



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

**BOARD OF TRUSTEES  
SUPPLEMENTAL AGENDA NOTES**

- I. CALL TO ORDER AND ROLL CALL
- II. PLEDGE OF ALLEGIANCE
- III. CITIZENS AND DELEGATIONS
- IV. CONSENT AGENDA

**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.**

Included in the packet is the April 2022 and May 2022 Financial Statements. Revenues and expenditures are on track year-to-date. **Approval is recommended.**

- 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.**

Recycling grant awards are made to responsible units for residential recycling and yard waste program costs that are reasonable and necessary for planning and operating an effective recycling program. The Village has received this grant for over 20 years. **Approval is recommended.**

- 6. **Wisconsin Department of Transportation Local Road Improvement Grant, State Municipal Project Agreement 17655 in the amount of \$25,990.03.**

The Local Road Improvement Grant provides support for municipal road projects. The Village will receive \$25,990.03 as part of this grant. The monies will help pay for the reconstruction of East Hermitage Road, North Pelham Parkway, and North Fielding Road in the 2023 Road Project. **Approval is recommended.**

- 7. **Resolution 22-\_\_\_, A Resolution regarding the Wisconsin Department of Natural Resources NR 208, 2022 Compliance Maintenance Annual Report.**

Under a Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued by the Wisconsin Department of Natural Resources, the Village is required to file a Compliance Maintenance Annual Report for its wastewater treatment/wastewater collection system. The Village received the highest grade of A.

As a member of MMSD, Village compliance requires an annual update to our Capacity, Management, Operation, and Maintenance (CMOM) Plan. **Approval is recommended.**

**8. 2022-2023 Environmental Health Fee Schedule.**

The North Shore Environmental Health Consortium is a program of the North Shore Health Department that conducts inspections and issues licenses for all food establishments, temporary events, farmers' markets, public pools, and hotels. The NSEHC is a fee-funded program and has not had a fee increase in three years. The NSEHC operates as an agent under contract from the Department of Agriculture, Trade and Consumer Protection (DATCP) and reimburses DATCP a percentage of the fees. Recently the North Shore Health Department has been notified that the DATCP is increasing their reimbursement fee 1% in 2023 and again in 2024 respectively. The NSEHC is recommending a 5% increase for all program fees. **Approval is recommended.**

**9. Discussion/receipt of Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting and Distinguished Budget Presentation Award to the Village of Bayside.**

This is the eleventh year that the Village has been awarded the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting.

This marks the fifteenth year the Village has been awarded the Government Finance Officers Distinguished Budget Presentation Award, and Bayside is one of 31 communities in Wisconsin to receive this award. **Acceptance is recommended.**

**10. Bayside Communications Center Desk and Monitor Array proposal from BSI and Smart Spaces Inc.**

The current Communications Center desks and monitors have reached the end of their useful life as they have been in use for 10 years. Over time, functionality has changed, and some components are not repairable and non-functioning. The proposal includes new workstations and six monitors at each of the ten workstations. The workstations include significant amounts of technology and functionality built in to operate 24x7x365. The project was bid out through government contract pricing. The project is coming in under budget by completing all work at one time. **Approval is recommended.**

**11. Public Right of Way Tree Removal Proposal from Wallace Tree & Landscape Inc.**

The agreement with Wallace Tree and Landscape, Inc. is to remove an additional 108 trees within public right-of-way. Due to short staffing in DPW and equipment availability, the Village no longer has the rented equipment to take down these trees and third-party assistance is required to complete the work. This work is expected to begin within the next few months. **Approval is recommended.**

**12. Ordinance 22-\_\_\_, An Ordinance to Create Section 1-25 of the Municipal Code With Regard to Publication of Village Actions and Notices.**

The included ordinance is a housekeeping measure aligning it with other sections of the Municipal Code and does not change the current process of the Village. **Approval is recommended.**

**13. Right-of-way License Agreement with 9525 N Regent Road.**

The tree located at 9525 N Regent Road was scheduled to be removed as part of the 2022 Tree Removal Project. The property owner has request to take full responsibility for the tree even though it is in the Village right-of-way. The Right-of-way License Agreement signed by the property owner is included in the packet. **Approval is recommended.**

**14. Resolution 22-\_\_\_, A Resolution to Establish the North Shore Bank Healthcare Reimbursement Plan.**

The attached resolution outlines a change in service providers for the administration of health care reimbursement plan. The change provides cost savings to the Village. **Approval is recommended.**

**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.**

All have been reviewed and approved by the Police Department. **Approval is recommended.**

**V. BUSINESS AGENDA**

**A. COMMITTEE AND COMMISSION REPORTS**

**1. Public Safety Committee**

**a. Swearing In of Captain Thomas Liebenthal.**

Captain Liebenthal began his career with the Milwaukee County Sheriff’s Office in 1996 where he served as a Deputy for 7 years. He was promoted to Detective in 2003 and again to Sergeant in 2005 until 2014. In 2014, he was hired by the Village of Shorewood as a Lieutenant and served until he was again promoted to the rank of Deputy Chief (Captain) in 2020. He was the Interim Chief of Police for 8 months until May of this year.

