

**BROWN DEER VILLAGE BOARD
FEBRUARY 21, 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 7:00 P.M.

I. Roll Call

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

Also Present: Russell Van Gompel, Village Manager; William Dineen, Village Attorney; Jesse Thyges, Planning and Zoning Specialist; Bob Premo, Building Inspector; Chief Steven Rinzel, Brown Deer Police Department

II. Pledge of Allegiance

III. Persons Desiring to be Heard

None.

IV. Consideration of Minutes: February 7, 2005 – Regular Meeting

It was moved by Trustee Schilz and seconded by Trustee Kunding to approve the minutes of the February 7, 2005 – Regular Meeting. The motion carried unanimously.

V. Committee Reports

A) Building Board – Trustee Krueger

Trustee Krueger reported on the improved process for architectural review within the Donges Woods subdivision that is being carried out by the Homeowners Association prior to submittal to the Village.

B) Beautification Committee – Trustee Kunding

Trustee Kunding reported on upcoming events, and the Adopt-a-Flowerbed program.

C) Park and Recreation Committee – Trustee Springman

Trustee Springman reported that there was not a January meeting, and discussed the turn out for program registration.

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 stated that the Milwaukee County Federated Library System meeting was rescheduled, and

that there are no items for Village Board action.

H) Community Development Authority – Village President Jaberg

President Jaberg discussed the favorable recommendations that were forwarded to the Village Board, regarding the formation of the proposed Tax Incremental Financing Districts.

I) Plan Commission – Village President Jaberg

1) In the Matter of Repealing and Recreating Section 10-10.08 (F), Article 10, Chapter X of the Brown Deer Zoning Code

It was moved by President Jaberg and seconded by Trustee Schilz to schedule a public hearing to solicit public input in the Matter of Repealing and Recreating Section 10-10.08 (F), Article 10, Chapter X of the Brown Deer Zoning Code for March 7, 2005. The motion carried unanimously.

J) Finance and Public Works Committee – Trustee Kundinger

1) Award Contract for Village Hall Front Counter Project

Trustee Kundinger briefly discussed the project.

Trustee Krueger asked if the project was funded through a Community Development Block Grant (CDBG). Mr. Van Gompel stated that the construction is funded through a CDBG, however, the design work was funded through the Village's Capital Improvement budget.

It was moved by Trustee Kundinger and seconded by Trustee Springman to award the Village Hall Front Counter Project bid and Change Order to Rupel Construction, Inc. in the amount of \$32,168." The motion carried unanimously.

2) Award Contract for 2005 Street Rehabilitation Project

Trustee Kundinger discussed the bid results and the surplus in budgeted funds as a result of the bid coming in lower than the estimate.

It was moved by Trustee Kundinger and seconded by Trustee Springman to award the Contract for 2005 Street Rehabilitation Project to Stark Asphalt in the amount of \$173,132." The motion carried unanimously.

3) Consideration of Vouchers

It was moved by Trustee Kundinger and seconded by Trustee Springman to approve for payment Check Numbers 46162 to 46166, Check Numbers 46167 to 46260, Check Numbers 46261 to 46426, Check Numbers 46450 to 46499 and Check Numbers 46500 to 46551 in the amount of \$444,290.77 and to ratify for payment, invoices due on or before February 21, 2005, in the amount of \$9,265.80, aggregating a total amount of \$453,556.57. The motion carried unanimously.

K) Personnel Committee – Trustee Baker

No report.

VI. Unfinished Business

- A) Ordinance No. 05-, “An Ordinance to Repeal And Recreate Article 7 of Chapter VII of the Village of Brown Deer Zoning Code Related To Off-Street Parking and Off-Street Loading.”**

Mr. Van Gompel discussed the short form format of the adoption process.

It was moved by President Jaberg and seconded by Trustee Krueger to approve Ordinance No. 05-, “An Ordinance to Repeal And Recreate Article 7 of Chapter VII of the Village of Brown Deer Zoning Code Related To Off-Street Parking and Off-Street Loading.” The motion carried unanimously.

- B) Ordinance No. 05-, “An Ordinance to Repeal and Recreate and Create Various Sections of the Village of Brown Deer Zoning Code, Related to “Off-Street Parking and Off-Street Loading.”**

It was moved by Trustee Kunding and seconded by Trustee Schilz to approve Ordinance No. 05-, “An Ordinance to Repeal and Recreate and Create Various Sections of the Village of Brown Deer Zoning Code, Related to “Off-Street Parking and Off-Street Loading.” The motion carried unanimously.

- C) Ordinance No. 05-, “An Ordinance to Amend Sections 3-6.10 (C) 1, 3-6.10 (D) and 6-3.10 (E) 4 of Article 3 of Chapter VI of Volume I of the Brown Deer Village Code, Related to Storage or Parking of Nuisance or Abandoned Vehicles.”**

It was moved by Trustee Kunding and seconded by Trustee Schilz to approve Ordinance No. 05-, “An Ordinance to Amend Sections 3-6.10 (C) 1, 3-6.10 (D) and 6-3.10 (E) 4 of Article 3 of Chapter VI of Volume I of the Brown Deer Village Code, Related to Storage or Parking of Nuisance or Abandoned Vehicles.” The motion carried unanimously.

