Consider appointment of Ryan O’Connor to the Design Review Board.
   Tr. Bockhorst expressed apprehension that “no” was marked on the application where states are familiar duties and responsibilities of this office and have you attended any meetings of this entity. Tr. Maher explained the JP&L Committee reviewed all the applications and evaluated the skills needed for the committee. Mr. Griepentrog explained he has spoken with the candidate about the time commitment; he explained he is happy to serve and will already be coming to the Design Review Board meeting this Thursday.

   Tr. Maher moved, seconded by Tr. Warren approval of Ryan O’Connor to the Design Review Board with a term expiring in May 2020. Motion carried 6 - 0

   6i; Consider application for Special Privilege for temporary cooking within the public right of way at 4401 N. Oakland Ave.
   Tr. Maher questioned where the cooking would be taking place. Mr. Griepentrog explained the applicant has been working with the Fire Department, Health Department and Planning
Department for approval. The Fire Department indicated they would not approve the burn permit as the selected location is less than 25 feet from a structure. The applicant is working to find an alternate location not included in packet. Attorney Bayer explained the approval is still for temporary cooking in the public right of way and is still consistent with the agenda item.

Tr. Amenta moved, seconded by President Rozek to approve an application for Special Privilege for temporary cooking within the public right of way at 4401 N. Oakland Ave. Motion carried 6 – 0.

8. Public Hearing(s) (10:05 p.m.) – None

9. New Business
   a. Consider Ordinance 3006 to update Chapter 275 Electrical Standards of the Village Code to correspond with the Wisconsin Department of Safety and Professional Services Chapter SPS 316. (Meeting 2, C&BR) (10:05 p.m.)

   Tr. McKaig, chair of Community and Business Relations Committee explained this is a house keeping item.

   Tr. McKaig moved, seconded by Tr. Maher to approve Ordinance 3006 to update Chapter 275 Electrical Standards of the Village Code to correspond with the Wisconsin Department of Safety and Professional Services Chapter SPS 316. Motion carried 6 – 0 by a roll call vote

   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). (10:06 p.m.)

   President Rozek moved, seconded by Tr. Maher to defer consideration of 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. Motion carried 6 – 0.

10. Reports of Village Officials (10:07 p.m.)
   a. Village President – None

   b. Village Trustees –

   Tr. Bockhorst chaired the meeting of Advisory Legislation Committee for League of Wisconsin Municipalities and there has been discussion on two different bills regarding extending closing hours for certain alcohol retailers during the Democratic National Convention.

   Tr. McKaig expressed she is concerned with eliminating the pavement markings on Capitol Drive from the 2020 budget.

   c. Village Manager – None

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

   Tr. Amenta moved, seconded by Tr. McKaig to consider lights on the trees at Atwater Park for holiday lights for 2019 at the next Village Board meeting.

   Clarification on if this needs to be brought to a Standing Committee before it is placed on a Village Board agenda was requested. Some Village Board members shared they would like to have the full Village Board present for a discussion on this topic as there will not be a policy in place by the time the 2019 holiday season starts. Village Board members prefer not to
reconsider items because some Village Board members may be missing as this sets a bad precedent. Other Village Board members shared they support the item as Mr. Burkart had stated if the Village Board does not provide direction, the trees will be lit in Atwater Park as they have in the past and the Village Board did not make an attempt to uphold a position that was provided from the Human Relations Commission. The Village Board was reminded that there was a motion made to light the trees at Atwater Park, but it failed for lack of a second. Some Village Board members questioned if this would be considered at the next Village Board meeting; Clerk Bruckman restated the motion. It was questioned if the motion could be considered if a similar one was previously made and failed for a lack of a second. Attorney Bayer clarified it’s not a motion to reconsider as the motion failed, his recommendation is to take a vote on the current motion, as it was made, based upon chapter 155. Mr. Burkart stated as an alternative option this could be incorporated with the discussion at Community and Business Relations at their next meeting and have them consider a recommendation the Village Board could consider on November 18. Some Village Board members expressed concern about rushing into making a big decision, some Village Board members may not be ready to make big policy decisions but we are ready to rule on one specific holiday item. Some Village Board members expressed any decision that is made will be controversial and the decision that is made for 2019 does not bare on what the Community and Business Relations Committee decides for the future.

Tr. Maher moved, seconded by Tr. McKaig to call to question. Call to question fails 3 – 3 with President Rozek, Tr. Bockhorst, and Tr. Warren voting nay.

Vote on motion: to consider lights on the trees at Atwater Park for holiday lights for 2019 at the next Village Board meeting. Motion Failed 3 – 3 with President Rozek, Tr. Bockhorst and Tr. Warren voting nay.

   Tr. McKaig moved, seconded by Tr. Maher to adjourn at 10:25 p.m.  Motion carried 6 - 0.

Respectfully submitted,

Sara Bruckman, CMC/WCMC
Village Clerk