



Village of Bayside
9075 North Regent Road
Board of Trustees Meeting Minutes
January 3, 2008

I. CALL TO ORDER

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

II. ROLL CALL

President: Sam Dickman

Trustees: Michael Barth Daniel Muchin – excused
Robb DeGraff James Petersen
William Hersch Thomas Sopkovich - ~~absent~~ excused

Also present: Village Manager Andy Pederson
Village Attorney Christopher Jaekels
Village Clerk/Treasurer Lynn Galyardt
Police Chief Bruce Resnick
Director of Public Works Joel Hawkins
Management Intern Alex Henderson
Three people in the audience.

III. PLEDGE OF ALLEGIANCE

IV. PUBLIC HEARING

- A. The purpose of this hearing is to consider the matter of Ordinance 08-____, an Ordinance Creating Setbacks and Maximum Percentages for the Establishment and Maintenance of Impervious Surfaces.**

President Dickman read the above notice and called for public discussion at 6:02 pm.

1. Public Discussion

There was no public discussion.

2. Commission Discussion

There was no Board discussion.

- B. The purpose of the hearing is to consider the matter of the 2008 Community Development Block Grant Funds – Reallocating the Community Development Block Grant Funding to Restore the Lion’s Gates.**

President Dickman read the above notice and called for public discussion.

1. Public Discussion

There was no public discussion.

2. Commission Discussion

There was no Board discussion.

President Dickman closed the Public Hearing at 6:03 pm.

President Dickman requested to take the agenda out of order and hearing no objection asked the Board to hear

agenda Item 4, both A. and B. of the Plan Commission portion of the Business Agenda.

4. Plan Commission

- A. Recommendation of the request from Roger Holtmeier of RWH Accounting, LLC for a Conditional Use Permit to Operate: A Bookkeeping and Tax Preparation Services Office Located at 8850 North Port Washington Road, Suite 205.**

Motion by Trustee DeGraff, seconded by Trustee Hersch to approve the request from Roger Holtmeier of RWH Accounting, LLC for a Conditional Use Permit to Operate: A Bookkeeping and Tax Preparation Services Office Located at 8850 North Port Washington Road, Suite 205. Motion carried unanimously.

- B. Recommendation of the request from Tim Kelley of MoreSteam.com LLC, for a Conditional Use Permit to Operate: a Sales and Marketing Office for Online Lean Six Sigma and Project Management Training Located at 8850 North Port Washington Road, Suite 200.**

Motion by Trustee Hersch, seconded by Trustee Petersen to approve the request from Tim Kelley of MoreSteam.com LLC, for a Conditional Use Permit to Operate: a Sales and Marketing Office for Online Lean Six Sigma and Project Management Training Located at 8850 North Port Washington Road, Suite 200. Motion carried unanimously.

President Dickman returned to the Consent Agenda portion of the agenda.

V. CONSENT AGENDA

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

A. APPROVAL OF MINUTES

- 1. Board of Trustees, December 6, 2007.**
- 2. Committee of the Whole, December 20, 2007.**

B. PAYMENT OF SUMMARY OF CLAIMS

- 1. November 24, 2007 – December 21, 2007 in the amount of \$128,810.34.**

C. FINANCIAL STATEMENTS

- 1. Acceptance of the November, 2007 Financial Statement, as prepared.**

Motion by Trustee Petersen, seconded by Trustee Hersch, to approve the minutes of the following meetings; Board of Trustees, December 6, 2007 and Committee of the Whole, December 20, 2007. Payment of Summary of Claims from November 24, 2007 – December 21, 2007 in the amount of \$128,810.34 and the acceptance of the November, 2007 Financial Statement, as prepared. Motion carried unanimously.

D. ROUTINE BUSINESS ITEMS

- 1. Discussion/Action on the application for issuance of an Operator's license requested by Marissa Pittelman, (Sendik's), Kenneth A. Zemlicka, (Sendik's), Barbara Kamionka, (Sendik's) and Gregory F. Dunn, (Speakeasy), and reviewed by the Police Department.**

Motion by Trustee DeGraff, seconded by Trustee Hersch, to approve the application for issuance of an Operator's license requested by Marissa Pittelman, (Sendik's), Kenneth A. Zemlicka, (Sendik's), Barbara Kamionka, (Sendik's) and Gregory F. Dunn, (Speakeasy), and reviewed by the Police Department. Motion carried unanimously.

2. Recommendation on Ordinance 08-____, an Ordinance to Repeal and Recreate Sec. 62-236(a) with Regard to Curfew.

Trustee Petersen questioned why Section 62-236(a) was being repealed and recreated. Attorney Jaekels stated that it was easier to make the needed changes rather than editing the current code. Trustee DeGraff asked if a sixteen year old riding his bike home at 11:00 pm would be considered breaking curfew. Attorney Jaekels stated that the sixteen year old would be breaking curfew.

Motion by Trustee Hersch, seconded by Trustee Barth, to approve Ordinance 08-575, an Ordinance to Repeal and Recreate Sec. 62-236(a) with Regard to Curfew. Motion carried unanimously by roll call vote.

