

The meeting was called to order at 6:30 p.m. by Chair D. Besson.

**1.0 Roll Call** – Present: Commissioners: N. Brody, S. Bigler, T. Brinkmeier, A. Fritz, C. Stipe, A. Dunning and Chair D. Besson. Staff: Village Administrator S. Kulik, Village Planner M. Shapiro. Audience (5).

**2.0 Minutes – July 17, 2025 - Motion** (Brinkmeier, Fritz) to approve minutes as presented: motion passes 7-0-0.

**Site Plan Review** –9400 Boerner Drive, Boerner Botanical Gardens- Milwaukee County Parks – Andrea Wallace and Mike Marlin, 9480 Watertown Plank Road, Wauwatosa, WI 53224, Tim Detzer 600 N. Plankinton Avenue, Suite 600 Milwaukee, WI 53203. Planner M. Shapiro gave overview on application and relevant code. Applicants presented their site plan. D. Besson asked about the timeline and funding. Applicants stated that timeline would depend on capital funding, and that the project would be put out to bid alongside capital fundraising by Friends of Boerner Botanical Gardens. T. Brinkmeier asked if there is any consideration for total cost thus far. Applicants could not give an answer. T. Brinkmeier asked about the budgeted funding for this project. Applicants indicated that the county budgeting was for design and planning, which is ongoing. S. Bigler asked how soon the project could be bid. Applicants stated that the plans as presented are at 90% with expected completion by end of September. When asked what ongoing work remains, applicants stated that spec sheets are still ongoing. Applicant was asked about replacing the trial garden fence and responded that the fence would be replaced to match the proposed deer fencing.

A. Dunning asked if residents to the north of the park were contacted during the planning and design process. A. Wallace responded that no residents were contacted but she mentioned that she feels that there is a conflict of interest in that question coming from her as a person on the Plan Commission as she currently works for one of the neighbors and with Wimmer Communities and Wimmer is the neighbor right there. She stated that the agreement with Wimmer Communities and the County has expired and she feels that there is a conflict of interest in the Boerner Botanical Garden. S. Kulik commented that A. Dunning could be part of the discussions as she is a resident and one of a potential class of similar residential interest, but to err on the side of caution and not vote as part of any motion at this time. A. Dunning agreed to abstain.

D. Besson stated that the proposed ornamental fence is appropriate but questioned if the deer fence along the northern border of the proposed boundaries would be appropriate given proximity to residents.

D. Besson also asked if any considerations were being made for wetland along the proposed fence. Applicants stated that they understand no additional permitting to be required but would obtain one if necessary.

D. Besson asked if fencing would remain at one consistent grade. Applicant stated that fencing would stay with the existing grade of site.

D. Besson asked if the fencing was to prevent economic loss. A. Wallace stated that economic loss is one of multiple factors being considered in the implementation of a fence around Boerner Botanical Gardens, including asset protection. She commented that there is no budget currently established for the project and that the Friends group will be fundraising for the fencing and if they could raise \$10 million, then perhaps the County spends that. D. Besson asked if the Friends were paying for the entire project. A. Wallace commented that the Friends

group has committed to capital fund raising. D. Besson asked for clarification if fundraising meant the entire project or just a portion of it. A. Wallace stated they are paying for the fencing. D. Besson asked what changes to gates would be made. Applicant stated that the proposal would continue the existing locations for gates, with additional egress for circumstances such as horticulturists and large events. Applicant confirmed that the ornamental fence would match the Visitor Center and Margie's Children's Garden. D. Besson question regarding how long the gardens have operated without a fence. A. Wallace commented that the gardens have operated from 1939 until the early 2000's with no perimeter fencing. The Visitor Center now has a gate across Whitnall Drive with the intention that admission to the gardens would be through the Visitor Center. D. Besson asked to clarify that the visitor

D. Besson asked if the botanical garden was located elsewhere, if they would still ask for a fence. A. Wallace stated that they are looking for a fence because of the botanical garden and indicated that some fencing iteration has been utilized on the site over the years since inception, as the park has had to shift from a per car model to a per person model as the economic circumstances of Milwaukee County Parks has shifted over the years. A. Wallace also stated that temporary fencing would be installed during China Lights to allow for additional parking on the west side of the gardens.

D. Besson asked if 9 feet is required for the fencing, as the code only allows 8 feet, A. Wallace responded that deer have entered the 8-foot fenced area and done substantial damage.

S. Bigler asked about footing; T. Detzer stated that the proposed footing was recommended by the manufacturer.

S. Bigler questioned why deer fencing would utilize direct bury instead of concrete footings. Applicants stated that county trade staff request direct bury for maintenance and replacement. Applicants were asked if they would be willing to extend the ornamental fence along the north near the adjacent property line and reduce the height of fencing to meet municipal code. A. Wallace stated that while she does not have the unilateral authority to make that decision, she will present the plan commission's concerns to County staff.

T. Brinkmeier requests that Friends Group members be present in future meetings.

County Board Supervisor P. Logsdon addressed the Plan Commission regarding the County support for the need for the fence. Donors had been lined up but then COVID hit and funding has changed and previous donor commitments are no longer secured. She commented that funding is very important right now to Milwaukee County and that the fees collected at Whitnall Park pay for a lot of work at this park such as infrastructure repairs and other parks also.

**Motion** (Besson, Brinkmeier) to deny the proposed fencing for lack of funding, DNR confirmation on wetlands, lack of budget determination, and incomplete plan.

Motion fails 3-3-1.

Ayes: T. Brinkmeier, D. Besson, A. Fritz

Nays: N. Brody, S. Bigler, C. Stipe

Abstentions: A. Dunning

**Motion** (Stipe, Bigler) to defer the application to the December 15<sup>th</sup> Plan Commission meeting.

**Amendment** (Stipe, Brody) to request that the Applicant provide the following supporting documents at the December 15<sup>th</sup> meeting: and request the applicant to provide no later than October 31, 2025 the following items:

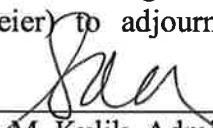
1. Written documentation from the DNR that a) a permit is or would be approved for the wetland disturbance caused by the fence or b) a waiver is granted
2. A firm budgetary estimate of project costs
  - a. A member of the Friends group shall be in attendance to affirm that the Friends know what funds they are required to raise

3. Written documentation of any trust funds held by the County that could be utilized towards the fence or documentation that prohibits the use of trust funds towards this project
4. Written support documentation that footings proposed are as recommended by the manufacturer – from a manufacturer representative
5. Written confirmation of the timeline – a construction permit to be approved within 6 months of Plan Commission approval (permit application must include detail design sheets) and confirmation that the project will be complete one year from the Plan Commission approval
6. Design changes to include ornamental fence along north side of property at 92nd Street towards the west (on submitted map marked as “1” on the far west to stone column marked as “7” (map page 13) in the residential area
7. Recommendation was to reduce height to 8 ft.

**On the amendment:** motion passes 6-0-1. A. Dunning abstained.

**On the main Motion;** motion passes 6-0-1. A. Dunning abstained.

**3.0 Adjournment – Motion** (Stipe, Brinkmeier) to adjourn at 8:20 p.m.; motion passes unanimously.

  
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Sandra M. Kulik, Administrator/Clerk