

**BROWN DEER VILLAGE BOARD
DECEMBER 5, 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 7:02 P.M.

I. Roll Call

Present: Village President Jaberg; Trustees: Baker, Boschert, Krueger, Springman, Kunding

Excused: Trustees: Schilz

Also Present: Russell Van Gompel, Village Manager; Jesse Thyges, Assistant Village Manager/Community Services Director; William Dineen, Village Attorney; Jane Peterson, Director of the North Shore Health Department; Chief Steven Rinzel, Brown Deer Police Department

II. Pledge of Allegiance

III. Public Hearing

A) 2006 Community Development Block Grant Funds – Proposed 2006 Village of Brown Deer Projects

President Jaberg opened the public hearing at 7:03 p.m.

Mr. Thyges made a presentation about the proposed 2006 Community Development Block Grant Fund applications.

Mr. Van Gompel discussed the level of funding and its availability to the Village.

Trustee Boschert asked about the funds received in 2005. Mr. Thyges summarized the grant awards from 2005.

Kathleen Schilz, 6543 West Floral Lane, spoke in support of paving the recreation trail.

The public hearing was closed at 7:08 p.m.

IV. Persons Desiring to be Heard

Trustee Kunding announced his non-candidacy for Village Trustee after his term expires. Mr. Kunding stated that it has been an honor to represent the community as well as helping shape the Village as a member of the Village Board.

V. Consideration of Minutes: November 21, 2005 – Regular Meeting

It was moved by Trustee Kunding and seconded by Trustee Boschert to approve the minutes of the November 21, 2005 regular meeting. The motion carried unanimously.

VI. Unfinished Business

None.

VII. New Business**A) 2006 Community Development Block Grant Applications**

President Jaberg introduced the matter.

Mr. Van Gompel briefly discussed the process involved for amending how funding can be reallocated to different eligible projects if needed.

Trustee Boschert asked about the amount of rent paid for the Senior Citizens facilities. Mr. Thyes stated that approximately \$1200.00 is paid in rent.

Trustee Springman asked if work on the transmission towers would affect the trail usage, and about access to the trail by the Police Department.

Mr. Thyes stated that the towers with cellular antennas attached have an enclosed base for maintenance work to take place. Mr. Van Gompel added that the towers are actually located off of the trail, and stated that the trail currently allows for access by the Police Department.

Trustee Boschert asked about the timeline for the trail project. Mr. Van Gompel stated that the trail paving would be included with the street rehabilitation bidding process.

President Jaberg asked if the application for Senior Center funds was based on the 2005 application. Mr., Thyes stated that the application is based on the previous year's information.

It was moved by Trustee Springman and seconded by Trustee Krueger to approve the 2006 Community Development Block Grant project applications. The motion carried unanimously.

B) Ordinance No. 05-, "An Ordinance to Authorize the Health Department to Enforce State Laws Relating to Environmental Health and Sanitation"

Jane Peterson, Director of the North Shore Health Department, stated that the proposed ordinance is still under legal review and is not in its final form.

Attorney Dineen stated that the Board would have to layover any action on the matter until a final draft of the ordinance is prepared.

Ms. Peterson summarized the proposed ordinance and discussed the Sanitarian position as well.

Trustee Krueger asked for clarification on the licenses and classifications for vending machines. Ms. Peterson clarified the fee schedule and the State of Wisconsin's descriptions of vending machine types.

Trustee Springman inquired about how a convenience store would be classified under the proposed ordinance. Ms. Peterson stated that a convenience store would fall under the retail food category.

Trustee Kunding asked for clarification of the fee schedule guidelines. Ms. Peterson stated that the fee schedule is set forth by the North Shore health Department in order to meet budgetary demands.

Attorney Dineen provided further clarification of the fee schedule structure. Mr. Van Gompel stated that the charges include both local and state fees.

Trustee Springman inquired about school inspections. Ms. Peterson discussed the Department of Public Instruction's requirements.

President Jaberg asked about strengthening the fee collection language. Mr. Van Gompel stated that enforcement of fee collection is covered by an existing Village ordinance.

