



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, Wednesday, May 18, 2022 @ 5:00 pm

**This meeting was a virtual meeting through Zoom –
Access code 833-9697-6085**

1. **ROLL CALL** Roll call was answered at 5:04 pm by President Steve Anderson, Trustee David Fritz, Trustee Chris Noyes, Trustee Peggy Russo, Trustee Kurt Glaisner, and Trustee Bill Walker. Also present: Village Attorney Bill Dineen, Police Chief Mrozak, Public Works Director Groth and Village Manager Tammy LaBorde.
2. **CONSENT AGENDA**
 - a. **The Agenda**
 - b. **Village Board Minutes – March 9, 2022 and March 23, 2022**
 - c. **Building Board Minutes – February 21, 2022, March 21, 2022, April 18, 2022**
 - d. **Plan Commission Minutes – March 7, 2022 Draft**
 - e. **2021 Annual Report for Municipal Separate Storm Sewer Systems (MS4)**
 - f. **Approve RESOLUTION 2022-05 2021 Compliance Maintenance Annual Report**
 - g. **Voucher List – March 2022 and April 2022**

Agenda items #14 and #19 will be moved up following Item #5. There were no additional changes.

Motion by Fritz, seconded by Russo to approve the consent agenda; motion carried unanimously.

3. **PUBLIC COMMENTS ON NON-AGENDA MATTERS**

None

4. **FUTURE AGENDA ITEMS**

None

5. **Consider/Approve 2021 Financial Statements as presented by Wendi Unger of Baker Tilly**
Wendi Unger and Matthew Drzewiecki of Baker Tilly were present for this item. Wendi Unger is the partner responsible for the Village. She presented the financial statements for 2021 and reviewed the reporting and insights from the auditors. The Village received a clean, unmodified opinion. There were no new GASB requirements for 2021. For 2022, GASB 87 will be applicable to the Village and addresses accounting for leases.

Motion by Walker, seconded by Noyes to accept the 2021 Financial Statements as presented; motion carried unanimously.

MOVED UP AGENDA ITEM #14. Discussion and Possible Action to Approve RESOLUTION NO. 2022-07 Approval of the USM Campus Landscaping Master Plan Improvement pursuant to the Special Use Permit of University School of Milwaukee

Gregg Bach of USM along with Dan Granniss of SLAM were present for this item. As mentioned in March, USM mentioned that they would be coming forward with the second phase of the landscape plan. This area is on the north side of campus between County Line Road and the Head of Campus home. This is just purely landscaping, there are no structures.

Motion by Fritz, seconded by Glaisner to approve Resolution No. 2022-07 regarding the USM Campus Landscaping Master Plan Improvement Phase II pursuant to the Special Use Permit of University School of Milwaukee including the documents Appendix A regarding copy of USM letter and Appendix B regarding a map of the plantings; motion carried unanimously.

MOVED UP AGENDA ITEM #19. Report of the Police Department.

Chief Mrozak was present for this item. He stated that in the summary report he described the current issue with Range Line Road. The department is looking at the traffic pattern changes along Green Bay Road and Brown Deer Road which have now increased traffic volume on Range Line Road. The department has increased its traffic enforcement on Range Line Rd.

Peter Kies – 8245 N. Range Line Road. He wanted to thank the Chief for addressing. Car traffic and commercial traffic is elevated. No shoulders on the street make it dangerous to walk, cycle or get your mail. He has seen vehicles go into the ditch as well as reckless driving. He would like to know what can be done to address this issue.

Patti McKeithan – 7975 N. Range Line Road. She wanted to note the increased truck traffic is also occurring on Bradley Road between Green Bay Road and Range Line Road. There are traffic jams at certain times of the day.

The Department will analyze the data related to the volume of traffic and speed of traffic and will distribute that information once it is available. If the residents have any ideas on how to address traffic on Range Line Road, they should forward that information to the Police Chief.

6. Discussion and Action to Approve Class B Beer and Class B Liquor Licenses for the Milwaukee Country Club and Lynden Sculpture Garden

Motion by Glaisner, seconded by Russo to approve the Class B Beer and Class B Liquor Licenses for the Milwaukee Country Club and Lynden Sculpture Garden; motion carried (6-aye) for Lynden Sculpture Garden and (5-aye and 1-abstain (Fritz)) for Milwaukee Country Club.

