

**BROWN DEER VILLAGE BOARD  
APRIL 18, 2005 MEETING MINUTES  
HELD AT THE BROWN DEER VILLAGE HALL  
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by President Jaberg at 7:03 P.M.

**I. Roll Call**

Present: Village President Jaberg; Trustees: Krueger, Springman, Schilz

Absent: Trustees: Askew, Baker, Kunding

Also Present: Russell Van Gompel, Village Manager; Jesse Thyes, Assistant Village Manager/Community Services Director; William Dineen, Village Attorney; Kathy Kasza, Village Treasurer/Comptroller

**II. Pledge of Allegiance**

**III. Persons Desiring to be Heard**

Bruce Thomas, 6200 West Pierner Place, expressed appreciation to the Brown Deer Police Department for their professional conduct in enforcing the ordinances during the spring election.

**IV. Consideration of Minutes: April 4, 2005 – Regular Meeting**

*It was moved by Trustee Krueger and seconded by Trustee Schilz to approve the minutes of the April 4, 2005 regular meeting. The motion carried unanimously.*

**V. Committee Reports**

**A) Building Board – Trustee Krueger**

Trustee Krueger reported that the graphics for the Country Market grocery store were approved and that the Village's existing Sign Ordinance will be discussed at the next meeting.

**B) Beautification Committee – Trustee Kunding**

President Jaberg stated that the minutes were included in the packet for review, and reported on the community clean-up efforts.

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

Trustee Springman reported on the youth programs at Fairy Chasm Park.

Trustee Springman inquired about the status of the newsletter. Mr. Van Gompel discussed the process for creating and distributing the newsletter.

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

Trustee Krueger reported on the preparation efforts for the Village's 4th of July festivities, and stated that the Committee's annual report will be presented in May.

**E) Ad Hoc Pond Committee – Village President Jaberg**

Did not meet.

**F) Traffic and Public Safety – Trustee Askew**

Did not meet.

**G) Library Board – Trustee Baker**

President Jaberg stated that the meeting minutes were in the packets, and reminded the Board members about the April 25th public hearing at the Library.

**H) Community Development Authority – Village President Jaberg**

President Jaberg discussed the status of the Development Agreement with Lowe's for the financial aspects of the proposal and stated that the Community Development Authority (CDA) reached a consensus of reviewing proposals within the Project Plan Areas.

Mr. Van Gompel added that the requirement for CDA project review will be formally presented to the Village Board at their next meeting, and clarified the two separate development agreements being drafted for the Lowe's proposal.

**I) Plan Commission – Village President Jaberg****1) Conditional Use Permit – Alcohol and Tobacco Store at 6530 West Brown Deer Road**

President Jaberg stated that a public hearing was held before the Plan Commission and that a negative recommendation was forwarded to the Board.

Mr. Thyges provided a summary of the negative recommendations sent forward from the Plan Commission and the Community Development Authority.

Trustee Krueger asked if both of the negative recommendations came forward on a unanimous vote. President Jaberg stated that both votes were unanimous due to the proposal's inconsistency with the project plan goals and existing businesses.

Trustee Krueger asked if there was any citizen input at the public hearing. President Jaberg stated that all of the neighboring property owners who spoke provided a negative response to the proposal.

Trustee Schilz reiterated the negative feedback received from neighboring property owners at the public hearing.

*It was moved by President Jaberg and seconded by Trustee Springman to deny the Conditional Use Permit for an Alcohol and Tobacco Store at 6530 West Brown Deer Road due to inconsistency with the Tax Incremental Financing District Project Plan's goals, the inconsistency with existing family oriented businesses located in the Brown Deer Center, and neighborhood concerns with safety and security. The motion carried unanimously.*

Village President Jaberg reported on other Plan Commission activities which included the presentation made by Lowe's Home Improvement regarding outdoor storage of construction materials and nursery items, and discussed the Brown Deer Business Park's proposed amendment to their Development Agreement to allow a day care center within the park. Mr. Van Gompel clarified the different issues pertaining to Lowe's outdoor storage proposal.

It was the consensus of the Village Board to allow Mr. Gibbs to address the Board.

John Gibbs, 8542 North 63rd Street, voiced concerns with possible precedents being set regarding outdoor storage at the Lowe's site.

**J) Finance and Public Works Committee – Trustee Kundinger**

**1) Consideration of Vouchers**

*It was moved by Trustee Springman and seconded by Trustee Krueger to approve for payment Check Numbers 46807 to 46861, Check Numbers 46862 to 46906, Check Numbers 46907 to 46912, Check Numbers 46913 to 46953, and Check Numbers 46981 to 47007 in the amount of \$381,479.85. The motion carried unanimously.*

**K) Personnel Committee – Trustee Baker**

Did not meet.

