



## Village of River Hills

7650 N Pheasant Ln  
River Hills, WI 53217

Village Hall: 352-8213  
Public Works: 352-0080  
Police: 247-2302

# BOARD OF TRUSTEES MEETING MINUTES

## Wednesday, July 21, 2021 @ 5:00 pm

This meeting was a virtual meeting through Zoom –  
Access code 836-9634-7063

1. **Roll Call:** was answered at 5:00 p.m. by President Steve Anderson, Trustee David Fritz, Trustee Kurt Glaisner, Trustee Christopher Noyes, Trustee Peggy Russo, and Trustee Bill Walker (arrived at 5:02pm). Trustee Peter Kingwill was absent and excused. Also present: Village Attorney Bill Dineen, Village Engineer Mustafa Emir, Police Chief Mrozak, DPW Superintendent Groth, Village Manager Tammy LaBorde and Deputy Clerk/Treasurer Stephanie Waala.
2. **CONSENT AGENDA**
  - a. The Agenda
  - b. Village Board Minutes of May 19, 2021
  - c. Board of Appeals Minutes – April 28, 2021
  - d. Building Board Minutes – April 19, 2021; May 17, 2021; June 7, 2021
  - e. Board of Review – August 6, 2020
  - f. Committee on the Environment – March 16, 2021
  - g. Plan Commission Minutes – April 27, 2021
  - h. Voucher List – May 2021 and June 2021

Motion by Fritz, seconded by Glaisner to approve the Consent Agenda; motion carried unanimously.

3. **PUBLIC COMMENTS ON NON-AGENDA MATTERS** – None.
4. **FUTURE AGENDA ITEMS** – None.
5. **PUBLIC HEARING for Ordinance No. 547 to repeal and recreate section 7.1004.B.5 of Chapter 7 of the Zoning Ordinance regarding the Powers of the Board of Appeals**

Motion by Russo, second by Noyes to start the public hearing at 5:02pm; motion carried unanimously.

- Bernie Cohen, 1235 Green Tree Road – had several questions regarding the proposed ordinance. He wanted to know what the hierarchical structure of the village is. Attorney Dineen stated this ordinance is intended to restore the powers of the Board of Appeals to what was in place prior to language that was accidentally removed when the village code was recodified by SEWRPC years ago. This issue was brought to the Plan Commission because this language is within Chapter 7 which is the Zoning code.

There were no other comments. The public hearing was closed at 5:12pm by motion of Russo, second by Walker; motion carried unanimously.

**6. Discussion and Possible Action Regarding Recommendation from Plan Commission to adopt the proposed Ordinance – ORDINANCE NO. 547 to Repeal and Recreate Sections 7.1004.B.5 of Chapter 7 of the Zoning Ordinance of the Village of River Hills Regarding the Powers of the Board of Appeals.**

Motion by Walker, seconded by Russo to Adopt Ordinance No. 547 to repeal and recreate section 7.1004.B.5 of Chapter 7 of the Zoning Ordinance regarding the Powers of the Board of Appeals; motion carried unanimously.

**7. PUBLIC COMMENT - PROPOSED DEVELOPMENT ON BROWN DEER ROAD PROPERTY Comments will be limited to three (3) minutes per person. Those interested in making a comment should post their name in the chat room – state your name and address for the record. The zoom meeting can hold up to 500 people.**

Village President Anderson presented information as to how the comment session would work. Residents were asked to sign up in the chat room to request to speak as well as those who had previously asked to be on the list. He asked the residents to be brief in order to give everyone a chance to speak.

LaBorde presented an overview of the three proposals received to date. One proposal was to develop 60 single-family homes on approximately 25 acres with 28 acres for a green infrastructure water-based conservation program through MMSD/Fresh Coast Protection Partnership. The second proposal was for four 5-acre lot residents along Green Brook and 2 5-acre lots on Brown Deer Road; and the third proposal was for no development of the property and to leave it as a nature preserve. The Board members had been asked and provided with a link to view the recording of the 7/7/21 Plan Commission meeting in advance.

