



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 **Village Hall, Tuesday, March 9, 2022 @ 5:00 pm**

**This meeting was a virtual meeting through Zoom –
Access code 873-4719-6906**

1. **ROLL CALL:** Roll call was answered at 5:00 pm by President Steve Anderson, Trustee Kurt Glaisner, Trustee Peggy Russo, Trustee Christopher Noyes, Trustee David Fritz, and Trustee Peter Kingwill. Trustee Bill Walker joined at 5:04 pm. Also present: Village Attorney Bill Dineen, Chief Mrozak, PW Superintendent Groth, Village Manager Tammy LaBorde and Deputy Clerk/Treasurer Waala.

2. **CONSENT AGENDA**

- a. **The Agenda**
- b. **Village Board Minutes – January 19, 2022 and February 15, 2022**
- c. **Building Board Minutes – December 20, 2021**
- d. **Plan Commission Minutes – July 7, 2021 and February 9, 2022**
- e. **Voucher List – January 2022 and February 2022**

Agenda items #17 and #22 will be moved until the next Board meeting. Item #31 will be moved up to after Item #8. There were no additional changes.

Motion by Glaisner, seconded by Noyes 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. 557 to Amend Sections 7.0504, 7.0905, and 7.1302 of Chapter 7, the Village of River Hills Zoning Code Related to Solar Energy Systems**

President Anderson opened the Public Hearing for anyone who wishes to speak on the matter at 5:04pm. Attorney Dineen stated that this issue came up in 2020 and concerns raised by neighbors on prior applications gave rise to this ordinance. Ordinance 557 is the result of a draft prepared by the attorney, discussion, referred to the Committee on the Environment for input. We did not receive any minutes from the COE but did receive a draft of an ordinance from John Machulak. Dineen used the draft but changed it to be a zoning ordinance and prepared a new section under accessory uses in the zoning section. It is now a permitted accessory use and added wording on landscaping by fences, brms, or natural landscape to address the negative aesthetic effects of solar arrays. This was presented to the Plan Commission. The ordinance did

not address any size of the arrays. The Plan Commission recommended adding that the size be no larger than reasonably necessary to provide the energy for the property where its located. This provides flexibility for the size of the array.

John Machulak, 1400 W. Good Hope Road, stated that he was part of the COE who reviewed the ordinance and made recommendations. The ordinance their group drafted is different than what is presented here. He does not recommend the current version. This version of the ordinance does not promote solar energy as per the State statutes. He was not able to participate at the Plan Commission meeting regarding this matter. He recommends that the Board not approve this Ordinance. Attorney Dineen stated that he did use their ordinance and that John is mistaken and this addresses the aesthetic issues related to solar energy. The COE was a stand-alone ordinance, not a zoning ordinance. The Plan Commission is recommending this ordinance and so is the Village Attorney. It doesn't do anything to prohibit solar. John and Bill could meet to review this further.

There being no other comments, the public hearing was closed at 5:16 pm.

6. Consideration of Recommendation of Plan Commission and Action to Approve ORDINANCE No. 557 to Amend Sections 7.0504, 7.0905, and 7.1302 of Chapter 7, the Village of River Hills Zoning Code Related to Solar Energy Systems

Noyes stated that he was complimenting the Plan Commission, COE and Attorney Dineen to create something that takes into consideration the neighbors. He read all of the comments of the Plan Commission and thought there was a good debate. He stated that the final version accomplishes all of the objectives and objections that we have heard. Machulak stated that the ordinance presented states that the COE supports the ordinance and it doesn't.

Motion by Walker, seconded by Fritz to approve Ordinance No. 557 to Amend Sections 7.0504, 7.0905, and 7.1302 of Chapter 7, the Village of River Hills Zoning Code Related to Solar Energy Systems; motion amended by Noyes, seconded by Glaisner to have Attorney Dineen meet with Mr. Machulak to review the document to see if there should be an amendment after the ordinance is adopted; motion carried unanimously.

7. Update from Nicolet Superintendent Dr. Kabara regarding the 2022 Referendum

Dr. Kabara stated that Nicolet completed a two-year study regarding the capital needs for the facility. Nicolet Board is proposing a referendum to the residents on April 5, 2022. Nicolet has a virtual listening session scheduled for Thursday and an in-person session for Monday with building tours. Any questions can be directed to the website or Dr. Kabara. They are addressing three needs - safety, security and accessibility. The impact is \$111 on a home valued at \$100,000 and have a tax calculator on their website. Trustee Russo asked about any funding that was raised when the two houses were purchased a few years ago – was any money raised during that time. Dr. Kabara stated that there was a land sale process east of the freeway and was used to complete Maslowski Park in Glendale. There is money left from that project but the Board has not taken any action yet. Originally there was over \$3 million available. Walker asked about the annual debt service for this. Dr. Kabara stated that they are looking at a multi-year borrowing. Trustee Walker asked about the District's healthcare costs and offered to meet with the Superintendent to discuss how to reduce those costs.

