



I. CALL TO ORDER AND ROLL CALL

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

ROLL CALL

President: Sam Dickman
Trustees: Mike Barth
Daniel Muchin
Robb DeGraff
Dan Rosenfeld
Eido Walny
Margaret Zitzer

Public Works Committee Member: JoAnn Lutz-excused
Public Safety Committee Member: Mort Swerdlow-excused

Also Present: Village Manager Andy Pederson
Assistant Village Manager La’Neka Horton
Police Chief Doug Larsson
Administrative Services Director Lynn Galyardt
Communications Center Director Liane Scharnott
Village Attorney Chris Jaekels
Library Director Susan Draeger-Anderson
There were 12 people in the audience

II. PLEDGE OF ALLEGIANCE

III. 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, August 15, 2019.**
2. **Summary of Claims for August 3, 2019 through September 13, 2019 in the amount of \$320,775.71.**
3. **Application for issuance of operator’s license request for Romesh Jayasundara, Otto’s Bayside, Owen Schultz, Otto’s Bayside, Brian Mitchell, Otto’s Bayside, Sean Cramer, Otto’s Bayside, and John Korinek, Los Paisa, which have been approved by the Police Department.**

Motion by Trustee DeGraff, seconded by Trustee Muchin, to approve the Board of Trustees meeting minutes, August 15, 2019; Summary of Claims for August 3, 2019 through September 13, 2019 in the amount of \$320,775.71; Application for issuance of operator’s license request for Romesh Jayasundara, Otto’s Bayside, Owen Schultz, Otto’s Bayside, Brian Mitchell, Otto’s Bayside, Sean Cramer, Otto’s Bayside, and John Korinek, Los Paisa, which have been approved by the Police Department. Motion carried unanimously.

IV. 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.

A. 1. Introduction of Joe Dobrowitz, Boy Scout Troop 398 Assistant Scout Master and Merit Badge Councilor and members of the Boy Scout Troop 398.

Manager Pederson introduced Mr. Dobrowitz, Assistant Scout Master and Merit Badge Councilor with Boy Scout Troop 398 stating the Boy Scout members are in attendance observing the Board of Trustee meeting as a requirement for earning their Citizenship and Community Merit Badges.

V. BUSINESS AGENDA

A. COMMITTEE AND COMMISSION REPORTS

1. Public Safety Committee

a. Discussion/action on the August 2019 Police Department Report.

Chief Larsson provided an overview of the August 2019 Police Department report stating the myBlue Night Out and the Village Picnic was successful and enjoyed by residents and staff.

Motion by President Dickman, seconded by Trustee DeGraff, on acceptance of the August 2019 Police Department report. Motion carried unanimously.

b. Discussion/action on the August 2019 Communication Center Report.

Director Scharnott provided an overview of the August 2019 Communication Center report stating the dispatch trainee is in the last phase of training, after which the Communication Center will be fully staffed. Director Scharnott noted staff recently completed its accreditation and evaluation by WILEAG. Dispatch response time is up to 27 seconds due to new dispatchers.

Motion by President Dickman, seconded by Trustee Zitzer, on acceptance of the August 2019 Communication Center report. Motion carried unanimously.

c. Discussion/action on Ordinance 19-____, an Ordinance to repeal and recreate section 26-1 of the Municipal Code with regard to regulation of smoking and electronic smoking devices.

Manger Pederson introduced Ann Christiansen from the North Shore Health Department. Ms. Christiansen stated the opportunity to align municipal policy with State Statues to prohibit e-cigarettes and vaping in work places. Ms. Christiansen noted this Ordinance also prohibits e-cigarettes and vaping devices from youth. This Ordinance has already been passed by the Village of Shorewood, the Village of Whitefish Bay, and the City of Glendale.

Motion by Trustee DeGraff, seconded by Trustee Zitzer, to approve Ordinance 19-700, an Ordinance to repeal and recreate section 26-1 of the Municipal Code with regard to regulation of smoking and electronic smoking devices. Motion carried unanimously by roll call vote.

d. Discussion/action on Ordinance 19-____, an Ordinance to repeal and re-create Section 35-123 of the Municipal Code with regard to residence and presence restrictions for sex offenders.

Attorney Jaekels stated this Ordinance is housekeeping in nature to be consistent with other

surrounding communities to have a domiciliary section in code. Mr. Jaekels noted that a sex offender needs to have lived in the area where they had committed the crime in order to move there once they are released from prison.

Motion by Trustee Muchin, seconded by Trustee Barth, to approve Ordinance 19-701, an Ordinance to repeal and re-create Section 35-123 of the Municipal Code with regard to residence and presence restrictions for sex offenders. Motion carried unanimously by roll call vote.