Comments were received from the following residents:

- Barry Snider, 1560 W. Spruce Court; opposes proposed development and any development that requires a zoning change.
- Richard Stone, 1965 W. Fairy Chasm Rd; Save River Hills surveyed the residents. Of the 60% that returned their information, 90% were against the development. The village needs to find other ways to fund the village instead of dense development. He opposes the proposed development.
- Peter Stanford, 825 W. Dean Rd; he said it is clear that residents do not want this. If the village needs money, they should show the residents. Village states that the development will help the financial problem. He stated the trustees are to carry out the wishes of the residents according to the statutes. If the trustees act contrary to their wishes it could be malfeasance in office. He stated that the next step is to recall the Board. He opposes proposed development.  
Marcuvitz was asked to comment. He stated that the Board has options to explore.
- Frederick Vogel, 1805 W. Bradley Rd; he would like to see the feasibility information that is convincing for the village to assume more risk.
- Daniel Bruckner, 1425 W. Dean Rd; he stated that there is overwhelming opposition to the proposed development.
- Victor Harding, 7730 N. River Rd; he stated that the plan requires rezoning which is against the wishes of the residents. He believes this will lead to a revolution. He wants to know what the trustees have for Plan B. Marcuvitz stated that as to rezoning and other lots, zoning decisions for properties are individual decisions; each decision is considered on its merits. Any change in zoning

or the comprehensive plan has to go through the Plan Commission and the Board. Attorney Dineen stated that this was not intended to be a debate. Zoning decisions are legislative decisions. Harding stated that there should be a public meeting. LaBorde stated that she contacted USM and that it was not available.

- Ted Knight, 1447 W. Fairy Chasm Rd; went from high-density apartments to high-density homes. The residents don't want this. The village has given little evidence of dire financial need. He opposes the proposed development.
- Daniel Dennehy, 8955 N. Spruce Rd; interested in Mr. Stanford's comments when he didn't vote at the plan commission, why 60 units and not much smaller group. How would taxes be impacted favorably with this development. There has been no response to the questions posed at the Plan Commission. He feels there should be no development of the property. There has to be other ways to address the financial issues and raising taxes isn't the way to go. He opposes the development. Attorney Dineen noted that Mr. Stanford's not voting didn't have anything to do whether or not this was taken to the Board. The Plan Commission makes a recommendation and the Board can accept, reject or modify the recommendation.
- Geraldine Robinson, 1141 W. Manor; she opposes the proposed development.
- James Gleason, 2005 W. Fairy Chasm Rd; he stated that all of the proposals should be looked into further. The residents don't want multi-unit housing. The impact of the noise that it will have on the quality of his life. He doesn't like the lack of transparency. He opposes the proposed development.
- John Machulak, 1400 W. Good Hope Rd; co-chair of COE, he has been following this since the beginning with the settlement of the lawsuit. He requests that this be a conservancy. He opposes the proposed development. Anderson stated that to date there has been no evidence that there was any fund raising done.
- Bernie Cohen, 1235 W. Green Tree Rd; he opposes the proposed development. Do any of the trustees or village representatives have the possibility of profiting from the development? He would also like to see a budget and balance sheet from the Board. Attorney Dineen stated that no one on the Village Board can profit from this as that would be a violation of the law. LaBorde stated that the budget information can be found on the website.
- Kieran Donohue, 1155 W. Dean Rd; he believes all three plans have not been looked into. He visited the Glen at Cedar Creek in Cedarburg which has 1/3 acre lots. There will be constant construction over the next 8 to 10 years. He opposes the proposed development.
- Joyce & David Sandock, 9400 N. Spruce Rd; they oppose the proposed development and its clear that no one wants this. He questioned why an urban planner was hired. Anderson stated that the planner was hired to provide options for a development and is pleased with what she has provided.
- Email from Richard & Kay Yuspeh, 7400 N. River Rd was read; opposes proposed development.
- Email from Peter Thornquist, 1405 W. Good Hope Rd was read; summarized efforts of Committee on the Environment who proposes creation of a natural area.
- Email from Lori Kahn, 1900 W. Green Brook Rd was read; opposes proposed development.

Trustee Walker wanted to ensure that everybody has been heard from. LaBorde stated that the agenda was posted on the website as well as the posting board at village hall. On the notice it was listed that everyone would have three minutes to speak and that they should list their name in the chat. It was also noted that up to 500 people could be on the meeting and currently there are 57 participants. Trustee Walker then asked how many people have spoken in opposition. LaBorde stated that the Village has received emails from those in favor and opposed to development and then the 20 from this evening. President Anderson stated that there have been more in

opposition than just the 20 that spoke this evening. He stated that perception of those opposed to development may overstate the entire population agreeing with them.

