

**BROWN DEER VILLAGE BOARD
JULY 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 7:00 P.M.

I. Roll Call

Present: Village President Jaberg; Trustees: Baker, Boschert, Kundinger, Schilz, Springman

Absent: Trustee Krueger

Also Present: Russell Van Gompel, Village Manager; Jesse Thyges, Assistant Village Manager/Community Services Director; William Dineen, Village Attorney

II. Pledge of Allegiance

III. Persons Desiring to be Heard

Village President Jaberg surrendered her duties as chairman, and turned over the meeting to Trustee Kundinger, in order to speak as a village resident.

Margaret Jaberg, 8075 North 38th Street, voiced concerns with the enforcement of the temporary sign ordinance, and asked that the revision of the Village's sign ordinance address this matter.

Mr. Van Gompel discussed the enforcement efforts and procedures, and stated that he will confer with the Police Department on the matter.

Trustee Schilz asked about the placement of temporary signs on private property. Mr. Van Gompel stated that the regulations apply, however granting permission is up to the land owner.

President Jaberg resumed responsibility of the meeting.

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

It was moved by Trustee Kundinger and seconded by Trustee Schilz to approve the minutes of the July 7, 2005 regular meeting, with the noted correction. The motion carried unanimously.

V. Committee Reports

A) Building Board – Trustee Krueger

No report.

B) Beautification Committee – Trustee Kundinger

Trustee Kundinger reported on the Adopt-a-Flowerbed activities and provided updates on the Committee's awards program, the approvals granted to Lowe's and Poco Loco restaurant. Trustee Kundinger also reported on the Beautification Committee's discussions about establishing an entry in the 2006 Fourth of July parade.

C) Park and Recreation Committee – Trustee Springman

Trustee Springman stated that no meeting was held, but reported on the status of registration for Park and Recreation programs, as well as the pond attendance and concession sales.

D) 4th of July Committee – Trustee Krueger

President Jaberg stated that a meeting was held on July 12th. Mr. Van Gompel discussed the reasoning behind the cancellation of the Fourth of July events due to the weather information that was provided.

Mr. Van Gompel reported that activities have been rescheduled to August 19th, and that August 20th is the rain date.

Trustee Schilz inquired about the activities that would be held on August 20th, in case of a rain out. Mr. Van Gompel stated that only the fireworks would be held on August 20th, no other activities would be moved to the rain date.

Trustee Schilz inquired about parking arrangements for the festivities. Mr. Van Gompel stated that the 4th of July Committee is looking into the matter.

E) Ad Hoc Pond Committee – Village President Jaberg

President Jaberg reported that the June meeting was cancelled, and that the committee will meet in the coming weeks.

F) Traffic and Public Safety – Trustee Kundinger

Trustee Kundinger reported that there was no meeting due to a scheduling conflict.

G) Library Board – Trustee Baker

Trustee Baker reported that the Library Board has approved a 2006 budget, and the installation of an additional security camera.

H) Community Development Authority – Village President Jaberg

President Jaberg reported that no meeting was held since the last Village Board meeting.

I) Plan Commission – Village President Jaberg

President Jaberg reported on the public hearings scheduled for August 8th for a text amendment to allow “beauty salons” within the B4 Commercial zoning district, and the Zoning Code text amendment to regulate “Adult Businesses”.

Mr. Van Gompel discussed the need for Village Trustees to notify him if they plan on attending Plan Commission meetings to ensure that the meeting is properly noticed.

J) Finance and Public Works Committee – Trustee Krueger

No Report.

1) Consideration of Vouchers

It was moved by Trustee Kundinger and seconded by Trustee Baker to recommend that the Village Board approve for payment Check Numbers 47474 to 47528, Check Numbers 47529 to 47575, Check Numbers 47576 to 47615, Check Numbers 47644 to 47691 in the amount of \$561898.77 and to ratify for payment, invoices due on or before July 6, 2005, in the amount of \$20,311.05, aggregating a total amount of \$582,209.82. The motion carried unanimously.

K) Personnel Committee – Trustee Baker

No Report.

VI. Unfinished Business**1) Conditional Use Permit Application for a “Drive-up Facility” (automatic teller machine) at Tri-City National Bank at 4485 West Bradley Road**

Mr. Thyes reviewed the discussions at the Building Board meeting, and stated that the proposal received a conditional approval subject to re-submittal of revised plans.

It was the consensus of the Village Board to hold the matter over until the Building Board has granted a final approval.

2) Conditional Use Permit Application for “Outdoor Seating” at 4134 West River Lane, requested by Poco Loco Restaurant

Mr. Thyes reviewed the discussions at the Building Board meeting, and stated that the fencing proposal was approved with conditions, and that the Beautification Committee approved the landscaping plan.