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

Included in the packet are the April and May 2022 Communications Center Reports. Of significant note, staff attended training on Resources and Recommendation for Calls Involving Children on the Autism Spectrum. **Approval is recommended.**

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

Included in the packet are the April and May 2022 Police Department Reports. Of significant note, officers participated in Safety Town and Bike Rodeo. Staff also received grant dollars for NARCAN replenishments and bullet proof vests. **Approval is recommended.**

**2. Finance and Administration Committee**

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

Village code requires the position of Deputy Clerk/Treasurer to be appointed at some point throughout the employee's tenure. Madeline Moltzan was recently hired as the Deputy Clerk/Treasurer. **Appointment is recommended.**

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

Included in the packet are the April and May 2022 Administrative Services Reports. Of significant note, the BS&A financial software conversion was completed. Staff have been trained on the new program. **Approval is recommended.**

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

Included in the packet are the 2023 Village Budget Schedule and Guidelines. The guidelines are a first step to assist staff with the priorities set forth by the Village Board for development of the annual budget. The budget process begins next month. **Approval is recommended.**

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

The 2021 Village Audit resulted in clean, unmodified opinion, the highest assurance by an Auditor for the fiscal year ending December 31, 2021. The financial statements are fairly presented in accordance with generally accepted accounting principles. All accounting principles have been applied consistently with prior years. All appropriate disclosures have been properly reflected in the financial statements. Overall, the Village experienced strong financial results with no new material weaknesses. The Finance and Administration Committee will review the document at their meeting on Monday, June 20. **Acceptance is recommended.**

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

The proposed amendment is necessary to fund many of the carryover items from 2021 that were delayed due to supply chain issues and in progress projects, and to be consistent with the Fund Balance Policy. **Approval is recommended.**

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

**4<sup>th</sup> of July Parade**

The traditional walking parade will return this year. The parade will start at 9am at Village Hall where participants will then walk east on Ellsworth Lane, south on Rexleigh Drive, north on King Road, and end at Ellsworth Park. At Ellsworth Park, Village Trustees hold the traditional bike and dog contests, and will then judge on Bayside best decorated bikes and Bayside's best dog.

**Fall Fest**

Staff has begun preparations for the annual Fall Fest which will be held on Saturday, September 24 from 2-9pm. Food will be served from 2-6pm and beverages from 1840 Brewing Company will be served from 2-9pm. The Bayside Five and Wine will begin at 4pm in front of Village Hall. This year's Movie on the Hill, The Great Outdoors, will begin around 7pm. The event will bring back popular events like yard games, petting zoo, pony rides, bounce houses, Touch-A-Truck, and more.

**Community Event Sponsorship Program**

To date, the Village has raised \$9,000 through the Community Event Sponsorship Program, exceeding the Village budget by \$1,000. This year's sponsors include:

**Gold:**

1840 Brewing Company  
Baskin Robins Ice Cream

**Silver:**

Apple Leisure Group  
Rozga Plumbing Corp.  
Davis | Kuelthau, s.c.  
Clark Dietz Inc.  
The Zitzer Family

**Bronze:**

Barry Goldman, CPA LLC  
Cornerstone Community Bank  
Kerns Carpet One & Flooring  
Liz Levins & Herb Zien

**3. Public Works Committee**

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

Included in the packet are the April and May 2022 Department of Public Works Reports. Of significant note, the Ellsworth Park Playground construction was completed which included the installation of equipment, new sidewalk, and new mulch. The grand opening was also held.

**Approval is recommended.**

**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.**

The included amendment outlines changes to the original agreement between the Village and Milwaukee Metropolitan Sewerage District for the Brown Deer Road Sewer Project. All changes have been negotiated and are necessary to complete the project to the satisfaction of all parties involved. **Approval is recommended.**

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

The Milwaukee Metropolitan Sewerage District Private Property Infiltration and Inflow Reduction project is a pilot project to allow MMSD to rehabilitate the area near the Bay Point and Hermitage lift stations. Funded through a grant, MMSD will engineer, project manage, and rehabilitate the private laterals through the MMSD PPII program allocation for the Village. This program will also assist with reducing flows contributing to the Bayside East Side Sanitary Sewer Relief as well. **Approval is recommended.**

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

The East Side Relief Sanitary Sewer Design and Construction Services proposal primarily evaluates 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.