3. Recommendation on Resolution 08-_____, a Resolution Requiring the Union Pacific Railroad to Pave, Plank, Repair, Change and Improve Railroad Crossings at the Regent Road and Fairy Chasm Road Crossings.

Motion by Trustee DeGraff, seconded by Trustee Hersch, to approve Resolution 08-01, a Resolution Requiring the Union Pacific Railroad to Pave, Plank, Repair, Change and Improve Railroad Crossings at the Regent Road and Fairy Chasm Road Crossings. Motion carried unanimously by roll call vote.

4. Recommendation on the awarding of the Capacity, Management, Operations, and Maintenance (CMOM) engineering agreement.

Motion by Trustee Hersch, seconded by Trustee Barth, to approve the awarding of the Capacity, Management, Operations, and Maintenance (CMOM) engineering agreement. A motion was made by Trustee Petersen to amend the motion to read the awarding of the Capacity, Management, Operations, and Maintenance (CMOM) agreement to Superior Engineering. The amended motion was approved unanimously.

5. Recommendation on reallocation of 2008 Village Community Development Block Grant funds for Lion's Gates Restoration project and scheduling of public hearing for January 3, 2008.

Motion by Trustee Hersch, seconded by Trustee DeGraff to approve the reallocation of 2008 Village Community Development Block Grant funds for Lion's Gates Restoration project. Motion carried unanimously.

VI. 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.

VII. BUSINESS AGENDA

A. COMMITTEE AND COMMISSION REPORTS

1. Public Safety Committee- No report.

2. Public Works Committee

A. Report on authorization for the Village Manager to purchase additional winter road salt for Fiscal Year 2007 as necessitated, as outlined in Village Code Section 2-87 (9) b.

Manager Pederson stated that there was no necessity to authorize the additional purchasing of road salt as the amount needed for 2007 did not exceed his authority as outlined in Village Code Section 2-87 (9) b.

3. Finance and Administration Committee- No report.

4. Plan Commission

C. Recommendation on Ordinance 08-____, An Ordinance to Create Setbacks and Maximum Percentages for the Establishment and Maintenance of Impervious Surfaces.

Motion by Trustee DeGraff, seconded by Trustee Hersch, to approve Ordinance 08-576, An Ordinance to Create Setbacks and Maximum Percentages for the Establishment and Maintenance of Impervious Surfaces. Motion carried unanimously.

5. Board of Zoning Appeals – No report.

6. GreenScape Bayside Committee– No report.

7. Regional Telecommunications Committee– No report.

8. Intergovernmental Cooperation Council– No report.

9. Community Development Authority– No report.

10. Architectural Review Committee– No report.

11. Library Board– No report.

VIII. VILLAGE PRESIDENT'S REPORT– No report.

IX. VILLAGE MANAGER'S REPORT

A. Authorization for the Village Manager to accept a settlement offer of \$15,511.52 from the Wisconsin Department of Transportation, or agent, as outlined in the October 3, 2007, Notice of Claim for flood related damages incurred during the reconstruction of State Highway 32.

Manager Pederson stated that the Board needed to take official action authorizing the acceptance of the settlement offer of \$15,511.52 from the Wisconsin Department of Transportation before a check would be issued.

Motion by Trustee Petersen, seconded by Trustee Hersch, to authorize the Village Manager to accept a settlement offer of \$15,511.52 from the Wisconsin Department of Transportation, or agent, as outlined in the October 3, 2007, Notice of Claim for flood related damages incurred during the reconstruction of State Highway 32. Motion carried unanimously.

X. VILLAGE ATTORNEY'S REPORT– No report.

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

Trustee DeGraff commended the Department of Public Works employees in the handling of the snow plowing during the storms in December and asked when the ice rink would be completed. Manager Pederson stated that it would be weather dependant as to the date.

XII. CORRESPONDENCE

A. Thank you from the Village of Fox Point Police Chief Thomas J. Czaja, commending Sergeant Ehler, Officer Blochowicz and Dispatcher Kochevar for their mutual aid response.

President Dickman acknowledged the correspondence.

XIII. 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 (Cell Tower Lease Agreement, Redevelopment).**
- 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: (Evaluation of Management Personnel).**

Motion by Trustee Hersch, seconded by Trustee Barth, to adjourn to closed session at 6:19 pm, 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 (Cell Tower Lease Agreement, Redevelopment) and 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: (Evaluation of Management Personnel). Motion carried unanimously.

XIV. MOTION TO RECONVENE IN OPEN SESSION PURSUANT TO SECTION 19.85 (2)

Motion by Trustee DeGraff, seconded by Trustee Hersch, to reconvene in open session at 6:35 pm pursuant to section 19.85 (2). Motion carried unanimously.

A. Action on items in closed session.

No action was taken or motions made in closed session.

XV. ADJOURNMENT

Motion by Trustee Barth, seconded by Trustee Petersen, to adjourn the meeting at 6:36 pm. Motion carried unanimously.

Respectfully submitted,

Lynn Galyardt, Village Clerk/Treasurer || February 16, 2008