



## I. CALL TO ORDER AND ROLL CALL

President Walny called the meeting to order at 6:00 pm.

### ROLL CALL

**President:** Eido Walny  
**Trustees:** Mike Barth  
Darren Fisher-excused  
Joshua Roling  
Dan Rosenfeld  
Bob Rudman  
Margaret Zitzer

**Also Present:** Village Manager Andy Pederson  
Assistant to the Manager Leah Hofer  
Village Attorney Chris Jaekels  
Administrative Services Director Lynn Galyardt  
Police Chief Doug Larsson  
Public Works Operations Superintendent Shane Albers  
Communications Center Director Liane Scharnott  
There were twenty-six people in the audience.

## II. PUBLIC HEARING

- A. In the matter of an ordinance to amend the Official Bayside Zoning Map, to create a Planned Unit Development District Number One, and to rezone certain properties on the north side of the 400-800 blocks of W. Brown Deer Road and on the west side of the 8800-9000 blocks of N. Port Washington Road to Planned Unit Development District Number One.**

President Walny opened the public hearing at 6:02 pm.

Attorney Jaekels provided an overview of the process to amend the Official Bayside Zoning Map noting the intent was to find what would possibly be the best use of the area on the north side of the 400-800 blocks of W. Brown Deer Road and on the west side of the 8800-9000 blocks of N. Port Washington Road. There had been a Plan Commission pre-petition meeting, a second Plan Commission meeting to recommend to the Village Board to move forward with the process and now this meeting to possibly grant approval to create a Planned Unit Development District Number One. It was noted there would be no building over five stories and the possible uses were listed in the Ordinance. Any buildings and uses would still be required to go to the Board of Trustees for approval.

The following people spoke at the public hearing:

Kelly Herda, 8905 N Iroquois Rd.  
Andrew Alarupi, 9066 N Meadowlark Ln.  
Jeff Wolfahrt, 1120 E Bay Point Rd.  
Barbara J Becker, 9745 N Lake Dr.  
Don Fortney, 9074 N Tennyson Dr.

Elizabeth Levins, 825 E Donges Rd.  
Herb Zien, 825 E Donges Rd.

President Walny closed the public hearing at 6:32 pm.

### **III. CITIZENS AND DELEGATIONS**

Elizabeth Levins, 825 E Donges Rd, stated the meeting should be a Zoom meeting and encouraged the public to wear masks.

### **IV. CONSENT AGENDA**

Upon request of any Trustee, any item may be removed from the Consent Agenda for separate consideration.

#### **A. Approval of:**

- 1. Board of Trustees meeting minutes, July 15, 2021 and August 9, 2021.**
- 2. Summary of Claims for August 7, 2021 through September 24, 2021 in the amount of \$525,208.06.**
- 3. August 2021 Financial Statement.**
- 4. August 2021 Community Impact Report.**
- 5. Village Road Reconstruction Project Charge Order #1.**
- 6. Wisconsin Department of Transportation DT2245 Statement of Non-Reimbursement by the Village's Sanitary Sewer Utility for relocation and adjustment of Village of Bayside sanitary sewer facilities.**
- 7. Memorandum of Understanding with Mediation Resolutions LLC.**
- 8. Grant award from Wisconsin DATCP for Clean Sweep Program in amount of \$4,050.**
- 9. Agreement with Shoreline Services, Inc. for razing services to be performed at 8855 N. Lake Drive.**
- 10. Resolution 21- \_\_\_\_, a Resolution authorizing the partial redemption of Special Assessment B Bonds, Series 2013A dated May 16, 2013 and Special Assessment B Bonds, Series 2015A dated May 7, 2015.**
- 11. Resolution 21- \_\_\_\_, In the Matter of Authorizing an Exception to the Levy Limits for Charges for the North Shore Fire Department Pursuant to 2005 Wisconsin Act 484.**
- 12. Resolution 21- \_\_\_\_, A Resolution Approving the 2022 North Shore Fire Department Fees For Service Schedule.**

Motion by Trustee Barth, seconded by Trustee Zitzer, to approve the Board of Trustees meeting minutes, July 15, 2021 and August 9, 2021; Summary of Claims for August 7, 2021 through September 24, 2021 in the amount of \$525,208.06; August 2021 Financial Statement; August 2021 Community Impact Report; Village Road Reconstruction Project Charge Order #1; Wisconsin Department of Transportation DT2245 Statement of Non-Reimbursement by the Village's Sanitary Sewer Utility for relocation and adjustment of Village of Bayside sanitary sewer facilities; Memorandum of Understanding with Mediation Resolutions LLC; Grant award from Wisconsin DATCP for Clean Sweep Program in amount of \$4,050; Agreement with Shoreline Services, Inc. for razing services to be performed at 8855 N. Lake Drive; Resolution 21-28, a Resolution authorizing the partial redemption of Special Assessment B Bonds, Series 2013A dated May 16, 2013 and Special Assessment B Bonds, Series 2015A dated May 7, 2015; Resolution 21- 29, In the Matter of Authorizing an Exception to the Levy Limits for Charges for the North Shore Fire Department Pursuant to 2005 Wisconsin Act 484; and Resolution 21- 30, A Resolution Approving the 2022 North Shore Fire Department Fees For Service Schedule. Motion carried unanimously by roll call vote.

