



Village of Bayside
9075 N Regent Road
Board of Trustees Meeting
June 23, 2022
Village Board Room, 6:00pm

BOARD OF TRUSTEES MINUTES

I. CALL TO ORDER AND ROLL CALL

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

ROLL CALL

President: Eido Walny
Trustees: Mike Barth - Excused
Darren Fisher - Excused
Elizabeth Levins
Dan Rosenfeld -
Bob Rudman
Margaret Zitzer

Also Present: Village Manager Andy Pederson
Administrative Services Director Rachel A. Safstrom
Assistant to the Village Manager Leah Hofer
Deputy Clerk/Treasurer Madeline Moltzan
Village Attorney Chris Jaekels
Operations Superintendent Shane Albers
Police Chief Doug Larsson
Police Captain Thomas Liebenthal
Communications Center Director Liane Scharnott
Communications Center Deputy Director Mandy Majors
There were twenty-two people in the audience.

II. PLEDGE OF ALLEGIANCE

III. CITIZENS AND DELEGATIONS

Open to any citizen who wishes to speak on items not on the agenda. Please note there may be limited discussion on the information received, however, no action will be taken. Please state your name and address for the record.

Mark McCormick, 809 E. Ellsworth Lane

Rita Halstead, 9727 N Lake Drive

I. CONSENT AGENDA

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

A. Approval of:

1. **Summary of Claims for April 15, 2022 through May 11, 2022 in the amount of \$391,907.39.**

2. **April 2022 Financial Statement.**
3. **May 2022 Financial Statement.**
4. **Board of Trustees meeting minutes, April 21, 2022.**
5. **Wisconsin Department of Natural Resources Recycling Grant to Responsible Units in the amount of \$25,704.27.**
6. **Wisconsin Department of Transportation Local Road Improvement Grant, State Municipal Project Agreement 17655 in the amount of \$25,990.03.**
7. **Resolution 22-10, A Resolution regarding the Wisconsin Department of Natural Resources NR 208, 2022 Compliance Maintenance Annual Report.**
8. **2022-2023 Environmental Health Fee Schedule.**
9. **Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting and Distinguished Budget Presentation Award to the Village of Bayside.**
10. **Bayside Communications Center Desk and Technology proposal from BSI and Smart Spaces Inc.**
11. **Public Right of Way Tree Removal Proposal from Wallace Tree & Landscape Inc.**
12. **Ordinance 22-731, An Ordinance to Create Section 1-25 of the Municipal Code With Regard to Publication of Village Actions and Notices.**
13. **Right-of-way License Agreement with 9525 N Regent Road.**
14. **Resolution 22-11, A Resolution to Establish the North Shore Bank Healthcare Reimbursement Plan.**
15. **Application for Class "A" Fermented Malt Beverage and "Class A" Intoxicating Liquor requests from Sendiks Bayside, LLC., 340 W Brown Deer Road and Otto's Bayside Wine and Spirits, 8850 N Port Washington Road which have been approved by the Police Department.**
16. **Application for Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor requests from Natural Events Inc., 1111 E Brown Deer Road and Ginza II Fox Point, Inc., 333 W Brown Deer Road, Suite O which have been approved by the Police Department.**

Item number 4 - Board of Trustees meeting minutes, April 21, 2022, was removed from Consent Agenda.