2. Public Works Committee

a. Discussion/action on the August 2019 Department of Public Works Report.

Manager Pederson provided an overview of the August 2019 Department of Public Works report stating stump grinding and landscaping restoration from the 2019 tree removal has been completed. Manger Pederson stated crews finished the preparation for the MillerCoors volunteers on the Fish Creek ravine restoration and noted the number of on-demand yard waste requests had tripled from the first collection to this third collection.

Motion by Trustee Barth, seconded by Trustee DeGraff, on acceptance of the August 2019 Department of Public Works Report. Motion carried unanimously.

b. Discussion/action on Milwaukee Metropolitan Sewerage District Green Infrastructure Funding Agreement for Tennyson Drive Bioretention Facilities.

Manager Pederson stated under the grant, the District will reimburse Green Infrastructure installation costs up to \$26,433 or 50% of Green Infrastructure installation costs, whichever is less. Manager Pederson anticipates the collection of approximately 40,000 gallons of water that can be held at this bioretention area at no cost to the Village.

President Dickman questioned if there is any other area in the Village that this type of project can be done. Manager Pederson stated yes, there are several areas around the Village that would benefit with a bioretention facility in private and public lands for the effective disbursement of stormwater.

Motion by Trustee Barth, seconded by Trustee Zitzer, on acceptance of the Milwaukee Metropolitan Sewerage District Green Infrastructure Funding Agreement for Tennyson Drive Bioretention Facilities. Motion carried unanimously.

c. Discussion/action on Milwaukee Metropolitan Sewerage District Green Infrastructure – Bayside Village Hall Dry Basin Expansion Change Order #1.

Manager Pederson stated the grant funding amount to be received increased \$50,342 due to construction of the dry basin expansion north of Village Hall. Monies are provided through the Milwaukee Metropolitan Sewer District Green Infrastructure program with total reimbursement of monies from Milwaukee Metropolitan Sewer District to be \$93,728.

Motion by Trustee Barth, seconded by Trustee Zitzer, on acceptance of the Milwaukee Metropolitan Sewerage District Green Infrastructure – Bayside Village Hall Dry Basin Expansion Change Order #1. Motion carried unanimously.

d. Discussion/action on Public Tree Inventory and Emerald Ash Borer Management Plan Implementation.

Manager Pederson stated a total of 4,348 street trees and 334 park/open space trees were inventoried with a total value of \$996,465.48. Over the past 10 years, the Village has removed nearly 500 diseased or dead trees while at the same time planting over 1,000 trees, including removing 150 trees and planting 133 trees in 2019.

Manager Pederson noted the Village's tree population continues to worsen, primarily due to the Emerald Ash Borer. The tree inventory resulted in the recommendation of immediate removal of additional 326 trees as well as placed 748 street trees and 50 park trees on a watch list. Department of Public Work staff will prioritize and begin placing yellow ribbons on trees scheduled to be removed over the winter. Letters to impacted residents will be sent with information on the adopt-a-tree program.

Manager Pederson stated it is estimated that there are as many as 5,000 to 7,000 ash trees in the Village on private property that will eventually require removal.

Trustee DeGraff questioned if a tree is not on the right of way and if it would fall on public roadway, does the Village remove it and requested there be a public meeting to educate the public on the Emerald Ash Borer disease. Manager Pederson stated it is the homeowner's responsibility to remove the tree, Department of Public works will remove debris from the road and noted a public meeting could be held.

President Dickman questioned what the cost of a tree removal would be and if the Village would get a cost reduction due to the quantity of trees for private residents. Manager Pederson stated the cost is approximately \$346 for Village of Bayside, for a homeowner and estimated the cost to be between \$500 to \$1,000, noting the village was unable to locate any vendors that would offer a discount.

e. Discussion/update on 2019 Capital Projects.

Manager Pederson provided an update on 2019 Capital Projects stating the Sanitary Sewer rehabilitation project and the ditching and culvert on Meadowlark are complete, however, work on Tennyson continues. Department of Public Work crews have completed constructing the three primary bioretention facilities on private property and the right-of-way on both sides of Tennyson, with 650 cubic yards of fill removed.

3. Finance and Administration Committee

a. Discussion/action on the August 2019 Administrative Services Report.

Director Galyardt provided an overview of the August 2019 Administrative Services Report stating the Village applied for two grants totaling \$3,000, one from the Department of Natural Resources and the other from Community Development Block Grant.

Trustee Barth complimented staff on receiving grant money.

Motion by Trustee Rosenfeld, seconded by Trustee Zitzer, on acceptance of the August 2019 Administrative Services Report. Motion carried unanimously.

b. Discussion/action on the August 2019 Financial Statement and Investment Report.

