



**Village of Bayside
9075 N Regent Road
Board of Trustees Meeting
November 17, 2022
Village Board Room, 6:00pm**

**BOARD OF TRUSTEES
Meeting Minutes**

I. CALL TO ORDER AND ROLL CALL

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

ROLL CALL

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

Also Present: Village Manager Andy Pederson
Administrative Services Director Rachel A. Safstrom
Assistant to the Village Manager Leah Hofer
Village Attorney Chris Jaekels
Operations Superintendent Shane Albers
Police Chief Thomas Liebenthal
Communications Center Director Liane Scharnott
Communications Center Deputy Director Mandy Majors
Communications Center Supervisor Lonnie Gannett
Communications Center Supervisor Taylor Reed
Communications Center Dispatcher Mary Rauenbuehler
Police Lieutenant Cory Fuller
Police Officer Sarah Kadulski
Deputy Clerk/Treasurer Madeline Moltzan
23 Audience members

II. PLEDGE OF ALLEGIANCE

III. PUBLIC HEARING

- A. Public Hearing on 2023 Proposed Annual Budget and establishing the 2022 Tax Incremental Financing District #1 Fund in accordance with Wisconsin Statute 65.90(3).

Herb Zien, 825 E. Donges Court spoke to the Board. Mr. Zein spoke on taxation and the Tax Incremental Financing District, see attached for a copy of his remarks.

IV. CITIZENS AND DELEGATIONS

Jerald Feldman, 133 E Glencoe Pl spoke on spoke on the Tax Incremental District, fair taxation, and eminent domain.

V. CONSENT AGENDA

A. Approval of:

1. Summary of Claims for October 13, 2022 through November 9, 2022 in the amount of \$880,186.10.
2. October 2022 Financial Statement.
3. Board of Trustees meeting minutes, October 20, 2022.
4. October 2022 Community Impact Report.
5. 2023 Collection Guide.
6. Engineering Design and Construction Inspection for DPW Green Swale.
7. State/Municipal Financial Agreement for a State-Let Highway Project: Village of Bayside, North Lake Drive, West Brown Deer Road.
8. 2023 Village Financial Policies.
9. 2023 Village goals, performance measure, and fiscal analysis.
10. 2023-2043 Capital Improvement Program.
11. Resolution 22-23, a resolution amending Resolution 22-16 revising the fee schedule as referenced by the Village of Bayside Municipal Code.
12. Committee Appointments

Motion by Trustee Rudman, seconded by Trustee Zitzer, to approve: XXX 1. Summary of Claims for October 13, 2022 through November 9, 2022 in the amount of \$880,186.10; October 2022 Financial Statement; Board of Trustees meeting minutes, October 20, 2022; October 2022 Community Impact Report; 2023 Collection Guide; Engineering Design and Construction Inspection for DPW Green Swale; State/Municipal Financial Agreement for a State-Let Highway Project: Village of Bayside, North Lake Drive, West Brown Deer Road; 2023 Village Financial Policies; 2023 Village goals, performance measure, and fiscal analysis; 2023-2043 Capital Improvement Program; Resolution 22-23, a resolution amending Resolution 22-16 revising the fee schedule as referenced by the Village of Bayside Municipal Code; and Committee Appointments. Motion carried unanimously.

VI. BUSINESS AGENDA

A. COMMITTEE AND COMMISSION REPORTS

1. **Public Safety Committee**
 - a. Discussion/action on Proclamation recognizing Bayside Police Lieutenant Cory Fuller and Bayside Police Officer Sarah Kadulski for Life Saving Efforts.

Trustee Zitzer gave the proclamation recognizing Bayside Police Lieutenant Cory Fuller and Bayside Police Officer Sarah Kadulski. On October 5, 2022, Bayside Police Lieutenant Cory Fuller and Bayside Police Officer Sarah Kadulski responded to a call for an elderly female in medical distress. Due to Lieutenant Fuller and Officer Kadulski recognizing the severity of the medical emergency, taking immediate action, and performing lifesaving efforts, the life of the elderly patient was saved.

Police Chief Liebenthal spoke recognizing their work as well.