Motion by Trustee Rudman, seconded by Trustee Zitzer, to approve Summary of Claims for April 15, 2022 through May 11, 2022 in the amount of \$391,907.39; April 2022 Financial Statement; May 2022 Financial Statement; Wisconsin Department of Natural Resources Recycling Grant to Responsible Units in the amount of \$25,704.27; Wisconsin Department of Transportation Local Road Improvement Grant, State Municipal Project Agreement 17655 in the amount of \$25,990.03; Resolution 22-10, A Resolution regarding the Wisconsin Department of Natural Resources NR 208, 2022 Compliance Maintenance Annual Report; 2022-2023 Environmental Health Fee Schedule; Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting and Distinguished Budget Presentation Award to the Village of Bayside; Bayside Communications Center Desk and Technology proposal from BSI and Smart Spaces Inc; Public Right of Way Tree Removal Proposal from Wallace Tree & Landscape Inc; Ordinance 22-04, An Ordinance to Create Section 1-25 of the Municipal Code With Regard to Publication of Village Actions and Notices; Right-of-way License Agreement with 9525 N Regent Road; Resolution 22-11, A Resolution to Establish the North Shore Bank Healthcare Reimbursement Plan; Application for Class "A" Fermented Malt Beverage and "Class A" Intoxicating Liquor requests from Sendiks Bayside, LLC., 340 W Brown Deer Road and Otto's Bayside Wine and Spirits, 8850 N Port Washington Road which have been approved by the Police Department; Application for Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor requests from Natural Events Inc., 1111 E Brown Deer Road and Ginza II Fox Point, Inc., 333 W Brown Deer Road, Suite O which have been approved by the Police Department. Motion carried unanimously by roll call vote.

IV. BUSINESS AGENDA

A. COMMITTEE AND COMMISSION REPORTS

1. Public Safety Committee

a. Swearing In of Captain Thomas Liebenthal.

Chief Larsson introduced Captain Liebenthal. Administrative Services Director Safstrom administered the Oath of Office. The Board members welcomed Captain Liebenthal.

b. Discussion/action on April and May 2022 Communications Center Report.

Director Scharnott gave a brief overview of the Communications Center Report, highlighted the call volume, and the locker remodel.

Motion by Trustee Zitzer, second by Trustee Levins, to approve the April and Amy 2022 Communications Center Report. Motion carried unanimously.

c. Discussion/action on April and May 2022 Police Department Report.

Chief Larson gave a brief overview of the Police Department Report. Chief Larsson highlighted the review of firing training, and Captain Liebenthal's promising start.

Motion by Trustee Rudman, second by Trustee Levins, to approve the April and Amy 2022 Police Department Report. Motion carried unanimously.

2. Finance and Administration Committee

a. Swearing In of Madeline Moltzan as Deputy Clerk/Treasurer.

Administrative Services Director Safstrom introduced Deputy Cler/Treasurer Madeline Moltzan. Administrative Services Director Safstrom administered the Oath of Office. The Board members welcomed Deputy Clerk/Treasurer Madeline Moltzan.

b. Discussion/action on April and May 2022 Administrative Services Report.

Administrative Services Director Safstrom gave a brief overview of the Administrative Services Report. Director Safstrom highlighted the BS&A financial software conversion is complete, and staff has been trained.

Motion by Trustee levins, second by Trustee Zitzer, to approve the April and May 2022 Administrative Services Report. Motion carried unanimously.

c. Discussion/action on 2023 Village Budget Schedule and Guidelines.

Manager Pederson introduced the 2023 Village Budget Schedule and Guidelines. The process takes 5-6 Months. The Village Budget Public Hearing will be the week prior to Thanksgiving. The Guidelines provide staff parameters for budget development, similar to previous years.

Motion by Trustee Levins, second by Trustee Zitzer, to approve the 2023 Village Budget Schedule and Guidelines. Motion carried unanimously.

d. **Discussion/acceptance of 2021 Village Audit.**

Manager Pederson introduced the 2021 Village Audit. Financial Administration Committee met on Monday June 20 to review the document in detail. The village received the highest clean opinion in 2021. Following generally accepted accounting principles, the Village achieved strong financial results. The Financial Administration Committee recommended acceptance.

Motion by Trustee Levins, second by Trustee Zitzer, to approve the 2021 Village Audit. Motion carried unanimously.

e. **Discussion/action on Resolution 22-12, A Resolution to amend the 2022 Annual Program Budget.**

Manager Pederson gave a brief overview of Resolution 22-12, A Resolution to amend the 2022 Annual Program Budget. This includes standard housekeeping items, transferring funds for different purposes, and allowing 2021 items to be carried into 2022.