8. Discussion and Possible Action to Approve RESOLUTION NO. 2022-03 Approval of the First Phase of the USM Campus Landscaping Master Plan Improvement pursuant to the

Special Use Permit of University School of Milwaukee

Gregg Bach of USM and Daniel Granniss (SLAM collaborative) were present for this item. USM has proposed changes to their master plan related to landscaping. They removed 8,000 to 9,000 trees and still have a majority to remove on the west side of the campus. They left a buffer on the east side for the neighbors. SLAM drafted a landscaping plan for the property. They held a neighborhood charrette. They are putting together a master campus plan. They decided to start with replanting along the east side and add more to the berm along Fairy Chasm, and minor improvements on the baseball field. They are looking at the area between County Line and the head of the campus house which they plan to bring back in May. Fritz stated that they applauds what they are trying to do.

Motion by Kingwill, seconded by Fritz to approve Resolution No. 2022-03 Approval of the First Phase of the USM Campus Landscaping Master Plan Improvement pursuant to the Special Use Permit of University School of Milwaukee; motion carried unanimously.

MOVED UP AGENDA ITEM #31. Discussion and Possible Action Regarding Request of Rabbi Menachem Deren to Consider Proclamation for Education & Sharing Day.

Rabbi Deren presented a request for a proclamation. President Anderson stated his thoughts regarding not moving forward with the proclamation because it is more of a tribute to an individual.

Motion by Noyes, seconded by Kingwill to Approve the Proclamation for Education & Sharing Day; motion carried with 1-nay (Anderson).

9. Discussion and Possible Action Regarding ORDINANCE No. 556 to Repeal and Recreate Section 2.17 (1)(b) of Chapter Two of the General Ordinances of the Village of River Hills Regarding the Keeping of Chickens

Attorney Dineen summarized the draft of the Ordinance and that it had been distributed to a number of individuals interested in this subject.

Randy Knafllic, 7815 N. River Rd. - He has been able to speak to other chicken owners. The Village should consider that they moved from an ordinance that was two points to a four-page document that is very thorough. Believes that we are missing 3 points on the ordinance. Biggest issue is culling the flock - killing their chickens in 9 months, inspection of property unannounced, escalation of neighbors.

Lori Kimmel, 7805 N. River Rd. - Agrees that need to be aware of precedents that are being set. No other resident should have a chicken coop outside their bedroom/offices. This is a disrespectful placement of a coop. The chicken ordinance is important for neighbors as well. Has had chickens at large and noise issues.

Gene Braaksma, 7380 N. Skyline Lane – how much control does a neighbor have related to chickens and how much this issue has to do with nuisances.

Attorney Dineen stated that the original ordinance does not take effect until April 1, 2022. The draft before you has been slightly revised from the ordinance adopted last August. The chicken owners' comments were taken into consideration. There is only one resident who has more than 10 chickens. The memo highlights all of the points.

Glaisner stated that this appears to be a neighbor issue. It seems they should be talking to each other. We should get chicken people and non-chicken people together to work this out.

Noyes stated that he agrees that trustees shouldn't have to adjudicate between neighbors. He has been troubled by the requirement to get rid of their chickens. He is opposed to only have grandfathered for specific time – should not have to cull the flock. They should be able to keep the chickens they have. There should be no unscheduled inspections permitted.

Peter Stanford, 825 W. Dean Rd. – hasn't heard why we should change the existing ordinance.

Fritz stated that he agrees with Noyes regarding creating ordinances that would make people kill their pets as well as the inspection language is troublesome.

Attorney Dineen asked Chief Mrozak about any issues related to chickens. Chief stated that the first issue is this one and it was the noise related to the chickens.

Trustee Kingwill is also uncomfortable with destroying animals and unannounced inspections. He asked if the Board can delay the discussion until May.

Dineen stated that the chicken permit requirement becomes effective on April 1, 2022.

Motion by Walker to adopt Ordinance 556. Motion died for lack of second.

Motion by Glaisner to gather both sides together to discuss this issue. Dineen stated that the Village Board does not have the authority to make this happen.

