



Village of Bayside
9075 North Regent Road
Board of Trustees Meeting Minutes
July 10, 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
Robb DeGraff - excused James Petersen-arrived at 6:05 pm
William Hersch Thomas Sopkovich

Also present: Village Manager Andy Pederson
Clerk/Treasurer Lynn Galyardt
Village Attorney Chris Jaekels
Police Captain Scott McConnell-arrived at 6:04 pm
Director of Public Works Joel Hawkins
There were four 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 to amend section 46 with regard to the Village Flood Plain Ordinance.**

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

1. Public Discussion

Manager Pederson stated this Ordinance was a formality required by FEMA and the Department of Natural Resources for Milwaukee County.

No one spoke.

2. Commission Discussion

Chairman Dickman closed the public hearing at 6:03 pm.

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, June 5, 2008.**
- 2. Committee of the Whole, June 19, 2008.**

B. PAYMENT OF SUMMARY OF CLAIMS

- 1. May 24, 2008 to June 27, 2008 in the amount of \$420,480.86.**

Motion by Trustee Hersch, seconded by Trustee Barth, to approve the minutes of the Board of Trustees, June 5, 2008, the Committee of the Whole, June 19, 2008 and the payment of Summary of Claims, May 24, 2008 to June 27, 2008. Motion carried unanimously.

C. FINANCIAL STATEMENTS

- 1. Recommendation on May 2008 Financial Statement.**

Motion by Trustee Muchin, seconded by Trustee Sopkovich, to approve the May 2008 Financial Statement. Motion carried unanimously.

D. ROUTINE BUSINESS ITEMS

- 1. Recommendation on Resolution 08-____, a Resolution regarding the 2007 Wisconsin Department of Natural Resources NR 208, 2007 Compliance Maintenance Annual Report.**

Motion by Trustee Muchin, seconded by Trustee Barth, to approve Resolution 08-07, a Resolution regarding the 2007 Wisconsin Department of Natural Resources NR 208, 2007 Compliance Maintenance Annual Report. Motion carried unanimously by roll call.

- 2. Recommendation on Ordinance 08-____, an Ordinance to amend section 46 with regard to the Village Flood Plain Ordinance.**

Motion by Trustee Hersch, seconded by Trustee Sopkovich, to approve Ordinance 08-584, an Ordinance to amend section 46 with regard to the Village Flood Plain Ordinance. Motion carried unanimously by roll call vote.

- 3. Recommendation on the installation by the Department of Transportation of a pathway on the south side of Brown Deer Road from River Point Shopping Center to the Interstate 43 bridge contingent upon the DOT paying for the installation.**

Manager Pederson stated the pathway would be installed from Port Washington Road to the Interstate 43 Bridge along Brown Deer Road.

Motion by Trustee Muchin, seconded by Trustee Hersch, to approve the installation by the Department of Transportation of a pathway on the south side of Brown Deer Road from Port Washington Road to the Interstate 43 bridge contingent upon the DOT paying for the installation. Motion carried unanimously.

- 4. Recommendation on Ordinance 08-____, an Ordinance to Amend Section 62-3 of the Bayside Municipal Code to insert sections and subsections of the Wisconsin Statutes.**

Attorney Jaekels stated the State Statutes for littering on the highway had never been adopted by the Village and this Ordinance would make the Statutes part of the Village code.

Motion by Trustee Petersen, seconded by Trustee Hersch, to approve Ordinance 08-585, an Ordinance to Amend Section 62-3 of the Bayside Municipal Code to insert sections and subsections of the Wisconsin Statutes. Motion carried unanimously by roll call vote.

5. Recommendation on Ordinance 08-____ , an Ordinance to amend section 14, with regard to building permits.

Trustee Muchin questioned as to who would make the final determination as to whether there was a substantial change being made in the color of a roof. Under the proposed ordinance, the Village Manager would make the final determination.

Motion by Trustee Hersch, seconded by Trustee Barth, to approve Ordinance 08-586, an Ordinance to amend section 14, with regard to building permits. Motion carried unanimously by roll call vote.