Motion by Trustee Zitzer, seconded by Trustee Rudman, to approve the Proclamation recognizing Bayside Police Lieutenant Cory Fuller and Bayside Police Officer Sarah Kadulski for life saving efforts. Motion carried unanimously.

- b. Discussion/action on Proclamation recognizing retirement of Bayside Communications Center Telecommunicator, Mary Rauenbuehler, after 11 Years of Service to the Village.

Trustee Zitzer gave the proclamation recognizing Mary Rauenbuehler. Mary Rauenbuehler started her employment with the Village of Bayside on June 1, 2011. Mary is honored by many residents in the North Shore, serving in Dispatch Centers in Whitefish Bay and Bayside for a total of 26 years. Mary will be retiring from service with the Village on November 30, 2022. The Village Board thanks Mary for her service and wish her the best in her retirement.

Mrs. Rauenbuehler spoke on her experience and thanked the Village Board.

Motion by Trustee Fisher, seconded by Trustee Barth, to approve the Proclamation recognizing Bayside Police Lieutenant Cory Fuller and Bayside Police Officer Sarah Kadulski for Life Saving Efforts. Motion carried unanimously.

- c. Discussion/action on October 2022 Communications Center Report.

Communications Center Director Liane Scharnott provided an overview of the October 2022 Communications Center Report. Of significant note, training hours have doubled the 5-year average. Supervisors Lonnie Gannett, and Taylor Reed were introduced to the Village Board.

Motion by Trustee Fisher, seconded by Trustee Levins, to approve the October 2022 Communications Center Report. Motion carried unanimously.

- d. Discussion/action on October 2022 Police Department Report.

Police Chief Liebenthal provided an overview of the October 2022 Police Department Report. Of significant note, the Department is finalizing a background investigation for a potential new police officer. The hope is to have the candidate start in late November. The department is also rolling out the Pet Patrol program to help reunite lost pets and owners.

Motion by Trustee Barth, seconded by Trustee Fisher, to approve the October 2022 Police Department Report. Motion carried unanimously.

2. Public Works Committee

- a. Discussion/action on October 2022 Department of Public Works Report.

Operations Superintendent Shane Albers provided an overview of the October 2022 Department of Public Works Report. Of significant note, the Department hosted Fall Clean Up Day and provided a site for MMSD to host a household hazardous waste drop off event.

Motion by Trustee Fisher, seconded by Trustee Zitzer, to approve the October 2022 Department of Public Works Report. Motion carried unanimously.

- b. Discussion/acceptance of Recycling Excellence Award.

Manager Pederson gave a brief overview of the Wisconsin Department of Natural Resources Recycling Excellence Award, and the village recycling program. Discussion occurred over the decrease in contaminated recycling, and village coordinated compost collection opportunities.

Motion by Trustee Fisher, seconded by Trustee Zitzer, to accept the Recycling Excellence Award. Motion carried unanimously.

- c. Discussion/action on Waste Management Industrial Waste & Disposal Services Agreement

Manager Pederson provided an overview of the Waste Management Industrial Waste & Disposal Services Agreement. The Village has been fortunate to be operating under the terms of a 2018 agreement, despite economic conditions, inflation, and changes in the market. The current agreement, which began in 2018, will expire at the end of the year. Competitive bids were sought. Waste Management was the low bidder. The cost per ton for garbage would increase from the current \$52.46 rate to \$58.00. Under the new contract for recycling, the cost per ton would increase from \$55 to \$95, and the Village would still receive an 80% rebate for recycling commodities. At the current time, the Village does not anticipate an additional expense for recycling, but rather a reduction in revenue. Both the increased cost for garbage and reduction in recycling revenue are accounted for in the 2023 budget.

Motion by Trustee Fisher, seconded by Trustee Levins, to accept the Waste Management Industrial Waste & Disposal Services Agreement. Motion carried unanimously.

- d. Discussion/update on 2022 Capital Projects.

Operations Superintendent Shane Albers provided a status overview of the 2022 Capital Projects.

2022 Stormwater and Road Project: The project has been completed including asphalt, shoulder work, landscape restoration, and ditch restoration.

