

**BROWN DEER VILLAGE BOARD
NOVEMBER 15, 2004 MEETING MINUTES
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by President Jaberg at 7:32 P.M.

I. Roll Call

Present: Village President Jaberg; Trustees: Baker, Krueger, Kundinger, Springman

Absent: Trustees Askew, Schilz

Also Present: Russell Van Gompel, Village Manager; William Dineen, Village Attorney; Andy Pederson, Assistant Village Manager/Community Services Director; Jesse Thyges, Planning and Zoning Specialist; Larry Neitzel, Department of Public Works Superintendent

II. Pledge of Allegiance

III. Public Hearings

- A) Rezoning parcels located at 5506 and 5530 W. Brown Deer Road from the (M) Manufacturing to the (B3) Commercial Zoning District.**

The public hearing was opened at 7:32 p.m. Mr. Thyges reviewed the proposal.

The public hearing closed at 7:33 p.m.

IV. Persons Desiring to be Heard

None.

V. Consideration of Minutes: November 1, 2004 – Regular Meeting

It was moved by Trustee Kundinger and seconded by Trustee Krueger to approve the November 1, 2004, regular meeting minutes, as amended. The motion carried unanimously.

VI. Committee Reports

- A) Building Board – Trustee Krueger**

No report.

- B) Beautification Committee – Trustee Kundinger**

No report.

- C) Park and Recreation Committee – Trustee Springman**

No report.

- D) 4th of July Committee – Trustee Krueger**

No report.

E) Ad Hoc Pond Committee – Village President Jaberg

No report.

F) Traffic and Public Safety – Trustee Askew

No report.

G) Library Board - Trustee Baker

Trustee Baker reported on the status of the reciprocal borrowing agreement.

H) Community Development Authority – Village President Jaberg

No report.

I) Plan Commission – Village President Jaberg

- A) Introduced a Resolution and Schedule a Public Hearing In the Matter of the Vacation and Discontinuance of a portion of Public Right of Way that lies north of West Schroeder Drive in the NE ¼, of Section 2, T. 8 N., R. 21 E.**

Mr. Thyges introduced the resolution and reviewed the proposal.

It was moved by President Jaberg and seconded by Trustee Springman to schedule a public hearing on January 17, 2005. The motion carried unanimously.

J) Finance and Public Works Committee – Trustee Krueger**A) Purchase Police Department Vehicles**

Trustee Krueger reviewed the proposed purchase and rationale for selecting the Kayser Ford quote. President Jaberg inquired about placing the motion contingent upon approval of the 2005 budget. The Board discussed the timeframe for accepting the bids.

It was moved by Trustee Krueger and seconded by Trustee Springman to approve the purchase of two (2) full sized police sedans and one (1) administrative vehicle from Kayser Ford in Madison, WI in the amount of \$55,328 and accept the offer of \$9,000 for the two (2) trade-in vehicles. The motion carried unanimously.

B) Contract Renewal with Waste Management

Mr. Neitzel stated that Waste Management would be acceptable to a two-year agreement, and also stated that Waste Management would provide a four percent cap on the Consumer Price Index increase.

It was moved by Trustee Krueger and seconded by Trustee Springman to approve the contract renewal with Waste Management for Recycling and Refuse Collection Services for 2005, 2006 and 2007, with the four percent cap on the Consumer Price Index in 2006 and 2007, and as presented. The motion carried unanimously.

C) Consideration of Vouchers.

It was moved by Trustee Krueger and seconded by Trustee Springman to approve for payment Check Numbers 45357 to 45415, Check Numbers 45416 to 45464, Check Numbers 45465 to 45503 and Check Numbers 45528 to 45562 in the amount of \$513,974.00 and to ratify for payment, invoices due on or before November 15, 2004, in the amount of \$20,134.06, aggregating a total amount of \$534,108.06. The motion carried unanimously, with President Jaberg abstaining.

K) Personnel Committee – Trustee Baker

No report.

VII. Unfinished Business

None.

VIII. New Business**A) Ordinance 04- , An Ordinance Rezoning Parcels located at 5506 and 5530 W. Brown Deer Road from the (M) Manufacturing to the (B3) Commercial Zoning District**

Trustee Kundinger inquired about the prospects for development. Mr. Van Gompel discussed the various zoning districts within the area.

It was moved by Trustee Krueger and seconded by Trustee Springman to approve Ordinance 04- , An Ordinance Rezoning Parcels located at 5506 and 5530 W. Brown Deer Road from the (M) Manufacturing to the (B3) Commercial Zoning District. The motion carried unanimously.

B) Ordinance 04- , An Ordinance to Amend Section 2-1.01, Article 1, Chapter 2, Volume 1 of the Village of Brown Deer, Village Board “Regular Meeting”

Mr. Pederson reviewed the proposal and various meeting times.

It was moved by Trustee Kundinger and seconded by Trustee Baker to approve Ordinance 04- , An Ordinance to Amend Section 2-1.01, Article 1, Chapter 2, Volume 1 of the Village of Brown Deer, Village Board “Regular Meeting”, effective January 1, 2005. The motion carried unanimously.

C) Ordinance 04- , An Ordinance to Amend Section 2-7.04, Article 7, Chapter 2, Volume 1 of the Village of Brown Deer, Plan Commission “Meeting Schedule”

It was moved by Trustee Kundinger and seconded by Trustee Baker to approve Ordinance 04- , An Ordinance to Amend Section 2-7.04, Article 7, Chapter 2, Volume 1 of the Village of Brown Deer, Plan Commission “Meeting Schedule”, effective January 1, 2005. The motion carried unanimously.

D) Ordinance 04- , An Ordinance to Amend Section 2-2.03, Article 2, Chapter 2, Volume 1 of the Village of Brown Deer, Board of Appeals “Procedure”

It was moved by Trustee Kundinger and seconded by Trustee Baker to approve Ordinance 04- , An Ordinance to Amend Section 2-2.03, Article 2, Chapter 2, Volume 1 of the Village of Brown Deer, Board of Appeals “Procedure”, effective January 1, 2005. The motion carried unanimously.

IX. Village President's Report

President Jaberg reported on the following:

Attended the ICC meeting discussing legal matters regarding MMSD.

Tree lighting will be the first Saturday in December.

X. Village Manager's Report

Mr. Van Gompel reported on the following:

Updated the Board on the Audi of Brown Deer development, and the recent change in operator and possible revisions to the site plan.

Upcoming meeting budget workshops later this week.

XI. Recess into Closed Session pursuant to §19.85(1)(e) and (g) Wisconsin Statutes for the following reasons:

(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 require a closed session.**

- 1) **Park Plaza Request for Proposals**
- 2) **New Tax Increment District(s)**

(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.**

- 1) **2004 Sewer Overflows Litigation**

It was moved by Trustee Kunding and seconded by Trustee Springman to recess into Closed Session pursuant to § 19.85(1)(e) and (g) Wisconsin Statutes at 8:20 p.m.. The motion carried unanimously.

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

It was moved by Trustee Kunding and seconded by Trustee Krueger to reconvene into open session at 9:25p.m. The motion carried unanimously.

XIII. Adjournment

It was moved by Trustee Springman and seconded by Trustee Baker to adjourn at 9:26 p.m. The motion carried unanimously.

Russell Van Gompel, Village Manager