



**Village of Bayside  
9075 North Regent Road  
Board of Trustees Meeting Minutes  
July 12, 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  
William Hersch Thomas Sopkovich

**Also present:** Village Manager Andy Pederson  
Village Attorney Christopher Jaekels  
Director of Public Works Joel Hawkins  
Police Captain Scott McConnell  
Village Clerk/Treasurer Lynn Galyardt  
There were five people in the audience.

**III. PLEDGE OF ALLEGIANCE**

**IV. PUBLIC HEARING**

**A. The purpose of this hearing is to consider Ordinance 07-\_\_\_\_, An Ordinance to Amend Sec. 106-3 of the Zoning Code with Regard to the Number of Residences Located on Each Lot.**

**1. Public Discussion**

President Dickman read the above notice and called for public discussion at 6:01 pm.

There was no one present who wished to speak.

**2. Board Discussion**

Trustee Petersen questioned if current dwellings were grandfathered. Attorney Jaekels confirmed that they are grandfathered.

President Dickman closed the Public Hearing at 6:04 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 Trustee, June 7, 2007.
2. Committee of the Whole, June 21, 2007.

**B. PAYMENT OF SUMMARY OF CLAIMS**

1. 5/26/07 – 6/29/07 in the amount of \$357,915.91.

**C. FINANCIAL STATEMENTS**

1. May 2007 Financial Statement.
2. June 2007 Financial Statement.

Motion by Trustee DeGraff, seconded by Trustee Muchin, to approve the consent agenda as written. 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.

President Dickman stated that he wished to recess the Board of Trustee meeting at this time to allow the Committee of the Whole to meet.

Motion by Trustee DeGraff, seconded by Trustee Barth, to recess the Board of Trustee meeting at 6:06 pm. Motion carried unanimously.

Motion by President Dickman, seconded by Trustee DeGraff, to reconvene the Board of Trustee meeting at 6:45 pm. Motion carried unanimously.

## **VII. BUSINESS AGENDA**

### **A. COMMITTEE AND COMMISSION REPORTS**

#### **1. Public Safety Committee**

- a. **Recommendation on Mobile Data Communications User Group activities.**

Trustee Hersch stated that this item had been tabled at the Committee of the Whole meeting and would not be discussed at this time.

#### **2. Public Works Committee**

- a. **Recommendation on Ordinance 07-\_\_\_\_\_, An Ordinance to Amend Sec 86-3 of the Municipal Code with Regard to Altering Ditches, Installing Culverts.**

Trustee Muchin stated that this Ordinance would ensure that people are not planting or restricting the water flow in the ditches and culverts, as well as plantings in the shoulder area.

Motion by Trustee DeGraff, seconded by President Dickman, to approve Ordinance 07- 565, An Ordinance to Amend Sec 86-3 of the Municipal Code with Regard to Altering Ditches, Installing Culverts. Motion carried unanimously by roll call vote.

- b. **Recommendation on Resolution 07-\_\_\_\_\_, A Resolution Regarding the Wisconsin Department of Natural Resources NR 208, 2006 Compliance Maintenance Annual Report.**

Motion by Trustee DeGraff, seconded by President Dickman, to approve Resolution 07-08, A Resolution Regarding the Wisconsin Department of Natural Resources NR 208, 2006 Compliance Maintenance Annual Report. Motion carried unanimously.

#### **3. Finance and Administration Committee**

- a. **Recommendation on accepting the GASB 45 Mandated Village of Bayside, Other Post-Employment Benefits (OPEB) Report, prepared by Joan Gucciardi of Gucciardi Benefit Resources.**

Motion by President Dickman, seconded by Trustee Hersch, to accept the GASB 45 Mandated Village of Bayside, Other Post-Employment Benefits (OPEB) Report, prepared by Joan Gucciardi of Gucciardi Benefit Resources. Motion carried unanimously.

- b. Recommendation on Resolution 07-\_\_\_\_\_, A Resolution Authorizing the Local Government Property Insurance Fund to Provide the Village's Property Insurance Coverage.**

Motion by Trustee Petersen, seconded by Trustee Hersch, to approve Resolution 07-09, A Resolution Authorizing the Local Government Property Insurance Fund to Provide the Village's Property Insurance Coverage. Motion carried unanimously.

- c. Recommendation on Village of Bayside Outdoor Recreation Plan.**

Motion by President Dickman, seconded by Trustee Barth, to approve the Village of Bayside Outdoor Recreation Plan. Motion carried unanimously.

- d. Recommendation on Ordinance 07-\_\_\_\_\_, An Ordinance to Amend Sec. 14-2 with Regard to Architectural Review Committee Membership.**

Motion by President Dickman, seconded by Trustee Muchin, to approve Ordinance 07-566, An Ordinance to Amend Sec. 14-2 with Regard to Architectural Review Committee Membership. Motion carried unanimously by roll call vote.