7. Discussion and Action to Approve Nominations to the various Boards, Commissions and Committees

President Anderson presented his list of nominations for the 2022 Boards, Commissions and Committees. Motion by Noyes, seconded by Russo to approve the nominations; motion carried unanimously.

8. Resignation of Trustee Peter Kingwill and Schedule for Filling Vacancy

The Board accepted the resignation of Trustee Kingwill. To fill the vacancy, residents who are interested should submit a cover letter and resume to the Village Clerk prior to 5:00 pm Tuesday, June 14th. The Board will hold interviews on Monday, June 20th. Attorney Dineen pointed out that the Charter Ordinance of the Village requires that a trustee vacancy be filled by appointment by the Village Board. The Village Clerk will post a notice related to the vacancy.

9. Update from Staff and the Village Engineer on the Brown Deer Road Development

Village Engineer Mustafa Emir and Attorney Alan Marcuvitz were present for this item. Mr. Emir provided an update on the most recent work related to water service to the development on Brown Deer Road. He stated that the Village will be submitting information to the City of Mequon regarding the Village's interest in water for the site. The proposed water source is at Port Washington Road & Fairy Chasm Road in Bayside. The proposed layout will have adequate water for the proposed development and USM should they choose service. The deadline for submission is May 27th for their Utility Board meeting in June. The Village will look to canvas residents to determine if there is any interest in connecting to Mequon water in order to determine the connections needed. Application will be made to the WI Department of Transportation (DOT) for the proposed entrance to the site off Brown Deer Road. Thanks to Senator Darling for assisting with the DOT and the location of the entrance.

10. 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

Attorney Dineen presented a draft of the proposed ordinance to make changes to the existing ordinance. He worked with Chief Whitaker and Chief Mrozak regarding the ordinance language. The ordinance has more specific site plan requirements, references the state fire code which includes distance tables, requires a certificate of insurance, and is updated per the State statutes regarding fireworks. The Village has included some of the items that were requested by Mr. Vogel, Mr. Willms, and their attorney but not all of them. He stated that the proposed ordinance is a reasonable and balanced approach to regulate fireworks.

Frederick Vogel – 1805 W. Bradley Rd – Mr. Vogel read his request into the record of the meeting. He will provide a copy of his points to the Village Clerk for the record. He suggests this be carried over until the July meeting.

Ann Luck on behalf of the Milwaukee Country Club – 8000 N. Range Line Rd – provided statement in advance of the meeting for the Board with two suggested changes to the language. A copy of the statement is attached.

Peter Willms - 1890 W. Bradley Rd – Requests that the Board reconsider moving forward with the Ordinance.

Motion by Noyes, seconded by Glaisner to approve 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; on roll call motion passed (4-aye Anderson, Noyes, Russo and Glaisner) and (2-nay Walker and Fritz)

11. Discussion and Action Regarding RESOLUTION 2022-06 to Combine All Wards for the August 9, 2022 Partisan Primary Election and November 8, 2022 General Election

LaBorde presented this item to combine the wards for the upcoming elections.

Motion by Glaisner, seconded by Russo to approve Resolution 2022-06 to Combine All Wards for the August 9, 2022 Partisan Primary Election and November 8, 2022 General Election; motion carried unanimously.

12. Discussion and Possible Action Regarding Referendum for 2023 Levy Increase

LaBorde stated that the Village was \$200,000 over budget last year but was able to shift some of those items to the TID but we ended up \$121,000 short. Factors that we are reviewing - an increase in cost of materials, inflation was around 7%, interest rates starting to go up, state aid continues to decline, possible loss of cell tower revenue and competing with surrounding communities for employees. She did a forecast going out approximately ten years to identify the shortfall in the levy. She also attached several examples of other communities who have gone to referendum to increase their levy. The deadline for the Board to submit a question for November 8th is August 30th. President Anderson suggested that the Board create a sub-committee to review this matter in detail prior to the next Board meeting in July. Interested Board members are to contact the Village President or Village Clerk.