Motion by Trustee Zitzer, second by Trustee Levins, to approve Resolution 22-12. Motion approved unanimously.

f. **Discussion/update on 4th of July Parade, Fall Fest, and Community Event Sponsorship Program.**

Manager Pederson gave a brief update on 4th of July Parade, Fall Fest, and Community Event Sponsorship Program. The Village will be returning to the prior format for the 4th of July parade, starting at the flagpole at Village Hall, going east on Ellsworth Ln., south on Rexleigh Dr., West on King Rd., and ending at Ellsworth Park. There will be best dog and best decorated bike competitions.

Fall Fest is scheduled for September 24 from 2:00 – 9:00 p.m. 1840 Brewing will be there. The 5 and wine starts at 4:00 pm. Movie on the hill starts at 7:00 pm and The Great Outdoors will be the movie playing. Other entertainment and vendors are being lined up.

The Community Event Sponsorship Program meet the targeted budget amount with 10 sponsors, 2 gold, 5 silver, and 3 bronze.

3. Public Works Committee

a. **Discussion/action on April and May 2022 Department of Public Works Report.**

DPW Operations Superintendent briefed on the April and May 2022 Department of Public Works Report, including the April transition from snow to summer work. All core services were kept running during the Ellsworth Park Playground construction.

Motion by Trustee Zitzer, second by Trustee Rosenfeld, to approve the April and May Department of Public Works Report. Motion approved unanimously.

b. **Discussion/action on Amendment One to the Intergovernmental Cooperation Agreement between the Milwaukee Metropolitan Sewerage District and the Village of Bayside for Brown Deer Road Sewer Project.**

Manager Pederson briefly reviewed the Intergovernmental Cooperation Agreement between the Milwaukee Metropolitan Sewerage District and the Village of Bayside for Brown Deer Road Sewer Project. MMSD owns the sewer between N Regent Rd. There is currently not a set timeline;

however, we are hopeful the project will begin in late fall. There will be additional public information sessions.

Motion by Trustee Zitzer, second by Trustee Levins, to approve Resolution 22-12. Motion approved unanimously.

c. **Discussion/action on Milwaukee Metropolitan Sewerage District and Village of Bayside M10005BA01 for Private Property Infiltration and Inflow Reduction Agreement.**

Manager Pederson introduced the Milwaukee Metropolitan Sewerage District and Village of Bayside M10005BA01 for Private Property Infiltration and Inflow Reduction Agreement. The PPII is a grant program and will be used to rehabilitate the area around the Hermitage and Bay Pointe lift stations. MMSD is doing the engineering and project managing work. Next steps are to put out a request for proposal and work with the property owners. This work will also help the Bayside East Side Sanitary Sewer Relief as well.

Motion by Trustee Levins, second by Trustee Zitzer, to approve the Milwaukee Metropolitan Sewerage District and Village of Bayside M10005BA01 for Private Property Infiltration and Inflow Reduction Agreement. Motion approved unanimously.

d. **Discussion/action on East Side Relief Sanitary Sewer Design and Construction Services Proposal.**

Manager Pederson gave an overview of the East Side Relief Sanitary Sewer Design and Construction Services Proposal. The Public Works Committee recommended for approval extending the relief sewer the area bounded by East Bay Point Road to the north, North Bayside Drive to the east, East Hermitage Road to the south, and North Lake Drive to the west. A system that would compensate for the increasing frequency of large rainfall events. This system would then tie into the Ellsworth Lane sanitary sewer relief system.

Motion by Trustee Levins, second by Trustee Zitzer, to approve East Side Relief Sanitary Sewer Design and Construction Services Proposal. Motion approved unanimously.

e. **Discussion/action on Northwest Side Sanitary Sewer Capacity Investigation.**

Manager Pederson briefed on the Northwest Side Sanitary Sewer Capacity Investigation. The eight block area that drains to Brown Deer Rd. The plan would identify sewer capacity restrictions and develop engineering solutions. The estimated cost is \$11,000. The Public Works Committee has met and recommends approval.