- e. Recommendation on Ordinance 07-\_\_\_\_\_, An Ordinance to Amend Sec.38-101(4) with Regard to the duration of Time for the Placement of Dumpsters in Conjunction with Construction Projects.**

Motion by President Dickman, seconded by Trustee Hersch, to approve Ordinance 07-567, An Ordinance to Amend Sec.38-101(4) with Regard to the duration of Time for the Placement of Dumpsters in Conjunction with Construction Projects. Motion carried unanimously by roll call vote.

- f. Recommendation on Ordinance 07-\_\_\_\_\_ An Ordinance to Amend Sec. 106-3 of the Zoning Code With Regard to the Number of Residences Located on Each Lot.**

Motion by President Dickman, seconded by Trustee Muchin, to approve Ordinance 07-568, An Ordinance to Amend Sec. 106-3 of the Zoning Code With Regard to the Number of Residences on Each Lot. Motion carried unanimously by roll call vote.

- g. Recommendation on Ordinance 07-\_\_\_\_\_ An Ordinance to Amend Sec. 38-68 with Regard to the Feeding of Certain Wild Animals.**

Motion by President Dickman, seconded by Trustee Hersch, to approve Ordinance 07-569, An Ordinance to Amend Sec. 38-68 with Regard to the Feeding of Certain Wild Animals. Motion carried unanimously by roll call vote.

- h. Cancellation of the August 2, 2007 Village Board Meeting.**

Manager Pederson stated that due to the lack of a quorum the August 2, 2007 Village Board Meeting needed to be cancelled.

Motion by President Dickman, seconded by Trustee Muchin, to cancel the August 2, 2007 Village Board Meeting. Motion carried unanimously.

- i. Recommendation on use of the 2007 allocation of funds allocated for deposit into the Tax Levy Stabilization Account, pursuant to Village Financial Policy.**

Motion by Trustee Petersen, seconded by Trustee Muchin, to approve the use of the 2007 allocation of funds allocated for deposit into the Tax Levy Stabilization Account, pursuant to Village Financial Policy. Motion carried unanimously by roll call vote.

**j. Recommendation on 2007 Budget Amendment #1, reflecting changes previously authorized by the Village Board.**

Motion by Trustee Muchin, seconded by Trustee Petersen, to approve Resolution 07-10, a 2007 Budget Amendment reflecting changes previously authorized by the Village Board. Motion carried unanimously by roll call vote.

**k. Recommendation on 2007 Budget Amendment #2, reflecting a transfer of previously allocated funds to the Mobile Data Communication Fund.**

Motion by Trustee Muchin, seconded by President Dickman, to approve Resolution 07-11, a 2007 Budget Amendment reflecting a transfer of previously allocated funds to the Mobile Data Communication Fund. Motion carried unanimously by roll call vote.

**l. Recommendation on 2007 Budget Amendment #3, reflecting allocation of general fund balances in excess of 20 percent.**

Motion by Trustee Muchin, seconded by President Dickman, to approve Resolution 07-12, a 2007 Budget Amendment reflecting allocation of general fund balances in excess of 20 percent. Motion carried unanimously by roll call vote.

**m. Recommendation on Community Development Block Grant funds:**  
**a. Use of 2008 allocation;**  
**b. Use and amendment of previously unspent monies;**  
**c. Application on behalf of the Bayside Civic Foundation for monies for reclamation of the Lion's Gates; and**  
**d. Scheduling of public hearing for August 16, 2007.**

Motion by Trustee Dickman, seconded by Trustee Muchin, on Community Development Block Grant funds: Use of 2008 allocation; Use and amendment of previously unspent monies; Application on behalf of the Bayside Civic Foundation for monies for reclamation of the Lion's Gates; and Scheduling of public hearing for August 16, 2007. Motion carried unanimously by roll call vote.

**4. Plan Commission**

**a. Recommendation of the request from Daniel J. Katz of Katz Properties, Inc. for a conditional use permit to operate: A Property Management Company to be located at 614 West Brown Deer Road, Suite 300.**

Motion by Trustee DeGraff, seconded by Trustee Barth to approve the request from Daniel J. Katz of Katz Properties, Inc. for a conditional use permit to operate: A Property Management Company to be located at 614 West Brown Deer Road, Suite 300. Motion carried unanimously.

**b. Recommendation of the request from Daniel J. Katz of Katz Properties, Inc. for a conditional use permit to operate: An existing apartment complex recently purchased to be located at 9000 – 9119 North White Oak Lane.**

Motion by Trustee Hersch, seconded by Trustee Barth, to approve the request from Daniel J. Katz of Katz Properties, Inc. for a conditional use permit to operate: An existing apartment complex recently purchased to be located at 9000 – 9119 North White Oak Lane. Motion carried unanimously.