**V. BUSINESS AGENDA**

**A. COMMITTEE AND COMMISSION REPORTS**

**1. Public Safety Committee**

**a. Discussion/action on August 2021 Communications Center Report.**

Director Scharnott provided an overview of the August 2021 Communications Center Report noting the Text-to-911 had been rolled out to the North Shore Communities and several texts had been received at the center with police being dispatched for service.

Motion by Trustee Barth, seconded by Trustee Roling, to accept the August 2021 Communications Center Report. Motion carried unanimously.

**b. Discussion/action on August 2021 Police Department Report.**

Chief Larsson provided an overview of the August 2021 Police Department Report noting the department continues to focus on code enforcement and the myBlue Mediation Program is now available to residents who have been referred by the Police Department.

Motion by Trustee Rosenfeld, seconded by Trustee Roling, to accept the August 2021 Police Department Report. Motion carried unanimously.

**2. Finance and Administration Committee**

**a. Discussion/action on Amended and Restated Joint North Shore Library Services Agreement with the Village of Fox Point and River Hills and City of Glendale.**

Trustee Barth stated the Village of River Hills and City of Glendale were also voting on the agreement tonight. Manager Pederson noted the agreement had been a multi-year endeavor and the Village of Fox Point had already approved the agreement. The agreement has a contingency that the new library would be constructed as part of the redevelopment at Brown Deer Road and Port Washington Road. If the conditions described are not satisfied by December 31, the Village Board's approval of the agreement expires and the agreement shall not be executed.

Motion by Trustee Zitzer, seconded by Trustee Rudman, to approve the Amended and Restated Joint North Shore Library Services Agreement with the Village of Fox Point and River Hills and City of Glendale. Motion carried unanimously.

**b. Discussion/action on August 2021 Administrative Services Report.**

Director Galyardt provided an overview of the August 2021 Administrative Services Report noting the 2021 average assessed value of a home in Bayside is \$398,995, the Village had been reimbursed by the Milwaukee County Treasurer for the delinquent real estate property taxes and the free bench from Trex Company that was built from the recycled plastics program the Village participated in had arrived.

Motion by Trustee Rudman, seconded by Trustee Zitzer, to accept the August 2021 Administrative Services Report. Motion carried unanimously.

**3. Public Works Committee**

**a. Discussion/action on Engineering Agreement with Clark Dietz Engineering for North Tennyson Drive Flood Reduction Solutions.**

Manager Pederson stated the area on North Tennyson was a low point in the Village and a green infrastructure project had been completed in the area, however it had not rectified the problem of flooding in the area. This agreement would allow Clark Dietz to examine the effectiveness and impact of the previous improvements and develop long term recommendations to address the continuous flooding of the area.

Don Fortney, 9074 N Tennyson Drive, stated he wanted the water to be run to Lake Michigan and provided a sample of his water as well as pictures.

Laura Witkov, 9065 N Tennyson Drive, stated the streets flood every time it rains and noted the Village had purchased a pump specifically for her home to pump the water out of the area.

Motion by Trustee Barth, seconded by Trustee Zitzer, to approve the Engineering Agreement with Clark Dietz Engineering for North Tennyson Drive Flood Reduction Solutions. Motion carried unanimously.

**b. Discussion/action on Engineering Agreement with Clark Dietz Engineering for North Bayside Drive – East Side Sanitary Sewer Capacity Improvements.**

Manager Pederson stated the sanitary sewer infrastructure in the area is aging and this agreement would allow for the examination of the sewers in the east side of the Village as far as how they operate, examine flows, and capacity in order to more efficiently handle these large storm events and the influx of private property inflow and infiltration.

Motion by Trustee Barth, seconded by Trustee Zitzer, to approve the Engineering Agreement with Clark Dietz Engineering for North Bayside Drive – East Side Sanitary Sewer Capacity Improvements. Motion carried unanimously.

**c. Discussion/update on Milwaukee Metropolitan Sewage District Brown Deer Road Sewer Project/Terrace Area Restoration.**

Manager Pederson stated the sanitary sewer pipe on Brown Deer Road from Bayside Garden Center to Regent Road would take place in the eastbound lane of Brown Deer Road and on the sidewalk on the South side of the road. The work will remove the current terrace area, the gravel area with decorative cobblestone currently separating the sidewalk and the pathway and road. Milwaukee Metropolitan Sewage District has inquired about what the Village would like as part of restoration for the terrace area. Manager Pederson noted the Department of Public Works has explored several options and is recommending that the gravel and cobblestone area, which has deteriorated and has created numerous maintenance issues, be replaced as part of this project, with asphalt. Given the time frame of the project, the decision on whether to pave or restore to gravel would need to occur now, but the work will be completed in 2022.