Sanitary Sewer Lining: Lining 10,000 feet of main line sanitary sewer is complete and the repair of approximately 60 manholes is in progress.

Tennyson Stormwater Management Infrastructure Project: Work has begun and is scheduled to be completed by late-November. As always, work is weather dependent.

East Bayside Sanitary Sewer Relief System: The Board of Trustees approved the design and construction services proposal at the June 23 Board of Trustees meeting. The scope of work includes extending the relief sewer to the intersection of Fairy Chasm Road and Tennyson drive to address persistent sewer capacity issues in the area.

Brown Deer Road Sanitary Sewer Infrastructure Study: The Board of Trustees approved the workplan at the June 23 Board of Trustees meeting. The workplan includes identifying sewer capacity restrictions and developing engineered solutions 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 includes creating a computer model of the sewers in the area.

Public Right-of-way Tree Removal: The contractor has 19 remaining trees for removal. The contractor has been contacted and will come back to complete the removal. Stump grinding will occur over the winter, weather permitting.

3. North Shore Health Department

No report.

4. North Shore Fire Department

No report.

5. Finance and Administration Committee

- a. Discussion/action on October 2022 Administrative Services Report.

Administrative Services Director Safstrom provided an overview of the October 2022 Administrative Services Report. Of significant note, staff prepared for and held the November General Election. There was a 77.36% voter turnout.

Motion by Trustee Fisher, seconded by Trustee Zitzer, to approve the October 2022 Administrative Services Report. Motion carried unanimously.

- b. Discussion/action on Resolution 22-24, a resolution adopting the 2023 annual budget, establishing the 2022 tax levy, and establishing the 2022 Tax Increment Financing District #1 budget.

Trustee Barth introduced the budget, he spoke on increasing fuel costs, and inflation. He commended staff on a great job for minimizing the property tax levy as much as possible.

Village Manager Pederson stated the overall tax levy is \$4,790,251. The Public Safety Committee, Public Works Committee, and Finance and Administration Committee all met separately, and all unanimously recommended the budget. The tax rate will be going down 11.1%. The school referendums will have an impact on tax bills and there is an ongoing communication campaign to educate residents.

Motion by Trustee Fisher, seconded by Trustee Levins, to approve Resolution 22-24, a resolution adopting the 2023 annual budget, establishing the 2022 tax levy, and establishing the 2022 Tax Increment Financing District #1 budget. Motion carried unanimously by roll call vote.

- c. Discussion/action on Resolution 22-25, a resolution adopting the 2023 sanitary sewer enterprise budget and establishing the Residential and Commercial Sewer User Fee rates.

Motion by Trustee Zitzer, seconded by Trustee Levins, to approve Resolution 22-25, a resolution adopting the 2023 sanitary sewer enterprise budget and establishing the Residential and Commercial Sewer User Fee rates. Motion carried unanimously by roll call vote.

- d. Discussion/action on Resolution 22-26, a resolution adopting the 2023 stormwater revenue fund budget and establishing the Equivalent Runoff Unit rate.

Motion by Trustee Fisher, seconded by Trustee Zitzer, to approve Resolution 22-25, a resolution adopting the 2023 sanitary sewer enterprise budget and establishing the Residential and Commercial Sewer User Fee rates. Motion carried unanimously by roll call vote.

6. Board of Zoning Appeals

Village Manager Pederson gave a brief update on the pending Tennyson project, reporting significant progress, with a new roof, landscaping, and siding.

7. Architectural Review Committee

- a. Discussion/action on Ordinance 22-737, An Ordinance to Repeal and Recreate Section 104-125 of the Municipal Code with Regard to Fences.

Village Manager Pederson gave a brief overview on Ordinance 22-737, fences would need to be 50% open and could enclose the entire backyard. A solid fence can be up to 30 linear feet, and must be 10 feet from the property line.

Motion by Trustee Fisher, seconded by Trustee Zitzer, to Ordinance 22-737, An Ordinance to Repeal and Recreate Section 104-125 of the Municipal Code with Regard to Fences. Motion carried unanimously.