- c. Recommendation of the request from Steve Nikolas of Bruegger's Enterprises, Inc., for a conditional use permit to operate: A Bagel Bakery Café, selling deli style sandwiches, salads, soups, desserts, coffee and specialty drinks located at 333 West Brown Deer Road, #22.**

Motion by Trustee DeGraff, seconded by Trustee Muchin, to approve the request from Steve Nikolas of Bruegger's Enterprises, Inc., for a conditional use permit to operate: A Bagel Bakery Café, selling deli style sandwiches, salads, soups, desserts, coffee and specialty drinks located at 333 West Brown Deer Road, #22. Motion carried unanimously.

- d. Recommendation of the request from Edward Meier of Homestead Assisted Living, for a conditional use permit to operate: An existing 20 unit community based residential facility, changing their name from Baypoint Villa to Homestead Ridge Assisted Living, located at 225 East Brown Deer Road.**

Motion by Trustee DeGraff, seconded by Trustee Hersch, to approve the request from Edward Meier of Homestead Assisted Living, for a conditional use permit to operate: An existing 20 unit community based residential facility, changing their name from Baypoint Villa to Homestead Ridge Assisted Living, located at 225 East Brown Deer Road. Motion carried unanimously.

**5. Beautification Committee**

- a. Recommendation of name change to the GreenScape Bayside Committee.**

Motion by Trustee Muchin, seconded by Trustee DeGraff, to change the name of the Beautification Committee to the GreenScape Bayside Committee. Motion carried unanimously.

**6. Regional Telecommunications Committee – No report.**

**7. Intergovernmental Cooperation Council – No report.**

**8. Community Development Authority – No report.**

**9. Architectural Review Board – No report.**

**10. Library Board**

Trustee Sopkovich stated that the Library Board had not met and therefore there was no report.

**VIII. VILLAGE PRESIDENT'S REPORT**

- A. Discussion/Action on the application for issuance of an Operator's license requested by Nicholas J. Schneider (Pandls) and Myron Horn (Otto's) reviewed by the Police Department.**

Motion by Trustee DeGraff, seconded by Trustee Hersch, to approve the Operator's license requested by Nicholas J. Schneider (Pandls) and Myron Horn (Otto's) reviewed by the Police Department. Motion carried unanimously.

- B. Discussion/Action on appointing Karen Siegel to the GreenScape Committee.**

Motion by Trustee Muchin, seconded by Trustee DeGraff, to appoint Karen Siegel to the GreenScape Committee. Motion carried unanimously.

- C. Discussion/Action on Appointment of Stephan Achs and Stephen Franz as alternates to the Architectural Review Committee.**

Motion by Trustee Muchin, seconded by Trustee Barth, to approve the re-appointment of Stephan Achs and Stephen Franz as alternates to the Architectural Review Committee.

**IX. VILLAGE MANAGER'S REPORT**

Manager Pederson stated that in the future the more routine items would be included in the consent agenda instead of being placed in the business portion of the agenda. He requested that with the new improvements at Ellsworth Park, the annual Village Picnic be relocated to Ellsworth Park this year.

**X. VILLAGE ATTORNEY'S REPORT – No report.**

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

President Dickman stated that Manager Pederson would be attending the Senior Executive Institute at the University of Virginia's Darden School of Business with a scholarship from ICMA during the weeks of July 14 – July 27. He noted that it was an honor to the community that Manager Pederson had been chosen to attend.

**XII. CORRESPONDENCE**

- A. Thank you to the Department of Public Works from Ernie and Catherine Gauger commending the department on their maintenance of the Port Washington Road grass and sidewalk area.**

President Dickman acknowledged the above item.

- B. Thank you to Officer Eric Miller from Will Weiss for the birthday party held at the Bayside Police Station.**

President Dickman acknowledged the above item.

- C. Thank you to Sergeant Fran Ehler from Linda Moore for organizing and coordinating the bicycle safety presentations at Stormonth Elementary School.**

President Dickman acknowledged the above item.

- D. Thank you to the Police Department from the families of the Pelham/Buttles Neighborhood for their presence at their block party.**

President Dickman acknowledged the above item.

- E. 2006 Separate Sewer Area I&I Management Annual Progress Report.**

President Dickman acknowledged the above item.

**XIII. ADJOURNMENT**

Motion by President Dickman, seconded by Trustee Muchin, to adjourn the meeting at 7:01 pm. Motion carried unanimously.

Respectfully submitted,

Lynn Galyardt  
Village Clerk/Treasurer  
July 13, 2007