VII. New Business

- A) Resolution No. 05-, “Resolution Authorizing Warrant and Commitment Service Fees”**

Mr. Van Gompel discussed the reasoning for the proposed increase.

Chief Rinzel added that the proposal is commensurate with other communities in southeast Wisconsin.

President Jaberg asked if the increase would cover the associated processing costs. Chief Rinzel stated that the increase would not cover the costs of all warrant processing, since the time needed to process warrants changes with each particular case.

It was moved by Trustee Kunding and seconded by Trustee Schilz to approve Resolution No. 05-, “Resolution Authorizing Warrant and Commitment Service Fees.” The motion carried unanimously.

- B) Ordinance No. 05-, “An Ordinance to Create Subsection 14.04 (4) of Chapter XIV of the Brown Deer Village Code Related to the Adoption of MMSD Chapter 13 Surface Water and Storm Water Runoff Management Rules.”**

Mr. Van Gompel stated that this ordinance creates the Milwaukee Metropolitan Sewerage District’s (MMSD) rules as a part of the Village’s Storm Water Management Ordinance.

Attorney Dineen briefly discussed the requirements that MMSD has set forth in regards to storm water management.

It was moved by Trustee Kunding and seconded by Trustee Schilz to approve Ordinance No. 05-, "An Ordinance to Create Subsection 14.04 (4) of Chapter XIV of the Brown Deer Village Code Related to the Adoption of MMSD Chapter 13 Surface Water and Storm Water Runoff Management Rules." The motion carried unanimously.

C) Update and Conceptual Agreement to Assist With the Financing of Brown Deer School District Facility Improvements.

Mr. Van Gompel discussed the potential financing arrangement with the Brown Deer School District, and the effects of the Attorney General's legal opinion on the matter.

President Jaberg discussed the potential loss of State financial aid, and that the School District would like action in the form of conceptual approval. President Jaberg then discussed a proposed motion on the matter.

Trustee Krueger requested an opinion from the Village's financial advisor on the matter. President Jaberg discussed the financial presentation at the Community Development Authority (CDA) meeting.

Mr. Van Gompel summarized the situation and the referendum questions, and stated that there would be no impact to the Village's credit rating.

Trustee Krueger stated his concern with the unintended consequences of this arrangement.

Trustee Schilz voiced concerns over the referendum questions.

Trustee Kunding stated that it was his understanding that the Village Board would have an opinion on this matter prior to the referendum.

Trustee Baker stated that the Board, with this action, would be conceptually agreeing to explore financing options only if referendum items are passed.

President Jaberg clarified the proposed motion and it would be beneficial to work with the School District to reduce the burden on the tax payers.

Mr. Van Gompel added that the Village Board is not a part of helping the referendum pass, but only to explore potential financing mechanisms.

Trustee Springman asked about the timeframe for the projects if a referendum item passed. Mr. Van Gompel summarized the lengthy process.

Trustee Krueger asked for an opinion from Attorney Dineen. Attorney Dineen stated that he does not have an opinion at this time, however, the proposed motion would not bind or legally obligate the Village to any action.

It was moved by President Jaberg and seconded by Trustee Kunding that "Should any of the referendum questions posed to the electorate on the April 5, 2005 ballot by the Brown Deer Board of Education pass, the Board of Trustees of the Village of Brown Deer will actively pursue any financing tools legally available to them, including the use of its affiliated Community Development Authority, to reduce the cost of financing each proposed project to be repaid by our mutual property tax paying residents, in a timely and prudent manner." The motion carried 5-2, with Trustees Schilz and Krueger voting in opposition.

VIII. Committee Appointments

President Jaberg stated that the appointment letters are to be mailed during the week.

IX. Village President's Report

President Jaberg reported on the following:

Milwaukee Metropolitan Sewerage District and Milwaukee County Federated Library System matters.

The Grow Southeast Wisconsin initiatives and funding issues.

X. Village Manager's Report

Mr. Van Gompel reported on the following:

The four percent (4%) turn out for the primary election.

The candidate for Assistant Village Manager will not be taking the position with the Village.

The newsletter is set to be mailed out in March.

XI. Recess into Closed Session pursuant to §19.85(1) (c) 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.

It was moved by Trustee Springman and seconded by Trustee Baker to recess into closed session at 8:15 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 Baker to reconvene into open session at 8:35 p.m. The motion carried unanimously.

It was moved by Trustee Baker and seconded by Trustee Krueger to allocate a lump sum amount of \$65,000 to be distributed to non-represented employees at the discretion of the Village Manager. The motion carried unanimously.

XIII. Adjournment

It was moved by Kunding and seconded by Schilz to adjourn at 8:37 p.m. The motion carried unanimously.