Clark Dietz, Inc. recommends Option 1 of extending the relief sewer to the intersection of Fairy Chasm Road and Tennyson Drive to address persistent sewer capacity issues in the area. The Public Works Committee met and has recommended approval. **Approval is recommended.**

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

Clark Dietz, Inc. has prepared a work plan to identify sewer capacity restriction and develop engineered solution to address the restrictions in the 8-block area bound by Brown Deer Road, Krause Place, Iroquois Road, and Navajo Road. The scope of work would include creating a computer model of the sewers in the area. The Public Works Committee met and has recommended approval. **Approval is recommended.**

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

The proposed resolution would provide authorization to Milwaukee Metropolitan Sewerage District to obtain jurisdiction of Fish Creek for the purpose of studying stormwater impacts addressing structures that are at risk of flooding.

The current effective Federal Emergency Management Agency (FEMA) floodplain for Fish Creek has not changed since these earlier studies and is only delineated in Milwaukee County within the Village of Bayside, which corresponds to the District's jurisdiction. No structures are within the effective FEMA floodplain. About a decade ago, the Southeastern Wisconsin Regional Planning Commission (SEWRPC) created new hydrologic and hydraulic models for Fish Creek that expanded the mapping upstream into Ozaukee County within the City of Mequon. SEWRPC has not submitted the revised modeling and floodplain mapping to FEMA, because the Wisconsin Department of Transportation (WisDOT) requested that they delay until the Interstate 43 (I-43) widening project was completed and its improvements could be incorporated.

The updated SEWRPC modeling and floodplain mapping show eleven structures in the Village of Bayside are now at high risk of flooding. Preliminary SEWRPC modeling of proposed increases in watershed imperviousness shows greater flows and water surface elevations downstream, putting those eleven structures in Bayside at greater risk of flooding and potentially endangering other structures. Fish Creek and its tributary are the District's jurisdictional streams, and the District has a responsibility to explore flood mitigation options on these streams.

The Wisconsin Department of Natural Resources (WDNR) has designated the downstream portions of Fish Creek the Fairy Chasm State Natural Area. Fish Creek flows through a 100-foot-deep chasm in this state-designated natural area owned by the Ozaukee Washington Land Trust. Unique conditions have created a microclimate for species typically found further north. Any proposed projects upstream shall protect this area against erosive streamflows.

The scope of the project generally consists of the following:

- Reviewing the hydrologic and hydraulic modeling done by WisDOT and SEWRPC. Fish Creek and its tributaries will be evaluated.
- Examining and documenting field conditions, paying particular attention to stream

- erosion potential.
- Analyzing alternatives for mitigating flooding within the Village of Bayside.
- Recommending an alternative to reduce risk of flooding to structures in the Village of Bayside while protecting downstream reaches from erosion.
- Producing preliminary engineering plans, specifications, and cost estimates for the selected alternative.
- Facilitating stakeholder workshops and public meetings.

The Consultant's evaluations and recommendations will be summarized in the Preliminary Engineering Design Report. **Approval is recommended.**

4. **Intergovernmental Cooperation Council**
5. **Board of Zoning Appeals**
  - a. **Discussion/action 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).**

The Board of Zoning Appeals will consider the request for a special exception on Thursday, June 23 at 5:00pm and bring a recommendation before the Board of Trustees.

6. **Architectural Review Committee**
7. **Plan Commission**
8. **Library Board**
9. **North Shore Fire Department**
10. **Community Development Authority**

**VI. VILLAGE PRESIDENT'S REPORT**

**VII. VILLAGE MANAGER'S REPORT**

**VIII. VILLAGE ATTORNEY'S REPORT**

- A. **Discussion/action on Ordinance 22-\_\_\_, An Ordinance to Amend Section 32-48(10) of the Municipal Code With Regard to the Unenclosed Placement of Portable Toilet Facilities.**

The proposed amendment would allow no more than one portable toilet facility per residential property. **Approval is recommended.**

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

The proposed amendment would allow two storage receptacles at one property at one time. For example, a POD and a dumpster, as residents require both for construction projects. **Approval is recommended.**

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

**X. ADJOURNMENT**