6. Discussion/action on the application for issuance of an Operator's license requested by Jennifer Wall (Pandl's – Bayside), Amy Frey (Pandl's-Bayside), Mark Baker (Speakeasy), Jennifer Onopa (Pandl's –Bayside), Corinna Klaske (Sendiks), Elizabeth Contra maestri, (Los Paisa) and reviewed by the Police Department.

Motion by Trustee Hersch, seconded by Trustee Petersen, to approve the application for issuance of an Operator's license requested by Jennifer Wall (Pandl's – Bayside), Amy Frey (Pandl's-Bayside), Mark Baker (Speakeasy), Jennifer Onopa (Pandl's –Bayside), Corinna Klaske (Sendiks), Elizabeth Contra maestri, (Los Paisa) and reviewed by the Police Department. 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.

Werner Holzwarth, a Teamsters Union organizer, introduced himself and read a statement from Secretary-Treasurer Tom Millonzi of the Teamster "General" Local Union 200, announcing the Teamster "General" Local Union 200 as the collective bargaining unit for the Police Officers and Dispatchers.

VII. BUSINESS AGENDA

A. COMMITTEE AND COMMISSION REPORTS

1. Public Safety Committee

a. Recommendation on the rental of the Village speed trailer for public use.

Motion by Trustee Petersen, seconded by Trustee Muchin, to approve the rental fee of \$100 per 24-hour period for the Village speed trailer for public use. Motion carried unanimously.

- b. Recommendation on Ordinance 08-____, an Ordinance to Amend Section 62-139(c) Regarding Sex Offender Residency Restriction Exceptions.**

Motion by Trustee Muchin, seconded by Trustee Barth, to approve Ordinance 08-587, an Ordinance to Amend Section 62-139(c) Regarding Sex Offender Residency Restriction Exceptions. Motion carried unanimously by roll call vote.

2. Public Works Committee

- a. Recommendation on 2008 Village street resurfacing project.**

Motion by Trustee Barth, seconded by Trustee Sopkovich, to approve the 2008 Village street resurfacing project. Motion carried unanimously.

3. Finance and Administration

- a. Recommendation on accepting 2007 Village Audit, as presented by Virchow Krause.**

Motion by President Dickman, seconded by Trustee Hersch, to accept the 2007 Village Audit, as presented by Virchow Krause. Motion carried unanimously.

- b. Recommendation on Resolution 08-____, a Resolution amending the 2008 budget reflecting allocation of general fund balances in excess of 20 percent.**

Motion by Trustee Hersch, seconded by Trustee Barth, to approve Resolution 08-08, a Resolution amending the 2008 budget reflecting allocation of general fund balances in excess of 20 percent. Motion carried unanimously by roll call vote.

- c. Recommendation on Ordinance 08-____, an Ordinance to amend section 14-218 and 14-219 with regard to cutting grass and grass maintenance, and repealing section 86-2.**

Trustee Petersen asked how long grass in culverts and ditches would be addressed. Manager Pederson stated if the grass became a public safety issue, the Police Department would become involved, and the resident would be notified that the grass had to be cut or the Village would cut it and bill the homeowner. Attorney Jaekels stated the vision triangle ordinance is currently in place as well.

Motion by President Dickman, seconded by Trustee Hersch, to approve Ordinance 08-588, an Ordinance to amend section 14-218 and 14-219 with regard to cutting grass and grass maintenance, and repealing section 86-2. Motion carried unanimously by roll call vote.

- d. Recommendation on the reallocation of expenditure of funds for the 2008 crack sealing program.**

Motion by Trustee Muchin, seconded by Trustee Sopkovich, to approve the reallocation of expenditure of funds for the 2008 crack sealing program. Motion carried unanimously by roll call vote.

- e. Recommendation of the allocation of Road Reserve monies to fund the 2008 Village street resurfacing projects.**

President Dickman questioned if there would be a balance left in the Road Reserve. Manager Pederson stated there would be an amount of approximately \$77,000 remaining.

Motion by Trustee Hersch, seconded by Trustee Sopkovich, to approve the allocation of Road Reserve monies to fund the 2008 Village street resurfacing projects. Motion carried unanimously.

- f. Recommendation on 2009 Village Budget schedule.**

Motion by Trustee Hersch, seconded by Trustee Petersen, to approve the 2009 Village Budget schedule. Motion carried unanimously.