Trustee Springman asked about the expiration dates of the licenses issued under the proposed ordinance. Ms. Peterson stated that the dates are set forth by the State of Wisconsin. Attorney Dineen stated that the ordinance adopts many state statutes by reference.

It was the consensus of the Village Board to lay the matter over until the December 19, 2005 regular meeting.

C) Ordinance No. 05-, “Repealing and Recreating Section 2-14.02”, Quorum for 4th of July Committee”

Mr. Van Gompel summarized the proposal and discussed the reasoning for the amendment.

Trustee Krueger stated that the proposed amendment allows for the majority of members that are present at a particular meeting to take action.

It was moved by Trustee Krueger and seconded by Trustee Springman to approve Ordinance No. 05-, “Repealing and Recreating Section 2-14.02”, Quorum for 4th of July Committee”. The motion carried unanimously.

D) Ordinance No. 05-, “Creating Section 10-1.03 (B)(23)”, Four-Way Stop Signage at North 60th and West County Line Road”

Police Chief Rinzel summarized the matter and discussed the coordinated efforts with Mequon. Chief Rinzel also stated that Mequon has approved the four-way stop signage, and that all citizen input has been positive.

Trustee Baker inquired about potential traffic backup to the east of the intersection. Chief Rinzel discussed the traffic flow pattern and stated that if congestion becomes a problem, it will be addressed.

Mr. Van Gompel discussed traffic flow on other portions of County Line Road.

Trustee Kunding discussed the Traffic and Public Safety Committee’s positive recommendation and the feedback that was received.

It was moved by Trustee Kunding and seconded by Trustee Boschert to approve Ordinance No. 05-, “Creating Section 10-1.03 (B)(23)”, Four-Way Stop Signage at North 60th and West County Line Road”. The motion carried unanimously.

VIII. Village President’s Report

President Jaberg reported on the following:

Participated in the Civic Involvement session.

Attending the Donges Woods Homeowners Association meeting to discuss current events within the Village.

Attending the Holly Lights celebration

IX. Village Manager's Report

Mr. Van Gompel reported on the following:

Ongoing negotiations with the Police Department and the North Shore Fire Department.
The updates to the statewide voter registration system and staff training.

Trustee Springman asked about the status of the former M & G's establishment. Mr. Van Gompel stated that both the liquor license and the Occupancy Certificate are pending.

Trustee Boschert asked for an update on the Hearthside site. Mr. Van Gompel stated that no formal application has been submitted for the redevelopment of the site.

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

- (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 on which it is or is likely to become involved.
- (e) Deliberating or negotiating the purchase of public property, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

Mr. Van Gompel stated that there would be action taken on the closed session discussions.

It was moved by Trustee Springman and seconded by Trustee Baker to recess into closed session at 7:50 p.m. The motion carried unanimously.

XI. Reconvene into open session

It was moved by Trustee Springman and seconded by Trustee Krueger to reconvene into open session at 8:55 p.m. The motion carried unanimously.

A) Selection of Legal Counsel

It was moved by Trustee Kunding and seconded by Trustee Boschert to retain Fuchs, DeStefanis, and Boyle, S.C. as legal counsel beginning January 1, 2006. The motion carried 5-1, with Trustee Baker voting in opposition.

President Jaberg stated that Attorney Dineen has ably served the Village of Brown Deer, however the Village would like to move forward.

B) Resolution No. 05- , "Approving Settlement of a Lawsuit to be Filed by the State of Wisconsin Relative to Compliance With Certain Water Pollution Control Laws."

It was moved by Trustee Kunding and seconded by Trustee Springman to approve Resolution No. 05-, "Approving Settlement of a Lawsuit to be Filed by the State of Wisconsin Relative to Compliance With Certain Water Pollution Control Laws." The motion carried unanimously.

XII. Adjournment

It was moved by Trustee Springman and seconded by Trustee Krueger to adjourn at 8:58 p.m. The motion carried unanimously.

Russell Van Gompel, Village Manager