13. Discussion and Possible Action Regarding Annual Event at Lynden Sculpture Garden

- a. **2022 World Migratory Bird Day Proclamation**
- b. **2022 Arbor Day Proclamation**
- c. **2022 Monarch Butterfly Day Proclamation**

President Anderson stated that he would hold comments on this later in the meeting.

(Noyes left the meeting at 7:11p.m.)

15. Discussion and Possible Action Regarding ORDINANCE NO. 561 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 presented a redlined draft of the revised ordinance based on comments received at the last meeting. This version allows for grandfathering of chickens. The Village is to provide notice to the property owner in advance of any inspection. He believes that this is a reasonable balance and believes that the Board should adopt the ordinance.

Steve Simon – 811 W. Green Tree Rd. He had two issues – is the inspection an annual, regular inspection or based on nuisance call. Attorney Dineen stated that the ordinance does not require

annual inspections. He also asked about existing coops, will they be considered non-compliant if they weren't issued a permit. Attorney Dineen stated that the ordinances have always required a permit for accessory structures. Perhaps an exception or variance can be granted.

Randy Knafllic – 7815 N. River Rd. Attorney Dineen did a good job including everything. He wonders if this language is needed when we have something in place.

Trustee Fritz asked if he know how many chicken coops there are that do not have a permit. Attorney Dineen stated that the Village does not know. Trustee Glaisner took the tape that was received from Mrs. Kimmel regarding the chicken noise to the Audubon to find out what was going on. He stated that the Audubon stated that the chickens were stressed for some reason and possibly there was a predator in the area.

Lori Kimmel – 7805 N. River Rd. She stated that the level of the noise on the tape has been repeatedly occurring. The noise is their number one issue. Trustee Walker asked if the ordinance was adopted how would that affect her. She stated that it doesn't help their situation.

Motion by Glaisner, seconded by Russo to approve Ordinance No. 561 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. Motion failed (1-aye (Glaisner), 4-nay); there was no further action.

16. Discussion and Possible Action Regarding ORDINANCE NO. 562 to Create Section 2.55 of Chapter Two of the General Ordinances of the Village of River Hills Relating to Loud and Unnecessary Noise

Attorney Dineen stated that he has not completed a draft ordinance and the Board could have a discussion on the concept of such an ordinance or lay the matter over.

Motion by Russo, seconded by Glaisner to layover this item; motion carried unanimously.

17. REPORT OF VILLAGE PRESIDENT – (President Anderson)

a. Recount of Spring Election

b. Annual Event for Tree City, Bird City & Monarch Butterfly – COE has declined to host the event

President Anderson thanked the Committee on the Environment for their work over the past years for the annual event that took place at the Lynden Sculpture Gardens. He stated that the Village will look to continue the event as a village event. Trustee Russo stated that she is working with the Schlitz Audubon to hold an event at the Cleaver property. She is hoping to hold a meet & greet at the Audubon in September on a Thursday rather than on a Saturday. She will know more in July.

President Anderson wanted to thank everyone involved with the Spring election and the Recount. Motion by Fritz, seconded by Glaisner to thank everyone involved with Spring Election and the Recount to make it a well-run election; motion carried unanimously.

President Anderson noted that he is concerned with the national phenomenon related to home investors who purchase a property and then turn it into a rental. Often they can turn into a situation where the owner doesn't take care of the property.

18. REPORT OF VILLAGE MANAGER – (LaBorde)

- a. Treasurer Report for March 31, 2022**
- b. Financial Report for February 2022 and March 2022**
- c. Fireworks Permits issued for:**
 - i. Milwaukee Country Club for July 4, 2022**
- d. Grant Funds for Police Departments**
- e. Update on 8728 N. Spruce Road**

LaBorde presented the Treasurer report and Financial reports to the Board. She noted that a fireworks permit was issued to the Milwaukee Country Club for the 4th of July. The Village has received news that the police department will be eligible for a grant of \$7,000 related to federal ARPA funds. She also noted that the Village is looking at the property located at 8728 N. Spruce Road and what alternatives are available to address the blighted property. The Village is not due any funds at this time as the County makes the Village whole with property tax payments every August. The Village Attorney will be researching this matter and will report back.

