



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, July 19, 2023 @ 5:00 pm
This meeting was a virtual meeting through Zoom –
Access code 819-2098-0357

1. **ROLL CALL** Roll call was answered at 5:01 pm by President Chris Noyes, Trustee Bill Walker, Trustee David Fritz, Trustee Jamie Evans (at 5:06pm), and Trustee Peggy Russo. Trustee Kurt Glaisner and Trustee Ike Isaacson were absent and excused. Also present: Village Attorney Bill Dineen, Village Engineer Brandon Flunker, Village Manager Tammy LaBorde, Lt. Michael Gaynor, and Deputy Clerk Stacie Nelson.
2. **CONSENT AGENDA**
 - a. **The Agenda**
 - b. **Village Board Minutes – May 17, 2023**
 - c. **Building Board Minutes – May 15, 2023; and June 19, 2023**
 - d. **Voucher List – May 2023 and June 2023**Motion by Russo, seconded by Fritz to approve the Consent Agenda; motion carried unanimously.
3. **PUBLIC COMMENTS ON NON-AGENDA MATTERS**

None.
4. **FUTURE AGENDA ITEMS**

Trustee Russo asked about signage in the Village and if there is an ordinance.
5. **Discussion Regarding ORDINANCE NO. 573 TO Create Subsections 7.0504.H and 7.0504.I Regarding Accessory Buildings**

President Noyes stated that the proposed ordinance related to structures of less than 200 square feet, which would not require Building Board approval. On the recommendation of the Village Attorney, the matter was laid over to the next Board meeting.
6. **Cornerstone Development – The Grove**
 - a. **Discussion and Action to approve Amended Development Agreement with Cornerstone Development to update dates, etc.**

Attorney Alan Marcuvitz and Alan Peters were present for these items relating to The Grove. Attorney Marcuvitz stated that the PSC has granted its approval on the final plans for the water from Mequon. Due to the delays in 2022 and 2023 in obtaining the approvals related to providing water, the Development Agreement was amended to provide for new dates based on the one-year delay. There are no other substantive changes. The Memorandum of Agreement will be recorded. Trustee Fritz asked if values aren't met what is our recourse. Atty. Marcuvitz stated that there is a differential payment that is built into the agreement. If in any year the value is not achieved, the Village would issue a supplemental bill for the difference in the value that was billed and the guaranteed value. This Agreement runs with the land.

Motion by Fritz, seconded by Russo to Approve the Amended Development Agreement with Cornerstone Development and to Authorize the Village President and Village Clerk to execute the Agreement; motion carried unanimously.

b. Discussion and Action to Approve an Assignment of Rights to Approve Assignment of Cornerstone’s Rights under the Development Agreement to The Grove in River Hills, LLC with Cornerstone Continuing to be a Responsible Party

President Noyes stated that Cornerstone is entering into an agreement with Veridian Homes out of Madison. Attorney Dineen stated that the assignment is to a new entity formed by Cornerstone, “The Grove in River Hills, LLC”. Veridian will be a part of the development team. Atty. Marcuvitz stated that in effect there are three parties that are responsible to deliver all of the elements under the Development Agreement.

Motion by Fritz, seconded by Walker to Approve the Assignment of Cornerstone’s Rights under the Development Agreement to The Grove in River Hills, LLC with Cornerstone Continuing to be a Responsible Party and to Authorize the Village President and Village Clerk to execute the Assignment document; motion carried unanimously.

c. Discussion and Action to Approve and Authorize the Execution of a Declaration of Conservation Covenants and Restrictions on Lot 2 of Certified Survey Map No. 9483

President Noyes stated that this is the lot on which the Village has granted a conservation agreement to MMSD so that it is protected from development. Atty. Dineen stated that this outlines the history of the lot and that the Village can enter into an agreement with another party to maintain the property once it is required to do so. The Declaration states that the property will be maintained as it is at this time. Atty. Marcuvitz stated that Cornerstone has the right to propose improvements to the property and if approved by the Village, those improvements would need to be installed by Cornerstone at their expense.