4. Plan Commission

- a. Recommendation of the request from Dr. Robert Matteucci of Great Lakes Foot and Ankle for a Conditional Use Permit to Operate: A medical office specializing in the foot and ankle, located at 320 West Brown Deer Road.**

Trustee Sopkovich stated the Architectural Review Committee did not approve the sign permit request by Dr. Robert Matteucci.

Motion by Trustee Hersch, seconded by Trustee Barth, to approve the request from Dr. Robert Matteucci of Great Lakes Foot and Ankle for a Conditional Use Permit to Operate: A medical office specializing in the foot and ankle, located at 320 West Brown Deer Road. Motion carried unanimously.

VIII. VILLAGE PRESIDENT'S REPORT

- A. Discussion/recommendation on reappointing members to the Village's Committee's and Commission's for June 2008 through April 2009, as attached.**

Motion by Trustee Hersch, seconded by Trustee Barth, to approve the reappointing of members to the Village's Committees and Commissions for June 2008 through April 2009, as attached. Motion carried unanimously.

- B. Discussion/recommendation on appointing the following new members to the Village's Committees for June 2008 through April 2009: Bob Johnson to the Public Works Committee, Roger Derenne to the Architectural Review Committee, Eido Walny to the Board of Zoning Appeals, and Mark Jubelirer to the Finance and Administration Committee.**

Motion by Trustee Muchin, seconded by Trustee Hersch, to approve the appointing of the following new members to the Village's Committees for June 2008 through April 2009: Bob Johnson to the Public Works Committee, Roger Derenne to the Architectural Review Committee, Eido Walny to the Board of Zoning Appeals, and Mark Jubelirer to the Finance and Administration Committee. Motion carried unanimously.

IX. VILLAGE MANAGER'S REPORT

A. Discussion/recommendation on Resolution 08-____, a Resolution to authorize direct negotiation of a contract for reconstruction of the culvert, roadbed, and road surface of West County Line Road.

Manager Pederson stated this Resolution relates to the washout of the culvert on West County Line Road and waives the bidding process to enable emergency repair to the damage on County Line Road. Attorney Jaekels noted State Statute requires this Resolution to be passed before the Village can proceed.

Motion by President Dickman, seconded by Trustee Barth, to approve Resolution 08-09, a Resolution to authorize direct negotiation of a contract for reconstruction of the culvert, roadbed, and road surface of West County Line Road. Motion carried unanimously by roll call vote.

Manager Pederson stated that 652 Community Surveys had been returned or a response rate of over 35%. Staff had finished compiling the data and the summary of the results would be completed by the end of the month.

X. VILLAGE ATTORNEY'S REPORT

Attorney Jaekels stated the Supreme Court had handed down several decisions in the past few weeks that involved municipalities and the attorneys office was reviewing as to whether the Village would need to change any ordinances.

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

Trustee Sopkovich noted Congressman Sensenbrenner, Senator Darling, and Representative Ott held a town hall meeting on Monday at which he encouraged the governmental officials to get the State budget numbers to us sooner than had been done last year.

President Dickman stated the Village had received the 2008 Distinguished Budget award and commended Manager Pederson and Clerk/Treasurer Galyardt on their efforts to achieve this award.

XII. CORRESPONDENCE

XIII. MOTION TO ADJOURN TO CLOSED SESSION

A. 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 personnel)and (DPW Labor Negotiations).

Motion by President Dickman, seconded by Trustee Barth, to adjourn to closed session 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 personnel)and (DPW Labor Negotiations). Motion carried unanimously by roll call vote.

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

Motion by President Dickman, seconded by Trustee Petersen to reconvene in open session pursuant to section 19.85 (2). Motion carried unanimously.

A. Action on items in closed session.

Motion by Trustee Hersch, seconded by Trustee Barth to approve the ratification of the AFSCME 1486 Department of Public Works three year, 2008-2010 Labor Contract. Motion carried unanimously by roll call vote.

XV. ADJOURNMENT

Motion by President Dickman, seconded by Trustee Hersch, to adjourn the meeting at 6:46 pm. Motion carried unanimously by roll call vote.

Respectfully submitted,

Lynn Galyardt, Village Clerk/Treasurer || August 23, 2008