20. REPORT OF PUBLIC WORKS – (Supt. Groth)

- a. Green Solutions Project – Village Hall biofiltration swale**

Supt. Groth stated that all of the water from the sumps and the parking lot go down the drive and then north along the ditch area. Our engineers identified Green Solutions funding for such a project. The project is estimated at \$114,000 and an agreement for Clark Dietz is included in that total.

Paving projects for 2022 should be done next week. The department is also looking to grind the stumps along Range Line Road. On Friday, WE Energies will be disconnecting gas service at the Brown Deer property.

Motion by Glaisner, seconded by Russo to approve the MMSD and Clark Dietz agreements related to the Village Hall biofiltration swale project as part of the MMSD Green Solutions Projects; motion carried unanimously.

21. REPORT OF THE NORTH SHORE FIRE DEPARTMENT – (President Anderson)

- a. Update on North Shore Fire**

President Anderson stated that he attended the NSFD Board meeting and was impressed at the way the meeting is run. He stated they are looking at hiring firefighters – approximately 16 – and the expansion of the Glendale Fire building. The department will be going out to bid this summer and should have more information in August. Chief Whitaker added that their audit was presented at their last meeting.

22. REPORT ON THE PERCEPTION OF RIVER HILLS PROJECT - (Trustee Russo)

See comments under “Village President”.

23. REPORT ON NORTH SHORE LIBRARY – (Trustee Glaisner)

- a. Update on new Library Director**

b. Update on fundraising for new library

Trustee Glaisner stated that the new Library Director is Rhonda Gould. Fundraising continues for the new library and he will distribute the information as soon as it is available. The proposed library space will be 24,000 square feet and the current location is 16,000 square feet.

24. 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)(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 litigation in which it is or is likely to be involved.
- 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 Deputy Clerk/Treasurer position.

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 Fritz, seconded by Russo to move into closed session for the reasons stated on the agenda at 7:52 p.m.; motion carried unanimously.

Motion by Glaisner, seconded by Fritz to reconvene to open session at 8:05 p.m.; motion carried unanimously.

Motion by Glaisner, seconded by Russo to appoint Stacie R. Nelson as the Deputy Clerk/Treasurer with an annual salary of \$57,000; motion carried unanimously.

25. ADJOURNMENT

Motion by Fritz, seconded by Walker to adjourn at 8:06 p.m.; motion carried unanimously.

Submitted by Tammy LaBorde, Clerk on June 2, 2022.

Statement from Frederick Vogel

*On the night of July 4th, 2021, the Willms and the Vogel homes and property on Bradley Rd. were smothered under debris from the MCC fireworks including a lot of white hot phosphorus. That debris was also falling into the River and was scattered all the way to Indian Creek. The 600' "firing zone" specified in the Vendor's Permit was exceeded again and again by at least 1,000 ft. and no action was ever taken to stop the event. A spotter was not present as required by the Permit. In fact, I have never seen a spotter on duty. If there was a spotter on duty, why was the event not stopped? Furthermore, we don't really know what the spotter is supposed to do or what authority he has.

*On July 5th, I filed a written Complaint with the Village including a copy for the RHPD. That same morning, an officer from the Police Dept. came to our homes to make an inspection and to file his report on conditions as he found them.

*Here we are now some 10 months later and we still have not seen, much less reviewed, a final draft of a proposed new Fireworks Ordinance or Permit that we can accept. And, there aren't any matters requiring more time to negotiate.

You also need to know that at the end of last year, Steve Anderson explained that the Village was exceptionally busy and asked if our Counsel could give Bill Dineen some help with drafting a new, comprehensive Ordinance and Permit? I agreed to help on behalf of both the Willms and the Vogel families. However, given our recent experience, that is something we will never do again.

Because we have never been able meet with Bill Dineen, I hope you will read

Statement from Frederick Vogel

Tammy La Borde's email of April 21st. Tammy can provide a copy for you. In that email, Tammy summarily informed us that there would be no more discussion on the subject of Fireworks. Bear in mind that there has never been any discussion with me or with Peter Willms. Despite the costly efforts made by our Attorney, there has been nothing accomplished that we can accept. I think you need to ask Bill Dineen just why that is. You also need to read our counsel's email to Bill Dineen and his inexplicable reply of May 15th. Perhaps then you will come to know how difficult it has been for us to have our Village Hall work to protect our homes and property from a repetition of events from last year's fireworks at the MCC.