Trustee Barth stated revenue and expenditures are on track, year-to-date.

Motion by Trustee DeGraff, seconded by Trustee Muchin, on acceptance of the August 2019 Financial Statement and Investment Report. Motion carried unanimously.

c. Discussion/action on Resolution 19-____, a Resolution authorizing the Village of Bayside to file the Federal Railroad Administration Quiet Zone Affirmation Letter.

Trustee Barth stated this resolution is housekeeping in nature to recertify the quiet zone designation with the Federal Railroad Administration.

Motion by Trustee Rosenfeld, seconded by Trustee Walny, to approve Resolution 19-19, a Resolution authorizing the Village of Bayside to file the Federal Railroad Administration Quiet Zone Affirmation Letter. Motion carried unanimously by roll call vote.

d. Discussion/Recommendation on Resolution 19-____, a Resolution authorizing the Village of Bayside to request permanent locations of Milwaukee County Transit System bus stop locations within the Village of Bayside.

Manager Pederson stated Milwaukee County Transit System eliminated the bus stop at Glencoe Place in August and installed a temporary stop on Brown Deer Road. Manager Pederson introduced Tom Winter from Milwaukee County Transit System to discuss the possibility of the bus driving a loop from Port Washington Road freeway exit and stop south bound in front of the Elizabeth Residence. Mr. Winter stated there would be additional costs and staffing for the additional loop and the best option is the bus stop remaining on Brown Deer Road.

Trustee Rosenfeld questioned if a bus shelter would be constructed at the Brown Deer Road bus stop. Mr. Winter stated they do not have a capital budget for a bus structure.

Motion by President Dickman, seconded by Trustee Muchin, to approve making the temporary locations on Brown Deer Rd permanent within the Village of Bayside. Motion carried unanimously.

e. Discussion/action on Resolution 19-____, a Resolution amending Resolution 19-18 revising the fee schedule as referenced by the Village of Bayside Municipal Code.

Trustee Barth stated this is updating the cost of preparing real estate status letters and establishing a commercial remodeling building permit fee for the fee schedule.

Motion by President Dickman, seconded by Trustee Walny, to approve Resolution 19-21, a resolution amending Resolution 19-18 revising the fee schedule as referenced by the Village of Bayside Municipal Code. Motion carried unanimously.

f. Discussion/action on Resolution 19-____, 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.

Trustee Barth stated this resolution is for the payment of special assessment B-Bonds which have been prepaid in advance of the due date by the property owners.

Motion by President Dickman, seconded by Trustee DeGraff, to approve Resolution 19-22, 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. Motion carried unanimously by roll call vote.

g. Discussion/action on contract for Community Planning Services.

Manager Pederson stated the Village currently has Safebuilt providing plan reviews for building projects and noted this would be for Planning Services for project such as the rebuilding of White Oak apartments from the fire. According to Municipal Code, the fee for this service would be reimbursable to the Village by the applicant submitting a proposal.

Motion by Trustee Rosenfeld, seconded by Trustee Muchin, to approve contract for Community Planning Services. Motion carried unanimously.

h. Discussion/action on agreement for Assessment Services.

Trustee Barth stated the agreement with Accurate Appraisal, LLC. expires in 2019 and noted with recent changes in State law, homeowners have been refusing an interior inspection and are still able to attend Board of Review process.

Manager Pederson stated the full value market revaluation would save the Village approximately \$42,000 over the next six years. Manager Pederson noted interior inspections within the Village have dropped to less than 33 percent.

Motion by President Dickman, seconded by Trustee Muchin, to approve the agreement for Assessment Services with no interior inspections. Motion carried unanimously.

i. Discussion/action amendment to the engagement letter for Auditing Services.

Trustee Barth stated the amendment for auditing services from Baker Tilly extends through 2023 and noted the extension provides the same scope of services with inflationary cost increases between \$425 and \$475 annually over the duration of the agreement.

Motion by Trustee Muchin, seconded by Trustee Rosenfeld, to approve for the agreement for Auditing Services. Motion carried unanimously.

j. Discussion/action on Ordinance 19-_____, an Ordinance to Repeal and Recreate Section 104-153 of the Municipal Code with Regard to Maintenance and Repair of Property.

Trustee Barth stated the removal time frame for tress, shrubs or branches would be within 45 days with an extension of up to two 30-day extensions, up from the current 10 days.

Motion by Trustee Muchin, seconded by Trustee Rosenfeld, to approve Ordinance 19-702, an Ordinance to Repeal and Recreate Section 104-153 of the Municipal Code with Regard to Maintenance and Repair of Property. Motion carried unanimously.