Motion by Russo, seconded by Evans to Approve and Authorize the Execution of a Declaration of Conservation Covenants and Restrictions on Lot 2 of Certified Survey Map No. 9483 and to Authorize the Village President and Village Clerk to execute the Declaration; motion carried unanimously.

d. Discussion and Action to Approve RESOLUTION NO. 2023-12 to Terminate Ancient Easements that showed in Title Report for the Property (old easements that were granted to the United States when it owned the property in the 1950’s)

President Noyes stated that there were old easements on the property and they needed to be cleared up in order to clear title.

Motion by Fritz, seconded by Russo to Approve RESOLUTION NO. 2023-12 to Terminate Ancient Easements that showed in Title Report for the Property; motion carried unanimously.

e. Discussion and Possible Action Regarding Request of Cornerstone to set construction hours from 7am to 6pm Monday thru Saturday with no Sunday or Holiday hours

President Noyes stated that Cornerstone has asked to extend construction hours for The Grove and LaBorde noted that while the conservancy was being constructed, the Board agreed to

extended construction hours. Atty. Dineen stated that the Village Engineer has made a recommendation to extend the time and based upon the location of the property it is reasonable for the Board to find that compliance with the hours of operation is not necessary for the public health, safety and welfare. Atty. Marcuvitz stated that the only party who the Board may hear from is the Synagogue because they hold Saturday morning services.

Motion by Russo, seconded by Fritz to Approve Cornerstone Construction hours from 7am to 6pm Monday thru Saturday with no Sunday or Holiday hours as compliance with the hours of operation are not necessary for the public health, safety & welfare; motion carried unanimously.

f. Discussion and Action to Approve RESOLUTION NO. 2023-13 Approving the Sale of Lot 1 of CSM No. 9483 to Cornerstone or its Assignee The Grove and Authorizing the Village President, Village Clerk and Village Attorney to execute any necessary documents to close on the sale of the Property

President Noyes stated that this resolution relates to the 25 acres being sold to The Grove in River Hills, LLC.

Motion by Fritz, seconded by Walker to Approve RESOLUTION NO. 2023-13 to Approve the Sale of Lot 1 of CSM No. 9483 to Cornerstone or its Assignee The Grove and to Authorize the Village President and Village Clerk to execute the Resolution; motion carried unanimously.

7. Discussion and Action Regarding RESOLUTION NO. 2023-10 to Approve North Shore Library Agreement

Attorney Dineen stated he had made changes to the earlier version of the Agreement that the Board considered at its May 17th meeting to provide for each of the member communities to enter into the same agreement and adopt the Resolution required in the proposed agreement. The agreement has been sent to the other communities so each can adopt a Resolution to authorize signing the agreement.

Motion by Russo, seconded by Walker to Approve RESOLUTION NO. 2023-10 to Approve North Shore Library Agreement and authorize the Village President and Village Clerk to execute the Agreement; motion carried unanimously.

8. Discussion and Action Regarding RESOLUTION NO. 2023-11 to Express Support for Wisconsin Act 12

President Noyes stated that this was something that the League of Wisconsin Municipalities recommended to recognize support of the Act and to recognize our State Senator and State Representative.

Motion by Fritz, seconded by Walker to Approve RESOLUTION NO. 2023-11 to Express Support for Wisconsin Act 12; motion carried unanimously.

9. Update Regarding Proposed Village website (Trustee Evans/Deputy Nelson)

The website is currently 80% complete. When it is complete, they will be providing a link that will be sent to everyone so that they can review. This should be completed in mid-August.

10. Discussion and Possible Action to Approve or Deny Request for Operator's License from Charlie H. Luko

The operator license application was withdrawn so no action was taken.