LaBorde stated that the chicken permit is scheduled to become effective on April 1, 2022. Fritz asked if any governing body would review the permits. LaBorde stated that only the permit itself would be reviewed by the Clerk. The location of the coop is under the guise of the Building Board. Dineen stated that those who have enclosures would have been required to obtain permits for the coops.

Glaisner asked if the two parties would get together to solve the problem. Both neighbors stated that they would be willing to meet. President Anderson stated that the group should be expanded to add pro and non-chicken people to the group.

Steve Simon, 811 W. Green Tree Road – Three chicken owners did get together with Attorney Dineen and arrived at the point they have. There are three or four issues that they were hoping to revise.

William Elliott, 7777 N. Pheasant Lane – believes that its up to the Board to enforce whatever is infringing on his right to enjoy his property.

President Anderson asked Steve Simon for his opinion on the proposed Ordinance No. 556. He has an issue that an ordinance is being implemented for something that doesn't require an ordinance.

Trustee Walker asked if the current ordinance for nuisance would cover this. Chief Mrozak

stated that if they get a complaint, the officer would investigate and proceed from there. If the ordinance is not adopted, they would proceed in the same manner. Chief stated that this ordinance addresses chickens and any other fowl. The Chief stated that he can act on a noise issue without this ordinance being in effect.

Dineen stated that a motion to amend ordinance no. 556 to repeal ordinance 553 (August 2021) and 555 (December 2021). This would return to the ordinance that was in effect previously. He would have to verify that this would be the correct procedure.

Motion by Glaisner, seconded by Noyes to Approve Ordinance No. 556 to Repeal Village Ordinance 553 and 555 to Reinstate the Prior Ordinance Regarding Keeping of Chickens; motion carried unanimously. Steve Simon stated that he would assist with the review of the chicken issue.

10. Discussion and Possible Action to Award the Bid for the 2022 Street Maintenance Program – Dean Circle from Range Line Road to the west and Pheasant Lane from Fairy Chasm Road to County Line Road

Superintendent Groth presented the information for the 2022 program.

Motion by Glaisner, seconded by Russo to Award the Bid for the 2022 Street Maintenance Program for Dean Circle from Range Line Road to the west and Pheasant Lane from Fairy Chasm Road to County Line Road in the amount of \$302,426.50 to Stark Paving Corp; motion carried unanimously.

11. Discussion and Possible Action Regarding Request from Wisconsin Department of Transportation to Acquire Land and Improvements for the Reconstruction of Interstate 43

LaBorde stated that the Village received the appraisal from DOT and requested its own appraisal from McSorley & Associates. The sale is for 0.018 acres for the amount of \$900 and also granting a temporary easement for four years in the amount of 0.042 acres along I-43.

Motion by Fritz, seconded by Glaisner to approve the sale of 0.018 acres for the amount of \$900 and also grant a temporary easement for four years in the amount of \$400 for 0.042 acres along I-43 and to authorize the proper village officials to execute the Agreement for Purchase and Sale of Real Estate with the Wisconsin Department of Transportation; motion carried unanimously.

12. Discussion and Possible Action Regarding ORDINANCE No. 558 to Repeal and Recreate Section 1.07 of Chapter One (1) of the General Ordinances of the Village of River Hills Regarding Membership of the Plan Commission

Attorney Dineen noted that there is no longer a state law requirement to have an engineer on the Plan Commission. The proposal is to add a resident in the engineer's place.

Motion by Noyes, seconded by Russo to Approve ORDINANCE No. 558 to Repeal and Recreate Section 1.07 of Chapter One (1) of the General Ordinances of the Village of River Hills Regarding Membership of the Plan Commission; motion carried unanimously.

13. Accept the resignation of Village Engineer from the Plan Commission

Motion by Fritz, seconded by Glaisner to accept the resignation of the Village Engineer from the Plan Commission; motion carried unanimously.

14. Discussion and Action to Approve Nomination to the Plan Commission

President Anderson nominated Frederick Lochbihler to the Plan Commission.

Motion by Glaisner, seconded by Kingwill to approve the nomination of Frederick Lochbihler to the Plan Commission; motion carried unanimously.

15. Discussion and Possible Action to Approve Limited Term Conservation Easement for Green Infrastructure with Milwaukee Metropolitan Sewerage District for 7700 N. Pheasant Lane and 650 W. Calumet Road

LaBorde stated that the Conservation Easement is part of the MMSD Green Solutions project that was completed for the DPW yard. Attorney Dineen has reviewed the proposed easement.

