



**Village of Bayside
9075 N Regent Road
Board of Trustees Meeting Minutes
May 3, 2007**

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 James Petersen-excused
William Hersch-excused Thomas Sopkovich-excused

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

III. PLEDGE OF ALLEGIANCE

IV. CONSENT AGENDA

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

A. APPROVAL OF MINUTES

1. **Committee of the Whole, April 19, 2007.**
2. **Board of Trustee, April 19, 2007.**

B. PAYMENT OF SUMMARY OF CLAIMS

1. **3/31/07 – 4/20/07 in the amount of \$133,870.34.**

Motion by Trustee DeGraff, seconded by Trustee Barth, to approve the consent agenda as written. Motion carried unanimously.

V. 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.

Joanne Lutz, 8625 N Pelham Pkwy., stated that there was a deer problem in her area that was destroying her property and questioned if there was an ordinance against feeding the deer. Chief Resnick stated that he would look into whether or not there was an ordinance but noted the Department of Natural Resources prohibited feeding deer because of chronic waste disease.

VI. BUSINESS AGENDA

A. COMMITTEE AND COMMISSION REPORTS

1. **Public Safety Committee**

- a. **Recommendation on Ordinance 07-____, An Ordinance to Create Sec. 62-139 to Provide Regulations Relating to Residency and Child Safety Zone Regulations for Sex Offenders.**

Trustee DeGraff stated this ordinance had been discussed at the Committee of the Whole and a revision had been made to include religious institutions. President Dickman asked that the Ordinance be amended to include areas within 2000 feet of a navigable waterway of the State of Wisconsin and homes for the disabled, including but not limited to homes for the elderly.

Motion by President Dickman, seconded by Trustee Muchin, to approve the amended Ordinance 07-562, An Ordinance to Create Sec. 62-139 to Provide Regulations Relating to Residency and Child Safety Zone Regulations for Sex Offenders. Motion carried unanimously by roll call vote.

2. Public Works Committee

- a. **Discussion/Recommendation on Wisconsin Department of Transportation Proposal to Remedy Flooding Issues at the southwest corner of the intersection of Brown Deer Road and Lake Drive as a Result of Construction Related Changes to the Drainage Patterns.**

Trustee Muchin noted that he attended a meeting with Joel Hawkins, the Director of Public Works, Manager Pederson, and Jim Forseth of the Wisconsin Department of Transportation. He stated a solution has been reached in regard to the drainage that would return the water flow and the grading back to where it was prior to the road construction project. The plan would not increase the amount of water flowing to the 621 pond. President Dickman asked how soon the plan could be implemented. Jim Forseth stated that he would be speaking to the contractor once the authorization to proceed had been given to Wisconsin Department of Transportation. Trustee Muchin requested that the issues mentioned at the meeting on May 2, 2007 in regards to the plantings and other items be worked out.

Motion by Trustee Muchin, seconded by President Dickman, authorize the Village Manager to work with Joel Hawkins and Jim Forseth to initiate the plan on Project # 2225-1170 for Highway 32, a drainage plan to remedy the issues at the corner of the intersection of Brown Deer Road and Lake Drive. Motion carried unanimously.

- 3. **Finance and Administration Committee – No Report**
- 4. **Plan Commission – No Report**
- 5. **Regional Telecommunications Committee**

Manager Pederson stated the Committee had met and the audit of Time Warner was discussed.

- 6. **Intergovernmental Cooperation Council – No Report**
- 7. **Library Board – No Report**

VII. VILLAGE PRESIDENT'S REPORT

- A. **Discussion/action on the application for issuance of an Operator's license requested by Scott E Waddinton (Otto's) and Jasper Mineo (Pandls) reviewed by the Police Department.**

Motion by Trustee DeGraff, seconded by Trustee Barth, to approve the application for issuance of an Operator's license requested by Scott E Waddinton (Otto's) and Jasper Mineo (Pandls) reviewed by the Police Department. Motion carried unanimously.