Motion by Trustee Zitzer, second by Trustee Levins, to approve the Northwest Side Sanitary Sewer Capacity Investigation. Motion approved unanimously.

f. **Discussion/action on Resolution 22-13, A Resolution Authorizing Milwaukee Metropolitan Sewerage District Jurisdiction of Fish Creek.**

Manager Pederson introduced Resolution 22-13, A Resolution Authorizing Milwaukee Metropolitan Sewerage District Jurisdiction of Fish Creek. This would authorize MMSD to examine water quantity and quality. With the construction project on Interstate 43, there have been concerns about Fish Creek. In addition, studies would also look at how increasing rain events are impacting Fish Creek.

Attorney Jenkels said this type of project has been desired for over two decades, and recent

changes in state regulations now allows MMSD to do the study.

Motion by Trustee Zitzer, second by Trustee Levins, to Resolution 22-13, A Resolution Authorizing Milwaukee Metropolitan Sewerage District Jurisdiction of Fish Creek. Motion approved unanimously.

- 4. Intergovernmental Cooperation Council**
- 5. Board of Zoning Appeals**
 - a. Discussion/recommendation on the request for a special exception by Stephen and Barbara Becker, for the property located at 9370 N Lake Dr, contrary to Section 104-125(k).**

Manager Pederson gave a brief overview of the request for a special exception by Stephen and Barbara Becker, for the property located at 9370 N Lake Dr, contrary to Section 104-125(k). The Board of Zoning Appeals recommended approval. The homeowners are proposing replacing a fence, however, need an exception to have a solid fence. All the neighbors have signed a letter of support.

Motion by Trustee Zitzer, second by Trustee Rudman, to approve the request for a special exception by Stephen and Barbara Becker, for the property located at 9370 N Lake Dr, contrary to Section 104-125(k). Motion approved 4-0 (Walny-abstain)

- 6. Architectural Review Committee**
- 7. Plan Commission**
- 8. Library Board**

Trustee Zitzer gave the report on the library, including the start of the new Library Director Rhonda Gould. Trustee Levins questioned what happens with the funds raised if the project does not proceed. Attorney Jaekels indicated this discussion has not been properly noticed.

- 9. North Shore Fire Department**
- 10. Community Development Authority**

V. VILLAGE PRESIDENT'S REPORT
No Report

VI. VILLAGE MANAGER'S REPORT
No Report

VII. VILLAGE ATTORNEY'S REPORT
A. Discussion/action on Ordinance 22-05, An Ordinance to Amend Section 32-48(10) of the Municipal Code with Regard to the Unenclosed Placement of Portable Toilet Facilities.

Manager Pederson gave a brief overview on Ordinance 22-05, An Ordinance to Amend Section 32-48(10) of the Municipal Code with Regard to the Unenclosed Placement of Portable Toilet Facilities. This ordinance is to provide a mechanism for projects OSHA requires more than one Unenclosed Placement of Portable Toilet Facilities.

Motion by Trustee Zitzer, second by Trustee Rudman, to approve Ordinance 22-05, An Ordinance to Amend Section 32-48(10) of the Municipal Code with Regard to the Unenclosed Placement of Portable Toilet Facilities. Motion approved unanimously.

B. Discussion/action on Ordinance 22-06, An Ordinance to Amend Section 32-48(8) of the Municipal Code with Regard to the Unenclosed Storage of Refuse and Storage Receptacles.

Manager Pederson provided a brief explanation on Ordinance 22-06, An Ordinance to Amend Section 32-48(8) of the Municipal Code with Regard to the Unenclosed Storage of Refuse and Storage Receptacles. The problem has arisen that residents want both a dumpster and a POD at the same time during moves or major home renovations for example. The current ordinance only allows one at a time. This amendment would allow residents to have both at the same time. The time frame would remain limited.

Motion by Trustee Rudman, second by Trustee Zitzer, to approve Ordinance 22-06. Motion approved unanimously.

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

IX. ADJOURNMENT

Motion by Trustee Zitzer, seconded by Trustee Rudman, to adjourn the meeting at 6:41 p.m. Motion carried unanimously.

Respectfully submitted,

Rachel A. Safstrom
Administrative Services Director