**8. Discussion and Possible Action Regarding Proposals received for property on Brown Deer Road and the Recommendation of Conceptual Approval from the Plan Commission to approve the development of approximately 60 units on 25 acres and a green infrastructure water-based conservation program through Fresh Coast Protection Partnership on 28 acres for the property on Brown Deer Road**

Attorney Dineen presented options available to the Board and possible action to be taken. The Board should consider the Plan Commission's recommendation, you could reject that recommendation and direct staff to present another plan or modify the plan, you could approve the concept plan as presented and then direct staff to go out and implement the plan which would require staff to reach out to developers. Until a developer comes back with a realistic plan its just a plan. If you don't want the single-family home plan at this time but you do want the green infrastructure plan, then that could be a third option.

Trustee Walker stated that as a trustee he was elected to understand and form judgments of what is in the best interest of the village. He has learned that we are the leanest government you can imagine. There is no room to cut anything. The citizenship should be proud of how the village is run. We have 21 full-time employees and we compete for talent. We have to raise wages and incur higher benefit costs to remain competitive. You can't just wish away inflation. We don't have any commercial development so all we have is raising property taxes to address inflation. He believes that the plan is a superb plan which balances the interest of neighbors, ecology and addresses the village real need to increase its tax base. He will support and make a motion to approve the concept plan.

Trustee Glaisner stated that he looked back and asked how much has the taxes been increased over the last ten years, close to 6% total, and how much has the police department wages increased, 23%+ which is the largest item on the budget. Not taking anything away from the police department but we have managed finances that closely to confirm Walker's comments.

LaBorde stated that in 2018 the tax levy was \$3,373,000 and for the 2019 budget the Village could raise its levy by \$27,000; for the 2020 budget, we had to decrease the levy by over \$334,000 based on what the State requires in tax levy calculations. We can raise the levy by net new construction – in 2020 it was 0.173% or \$4,400. That is one of the struggles we have been addressing these past couple years. We are not insolvent. We are just trying to be frugal and maintain a good level of taxation for the community and continue to offer the level of services that you have come to expect as residents.

Trustee Fritz stated that we have been listening to the residents. We have watched the Plan Commission meeting. He invites everyone to attend the budget meetings where decisions are made as to what we can keep and what we have to cut. The Board has to balance all of these competing interests. They have to be stewards of the village in multiple ways. The Plan Commission's approval allows this to continue to pursue multiple options. President Anderson stated that the comprehensive plan update in 2020 survey showed that people wanted to maintain the level of service the village provides and keep the taxes low. Seventy-five percent of total expenses go to wage and benefits as well as the many services that are outsourced. It makes sense to find out from developers if this type of development would work and make fiscal sense.

Trustee Noyes stated that he is a dedicated conservationist and cares a lot about the environment. He would love to see a conservancy but as it was pointed out, the trustees look at what is in the best interest of the

village. He took into consideration how difficult it is to get a Knowles-Nelson stewardship grant. He believes that the plan that was presented is the right choice for the village.

Trustee Glaisner stated that last week Bayside received an offer from a developer to put the library on the corner of Brown Deer Road and Port Washington Road. Hopefully that means there will be a new library. There could be a potential increase to the village's budget for the library. Also, an outstanding issue in the future is the bridge on Range Line Road. Looking forward money is going to get tighter.

Motion by Walker, seconded by Russo to approve the Concept Plan of approximately 60 single-family homes on 25 acres and a green infrastructure program on 28.4 acres and to direct staff to begin steps to implement the concept plan; motion carried unanimously.

**9. Consideration and Possible Action to approve a License Agreement with Corvias regarding Green Infrastructure Project on 28 acres of Village Property on Brown Deer Road**

Attorney Dineen presented information on a license agreement for the Green Infrastructure program on 28 acres of village property on Brown Deer Road. The final copy arrived today and was reviewed by Trustee Noyes and himself. Corvias agreed to all of the proposed changes by the village attorney. The village will have to grant an easement for conservation benefits. Corvias will maintain the improvements for two years. The village will be required to maintain the improvements for the remaining nine years of the 11-year easement. The Village Engineer stated that the required maintenance after the initial two years will include insuring that the shape of the basins is maintained and some involvement in making sure that invasive elements don't create an unsightly environment. Trustee Noyes stated he reviewed the agreement and the benefit is that 2 million gallons of rain would be maintained on the property; they have done this work before and confident they will do a great job. Dineen stated that the agreement is regardless of whether or not the development goes forward; it is related but independent.

Motion by Fritz, seconded by Russo to approve the License Agreement with Corvias regarding the Green Infrastructure Project on 28 acres of village property on Brown Deer Road and to authorize the proper village officials to execute the agreement; motion carried unanimously.