- B. **Discussion/Recommendation on appointing Tippy Holz to the Beautification Committee.**

Motion by Trustee DeGraff, seconded by Trustee Barth, to appoint Tippy Holz to the Beautification Committee. Motion carried unanimously.

C. Discussion/Recommendation on appointment of member to the Zoning Board of Appeals.

President Dickman recommended the Board appoint Trustee Michael Barth to the Zoning Board of Appeals.

Motion by Trustee Muchin, seconded by Trustee Degraff to appoint Trustee Michael Barth to the Zoning Board of Appeals. Trustee Barth recused himself. Motion carried unanimously.

VIII. VILLAGE MANAGER'S REPORT

A. Discussion/Recommendation on Agreement with WE Energies to reconfigure and install additional street lights on Lake Drive and Brown Deer Road.

Manager Pederson stated there had been two proposals regarding the lighting at the curve area of the intersection, one that had 4 additional lights being added and one that would include only 2 additional lights. The cost of the first proposal was approximately \$12,600 paid up front with a lower monthly charge or paid in installments along with the monthly charges. The return on investment period for the first proposal is 92 months. The second proposal cost was just under \$6,000. A hybrid of the two proposals, moving one of the existing lights to the curve area and adding two lights is being recommended with an estimated cost of \$8,000 upfront charges and the monthly charges of approximately \$75.00 per month.

President Dickman questioned if the lights would shine in people residences. Manager Pederson stated the new light would have an arm that extended out farther than the current lighting and could contain residential shields to channel the lights. Chief Resnick noted that the lights would be full cut off fixtures that would shed some light on the property but would not shine on the resident's home.

Trustee DeGraff asked what had happened to adding a guardrail in that area. Manager Pederson stated that the Wisconsin Department of Transportation had sent a letter to Chief Resnick outlining the reasons why they would not place a guardrail at the intersection. However, they would be adding additional reflective chevrons and lowering them as well.

Motion by Trustee Muchin, seconded by Trustee DeGraff to approve the hybrid Agreement with WE Energies to reconfigure and install additional street lights on Lake Drive and Brown Deer Road, as recommended by the Village Manager. Motion carried unanimously.

IX. VILLAGE ATTORNEY'S REPORT

Attorney Jaekels noted that he and the Village Manager contacted the other municipalities who are unified in their dealings with AT&T in regard to the cable television issues. A request was submitted to these communities regarding signing an agreement that would be similar to the agreement that AT&T has with Milwaukee County to remain in effect while the lawsuit between AT&T and Milwaukee County is being handled.

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

A. Recommendation on Ordinance 07-____, An Ordinance to Amend Sec. 14 of the Municipal Code with Regard to Fences, Sheds and Accessory Structure.

Attorney Jaekels stated that this ordinance addresses the percentage of open spacing in fences in relationship to the amount of fencing a homeowner may have on their property.

Trustee DeGraff stated that the wording was too discretionary or subjective in regards to the type of fence materials allowed. Attorney Jaekels stated it was intended to give the Committee the ability to reject a fence because the style of fence clashes with the existing fences.

Motion by Trustee DeGraff, seconded by Trustee Barth, to approve Ordinance 07-563, An Ordinance to Amend Sec. 14 of the Municipal Code with Regard to Fences, Sheds and Accessory Structure. Motion carried three to one, with Trustee DeGraff voting nay.

XI. CORRESPONDENCE

XII. 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:** (Police, Dispatch, DPW Labor Negotiations and Benefits)
- B. 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:** (DOT Notice of Claim; Shupeck Litigation)

Motion by President Dickman, seconded by Trustee Barth, to adjourn to closed session at 6:45 pm 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: (Police, Dispatch, DPW Labor Negotiations and Benefits) and 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: (DOT Notice of Claim; Shupeck Litigation). Motion carried unanimously.

XIII. 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 7:11 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.

XIV. ADJOURNMENT

Motion by President Dickman, seconded by Trustee DeGraff to adjourn the meeting at 7:12 pm. Motion carried unanimously.

Lynn Galyardt
Village Clerk/Treasurer