11. REPORT OF VILLAGE PRESIDENT – (President Noyes)

- a. Cornerstone Closing**
- b. Tour of the River Hills Conservancy**
- c. Parking/access**
- d. Shared Revenue**
- e. Village-wide reassessment**

President Noyes stated that the closing on the Cornerstone property is scheduled for Monday, July 24th at 4:00pm at Village Hall. President Noyes wanted to thank Attorney Marcuvitz for his help in getting the application through the PSC. Bill, Peggy, Ike and President Noyes attended a tour of the conservancy. Bre Plier from MMSD, the project manager, is very excited about the project. The Village had the highest shared revenue percentage increase in the County with a little more than \$50,000 in additional revenue. A memo from Marty Kuehn was included in the packet regarding the reassessment. The Board of Review will meet on Aug. 17th.

12. REPORT OF VILLAGE MANAGER – (LaBorde)

- a. Financial statements for May 2023**
- b. Financial statements for June 2023**
- c. Treasurer Report for June 30, 2023**
- d. Use of Interest Income to offset Deficit in Capital Equipment Fund**
- e. NSHD May & June Monthly Report**

LaBorde stated that a copy of the May and June statements was provided. As of June, there were two areas that exceed budget which are being looked into. The Treasurer report for June 30, 2023 shows a balance of \$8.7 million. The borrowed funds were received in May and deposited in the LGIP fund. There will be a reduction in the LGIP in the near future as the Village is receiving invoices for capital projects and purchases. LaBorde noted that the capital borrowing was deposited in the LGIP fund and has generated \$17,000 in interest income over the last two months. The interest income is being applied to the deficit fund balance of \$90,000 that was identified in the audit for Fund 401. She will continue to apply the interest income until the deficit balance has been resolved. LaBorde attached a copy of the NSHD May & June Monthly Report for everyone's information.

13. REPORT OF THE RIVER HILLS POLICE DEPARTMENT (Chief Mrozak)

- a. Summary Report**
- b. Letter of Recognition**

Lt. Gaynor stated that there were three overdoses where two resulted in death and one they were able to bring back. The park and ride lot was utilized by Summerfest and that was an issue due to all of the construction equipment that was in the lot. The Police Department continues to have OWI stops and also had an individual who violated a restraining order that led to Officer Keto having to get the individual out of the Milwaukee River. Trustee Russo stated that the department should be commended for their actions beyond the normal scope of service. There was also an incident in Glendale that commendations will be given for. There was a discussion regarding the "No Left Turn" signage on Brown Deer Road and Spruce Road.

14. REPORT OF PUBLIC WORKS (Supt. Schroeder)

- a. Request to Approve expenditure for 2024 Culvert Project for 1625 Bradley Road in the amount of \$8,989.65 in 2023**

LaBorde noted that this request had been raised in May. DPW plans to start this project in 2023 rather than wait until 2024.

Motion by Walker, seconded by Fritz to Approve the 2024 Culvert Project expenditure for \$8,989.65 in 2023; motion carried unanimously.

15. REPORT OF THE NORTH SHORE FIRE DEPARTMENT (Trustee Fritz)

a. Update

Trustee Fritz stated that the Finance Committee is currently reviewing capital expenditures for the department. Currently costs for equipment are much higher than originally anticipated and they are looking at the capital expense funding formula. More information will be provided in the future.

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

Trustee Russo stated that the date for the Village gathering is September 14th at the Schlitz Audubon from 5:30pm to 7:30pm. She will start promoting the event this next week, which will be similar to last year. There is funding from the River Hills Foundation and a River Hills family.

17. REPORT ON NORTH SHORE LIBRARY

a. Update

LaBorde stated that a copy of the Executive Directors report and the statistics report was distributed in the packet.

18. ADJOURNMENT

Motion by Russo, seconded by Walker to adjourn at 6:00 p.m.; motion carried unanimously.

Submitted by Tammy LaBorde, Clerk on July 24, 2023