**10. Discussion and Possible Action to Regarding Special Privilege Petition from WE Energies for installation of stairs to provide safe access to equipment on electric pole on east side of Range Line Road approximately 100' north of Brown Deer Road**

Nicholas Welch of WE Energies was present for this item. We Energies is requesting permission to install treated timber stairs to access an electric pole. Attorney Dineen requested that WE Energies provide their certificate of insurance to the village.

Motion by Fritz, seconded by Noyes to approve the Special Privilege Petition from WE Energies; motion carried unanimously.

**11. Discussion and Possible Action Regarding the Removal of Coyotes in River Hills**

LaBorde presented information that had been distributed to the Board via email. Chief Mrozak stated that he received pricing from a live trapping company which for ten traps to be set in the village for a three-month period, the cost to the village would be \$18,000. Supt. Groth stated that in the past they had tried to make

their own trap but it did not work with attracting the coyotes. LaBorde stated that the cost to utilize a sharp shooter would include the rental of a lift which is \$276 per day, \$805 per week, or \$1,660 per month; the sharpshooter is estimated at about \$75 per hour; the cost to provide bait was not identified.

Trustee Noyes asked if there was a specific incident that has prompted this discussion as there are coyotes all over the north shore. President Anderson stated that this issue came up recently from several residents who were followed by coyotes or those residents who had lost pets or had pets injured by coyotes.

Over the past few years, the police department has removed approximately 5 coyotes.

The police department has been following the Coyote Management Plan which was adopted in November 2015. LaBorde noted that there currently was no funding in the budget to address this issue. Fritz would like to see a strategy as they recently lost their dog. Attorney Dineen stated that the discharge of a firearm does not apply in the exercise of self-defense for yourself or another person per Wisconsin law. The Chief stated that if your dog is being attacked that use of a firearm would not be the right solution and the person could be subject to civil liability. The Village would have to start a coyote shooting program in order to allow. It could authorize a shooting program and then get authorization from the police department. This is theoretically possible, but shooting coyotes is not as easy as shooting deer. A permit is required from the DNR to trap or shoot coyotes. No action was taken at this time.

Trustee Noyes left the meeting at 7:20 p.m.

**12. Discussion and Possible Action Regarding Request to Waive Interest & Penalty on 2020 Property Taxes by Martha Flaherty – 7825 N. Pheasant Lane**

Martha Flaherty was present for this item. Attorney Dineen stated that there was nothing that the Board could do to waive the interest and penalty on the 2020 property taxes as this is governed by the Wisconsin Statutes.

**13. REPORT OF VILLAGE PRESIDENT**

- **Annual Event at the Lynden Sculpture Gardens scheduled for Saturday, September 11, 2021**
- President Anderson stated that the annual event is scheduled and planning efforts have already begun.

**14. REPORT OF VILLAGE MANAGER**

**a. Financial Reports for:**

- **April 2021**
- **May 2021**
- **June 2021**
- **Treasurer Report on Cash as of June 30, 2021**
- **Board of Review will be held on Thursday, August 19 – 8am to 10am**
- **Sale of Horse Barn and Barn on Brown Deer property**
- **Fireworks permit issued for wedding at Milwaukee Country Club on July 31, 2021**

LaBorde noted that the June report shows that 50% of the budget year has been completed. The Treasurer report shows the cash balance as of June 30, 2021. The Board of Review will meet in August. Open Book took place this past week and no one stopped in. Letters have been sent to residents who had improvements in 2020. The village used Wisconsin Surplus Online to sell the horse barn and red barn on the former Eder

property. The barns will be taken down and removed from the property. The village will have to remove the concrete pad from the red barn. The house will be used for training by the police and fire departments prior to its demolition. A firework permit was approved and distributed for a wedding on July 31st.

**15. REPORT OF THE RIVER HILLS POLICE DEPARTMENT**

**a. June Summary Report**

Chief Mrozak presented the report.

**16. REPORT OF PUBLIC WORKS**

• **Update on Range Line Road paving project**

DPW Superintendent Groth stated that the Range Line Road project is complete. Village Engineer Emir noted that the project has come in under contract price.

**17. REPORT OF THE NORTH SHORE FIRE DEPARTMENT**

• **Update on NS Fire Department**

There was no update.

**18. REPORT ON THE PERCEPTION OF RIVER HILLS PROJECT**

Trustee Russo noted that the COE is working on the annual event to be held at the Lynden. She said that they plan to reach out to new residents and specifically families in the village and invite them to the event. President Anderson stated that for the last few years we have provided welcome bags to new residents. She also asked if staff was behind with the delivery of welcome packets to new residents. A meet and greet is scheduled for May 2022.