President Jaberg requested a condition be placed on the permit to provide a one-year timeframe for completion of the project.

It was moved by Trustee Schilz and seconded by Trustee Springman to approve the Conditional Use Permit for “Outdoor Seating” at 4134 West River Lane, requested by Poco Loco Restaurant with the amendments as noted. The motion carried unanimously.

3) Supplemental Development Agreement for Appleton Angels Christian Preschool, LLC, 9019 North Deerwood Drive.

Mr. Thyes provided a brief summary of the proposal and stated that the applicants were available for questions.

President Jaberg asked about the designation of a walkway to the entrance. Dion Watton, of the Brown Deer Business Park, stated that the walkway will be designated with a cross-hatch.

Trustee Boschert asked how many busses would visit the site. Diana Patterson, with Appleton Angels LLC, stated that historically there has been very low bus traffic at her previous location.

A discussion ensued about the traffic flow within the parking lot as it relates to other businesses near the proposed day care center.

Trustee Kunding asked for clarification of where the busses would originate from. Diana Patterson stated that only Brown Deer school buses would visit the site since schools generally do not bus children outside of their own district.

President Jaberg stated that the business park has been consistent about enforcing their policies.

It was moved by President Jaberg and seconded by Trustee Baker to approve the Supplemental Development Agreement for Appleton Angels Christian Preschool, LLC, 9019 North Deerwood Drive. The motion carried unanimously.

VII. New Business**A) Class B Intoxicating Liquor License – Habanero’s, Inc. for Habanero’s Mexican Kitchen to be Located at 3900 West Brown Deer Road**

Mr. Van Gompel provided a summary of the application.

President Jaberg questioned the availability of the agent. Mr. Van Gompel stated that the agent currently lives in Madison, but would be moving to the area when the restaurant is opened for business.

Trustee Springman asked when the business intends to open. Mr. Van Gompel stated that late August is the proposed timeframe for opening.

It was moved by Trustee Kunding and seconded by Trustee Schilz to approve a Class B Intoxicating Liquor License – Habanero’s, Inc. for Habanero’s Mexican Kitchen to be Located at 3900 West Brown Deer Road. The motion carried unanimously.

B) Temporary Class “B” Beer/Picnic License – Saint Martin’s Episcopal Church

Mr. Van Gompel provided a brief summary of the application.

It was moved by Trustee Springman and seconded by Trustee Schilz to approve the temporary Class “B” Beer/Picnic License for Saint Martin’s Episcopal Church. The motion carried unanimously.

VIII. Committee Appointments

President Jaberg discussed the appointees to the Traffic and Public Safety Committee.

It was moved by President Jaberg and seconded by Trustee Kunding to approve the appointments to the Traffic and Public Safety committee as presented. The motion carried unanimously.

IX. Village President’s Report

President Jaberg reported on the following:

Attending the ICC meeting and discussing MMSD matters, CDBG funding, and Milwaukee County’s road policy, the closing of the 440th Airlift Wing base.

Meeting with the EMS Council about service billing issues

X. Village Manager’s Report

Mr. Van Gompel reported on the following:

The TID agreement with Lowe’s Home Centers, Inc. and also discussed the issue of delivery times for the lumber yard.

Update on the search for a Planning and Zoning Specialist

Status of the Deerbrook Estates subdivision

Policy of village employees taking a village vehicle home.

Trustee Kunding inquired about having the Village's insurance company review the vehicle policy. Mr. Dineen stated that Cities and Villages Mutual Insurance would only look at the matter from a coverage standpoint.

Trustee Springman asked for an update on the 7600 Teutonia Avenue site. Mr. Thyges discussed the ongoing environmental testing.

Trustee Kunding asked for an update on the Hearthside and Badger Automotive sites. Mr. Thyges stated that there is nothing new for the Hearthside site, and that the Building Inspector is scheduled to visit Badger Automotive to speak with the owner about the junk vehicles on the site.

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

It was moved by Trustee Kunding and seconded by Trustee Springman to recess into closed session pursuant to §19.85(1)(c) Wisconsin Statutes at 7:58 p.m. The motion carried unanimously.

XII. Reconvene into open session

It was moved by Trustee Springman and seconded by Trustee Kunding to reconvene into open session at 8:20 p.m. The motion carried unanimously.

XIII. Adjournment

It was moved by Trustee Schilz and seconded by Trustee Springman to adjourn at 8:20 p.m. The motion carried unanimously.

Russell Van Gompel, Village Manager