Motion by Glaisner, seconded by Fritz to Approve Limited Term Conservation Easement for Green Infrastructure with Milwaukee Metropolitan Sewerage District for 7700 N. Pheasant Lane and 650 W. Calumet Road and authorize the proper village officials to execute the easement; motion carried unanimously.

16. Discussion and Possible Action Regarding ORDINANCE No. 552 to Repeal and Recreate Sections 2.09 and 2.095 of Chapter 2 of the General Ordinances of the Village of River Hills Related to Burning

Chief Whitaker was present for this item. There was old language that needed to be updated. He has gotten several requests for the natural gas fire features and fire pits. So this language was added to the proposed ordinance. Chief Mrozak suggested deletion of the last sentence in 2.095(1)(g). Attorney Dineen and Chief Whitaker agreed with the deletion of the last sentence in 2.095(1)(g).

Motion by Kingwill, seconded by Russo to Approve Ordinance No. 552 to Repeal and Recreate Sections 2.09 and 2.095 of Chapter 2 of the General Ordinances of the Village of River Hills Related to Burning as amended; motion carried unanimously.

17. Discussion and Possible Action Regarding ORDINANCE No. 559 to Repeal and Recreate Section 2.12 of Chapter 2 of the General Ordinances of the Village of River Hills Related to Fireworks

This item was postponed until the May meeting.

18. Discussion and Possible Action Regarding ORDINANCE No. 560 to Repeal and Recreate Section 2.35 of Chapter 2 of the General Ordinances of the Village of River Hills Related to Private Alarm Systems

Attorney Dineen noted that the Village was cleaning up language related to the fire department and suggested deletion of the last sentence in #7, which was a carryover from a prior ordinance regarding security deposits – begins after word nuisance.

Motion by Glaisner, seconded by Kingwill to Approve Ordinance No. 560 to Repeal and Recreate Section 2.35 of Chapter 2 of the General Ordinances of the Village of River Hills Related to Private Alarm Systems as amended; motion carried unanimously.

19. Discussion and Possible Action to Approve RESOLUTION NO. 2022-04 regarding Public Participation Procedures for Amending the Comprehensive Plan

Attorney Dineen presented information related to establishing a procedure when amending the comprehensive plan.

Motion by Kingwill, seconded by Noyes to Adopt Resolution No. 2022-04 regarding Public Participation Procedures for Amending the Comprehensive Plan; motion carried unanimously.

20. Discussion and Action to Approve the Recommendation of the Plan Commission Regarding Certified Survey Map being a re-division of Parcels 1 and 2 of Certified Survey Map No. 5755, Parcel 1 of Certified Survey Map No. 2313, and lands, being a part of the southwest ¼ and the southeast ¼ of the southeast ¼ of Section 6, Town 8 North, Range 22 East, in the Village of River Hills, Milwaukee County for the Village of River Hills on West Brown Deer Road

Attorney Dineen stated that the CSM was referred to the Plan Commission. The Plan Commission reviewed the proposed Certified Survey Map and recommended that the Village Board approve the CSM at their meeting on March 7, 2022.

Motion by Russo, seconded by Kingwill to Approve the Recommendation of the Plan Commission and Approve the Certified Survey Map being a re-division of Parcels 1 and 2 of Certified Survey Map No. 5755, Parcel 1 of Certified Survey Map No. 2313, and lands, being a part of the southwest ¼ and the southeast ¼ of the southeast ¼ of Section 6, Town 8 North, Range 22 East, in the Village of River Hills, Milwaukee County for the Village of River Hills on West Brown Deer Road; motion carried unanimously.

21. Discussion and Possible Action to Adopt the Village of River Hills Human Resources Manual

LaBorde stated that work has been taking place on the manual for the past two years. It was recommended that the manual be approved subject to review and approval of the Village Attorney.

Motion by Fritz, seconded by Kingwill to Adopt the Village of River Hills Human Resources Manual subject to review and approval by the Village Attorney; motion carried unanimously.

22. Discussion and Possible Action Regarding Referendum for Levy Increase

This item was postponed until the May meeting.

23. Discussion and Action to Approve Agreement with Clark Dietz, Inc. for Village Engineering

LaBorde stated that there was no current contract with the engineer and recommended a five-year agreement. The Village Attorney has already reviewed and approved the agreement.

Motion by Glaisner, seconded by Russo to approve the agreement with Clark Dietz, Inc. for Village Engineering; motion carried unanimously.

24. REPORT OF VILLAGE PRESIDENT

President Anderson stated that he is concerned regarding the consolidation study of the north shore police departments. Clearly River Hills residents would not get the same level of service they receive now. Glendale is paying for the study. Trustee Kingwill stated that there seems to be very little appetite for a consolidated department.