**19. REPORT ON THE NORTH SHORE LIBRARY**

• **June Library Report**

• **Discussion regarding status of NS Library**

Glaisner reported that there is the possibility of a new library to be constructed in Bayside.

**20. Discussion and Action to Approve RESOLUTION NO. 2021-08 Approving Investment Policy**  
See #21 for motion.

**21. Discussion and Action to Approve RESOLUTION NO. 2021-09 Approving Capitalized Fixed Asset Policy**

Motion by Fritz, seconded by Glaisner to Approve Resolution No. 2021-08 Approving an Investment Policy and Resolution No. 2021-09 Approving a Capitalized Fixed Asset Policy; motion carried unanimously.

**22. Discussion and Action to Approve ORDINANCE No. 548 to Repeal and Recreate Section 2.35(4) of Chapter 2 of the General Ordinances of the Village of River Hills Relating to Private Alarm Systems**

LaBorde stated that the Board removed the requirement to deposit funds when getting a burglar alarm. The deposit is no longer required and we have to make that change to the ordinance.

Motion by Glaisner, seconded by Fritz to Approve Ordinance No. 548 to Repeal and Recreate Section 2.35(4) of Chapter 2 of the General Ordinances of the Village of River Hills Relating to Private Alarm Systems; motion carried unanimously

**23. Discussion and Action to Approve ORDINANCE No. 549 to Repeal and Recreate Chapter 6 of the General Ordinances of the Village of River Hills Relating to Storm Water Management as recommended by our Village Engineers Clark Dietz**

See #24 for motion.

**24. Discussion and Action to Approve ORDINANCE No. 550 to Repeal and Recreate Chapter 15 of the General Ordinances of the Village of River Hills Relating to Construction Site Erosion and Sediment Control as recommended by our Village Engineers Clark Dietz**

Motion by Fritz, seconded by Glaisner to Approve ORDINANCE No. 549 to Repeal and Recreate Chapter 6 of the General Ordinances of the Village of River Hills Relating to Storm Water Management and ORDINANCE No. 550 to Repeal and Recreate Chapter 15 of the General Ordinances of the Village of River Hills Relating to Construction Site Erosion and Sediment Control as recommended by our Village Engineers contingent upon final review and approval of the Village Attorney; motion carried unanimously.

**25. Discussion and Action to Approve ORDINANCE No. 551 to Create Section 2.23 of Chapter 2 of the General Ordinances of the Village of River Hills Relating to Regulation of Dumpsters and Temporary Storage Units**

LaBorde stated that there have been several issues related to dumpsters in the Village in areas where there are smaller lot sizes. Currently there is no language in the ordinances to regulate dumpsters and temporary storage units.

Motion by Glaisner, second by Russo to Approve ORDINANCE No. 551 to Create Section 2.23 of Chapter 2 of the General Ordinances of the Village of River Hills Relating to Regulation of Dumpsters and Temporary Storage Units; motion carried unanimously.

**26. CLOSED SESSION – You are hereby notified that the Village Board and staff of the Village of River Hills will convene into closed session upon motion duly made and seconded as required under §19.85(1)(a), Stats. The purpose of the closed session is for the following:**

- Pursuant to Sec. 19.85(1)(e) - **Deliberating or Negotiating the Purchasing of Public Properties, the Investing of Public Funds, or Conducting other specified public business, whenever competitive or bargaining reasons require a closed session specifically regarding Fourth Amendment to Verizon Lease Agreement.**
- Pursuant to Sec. 19.85(1)(c) – **Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility specifically regarding Village Manager Agreement.**

**You are further notified that at the conclusion of the Closed Session, the Village Board may convene into open session pursuant to 19.85(2), Stats., for possible additional discussion and action concerning any matters discussed in closed session and for adjournment**

Motion by Glaisner, second by Russo to move into closed session for the reasons stated on the agenda at 7:42 p.m; motion carried unanimously.

Motion by Fritz, second by Russo to reconvene to open session at 8:04 p.m.; motion carried unanimously.

Motion by Fritz, second by Russo to approve and authorize the Village President and Village Clerk to execute the Fourth Amendment to the Verizon Lease Agreement as presented; motion carried unanimously.



**17. ADJOURNMENT**

Motion by Fritz, second by Glaisner to adjourn at 8:07 p.m.; motion carried unanimously.

Submitted by Tammy LaBorde, Manager/Clerk/Treasurer, on July 22, 2021.