

**JOINT MEETING OF THE
BROWN DEER COMMUNITY DEVELOPMENT AUTHORITY AND VILLAGE BOARD
DECEMBER 29, 2004 MEETING MINUTES
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by Village President Jaberg at 7:05 A.M.

I. Roll Call

Present: Village President Margaret Jaberg
Trustees: Tim Schilz, Carl Krueger, Ron Kundinger, Gary Springman,
CDA Members: Scott Fleming, Bob Oates, Dave Wagner, Kathryn Berger

Excused: Trustees: Mark Askew, Jeff Baker
CDA Members: Kim Starz-Nicholas

Also Present: Russell Van Gompel, Village Manager; Andy Pederson, Assistant Village Manager/Community Services Director; Alan Marcuvitz, Community Development Authority Legal Counsel

The Village Board and CDA took the following agenda items out of order so as to discuss and clarify the matter amongst both bodies.

II. Report of Staff/Authority Members

The Village Manager reported that it appears that the School District will not hold a referendum on February 15, 2005. He stated that he had not had an opportunity to discuss the status of the school project with Mr. Connolly, but that the School Board wished to have additional time to evaluate the financing options. Mr. Van Gompel will continue to provide updates as they are available. Mr. Van Gompel reported that the sale of the Park Plaza property was finalized and closed on Tuesday, December 28, 2004. He also reported that the public hearing for the creation of Tax Increment Districts 3 and 4 were published and will be held on January 24, 2005.

III. Unfinished Business

None.

IV. New Business

A) Brown Deer Commerce Center Development Agreement Status Update

Attorney Marcuvitz discussed the redevelopment of the Commerce Center and summarized the proposed amendments to the Development Agreement.

It was moved by Mr. Fleming and seconded by Mr. Oates for the Community Development Authority to recommend that the Village Board approve the "Amended and Restated Development Agreement" and the "Supplement to the Amended and Restated Development Agreement" relating to the Brown Deer Commerce Center Redevelopment. The motion carried unanimously.

It was moved by Trustee Schilz and seconded by Trustee Krueger that the Village Board approve the "Amended and Restated Development Agreement" and the "Supplement to the Amended and Restated Development Agreement" relating to the Brown Deer Commerce Center Redevelopment. The motion carried unanimously.

B) 7600 N. Teutonia property environmental assessment and contract amendment with Northern Environmental Technologies

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Stuart Gross from Northern Environmental reviewed the work to date and described the work needed to complete the project. Mr. Gross indicated that three additional monitoring wells will be needed to complete the investigation and that monitoring of the wells is needed to determine the extent of petroleum contamination in the soil and groundwater to the south and east of the site at 7600 N. Teutonia Avenue. The contract amendment to perform the additional work is \$23,265.19. The project is approved by the State of Wisconsin as a PECFA eligible project and the additional cost will be reimbursed through the PECFA program.

It was moved by Mr. Wagner and seconded by Ms. Berger for the Community Development Authority to recommend that the Village Board approve "Amendment #2 to the Professional Service Agreement with Northern Environmental for the 7600 North Teutonia Avenue Property." The motion carried unanimously.

It was moved by Trustee Krueger and seconded by Trustee Springman that the Village Board approve "Amendment #2 to the Professional Service Agreement with Northern Environmental for the 7600 North Teutonia Avenue Property." The motion carried unanimously.

V. Recess into Closed Session pursuant § 19.85 (1)(e) Wisconsin Statutes for the following reasons:

- (e) Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

It was not necessary to recess into closed session.

VI. Reconvene into Open Session for Possible Action on Closed Session Deliberations

VII. CDA Adjournment

It was moved by Mr. Oates and seconded by Mr. Fleming to adjourn the Community Development Authority at 7:45 a.m. The motion carried unanimously.

VIII. Village Board New Business

- A) Certified Survey Map proposal for division of Outlot 1 in Cloverleaf Estates East (9393 N. 51st Street), requested by Barry Schulman for Ed Krohn**

Mr. Pederson reviewed the background for the proposed CSM, which was presented to the Village Board in September of 2004. The CSM has been revised to include the two existing parcels which each portion of the outlot will become part of. Staff reviewed the measurements and coordinates of the CSM and found that the bearings and dimensions are consistent with Village records. The Village Board discussed the request for reimbursement of additional fees to complete the revised CSM and will place the request for reimbursement on a future agenda.

It was moved by Trustee Kunding and seconded by Village President Jaberg to adopt a Resolution Approving the Certified Survey Map for Edward and Elizabeth Krohn and Barry and Cheryl Schulman. The motion carried unanimously.

- B) Appointment to the Joint Review Board**

It was moved by Village President Jaberg and seconded by Trustee Kunding that Tim Schilz be appointed to the Joint Review Board and Village President Jaberg as an alternate. The motion carried unanimously.

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IX. Adjournment

It was moved by Trustee Krueger and seconded by Trustee Schilz to adjourn the Village Board at 8:05 a.m. The motion carried unanimously.

Russell Van Gompel, Village Manager