*Given the very serious and dangerous conditions we experienced last July, we are seeking only reasonable preventative measures that must be observed by the MCC and the fireworks Vendor. They are the sole responsible parties. And, those measures need to be codified with reference to any Permit to be issued by the Village. Every resident needs the same protections. For the sake of this record, I want to read just six(6) short preventative measures that could protect us or anyone else from serious harm in the future.

1. Determine the direction and force of the prevailing wind. Advise the VRHPD and nearby residents 2 hours before the start of the event. Winds aloft may be very different from the wind at ground level, especially on the 11th fairway.
2. Determine if hazardous drought conditions exist in neighboring areas.
3. Name & location of spotters on duty during the event with cel phone #s,
4. Emergency contact at the MCC with name and cel phone #.
5. Contact phone # for the VRHPD.
6. Provide a copy of the MCC insurance policy with Willms and Vogel named as insureds under that policy

Given the fact that the MCC/Vendor Permit was issued on April 5th 2022, I suggest that you again carry over any decision on a new Permit to your July meeting. This will provide time to include items #1 - #5 above. #6 does not need to be part of the Permit but the policy copy does need to be held by the Willms/Vogel counsel.

Statement by Ann Luck on behalf of Milwaukee Country Club at Village Trustee Meeting May 18, 2022

Good evening. My name is Ann Luck. I am the General Manager of Milwaukee Country Club. Thank you for giving me an opportunity to speak regarding the proposed fireworks ordinance.

Allow me to give you some history of fireworks at the Club. For as long as anyone can remember, probably for at least 40 years, the Club has had a fireworks display on the 4th of July. The Club communicates in advance with the Village and North Shore Fire Department regarding our plans. These fireworks are under the control of licensed fireworks vendors who purchase, operate and maintain a safe area. They have the right and obligation to cancel or delay the fireworks if conditions warrant.

To my knowledge, we have never had any dangerous or unsafe conditions, certainly no fires as a result of the fireworks. The NSFD has to my knowledge never been called to our or anyone's property as a result of the fireworks.

One time about a year ago, the winds from west were stronger than anticipated, resulting with some debris, mainly cardboard casing, falling on the properties across the Milwaukee River. Because of the altitude of the fireworks, there was no threat of fire. The Club promptly offered to come onto those properties and clean up any debris, but the homeowners did not accept our offer.

To protect the Club and our neighbors, the Club maintains insurance with \$1 million per occurrence. Additionally, we have arranged for the fireworks display company to name the Club as an insured, as well as the City of Milwaukee, the Village of River Hills and landowners. Finally, two adjacent landowners to the east (downwind from the prevailing winds) are specifically identified and named as insured. See attached.

Occasionally during the year, wedding couples request fireworks display, which are much smaller. We follow similar procedures.

In light of the foregoing, the Club does not believe that revising the current ordinance is necessary. Things are working well. The Club is already doing all it can to make fireworks displays safe and enjoyable.

If, however, the Village decides to revise the current ordinance, the Club respectfully requests that the draft ordinance be changed in two ways.

First, the latest version of the draft I reviewed only allows permits to be issued to a public authority, a civic organization or a group of resident or non-resident adult individuals. The Club, of course, is none of these. This is the same language in the current ordinance. If the Village Board is going to go to the trouble of revising the ordinance, it should add "any Village property owner" as allowable permit holders.

Statement by Ann Luck

Second, Section 6 of the current draft states that "In the event that the use of fireworks results in a fire requiring the Police Department or North Shore Fire Department to respond, the permit holder shall be required to pay all costs incurred in extinguishing or attempting to extinguish such fire." This is a new provision.

This entire sentence should be deleted, mainly because, if permit holders know that they may have to pay for the cost of the police or fire department, they may be reluctant to call and may try to deal with the situation themselves. This, of course, is exactly what we do not want to happen. We want them to call the NSFD immediately.

Thank you for your time.

Ann Luck, General Manager, Milwaukee Country Club