8. Plan Commission

No report.

9. Library Board

- a. Discussion/action on October 2022 North Shore Library Report.

Trustee Zitzer gave the report. The highlights include a bookfair, and professional development for staff. They are a part of a Wisconsin State Park pilot program, and they have single day park passes to give out.

VII. VILLAGE PRESIDENT'S REPORT

No Report.

VIII. VILLAGE MANAGER'S REPORT

No Report.

IX. VILLAGE ATTORNEY'S REPORT

No Report.

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

Trustee Barth commented on cyber attacks, and thanked staff for their hard work regarding cyber security and highlighted cyber security protocol.

XI. MOTION TO ADJOURN TO CLOSED SESSION

Motion by Trustee Barth, seconded by Trustee Zitzer, to convene to closed session Pursuant to Section 19.85 (1) (g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Motion carried unanimously.

A closed session of approximately 15 minutes was held where the Village Board discussed a potential notice of claim.

Motion by Trustee Zitzer, seconded by Trustee Levins, to reconvene to open session and regular order of business. Motion carried unanimously.

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

A. Action on items in closed session.

No action was taken on closed session items.

XIII. ADJOURNMENT

Motion by Trustee Levins, seconded by Trustee Fisher, to adjourn the meeting at 7:07 p.m. Motion carried unanimously.

Statement from 825 E Donges Ct: Herb Zien

Real estate values spiked in 2022, and on average Bayside residents saw a 17% assessment increase. However, assessments for the six TIF properties *decreased* 17% from 2021 and 43% since 2020. Their assessment was \$9.1 million two years ago, and now they are locked in at \$4.8 million for 22 years, a \$4.3 million drop. If the 2021 mill rate stays the same for the next 22 years, \$3 million of property taxes that should be paid by the wealthy TIF developers will be picked up by Bayside taxpayers, a hidden subsidy even if the developers do nothing with the property during the life of the TIF. This is unfair to Bayside taxpayers!

Here is an approach that should be acceptable to both taxpayers and developers. True market value is what someone is willing to pay for a piece of property. Bayside Development Partners II, LLC paid \$12.3 million for the six properties in the TIF. If the assessment is frozen at \$12.3 million for the next 22 years the developers would be paying their fair share while the TID is in place, and how could they object to basing the assessment on what they know the properties are really worth?

To ensure my recommendation is accurately reflected in meeting minutes, I am handing a printed copy to the Village Clerk.

Herb Zien
825 E. Donges Road, Bayside
414-352-3572

Address	Owner	Assessments				Transfer Price	TP/Assessment
		2019	2020	2021	2022		
777 W Glencoe Pl (3) Office	LaMacchia Real Estate VI LLC (Tricept Solutions)	\$ 2,997,600	\$ 2,997,600	\$ 1,680,300	\$ 780,300	\$ 5,500,000	7.0
8807 N PW Road (4) vacant	West Glencoe Place LLC/LaMacchia	\$ 510,000	\$ 510,000	\$ 510,000	\$ 510,000	\$ 1,700,000	3.3
707 W Glencoe Pl (5) vacant	LaMacchia Real Estate V LLC	\$ 350,400	\$ 350,400	\$ 150,000	\$ 150,000	\$ 600,000	4.0
600 W Brown Deer (7) Commercial	11301 Northport LLC/Cobalt Partners	\$ 659,700	\$ 659,700	\$ 330,300	\$ 256,400	\$ 1,350,000	5.2
500 W Brown Deer (8) Office	Brenwood Park Senior Community II LLC/11301 Northport LLC	\$ 4,000,000	\$ 4,000,000	\$ 2,500,000	\$ 2,500,000	\$ 1,500,000	0.6
614 W. Brown Deer*	Archway	\$ 600,000	\$ 600,000	\$ 636,200	\$ 636,200	\$ 1,616,300	2.5
		<u>9,117,700</u>	<u>9,117,700</u>	<u>5,806,800</u>	<u>4,832,900</u>	<u>12,266,300</u>	<u>2.5</u>
			0%	-36%	-17%		

* Sold to Bayside Dev Partners - 10/2022