Trustee Barth stated he was concerned about the asphalt plan due to safety of people walking on the pathway and drivers using it as another lane to drive on. He recommended some type of curb be constructed.

**d. Discussion/action on August 2021 Department of Public Works**

## **Report.**

Operations Superintendent Albers provided an overview of the August 2021 Department of Public Works Report noting the department had been focusing on completing the work on Fairy Chasm which consisted of replacing over 30 culverts.

Trustee Rosenfeld questioned if the ponding on the corner of Fairy Chasm and Sleepy Hollow had been alleviated. Operations Superintendent Albers stated that area was one of the culverts that had been replaced.

Motion by Trustee Barth, seconded by Trustee Rudman, to accept the August 2021 Department of Public Works Report. Motion carried unanimously.

### **e. Discussion/update on 2021 capital projects.**

Manager Pederson stated the lift stations on Bay Point Road and Hermitage Road are nearing completion, the ditching and culvert replacement has been completed, the 12" storm sewer installation took place at 845 and 847 Glenbrook Road. A 42" and 21" storm sewer outfall repair took place at 700 E Laramie Lane. The project was completed and came in around 15% under budget. The CIPP lining project lining 9,00 linear feet of sanitary mainline spot repairs is in progress.

**4. Intergovernmental Cooperation Council**-No report.

**5. Board of Zoning Appeals**

**a. Discussion/action on the request for a special exception by Mike and Stephanie Tack, for the property located at 9300 N Fairway Dr, to allow an installed tree house to remain in place, contrary to Section I 25-90(b) (5), as recommended by the Board of Zoning Appeals.**

Mike and Stephanie Tack stated they hoped the tree house could stay. Attorney Jaekels noted there was a sunset condition that in 13 years it would need to be removed.

Motion by Trustee Rosenfeld, seconded by Trustee Barth, to approve the request for a special exception by Mike and Stephanie Tack, for the property located at 9300 N Fairway Dr, to allow an installed tree house to remain in place, contrary to Section I 25-90(b) (5), as recommended by the Board of Zoning Appeals. Motion carried unanimously

**6. Architectural Review Committee**-No report.

**7. Plan Commission**

**a. Discussion/action on Ordinance 21- \_\_\_\_, An Ordinance to Amend the Official Zoning Map to create Planned Unit Development District Number One, and to Rezone certain properties on the North Side of the 400-800 blocks of W. Brown Deer Road and on the west side of N. Port Washington Road to Planned Unit Development District Number One.**

Scott Yauck, the developer of the area, stated he would like the gun shop conditional use for the area be removed, noting he had not requested it be in the development agreement. Mr Yauck stated parking is regulated by statute and stated the entity that had originally brought

the project forward had been dissolved which is why there had been brackets placed around the name for the new entities name to be inserted.

Trustee Barth stated he recommended the gun shop in the list of uses be removed as requested by resident, Kelly Herda and requested the wording be in place to have any vehicle sales use be required to have the vehicles inside at night.

Motion by Trustee Barth, seconded by Trustee Rudman to approve Ordinance 21- 726, An Ordinance to Amend the Official Zoning Map to create Planned Unit Development District Number One, and to Rezone certain properties on the North Side of the 400-800 blocks of W. Brown Deer Road and on the west side of N. Port Washington Road to Planned Unit Development District Number One with the recommendations included. Motion carried unanimously.

**8. Library Board**

**a. Discussion/action on the August 2021 Library Report.**

Trustee Zitzer stated the Library Board had met and approved the 2022 Budget.

Motion by Trustee Barth, seconded by Trustee Roling, to accept the August 2021 Library Report. Motion carried unanimously.

**9. North Shore Fire Department – No report.**

**10. Community Development Authority-No report.**

**VI. VILLAGE PRESIDENT'S REPORT**

President Walny stated the Fall Fest and 5K was incredible and commended staff.

**VII. VILLAGE MANAGER'S REPORT**

Manager Pederson stated he agreed with President Walny that the Fall Fest event was great and thanked staff. Manager Pederson noted WE Energies would have crews in the Village for the next 2 ½ months completing a massive forestation project to remove trees near the power lines in an effort to avoid power outages.

**VIII. VILLAGE ATTORNEY'S REPORT-No Report.**

**IX. MOTION TO ADJOURN TO CLOSED SESSION**

- A. Pursuant to Section 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 allow a Closed Session (Dispatch Services Agreement).**
- B. Pursuant to Section 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 (Police Department).**

There was no closed session.

**X. MOTION TO RECONVENE IN OPEN SESSION Pursuant to Section 19.85 (2)**

**A.** Action on items in closed session.

**XI. MISCELLANEOUS BUSINESS BY THE TRUSTEES AS MAY PROPERLY BE BROUGHT BEFORE THE BOARD**

**XII. ADJOURNMENT**

Motion by Trustee Roling, seconded by Trustee Barth, to adjourn the meeting at 7:25pm. Motion carried unanimously.

Respectfully submitted,

Lynn Galyardt