**VI. Unfinished Business**

None.

**VII. New Business**

**A) Resolution No. 05-, “Authorizing the Borrowing of \$278,000 from the State Trust Fund Loan”**

Ms. Kasza provided an explanation of the resolution and discussed other outstanding financial matters.

Trustee Schilz asked for clarification of the amount being borrowed. Mr. Van Gompel stated that the borrowed amount would go towards the Department of Public Works vehicles and the Police Department's speed board.

*It was moved by Trustee Springman and seconded by Trustee Krueger to adopt Resolution No. 05-, “Authorizing the Borrowing of \$278,000 from the State Trust Fund Loan” The motion carried unanimously.*

**B) Liability Insurance Claim Settlement – DePaux/General Casualty Insurance**

Ms. Kasza made a brief presentation about the claim and stated that it has been reviewed by the Village's insurance company.

*It was moved by Trustee Krueger and seconded by Trustee Springman to accept the Liability Insurance Claim Settlement. The motion carried unanimously.*

**C) Marvin Zetley (Brown Deer Sheraton), Claim for Excessive Assessment for the Year 2004**

Mr. Van Gompel briefly summarized the matter, and President Jaberg deferred further discussions to closed session.

**D) Allen & O'Hara (Courtyard by Marriot), Claim for Excessive Assessment for the Year 2004**

Mr. Van Gompel reviewed the matter, and stated that the property taxes have not been paid and, therefore, the claim is nullified since the appeal procedures laid out in the State Statutes were not followed.

Attorney Dineen added that the claim could not be resubmitted until 2006.

*It was moved by President Jaberg and seconded by Trustee Springman to deny the Claim for Excessive Assessment for the Year 2004 made by Allen & O'Hara (Courtyard by Marriot). The motion carried unanimously.*

**E) Ad Hoc Advisory Committee to Study Committee Structure**

President Jaberg summarized the proposal

Trustee Schilz asked if there would be any committees added or eliminated. President Jaberg stated that the purpose of the proposed Ad Hoc Committee is to look into the best utilization of the committees.

A discussion ensued regarding potential Committee review topics.

Trustee Schilz asked about the composition of the proposed committee. President Jaberg stated that more feedback from the Board members is needed to determine the composition.

Trustee Springman asked if a staff member would sit on the Committee. President Jaberg stated that a staff member would work with the committee, but may not necessarily sit on the committee.

*It was moved by President Jaberg and seconded by Trustee Krueger to create an Ad Hoc Advisory Committee to Study Committee Structure. The motion carried unanimously.*

**VIII. Village President's Report**

President Jaberg reported on the following:

Milwaukee Metropolitan Sewerage District's new storm water management program.

Milwaukee County's 911 System is to be handled by the Sheriff's Department.

The Deer Run fundraising event to be held April 23<sup>rd</sup>.

**IX. Village Manager's Report**

Mr. Van Gompel reported on the following:

Status updates on Great Lakes Friction Products, Anna's Linens, and Badger Fuel projects.

The Earl McGovern Board Room signage.

Committee Appointments on May 2nd.

Trustee Springman inquired about the municipal citation process and timeframe. Attorney Dineen discussed the legal process and compliance. Mr. Van Gompel discussed Staff's efforts to achieve voluntary compliance prior to issuing a citation.

Trustee Springman questioned the placement of a sign advertising future commercial uses at the Drug Emporium site. Mr. Van Gompel discussed the preliminary presentations to Staff about redevelopment near the 60th Street and Brown Deer Road intersection. Mr. Van Gompel added that a formal proposal has not been made.

Trustee Schilz voiced concerns with the premature placement of the sign in question as well as the placement of a banner on the Badger Meter property. Mr. Van Gompel stated that Staff will look into the matter, and that a letter has been sent to Badger Meter about their banner.

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

- (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
- (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.

*It was moved by Trustee Baker and seconded by Trustee Springman to recess into closed session pursuant to §19.85(1) (g) Wisconsin Statutes at 7:50 p.m. The motion carried unanimously.*

**XI. Reconvene into open session**

*It was moved by Trustee Krueger and seconded by Trustee Schilz to reconvene in open session at 8:20 p.m. The motion carried unanimously.*

**XII. Adjournment**

*It was moved by Trustee Krueger and seconded by Trustee Springman to adjourn at 8:21p.m. The motion carried unanimously.*

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Russell Van Gompel, Village Manager