- 4. Intergovernmental Cooperation Council – No report.**
- 5. Board of Zoning Appeals – No report.**
- 6. Architectural Review Committee – No report.**

7. Plan Commission - No report.

8. Library Board

a. Library Discussion/action on the August 2019 Report.

Susan Draeger-Anderson provided an overview of the August 2019 Library Report, stating that she has been meeting with the Library Foundation regularly to formulate a fund-raising plan for the library renovation.

9. Community Event Committee

a. Discussion/Update on 2019 Bayside 5k and annual Village Picnic.

Trustee Zitzer provided an overview of the Bayside 5k stating over 200 people participated in the 5k and picnic attendees consumed, 1,000 Usinger's sausages, 900 ears of corn-on-the-cob, 800 glasses of beer, 450 cans of soda, 350 bottles of water, 240 bottles of sparkling water, 560 ice cream treats, 600 bags of popcorn, 83 Pilsners glasses sold, 20 lbs. of onions, 24 lbs. of sauerkraut, 10 lbs. of pickles, and 3 gallons of paint on myBlue squads

Trustee Zitzer expressed thanks to Erin LeMoine and John Krampf for work on the events and special thanked staff members of the Department of Public Works and the Police Department.

Trustee Zitzer noted volunteers are needed for the October 5, 2019 cleanup day.

10. North Shore Fire Department-No report.

11. Community Development Authority-No report.

VI. VILLAGE PRESIDENT'S REPORT-No report

VII. VILLAGE MANAGER'S REPORT

Manager Pederson stated the Interstate-43 highway project has been rejuvenated and noted it is now scheduled to start construction late in 2021 or early 2022 and is expected to be a four-year project. Manager Pederson noted the Department of Transportation will conduct informational public meetings on the project in 2020.

Manager Pederson stated the Department of Public Works crews are still receiving 50% contaminated recycling in the bins resulting in increased costs of disposal for the Village. Manager Pederson noted crew will start tagging and not collecting contaminated bins.

VIII. VILLAGE ATTORNEY'S REPORT-No report.

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

None

X. CORRESPONDENCE

None.

XI. 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, (Municipal Court Intergovernmental Agreement) and (Library Services Agreement).**

Motion by President Dickman, seconded by Trustee DeGraff, to adjourn to closed session at 6:53pm 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, (Municipal Court Intergovernmental Agreement) and (Library Services Agreement). Motion carried unanimously by roll call vote.

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

Motion by President Dickman, seconded by Trustee DeGraff, to reconvene in open session at 7:20pm pursuant to Section 19.85 (2). Motion carried unanimously by roll call vote.

A. Action on items in closed session.

- 1. Discussion/action on ordinance to abolish Village of Bayside Municipal Court and office of Village of Bayside Municipal Judge effective April 30, 2020.**

Motion by President Dickman, seconded by Trustee DeGraff to approve Ordinance 19-703, an Ordinance to abolish Village of Bayside Municipal Court and office of Village of Bayside Municipal Judge effective April 30, 2020. Motion carried unanimously.

- 2. Discussion/Action on ordinance to join the North Shore Municipal Court effective May 1, 2020.**

Motion by Trustee DeGraff, seconded by Trustee Rosenfeld, to approve Ordinance 19-704, an Ordinance to join the North Shore Municipal Court effective May 1, 2020. Motion carried unanimously.

- 3. Discussion/action on Intergovernmental Agreement to provide for Village of Bayside Municipal Court administrative services January 1, 2020 to April 30, 2020 and to set forth the rights and responsibilities of the participating municipalities in the North Shore Municipal Court effective May 1, 2020.**

Motion by Trustee Zitzer, seconded by Trustee Rosenfeld, to approve an Intergovernmental Agreement to provide for Village of Bayside Municipal Court administrative services January 1, 2020 to April 30, 2020 and to set forth the rights and responsibilities of the participating municipalities in the North Shore Municipal Court effective May 1, 2020. Motion carried unanimously.

- 4. Discussion/action on termination/modification of Memorandum of Understanding with the Village of River Hills regarding administration of the Village of Bayside Municipal Court effective January 1, 2020.**

Motion by Trustee DeGraff, seconded by Trustee Rosenfeld, to approve a termination/modification of Memorandum of Understanding with the Village of River Hills regarding administration of the Village of Bayside Municipal Court effective January 1, 2020. Motion carried unanimously.

XIII. ADJOURNMENT

Motion by President Dickman, seconded by Trustee DeGraff, to adjourn the meeting at 7:22pm. Motion carried unanimously.

Respectfully submitted,

Lynn Galyardt, Administrative Services Director