President Anderson is upset by having so many requests for information from the Clerk. She has been getting requests for interpretation and analysis of items that are not part of FOIA requests. He would appreciate if you can keep your requests to a minimum.

25. REPORT OF VILLAGE MANAGER

- a. Preliminary Financial Report for December 2021**
- b. Treasurer Report for December 31, 2021**
- c. Financial Report for January 2022**
- d. Spring Election scheduled for Tuesday, April 5, 2022**
- e. Update on Brown Deer Property**

LaBorde noted that preliminary December 2021 report shows that we have a negative balance of \$456,000 – what that means is that we are using this amount of fund balance to cover the capital costs of \$486,000 that were spent in 2021. She included a copy of the report showing the capital purchases and that there was approximately \$27,000 remaining in the budget. Steve and her are meeting with the auditors in April. The cash report for December 31, 2021 – had a balance of over \$6 million which is for taxes. The financial report for January shows we are 8% into the year. Reminder of Spring election. Absentee ballots will be available on March 15th. Update on Brown Deer Road – 1820 Brown Deer Road is being prepped for demolition. Waiting for WE to disconnect the gas and then we will move forward with demolition of house, garage, silo, removal of concrete foundation from house and barn, and cap sewer. Clark Dietz is answering questions posed by the Mequon Water Utility. They are also looking at where the water line may run. Noyes asked about Corvias. Last heard that they were moving equipment in late February. Corvias will have construction meetings once they get started. Supt. Groth stated that he just received a diggers hotline request for work to start on the property.

26. REPORT OF THE RIVER HILLS POLICE DEPARTMENT

- a. Summary report**

Chief Mrozak commented on an event in Brown Deer several weeks ago. They had a review of the event between police and fire departments. There were several areas for improvement but overall the event was very well handled. Trustee Russo thanked the Chief for posting information regarding the fake contractors. The person was actually robbed but it wasn't recognized in the email as such. Chief stated that this was a burglary and a felony crime. Trustee Walker also stated that the email was innocuous. It was more of a warning rather than what really happened. Trustee Russo noted that the police department performed extremely well on that burglary.

27. REPORT OF PUBLIC WORKS

- a. Annual Deer Report**
- b. MMSD Rain Barrel Program**

Supt. Groth stated that 36 deer were trapped. It is down from last year due to the lack of snow cover. He had estimated approximately 111 deer in the area when they started. He also stated that the rain barrel program is a non-issue.

28. REPORT OF THE NORTH SHORE FIRE DEPARTMENT

- a. Possible Borrowing for Fire Station**

Trustee Kingwill stated the NSFD had a brief meeting talking about hiring and financial performance. Chief Whitaker may want to give a brief update on borrowing for the station. The Glendale station is part of the capital projects identified in the strategic plan. Usually one municipality borrows for the rest to fund the borrowing. River Hills – most of the debt is what is being paid now with an increase of \$6,000 approximately. He stated they still need to go to bid and should know more in the future.

29. REPORT ON THE PERCEPTION OF RIVER HILLS PROJECT

Trustee Russo had no update.

30. REPORT ON NORTH SHORE LIBRARY

- a. Fundraising Efforts**
- b. Library Director position**

Trustee Glaisner stated that Cobalt and Bill Lamacchia have donated 24,000 square feet of the first floor of a multi-task building for the library. They hope to break ground in June. Hopefully by 2024 the library will be moving in. Glendale has given the capital foundation until June 30th to raise \$4 million in funds. They did not want to put any capital into the library. The capital will be funded by donations. The architect is Rinka who did the beer garden outside Fiserv forum. The Fundraising will be chaired by Bud Selig and Marianne Lubar. The library is also hiring a new director and they are currently interviewing candidates.

32. 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), 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.**
- **Pursuant to Sec. 19.85(1)(g) – Conferring with legal counsel for the Village who is rendering oral or written advice concerning strategy to be adopted by the body with respect to potential litigation in which it is or is likely to be involved.**

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 Kingwill, seconded by Noyes to move into closed session for the reasons stated on the agenda at 7:54 p.m.; motion carried unanimously.

Motion by Noyes, seconded by Kingwill to reconvene to open session at 8:18 p.m.; motion carried unanimously.

33. ADJOURNMENT

Motion by Kingwill, seconded by Noyes to adjourn at 8:20 p.m.; motion carried unanimously. Submitted by Tammy LaBorde, Clerk on March 18, 2022.